

REVISED

See Announcement & Item No. 12

THE BOARD OF COUNTY COMMISSIONERS DURHAM, NORTH CAROLINA

Monday, December 10, 2007

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.

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.
 - **Durham Neighborhood College is seeking applicants for the 2008 spring term. Applications may be obtained from the Clerk to the Board's office or by visiting the Durham County website at www.durhamcountync.gov. The deadline is January 18, 2008.**
4. **Minutes**
 - a. November 5, 2007 Closed Session
 - b. November 12, 2007 Regular Session
 - c. November 26, 2007 Regular Session
5. **Eno River Association Presentation** 5 min.

Robin Jacobs, President, Eno River Association, has requested time on the agenda to express gratitude to the Commissioners for their support throughout the years, particularly for the monetary support and participation in the Festival for the Eno.

Resource Person(s): Robin Jacobs, President, Eno River Association

County Manager's Recommendation: Receive the presentation.

6. **Bill of Rights Defense Resolution**

5 min.

The Board is requested to reaffirm its support of civil rights and liberties contained in the Bill of Rights of the United States Constitution. The original resolution was approved by the Board of County Commissioners in 2003.

Resource Person(s): Joan Walsh, Chairman, Durham Bill of Rights Defense Committee

County Manager's Recommendation: Approve the resolution and present to Ms. Walsh and the Durham Bill of Rights Defense Committee.

7. **Recognition of Life Saving Rescue for Donald Meeks**

5 min.

The Board is asked to recognize the extraordinary team work of the Durham County Sheriff's Office, Operations Division and Search and Recovery Team, Durham County Emergency Management, and the North Carolina Highway Patrol Aviations Unit to save the life of Mr. Donald Meeks in October.

On October 2, Mr. Weeks was reported missing following a fishing trip in Falls Lake. He was reported as being eight hours overdue by family members. Sheriff's deputies searched for several hours conducting land and waterway operations and eventually contacted Emergency Management for assistance. Emergency Management facilitated contact with the N. C. Highway Patrol to request Air Aviation Support with thermal imaging to locate Mr. Weeks.

Once Air Support joined the operation, Mr. Meeks was located within 10 minutes. He had been stuck in chest-deep mud for 12-14 hours, was dehydrated, and in the late stages of hypothermia. Thanks to the prompt, collaborative action of these dedicated public servants, Mr. Meeks was rescued and taken to the hospital where he made a full recovery.

Resource Person(s): Major Mike Andrews, Durham County Office of the Sheriff

County Manager's Recommendation: Congratulate the members of the Office of the Sheriff and Durham County Emergency Management for their extraordinary life saving efforts on behalf of Mr. Donald Meeks.

8. **Consent Agenda**

20 min.

- a. Budget Ordinance Amendment No. 08BCC000040—Social Services—Recognize Additional Revenue (approve an increase in Child Care and Smart Start [\$913,437] and LIEAP & CIP Administration [\$96,000] for a total increase of \$933,620);
- b. Budget Ordinance Amendment No. 08BCC000041—Sheriff's Office—Recognize Revenue from the Bureau of Justice Assistance (BJA) (authorize the Sheriff's Office

- to accept \$129,981 from the Bureau of Justice Assistance and amend the budget as requested);
- c. Budget Ordinance Amendment No. 08BCC000042—Public Health—Recognize Grant Revenue from the N.C. Department of Health And Human Services for the Syphilis Elimination Program in the Health Education Division (recognize \$7,500 in one-time supplemental funds for operational expenses);
 - d. Budget Ordinance Amendment No. 08BCC000043—Public Health—Recognize Revenue of \$40,909 from the N.C. Department of Health and Human Services to Establish One Public Health Nurse II for the School Health Program in the Community Health Division and to support associated expenses for training related travel;
 - e. Budget Ordinance Amendment No. 08BCC000044—Public Health—Recognize Grant Revenue From the N.C. Department of Health and Human Services and Establish a Full-Time Health Educator I Position for a Non-Traditional HIV/STD Testing, Counseling, and Referral Program (recognize \$70,371 and establish the new position [1.0 FTE] for the Jail Screening Program in the Division of Health Education);
 - f. Budget Ordinance Amendment No. 08BCC000047 and Capital Project Amendment No. 08CPA000012—\$945,000 Appropriation of General Fund Fund Balance for the Register of Deeds Preservation Project (DC096);
 - g. Budget Ordinance Amendment No. 08BCC000048—Cooperative Extension—Juvenile Crime Prevention Council (approve authorizing the appropriation of fund balance in the amount of \$30,760 in order to expend the remaining balance of this grant);
 - h. Extension of the 2008 Listing Period for Business Personal Property (authorize the Tax Assessor to grant extensions until April 15, 2008 to taxpayers who request an extension and show good cause during the month of January 2008 and file by means of the counties electronic listing of business personal property; and grant extensions until March 15, 2008 to all other taxpayers who request an extension and show good cause during the month of January 2008);
 - i. Contract Award for Residential Curbside Collection, Drop-Off Recycling Centers, and Educational Recycling Services (authorize the Manager to enter into an annual service contract with Tidewater Fibre Corp. [TFC]; the total contract for FY 07-08 will not exceed \$496,874.96, with the option to renew by the County for four successive one-year periods under the same terms and conditions);
 - j. West Institute Drive (S.R. 2017), East Institute Drive (S.R. 1989), and Hanes Drive (S.R. 1990) Abandonment Petitions for Abandonment of State Maintained Roads (approve the petitions and forward to the North Carolina Department of Transportation for action);
 - k. Durham County Detention Center Slider Door Upgrades (authorize the Manager to enter into a contract with Aramark Facility Services in the amount of \$56,640.15 to replace security slider door hardware on six doors; the total contract for services will not exceed \$56,640.15);
 - l. Southwest Branch Library—Zoning Map Change (authorize the Manager to submit a Zoning Map Change application to achieve the modifications necessary to undertake the County’s planned expansion of the Southwest Branch Library and to represent the County in this matter);

