

**REVISED**

(Revised Announcement and Closed Session; Added Item No. 14a)

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

**Monday, October 22, 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.

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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.
  - The Greater Durham Mentoring Alliance will host its 2007 Fall Mentoring Fair on October 23, 2007, from 10:00 a.m. to 12:00 Noon, at the American Tobacco Campus, 318 Blackwell Street, Bay 7, in Downtown Durham. The public is encouraged to attend to learn about the wide variety of mentoring programs Durham has to offer. Volunteers may sign up to become a mentor at the Fair. Refreshments will be served.
  - **Kids Voting will give Durham students the opportunity to vote on the same candidates and issues as adults in several Durham County Schools on Monday, November 5, and at most Durham polling sites on Election Day, November 6. Durham residents can play a key part in this effort to help our community's youth understand the democratic process and the impact they can have through voting by volunteering to help with Kids Voting activities on or before Election Day. For more information, contact Carolyn Kreuger, Durham Cooperative Extension, 560-7321, [ckreuger@co.durham.nc.us](mailto:ckreuger@co.durham.nc.us), [www.kidsvotingdurham.org](http://www.kidsvotingdurham.org).**
  - **Durham County Library will offer an early literacy workshop Monday, November 5, 2007, from 6:30 to 8 p.m., as part of a nationwide initiative**

**called “Every Child Ready to Read @ Your Library.” The workshop will be held in the Main Library auditorium, 300 N. Roxboro Street, in Downtown Durham.**

**Pre-registration is required to register. Please contact the Library’s Youth Services Division at 560-0172 or kfyffe@durhamcountync.gov. All participants will receive a free children’s book, and daycare providers will receive two continuing education credits.**

4. **Minutes**

5 min.

- a. September 19, 2007 BOCC/City Council
- b. October 1, 2007 Worksession
- c. October 8, 2007 Regular Session

5. **Adoption Month Proclamation**

5 min.

National Adoption Awareness Month is a collective national effort to raise awareness of the 118,000 children in foster care waiting to find permanent, loving families. For the last seven years, National Adoption Month has made the dreams of thousands of children come true by working with courts, judges, attorneys, and advocates to finalize adoptions and find permanent, loving homes for children in foster care.

In North Carolina, there are more than 10,000 children in foster care, but not all of them are available for adoption. These children are in the custody of the local Department of Social Services because of abuse, neglect, or because their parents voluntarily placed them for adoption. Most are in custody temporarily while social work professionals attempt to safely reunite them with their families or place them with relatives. Some may be adopted by foster parents. Approximately one-third of the children in foster care will be adopted. Court action to terminate parental rights is necessary before they are available for adoption.

In Durham County, there are more 244 children in foster care and 23 children are available for adoption but are not currently in an adoptive placement. Since last November, 25 foster children have been adopted in Durham.

The children most in need of safe, loving, permanent homes include those who are over age 10, are in sibling groups and do not want to be separated, minority children, and special needs children (those with medical, behavioral, emotional, or physical problems). Most foster children have special needs simply because they have undergone the trauma of abuse, neglect, and separation from their birth families. Some have physical disabilities and medical problems. Many children need to be placed with a sibling or siblings.

**Resource Person(s):** Janice Williams, Adoption Supervisor, and Jovetta Whitfield, Child Placement and Supportive Services Program Manager, Department of Social Services

County Manager's Recommendation: The Manager recommends approval of the proclamation declaring Adoption Month in Durham County to raise community awareness of the many ways to support our children who are waiting for a loving, permanent family.

6. **Proclamation for Project Homeless Connect**

5 min.

Through public and private collaboration, Project Homeless Connect (PHC) is a one-day, one-stop, on-site center designed to link homeless people with a broad range of needed services. PHC will work to end homelessness in Durham by providing valuable community-wide services in one location for free. The event is planned for October 25, 8:30 a.m. until 3:30 p.m. at the Urban Ministries Center. Sponsors have requested a proclamation observing the day.

Edy Thompson, Director of the 10-Year Plan to End Homelessness in Durham, will discuss the events and receive the proclamation.

County Manager's Recommendation: Approve the proclamation and present to Edy Thompson, Director of the 10-Year Pan to End Homelessness in Durham.

7. **Proclamation for National Home and Hospice Care Month**

5 min.

