

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

Monday, September 14, 2009

County Commissioners' Chambers  
200 East Main Street, Durham, North Carolina

"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 second meeting of the Durham Complete Count Committee is scheduled for Tuesday, September 15, 5:30 p.m. – 7:00 p.m., at the downtown Library auditorium. The Complete Count Committee will help increase awareness of the 2010 Census and motivate our residents to respond. Members include a cross section of community representatives from government agencies, education, business, faith-based organizations, and the media who will work to make sure everyone in Durham is counted.
  - The Durham Center will sponsor its 4<sup>th</sup> Annual "Recovery Celebration Block Party" on Friday, September 25, from 4:00 – 7:00 p.m. at the Farmer's Market at Durham Central Park. The event features food, fun, entertainment, and the inspiring stories of people in recovery from alcohol and drug addiction. This year's theme is "Join the Voices for Recovery: Together We Learn, Together We Heal."
  - The Project Homeless Connect Steering Committee 2009 will celebrate the 3rd Annual Project Homeless Connect event on Thursday, October 8, 2009. This free event will be held at the Durham Bulls Athletic Park at 409 Blackwell Street from 10:00 a.m. – 4:00 p.m. Durham's Project Connect is a one-day, one-stop shop designed to provide support and interventions to prevent and reduce homelessness in Durham. For volunteer, questions, or sponsorship, please contact Ms. Lanea Foster at 919 683-1185 ext. 29 or lanea@dahc.org.

4. **Minutes** 5 min.
- a. August 3, 2009 Worksession
  - b. August 10, 2009 Regular Session

5. **Proclaim September 28 “Family Day—A Day to Eat Dinner With Your Children”** 5 min.

On Monday, September 28, families across America are encouraged to designate time to dine together. Studies have found that children that eat dinner with their family are less likely to use drugs or alcohol. To increase this reality in Durham, the Board of County Commissioners will proclaim “Family Day—A Day to Eat Dinner With Your Children” and ask citizens to recognize this important day of celebrating family. On “Family Day—A Day to Eat Dinner With Your Children”, it is hoped that families across the country will increase their appreciation of regular family activities, parent-child communication, and the likeliness that parents and children will have dinner together.

Resource Person(s): Chairman Commissioner Michael D. Page

County Manager's Recommendation: The Manager’s recommendation is that the Board proclaim September 28 “Family Day—A Day to Eat Dinner With Your Children” and present the proclamation to Ellen Holliman, Director of The Durham Center—Durham’s 24-hour mental health, developmental disabilities, and substance abuse support facility.

6. **Proclamation to Recognize Minority Enterprise Development Week October 5 – October 9, 2009** 5 min.

On January 14, 2008, the Board of County Commissioners approved an ordinance to continue the County’s Minority/Women Business Enterprise Program. As a part of the program promotion and continued efforts to enhance participation in governmental contract awards to minority and women businesses, it is hereby requested that October 5 through October 9, 2009 be recognized as Minority Enterprise Development Week in the County of Durham, North Carolina.

Local and National Minority Enterprise Development programs provide assistance to minority and women groups who own or wish to start or expand their own businesses.

Resource Person(s): Pamela Gales, CLGPO, Assistant Purchasing Manager

County Manager's Recommendation: The Manager recommends that the Board approves the proclamation and recognize October 5 through October 9, 2009 as Minority Enterprise Development Week in Durham County.

7. **Consent Agenda** 15 min.
- a. Budget Ordinance Amendment No. 10BCC000008—Request for Additional Firefighter Position (1.0 FTE)—Lebanon Volunteer Fire Department (approve Budget Ordinance Amendment No. 10BCC000008 to create an additional full-time