- m. Execution of the Construction Contract for the Renovation of the Second Floor of the Judicial Building. Project No.: DC072-48, Bid No.: IFB 08-006 (authorize the execution of the contract with LeChase Construction Services LLC in the amount \$467,013 (Base Bid Only) and any other related contracts including change orders, if necessary, not to exceed the available construction budget of \$513,713);
- n. Amendment to City-County Interlocal Cooperation Agreement 911 Communications (approve effective January 1, 2008, and authorize the Manager to execute same);
- o. Little River Partnership Support to Triangle Land Conservancy (assist the Triangle Land Conservancy with up to \$4,000 for a portion of related expenses for a conservation easement along the Little River);
- p. Property Tax Releases and Refunds for Fiscal Year 2007-2008 (accept the property tax release and refund report for November 2007 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- q. Setting the Salary for the Register of Deeds (set the salary at \$58,443 effective December 1, 2008 as proposed by Human Resources due to the ensuing election); and
- r. Amendment to Interlocal Agreement with Durham Public Schools (approve and authorize the Manager to execute said amendment).

9. **Public Hearing—Zoning Map Change—Page Road Assemblage (Z06-47)**

30 min.

The Board is requested to approve a zoning map change for a 407.27-acre site located on the west side of Page Road and north of Chin Page Road. Request: IL, CC and RR to IL(D), CG(D) and PDR 4.733.

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the *Comprehensive Plan* and is reasonable and in the public interest in light of information presented in the public hearing and in the agenda materials; or alternatively, in the event that a motion to approve the item fails, the Commissioners adopt as support for their actions on the proposed zoning map change the determination that, notwithstanding its consistency with the *Comprehensive Plan*, the request is neither reasonable nor in the public interest in light of information presented in the public hearing and in the agenda materials.

Staff Recommendation: Staff recommends denial, based on inconsistency with the *Comprehensive Plan* Policy 8.1.2o and failure to provide required road improvements as identified by the TIA in accordance with Unified Development Ordinance Sections 3.5.6C.3m and 3.3.7.

Planning Commission Recommendation and Vote: Approval, 11-2 on October 9, 2007. The Planning Commission finds that the ordinance request is consistent with the adopted *Comprehensive Plan*. The Commission believes the request is reasonable and in the public interest and recommends approval based on the information in the staff report, comments received during the public hearing and additional committed elements proffered by the applicant at the meeting.

Resource Person(s): Steven L. Medlin, AICP, City-County Interim Planning Director and Scott Whiteman, AICP, Planning Supervisor

County Manager's Recommendation: The Manager recommends that the Board conduct a public hearing on the proposed zoning map change and approve it, if appropriate, based on the comments received.

10. **Update on Little River Acquisitions and Project Partners**

10 min.

The Board of County Commissioners is requested to approve the modified budgets for two significant open space acquisitions along the Little River corridor. These two acquisitions were approved by the Board of County Commissioners in spring 2007. The County submitted Clean Water Management Trust Fund (CWMTF) grant applications for the acquisitions in March 2007. The County has been notified that it has received full funding for the two grant requests. In addition, these acquisitions have both been assisted by partnerships with two local land trusts, the Eno River Association and the Triangle Land Conservancy. The second acquisition is likely also to have funding assistance from both the City of Durham and the City of Raleigh. Each of these partnership contributions are more fully described under each project below.