November is National Home Care and Hospice Month. Home care agencies across the nation are working to raise awareness about home care and hospice. More than 11 million Americans prefer to be treated in the comfort of their own homes when they are ill, rather than a hospital, nursing home, or outside health care facility. Modern home care succeeds because of diligent home care providers who provide comprehensive services to keep Americans where they belong—in their own homes.

Duke HomeCare and Hospice officials have requested that a proclamation be prepared to recognize the vital role of home care in the healthcare continuum.

County Manager's Recommendation: Approve the proclamation and present to Ms. Carol Ann Mullis, Program Manager of Duke HomeCare and Hospice.

8. **Resolution to Reduce the Risks of Climate Change**

5 min.

The National Association of Counties (NACO) recently launched a "County Climate Protection Program" to encourage counties to assume the role of "agents of change" in reducing greenhouse gas emissions. NACO's program will support counties as they work to reduce emissions by providing best practices, tools, and resources to assist in developing and implementing successful climate change programs.

On September 19, the Durham Board of County Commissioners and the Durham City Council adopted a comprehensive plan to reduce greenhouse gases by 30% by the year 2030. In so doing, the City of Durham and Durham County are the first in the state to

adopt such a plan. A key goal of the plan is to set an example for the rest of the community by using resources more efficiently and reducing energy costs.

County Manager's Recommendation: Approve the resolution and forward a copy of the resolution and the Local Action Plan for Emissions Reduction to the National Association of Counties for inclusion in its database.

9. **Triangle Wastewater Treatment Plant—Performance Gold Award from the National Association of Clean Water Agencies**

5 min.

Each year the National Association of Clean Water Agencies (NACWA) recognizes wastewater utilities that achieve 100% compliance with their National Pollutant Discharge Elimination System (NPDES) permit for an entire calendar year. Durham County's Triangle Wastewater Treatment Plant received a Peak Performance Gold Award from NACWA for 2006. More than 2,500 tests are conducted on the treatment plant effluent each year to demonstrate permit compliance.

This accomplishment is a tribute to the efforts of the Utility Division staff and United Water, the County's operating contractor, and their commitment to maintain a high level of environmental compliance in day to day operation of the Triangle Wastewater Treatment Plant.

Resource Person(s): Glen Whisler, County Engineer

County Manager's Recommendation: The Manager recommends that the Board recognize and congratulate the Utility Division staff and United Water for this award.

10. **East & North Regional Libraries LEED Certification**

5 min.

The Board is hereby requested to recognize the project team for achieving Leadership in Energy and Environmental Design (LEED) Certification on the recently completed East & North Regional Libraries. The East Regional Library achieved LEED Certification on February 1, 2007 and the North Regional Library achieved LEED Certified "Silver" on June 22, 2007.

The United States Green Building Council recognizes projects that achieve LEED certification based on the LEED Green Building Rating System. The Green Building Rating System is the nationally accepted benchmark for the design, construction, and operation of high performance green buildings. LEED gives building owners and operators the tools they need to have an immediate and measurable impact on their buildings' performance. LEED promotes a whole-building approach to sustainability by recognizing performance in five key areas of human and environmental health: sustainable site development, water savings, energy efficiency, materials selection, and indoor environmental quality. This comprehensive approach is the reason LEED-certified buildings have reduced operating costs, have healthier and more productive occupants, and conserve our natural resources.

On December 9, 2002, the Board of County Commissioners approved the design contract agreement with The Freelon Group, P.A. to provide architectural services to develop a prototype regional branch library to be located in the eastern and northern parts of Durham County. All design and construction efforts have been successfully completed. The 25,000-square-foot East Branch Library was opened to the public on June 16, 2006; the public opening for the North Branch was held on January 30, 2007. The execution of both projects was within the budget. The projects were the County's second and third LEED certified facilities along with the Triangle Wastewater Treatment Plant Administrative Building which obtained LEED Certification in April 2005.

Resource Person(s): Glen Whisler, P.E., County Engineer, Engineering Department; Skip Auld, Director of Library Services; Peri Manns, Assoc. ASLA, Interim Sr. Project Manager, Engineering Department; and Zena Howard, AIA, The Freelon Group

County Manager's Recommendation: The Manager recommends that the Board recognize the project team for obtaining LEED Certification on both the East & North Regional Libraries.

11. **Consent Agenda**

15 min.