- Firefighter position (1.0 FTE) for Lebanon Volunteer Fire Department and approve a transfer of funds from the Lebanon Fire District Special Revenue Fund to the County of Durham General Fund to cover the salary and benefit costs for the additional FTE in the Fire Marshal's business area);
- b. Approve Budget Ordinance Amendment 10BCC000009 Recognizing \$5,509,679 in Additional Revenue;
  - c. Budget Ordinance Amendment No. 10BCC000010 DSS—Recognize Revenue from Durham Public Schools to fund Social Workers that are part of the Community Initiatives Program (approve \$307,673 in revenue from the Durham Public Schools and \$307,673 in revenue from ARCM [Medicaid at-risk case management] and TANF to support 12 social worker positions as part of the Community Initiatives Program within Durham Public Schools for the period of September 1, 2009 through June 30, 2010);
  - d. Approve Budget Ordinance Amendment No. 10BCC000011—FY08-09 Encumbrances Rollover;
  - e. Office of the Sheriff and City of Durham Police Department Acceptance of 2009 Edward Byrne Memorial Justice Assistance Grant (JAG – Local Solicitation) for \$192,999 and Budget Ordinance Amendment 10BCC000012 Appropriating Those Grant Funds for Sheriff Department Related Security Enhancements (approve acceptance and Budget Ordinance Amendment 10BCC000012 appropriating the \$192,999 award to be shared equally with the City);
  - f. Approve Budget Ordinance Amendment No. 10BCC000013 Public Health—Recognize Grant Funds in the Amount of \$6,845 from the Department of Health and Human Resources for the Environmental Health Division;
  - g. Approve Budget Ordinance Amendment 10BCC000014—Appropriating General Fund Fund Balance (\$96,759) to Complete the Purchases of Sheriff Vehicle Equipment for New Vehicles;
  - h. Request for Authorization to Award an Engineering Services Contract to Sud Associates for the Design Development and Construction Documents for the replacement of the Administrative Complex Chiller (authorize the Manager to enter into a contract with Sud Associates to perform all construction engineering services necessary for design engineering, project administration, and close-out documentation for a total contract not to exceed \$46,600);
  - i. The Durham Center—Vehicle Donation Request (approve the donation of the minivan);
  - j. Durham Chamber of Commerce—Contract Approval (authorize the County Manager to enter into a contract with the Durham Chamber of Commerce in the amount of \$142,200 to provide industrial development services for Durham County);
  - k. Adopt the Amendment to the Durham City-County Interlocal Cooperation Agreement for Planning;
  - l. Computers 4 Kids (approve the release of 184 Durham County desktop computer systems including monitors from our life-cycle replacement surplus to support the Computers 4 Kids initiative and the United Way of the Greater Triangle);
  - m. Holton School Career Center Computer Donation (Approve the release of 15 Durham County desktop computer systems [including monitors] from our life-cycle replacement surplus to support the new Holton School Career Center);

- n. Durham County Email Archiving System (approve the E-Mail Archiving Solution and authorize the County Manger to enter into the necessary contracts an amount not to exceed \$163,075);
- o. Encroachment Agreement with NCDOT at Creekside Elementary School (approve the Right-of-Way Encroachment Agreement with NCDOT related to the Creekside Elementary School addition and authorize the Manager to execute the agreement);
- p. Capital Project Amendment No. 10CPA000004—Creation of Lincoln Community Health Center—Phase I Renovation Project (47302635DC133), and Execution of Contract Amendment for Architectural Design Services with Swanson + Stewart Architects for the LCHC Phase I Renovation (approve Capital Project Amendment No. 10CPA000004 appropriating \$1,300,770 in federally awarded grant funds to create a new Phase I Renovation capital project for the Lincoln Community Health Center and authorize the County Manager to execute a contract amendment with Swanson + Stewart Architects [SSA] to provide architectural services for the Phase I Renovation in the amount of \$94,500 thus increasing the total compensation for basic design services, additional design services, reimbursable expenses to \$128,172);
- q. Contract with Lincoln Community Health Center for Renovation Project (approve the agreement between the County and Lincoln Community Health Center Inc., the Notice of Federal Interest, and the Letter of Consent, and authorize the Manager to execute the documents);
- r. Capital Project Amendment No. 10CPA000005—Closing County Computer Replacement Project (DC080, 2003 and 2006 Funding) and Telecommunications Systems Upgrade Project (DC084, 2005 Funding) (approve Capital Project Amendment No. 10CPA000005 closing the County Computer Replacement Project [DC080] and the Telecommunications Systems Upgrade Project [DC084] allowing these completed projects to become final assets and begin depreciation); and
- s. Public Health—Approve the Restructuring of Fees for the Pre-Exposure Rabies Vaccine (RabAvert) (approve restructuring the Pre-exposure rabies vaccine [RabAvert] fee and increasing the fee to \$200 to better recoup the cost of administering the vaccine).

8. **Public Hearing—Zoning Map Change—5622 Grandale Drive (Z07-41)**

20 min.