The Matthews Road Project - The first acquisition is for 50 acres on the south side of the Little River upstream from the Little River Reservoir owned by North Triangle Realty. The property includes almost a mile of frontage on the Little River and is fully wooded. The property was identified for protection in the Little River Open Space Plan, adopted by the Board in 2001, and also was on the Little River implementation priority list adopted by the Board in 2004. The County entered into a contract to purchase in May 2007; the expected total acquisition cost is \$575,800. An adjoining neighbor, Dr. Jonathon Weiner, has also agreed to donate conservation easements on several parcels totaling over three acres of land he owns that fronts on the Little River if the North Triangle property was acquired for open space. With the addition of this donated easement, the project will total approximately 53.5 acres. The project budget includes \$3,000 to compensate Mr. Weiner for related costs for the conveyance of this easement.

The CWMTF has awarded \$402,080 towards the acquisition of the North Triangle Realty tract. The CWMTF Grant Agreement will be brought to the Board in the future when it has been forwarded from the State. The agreements routinely stipulate that the grant funds are provided on a reimbursement basis once the property is acquired and CWMTF easements are conveyed that require the property be maintained for open space purposes. In addition, the Eno River Association and the Triangle Land Conservancy have each offered to donate \$5,000 in funds towards this acquisition. These monies are left over from a previous fundraising effort towards Little River preservation. The modified budget reflects these three external funding sources. The remaining \$163,720 in County funds needed for the project will be taken primarily from DC083 Open Space and Farmland Capital projects account (\$155,854), plus \$7,866 in open space payment-in-lieu funds. The payment-in-lieu funds have been collected by the County over time based on subdivision activity in the Little River watershed and must be used for open

space acquisitions within their district. With the assistance of the three partners, Durham County's contribution would be 28% of the project, averaging \$3,060 per acre.

The Lee Acquisition - The second update is for the Lee property acquisition, consisting of an estimated 160 acres along the north side of the Little River, directly across from the Matthews Road project. The BOCC contracted for the purchase of the property in May 2007, contingent upon funding support for at least 50% of the purchase price. This property upstream from the Little River Reservoir is fully wooded and includes over 1.4 miles of frontage on the Little River plus three headwater streams. It was identified in the Little River Open Space Plan as important to protect for open space purposes, and is also on the Board's Little River implementation priority list. There is the additional possibility of conservation easements on the adjoining neighbor's property as well, owned by the Smith/Edwards.

The CWMTF has awarded up to \$785,569 towards the Lee property acquisition, plus an additional \$342,439 for conservation easements on the Smith/ Edwards. The CWMTF grant will pay for approximately 55% of property's acquisition cost. In addition, the Eno River Association and the Triangle Land Conservancy have each offered to donate \$17,500 in funds towards this acquisition. These monies are left over from a previous fundraising effort towards Little River preservation.

Over the past two years, the City of Raleigh has spearheaded the Upper Neuse Clean Water Initiative (UNCWI), an effort to help protect the water quality for Falls Lake, Raleigh's primary drinking water supply. A major part of this effort is land preservation to protect water quality, including areas upstream from the Reservoir that flow into Falls Lake. The City of Raleigh has set aside limited acquisition funds to help local open space preservation efforts in the upper Neuse Basin watershed, including lands outside of Wake County. Durham County requested \$100,000 in UNCWI funding to assist with the Lee acquisition. Successfully procuring the UNCWI funding often requires that a project have multiple partners supporting it. The support of TLC and Eno River Association was helpful in receiving a positive first level of review. Raleigh staff also requested that the City of Durham be asked to assist with the project. County staff has been working with City of Durham, whose staff has also provided favorable feedback to provide \$138,500 towards this acquisition (10% of project costs) due to its importance to protect as open space upstream from the Little River Reservoir. Both funding requests will be considered by the Durham and Raleigh City Councils at an upcoming meeting.

The modified budget reflects these five external funding sources. If the City of Durham and Raleigh finds are both formally approved, remaining funds of \$352,931 will be paid by Durham County from DC083 Open Space and Farmland Capital projects account. If either of these sources is not ultimately approved, the Durham County contribution would be increased accordingly. Assuming that both are approved, Durham County's contribution would be 25.5% of the project, and averaging \$2,206 per acre.

Resource Person(s): Jane Korest, Open Space & Real Estate Manager, and Glen Whisler, County Engineer

County Manager's Recommendation: The Manager recommends that the Board receive the acquisition update, and approve the revised project budgets for the Matthews Road and Lee property acquisitions.

11. **Budget Ordinance Amendment No. 08BCC000045 and Capital Project Amendment No. 08CPA000011—\$2,300,000 Appropriation of General Fund Mental Health Designated Fund Balance for the Mental Health Crisis Center/Oakleigh Building Renovation (No.: DC091) and the Execution of Construction Contract with Riggs-Harrod Builders, Inc. for the Project**

10 min.