- a. Property Tax Releases and Refunds for Fiscal Year 2007-2008 (accept the property tax release and refund report for September 2007 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- b. Budget Ordinance Amendment No. 08BCC000013—Appropriate Reserved Funds in the amount of \$1,158,166 for the Tax Department, Sheriff's Office, Fire Marshal's Office, CJRC, Cooperative Extension, DSS, Cultural Arts Master Plan, and the County Vehicle and Equipment Loan;
- c. Budget Ordinance Amendment No. 08BCC000014—Appropriate Reserved Funds for Open Space and Active Recreation in the General Fund and Transfer the Funds to the County Contribution Fund; Capital Project Ordinance Amendment No. 08CPA000006 (DC083) Open Space and Farmland Preservation—Appropriate Payment-Lieu-Revenue Transferred from the General Fund (appropriate reserved fund balance in the amount of \$47,589 to increase the DC083 Open Space and Farmland Preservation Capital Project from \$6,507,243 to \$6,554,832);
- d. Budget Ordinance Amendment No. 08BCC000015— Social Services—Recognize Additional Revenue in the Amount of \$89,408 for Adult Care Home Case Management (\$7,062), Crisis Intervention Prevention (\$52,842), and State Adult Day Care (\$29,504);
- e. Budget Ordinance Amendment No. 08BCC000016—Cooperative Extension—Welcome Baby (recognize 2<sup>nd</sup> Year Grant Revenue in the amount of \$53,783 from the US Health and Human Services Department through the University of North Carolina School of Social Work to Establish a .75 FTE Position and to Continue the Strong Couples Strong Children [SCSC] Project);

- f. Budget Ordinance Amendment No. 08BCC000017—Cooperative Extension—Welcome Baby Grant Funds for Incredible Years Basic Parent Training (recognize \$21,374 in grant funding and approve an additional .53 FTE);
- g. Budget Ordinance Amendment No. 08BCC000018—Cooperative Extension—Recognize \$5,000 in Grant Funding from the North Carolina Department of Insurance for the Seniors Health Insurance Information Program (SHIIP);
- h. Budget Ordinance Amendment No. 08BCC000019—Cooperative Extension—Durham Kids Voting Administration Grant (appropriate an additional \$8,129 from Kids Voting North Carolina for the purpose of administering the Durham Kids Voting program in cooperation with the program’s partners and increase the FTE for the community consultant position from .40 FTE to .53 FTE);
- i. Budget Ordinance Amendment No. 08BCC000020—Technical Adjustment to Budget Ordinance Amendment No. 08BCC000010—Office of the Sheriff and City of Durham Police Department Acceptance of 2007 Edward Byrne Memorial Justice Grant (JAG) (approve in the amount of \$107,139, which combined with Budget Ordinance Amendment No. 08BCC000010 approved in the amount of \$107,139, will budget this grant at the correct total of \$214,278; in addition, approve the establishment of 1.0 FTE in the Criminal Justice Resource Center for the grant-funded case worker for the period of one year);
- j. Request to Execute a Non-Exclusive Revocable License Agreement with NC National Guard at the Durham County Memorial Stadium (approve the Revocable License Agreement Between the County of Durham, the Stadium Authority, and the North Carolina National Guard for use of the Stadium’s South Side Parking Lot for Overflow Personal Vehicle Parking for Guardsmen Participating in Weekend NC National Guard Drills at the Armory);
- k. Approve the Sale of County Surplus Property—1327 Clinton Road to Bruno Rodriguez for \$15,905; 1412 N. Hyde Park Avenue to P.A.P’s Custom Home Building for \$6,300; 2300 Fitzgerald Street to William Bright for \$4,000; and 10037 Rougemont Road to Cynthia Klenke for \$1,730;
- l. Triangle Transit Authority Appointment (approve the reappointment of Commission Chairman Ellen W. Reckhow to the Triangle Transit Authority Board of Trustees in the Durham County representative position; the term is December 1, 2007 to November 30, 2011); and
- m. Terminate the contract by and among the County, Administrative Office of the Courts, and the Durham County Superior Clerk of Court to fund the cost of five deputy clerks; the Clerk of Court has received funding from the State and no longer needs the funding from the County.

12. **Public Hearing for Industrial Revenue Bonds – RTI Inc.**

20 min.