*This request was continued from the August 24, 2009 Board of Commissioners meeting to allow the applicant and neighbors to work through some concerns.*

To approve a request for a zoning map change for a 7.87-acre site located on the west side of Grandale Road, south of Lyon Farm Drive, north of Sedwick Road.

Request: Residential Rural (RR) to Residential Suburban-10 with a development plan (RS-10(D))

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, based on consistency with the Comprehensive Plan and considering the information provided in this report.*

Planning Commission Recommendation and Vote: Approval, 12-1 on July 14, 2009. 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 and comments received during the public hearing.

Resource Person(s): Steven L. Medlin, AICP, City-County Planning Director; and Gail Sherron, Senior Planner

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.

9. **Public Hearing—Street Renaming—South Alston Avenue Street Renaming (SN0900002)**

10 min.

To approve a request to permanently rename five street sections, located southeast of the intersection of T.W. Alexander Drive and NC Highway 55, northwest of the intersection of the county line and Louis Stephens Drive, as listed below:

- Road Section A (between T.W. Alexander Drive and Hopson Road) from Hopson Road to Louis Stephens Drive;
- Road Section B (between the railroad and Hopson Road / Louis Stephens Drive) from South Alston Avenue to Solutions Drive;
- Road Section C (between the railroad and the NC 55 - Hopson Road intersection) from South Alston Avenue to Experiment Drive;
- Road Section D (between NC 55 and Hopson Road) from South Alston Avenue to Strategic Drive;
- Road Section E (between NC 55 and the county line) from South Alston Avenue to Green Level Church Road.

This change would be effective upon adoption.

*Staff Recommendation: The staff recommends approval of the permanent renaming of all public rights-of-way as described above and in the staff report with an immediate effective date.*

Resource Person(s): Steven L. Medlin, AICP, City-County Planning Director and Anne Kramer, Planner

County Manager's Recommendation: The Manager recommends that the Board conduct a public hearing on the proposed street renamings and approve them, if appropriate, based on the comments received.

10. **Public Hearing—Plan Amendment, Jordan Lake Critical Area (A0900004)**

5 min.

To hold a public hearing on a plan amendment for Jordan Lake Critical Area (A0900004); and

To approve the requested change to the land use designation on the Future Land Use Map of the *Durham Comprehensive Plan* from Very Low Density Residential (2 DU/Ac. or Less), Suburban Tier, and inside the Urban Growth Area to Rural Density Residential (0.5 DU/Ac. or Less), Rural Tier and outside the Urban Growth Area.

To approve the requested change to the land use designation on the Future Land Use Map of the *Durham Comprehensive Plan* from Rural Density Residential (0.5 DU/Ac. or Less), Rural Tier and outside the Urban Growth Area to Very Low Density Residential (2 DU/Ac. or Less), Suburban Tier, and inside the Urban Growth Area.

City-County Planning Department Recommendation: Approval, based on the request being justified and meeting the criteria for plan amendments.

Planning Commission Recommendation: Denial, 12-0, August 11, 2009, based on concerns about different survey methodologies for determining the normal pool; the need for a comprehensive, independent survey; and potential impacts on water quality.

Resource Person(s): Steven L. Medlin, AICP, City-County Planning Director; Keith Luck, AICP, Assistant Planning Director; and Joseph Carley, AICP, Planner

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 A0900004.

11. **Refunding of Series 2000 and 2002 General Obligation Bonds**

5 min.

Management requests authorization to refund general obligation bonds in an amount not to exceed \$70,000,000. Through the analysis of our current debt, management has determined that a refunding of \$4,590,000 in series 2000 and \$52,320,000 in series 2002 general obligation bonds can produce a net present value savings in excess of \$3 million (5.552%). This savings exceeds the minimum level set by the LGC (3.0%) and will produce debt service savings in excess of \$300,000 annually. As such, we request that the Board introduce the refunding bond order, pass a preliminary resolution and set a public hearing on September 28, 2009 to allow this transaction to take place. In addition, George Quick, Finance Director, will file the sworn statement of debt.

A set of proposed minutes has been prepared by Bond Counsel, evidencing the passage of a preliminary resolution relating to the bonds, the introduction and passage on first reading of an order authorizing the bonds and the call for a public hearing on such order.

Resource Person(s): George K. Quick, Finance Director

County Manager's Recommendation: The County Manager recommends that the Board introduce the proposed refunding bond order, receive the sworn statement of debt, approve the preliminary resolution, and set the public hearing as requested.

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1 hr. 25 min.