The Board is requested to authorize the County Manager to increase the total project budget for the Mental Health Crisis Center/Oakleigh Building Renovation by \$2,300,000 to \$2,800,000. These additional funds will be supported by appropriated General Fund Mental Health designated fund balance. Currently, this designated for Mental Health fund balance stands at over \$3.67 million.

The Board is also requested to authorize the County Manager to enter into a contract with Riggs-Harrod Builders Inc. for the construction of the Mental Health Crisis Center/Oakleigh Building Renovation to be located at 309 Crutchfield St., Durham, North Carolina, in the amount of \$2,001,129 (base bid plus alternate #1), and to execute any other related contracts including change orders, if necessary, not to exceed the available construction budget of \$2,301,298. This project is to renovate a 26,280 square foot building for the relocation of the Mental Health Crisis Center. The renovated facility will consist of a crisis center, offices, a public lobby, client evaluation areas, bedrooms, laundry facilities, a kitchen, meeting rooms, a chapel, a call center, and other related spaces. The building is owned by Durham County on property previously leased to Durham Regional Hospital. Completion of this project will relocate The Call Center from 501 Willard St. and eliminate the need for the leased space at The Durham Center Access – Freedom House located at 2609 N. Duke St.

The construction of the Renovations to the Oakleigh Building was advertised in local newspapers on October 21, 2007 and a pre-bid conference was held on October 31, 2007 at 10:00 a.m. Five bids were received, publicly opened, and read on November 27, 2007, at 2:00 p.m. Riggs-Harrod Builders Inc. submitted the lowest base bid price of \$1,980,000 plus alternate #1 of \$21,129, thus totaling a contract price of \$2,001,129 (base bid plus alternate #1). This agenda item has been reviewed and approved by the Purchasing Division. After the review of IFB 08-011—Renovation of the Oakleigh Building, Riggs-Harrod Builders Inc. has met the minimum 50 points required by GS 143-128, and has satisfied the necessary Good Faith Efforts. Riggs-Harrod Builders Inc. has identified 17.00% MBE participation of the 19.46% MBE goal required for construction services. However, the vendor has committed to seeking additional M/WBE participation if the opportunity prevails.

The Engineering Department has reviewed the bid proposals with the Purchasing department, and DTW Architects and Planners, Ltd., the Project Architects, and recommends that the County proceed with base bid work plus Alternate #1 and award the contract to the Riggs-Harrod Builders, Inc. Completion of this project will allow the

relocation of the Mental Health Crisis Center to provide a better facility for service delivery. The contract completion time for this project is 7 months.

Resource Person(s): Glen Whisler, P.E., County Engineer; Peri Manns, Assoc. ASLA, Project Manager; John Thompson, AIA, DTW Architects and Planners, Ltd.; and Pam Meyer, Director, Budget & Management Services

County Manager's Recommendation: The Manager recommends Board approval of Budget Ordinance Amendment No. 08BCC000045 and Capital Project Amendment No. 08CPA000011 appropriating General Fund Mental Health designated fund balance of \$2,300,000 to increase funding for the Mental Health Crisis Center/Oakleigh Building Renovation project to \$2,800,000 and to authorize execution of a contract with Riggs-Harrod Builders, Inc. for \$2,001,129 (base bid plus alternate #1) for the construction of the Renovations to the Oakleigh Building and execution of any other related contracts including change orders, if necessary, not to exceed the available construction budget of \$2,301,298.

12. **Hillandale Road Widening Project**

15 min.

Commissioner Lewis Cheek has requested an opportunity to discuss this project in order to determine if the County needs or desires to file comments with the North Carolina Department of Transportation (NCDOT) about the project. A public hearing on the project was held by the NCDOT on Tuesday, December 4, 2007 at North Carolina School of Science and Mathematics.

Resource Person(s): **Ellen W. Reckhow, Commission Chairman; Lewis Cheek, County Commissioner; and H. Wesley Parham, P.E., Assistant Transportation Manager, City of Durham**

County Manager's Recommendation: The Manger recommends that the Board discuss the project in accordance with Commissioner Cheek's request and advise the staff if any additional information or action is necessary.

13. **Revaluation Update**

10 min.

The Tax Administrator requests to make an update to the Board of County Commissioners on the revaluation.

Resource Person(s): Kenneth L. Joyner, RES, Tax Administrator

County Manager's Recommendation: The Manager recommends that the Board of County Commissioners receive the update on the revaluation.

14. **Board and Commission Appointments**

10 min.

Vonda Sessoms, Clerk to the Board, will distribute ballots to make appointments to the following boards and commissions:

- Animal Control Advisory Committee
- Public Health Board

Resource Person(s): Vonda Sessoms

County Manager's Recommendation: The County Manager recommends that the Board of County Commissioners vote to appoint members to the above-mentioned boards/commissions.

16. **Closed Session**

30 min.

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

2¾ hrs.