The Board of Commissioners is requested to hold a public hearing concerning the issuance and sale by The Durham County Industrial Facilities and Pollution Control Financing Authority of its Revenue Bonds in an amount not to exceed \$42,000,000. The proceeds will be loaned to Research Triangle Institute (“RTI”), a North Carolina non profit corporation, and used to: 1) finance the construction of a new approximately 120,000-square-foot office building and approximately 490-space parking deck at a cost

of approximately \$28,000,000, and 2) to refinance an existing loan from SunTrust Bank of approximately \$12,500,000 (the proceeds of which were used to finance the construction of an approximately 78,000-square-foot office and laboratory building known as the Earl Johnson Jr. Building). RTI is solely responsible for the repayment of the bonds. Neither the County nor the Authority has any financial responsibility for the debt. The Project is located at 3040 Cornwallis Road, Research Triangle Park, and will be owned and operated by RTI.

Representatives from RTI will be present at the public hearing to explain further the Project.

Resource Person(s): Carol Hammett, Assistant County Attorney, and Mary Nash-Rusher, Hunton & Williams, Bond Counsel

County Manager's Recommendation: Hold the public hearing on the issuance of the bonds for the expansion of Research Triangle Institute whose operations are currently located in Research Triangle Park in Durham County, and approve the issuance, if appropriate.

13. **Public Hearing—Plan Amendment—Treyburn Village (A06-13)**

15 min.

To conduct a public hearing on a plan amendment for Treyburn Village (A06-13); and to approve the requested change to the land use designation on the Future Land Use Map of the *Durham Comprehensive Plan* from Commercial to Low Density Residential (4 DU/Acre or less).

Planning Department Recommendation: Approval, based on the justification and meeting the four criteria for plan amendments.

Planning Commission Recommendation: Approval, 12-0, July 11, 2006, based on information provided in the staff report, the justification, and meeting the four criteria for plan amendments.

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

County Manager's Recommendation: The Manager recommends that the Board conduct a public hearing and, if appropriate based on the comments received, approve Plan Amendment A06-13.

14. **Public Hearing—Zoning Map Change—Treyburn Village (Z06-39)**

15 min.

To approve a request for a zoning map change for a 71.60-acre site located on the south side of Vintage Hill Parkway, east of Sawmill Creek Parkway.

Request: CN (42.689 acres) and CC (28.911 acres); F/J-B to PDR 2.240; F/J-B

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 approval, subject to approval of the plan amendment, based on consistency with the *Comprehensive Plan* and considering the information provided in this report.

**Planning Commission Recommendation and Vote:** Approval, 13-0, on August 14, 2007. The Planning Commission finds that the ordinance request is not consistent with the adopted Comprehensive Plan. However, should the governing body approve the pending plan amendment, the ordinance request would then be in compliance with the revised 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, Interim City-County Planning Director

**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.

**14a. 2008/2009 Employee Health and Dental Insurance—Selection of Vendor(s) and Authorization to Enter Contract(s) for Employees Health and Dental Insurance 20 min.**

**The Human Resources Director is asking the Board of County Commissioners to receive information and recommendations on employee health and dental coverage provided by BlueCross BlueShield of North Carolina and the North Carolina Association of County Commissioners, and to authorize staff to enter agreements for benefits coverage for the period beginning January 1, 2008 through June 30, 2009.**

**Resource Person(s): Marqueta Welton, Director of Human Resources; Diane Pearson, Benefits Manager**

**County Manager's Recommendation: The County Manager recommends that the Board authorize the execution of a health insurance contract with BlueCross BlueShield of North Carolina for the 18-month period beginning January 1, 2008 through June 30, 2009, and to authorize the execution of a dental insurance**



**contract with the North Carolina Association of County Commissioners for the 18-month period beginning January 1, 2008 through June 30, 2009.**

15. **Board and Commission Appointments**

5 min.

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

- Animal Control Review Board
- Design District Review Team
- Durham Convention & Visitors Bureau
- Durham County Hospital Corporation
- Nursing Home Community Advisory Committee
- Raleigh-Durham Noise Abatement
- Transportation Advisory Board

Resource Person(s): Vonda Sessoms

County Manager's Recommendation: The 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 conditions of initial appointment of a public officer and to preserve the attorney-client privilege and to discuss *In Re Fayette Place LLC*, 05 PTC 687 **and** *County v. Woodall*, 06 CVS 6793, pursuant to N. C. Gen. Stat. § 143-318.11(a)(3) & (6).

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**2 hrs. 50 min.**