

Revised
(Addition—Item No. 8k)

THE BOARD OF COUNTY COMMISSIONERS
DURHAM, NORTH CAROLINA

Monday, February 9, 2009

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.
4. **Minutes** 5 min.
 - a. January 5, 2009 Regular Session
 - b. January 12, 2009 Regular Session
5. **Keep Durham Beautiful Honored by Keep America Beautiful for High Performance Achieved in 2008** 5 min.

For the fourth consecutive year, Keep Durham Beautiful (KDB) has been awarded the Keep America Beautiful (KAB) President's Circle Recognition Award for exemplary efforts in the reduction of litter, minimizing of waste, and beautification in the City and County of Durham.

KDB is a nonprofit, volunteer organization working in partnership with the City and County of Durham to bring private businesses, citizens, and community organizations

together to conserve and enhance the appearance and environment of Durham. The 2008-09 Board of Directors are: Sylvia LeGoff, Chairman; Marge Nordstrom, Vice-Chair; Jamie Clarke, Secretary; Waylon Lynch, Treasurer; and Ginny Bowman, Merrill Davis, Dawn Dudley, David Harris, Mark Hough, Robb Teer, and Mike Young. In addition, three ex-officio members are appointed to represent City and County Governments.

On December 4, 2008 at the 55th Annual National Conference in Washington, Durham County, the 2008 President's Circle Recognition Award was presented to KDB by Matthew M. McKenna, President and CEO of Keep America Beautiful.

In qualifying for a President's Circle Award, Keep Durham Beautiful has met Keep America Beautiful's standards of excellence by conducting an annual Litter Index, calculating the affiliate's cost/benefit ratio, and engaging volunteers to take greater responsibility for their community environment. The KDB's 2007-2008 Annual Report specifically describes the organization's quarterly achievements in Litter Abatement, Education, Beautification, and Fundraising.

Resource Person(s): Mike Turner, General Services Director; Sylvia LeGoff, Chairman, Keep Durham Beautiful; and Dorothea Pierce, KDB Executive Director

County Manager's Recommendation: The Manager recommends that the Board of County Commissioners recognize and congratulate the positive efforts of Keep Durham Beautiful for receiving the 2008 Keep America President's Circle Award.

6. **Recognition of Durham County Pacesetters for 2008 Walk to Cure Diabetes**

5 min.

The Juvenile Diabetes Research Foundation (JDRF) annually sponsors the "Walk to Cure Diabetes" as a fundraising event to raise dollars for continued research. Health Director Gayle Harris has directed the County's participation for several years. This fall, despite a slowing economy, the "Durham County Pacesetters", comprised of 121 walkers, raised \$13,547.01 for the effort.

JDRF was founded in 1970 by the parents of children with type 1 (juvenile) diabetes—a disease that strikes children suddenly, makes them insulin dependent for life, and carries the constant threat of devastating complications. Since inception, JDRF has awarded more than \$1 billion to diabetes research, including more than \$122 million in FY2006. JDRF's mission is to find a cure for diabetes and its complications through the support of research.

Thanks to the leadership of Ms. Harris, the Durham County Pacesetters team received the JDRF PLATINUM AWARD for outstanding team performance.

Resource Person(s): Gayle Harris, Health Director

County Manager's Recommendation: The Manager's recommendation is that the Board recognize the work of Gayle Harris who successfully directed Durham County employees' support of the 2008 Walk to Cure Diabetes.

7. **Recognition of Eddie Culberson, Lyn Streck, and the Durham Soil and Water Conservation (SWCD) Board**

5 min.

The Soil and Water Conservation Department requests that the BOCC recognize Durham Soil and Water Director Eddie Culberson, the Durham SWCD Board, Durham Academy school teacher Lyn Streck, and Durham Soil and Water Department staff for their accomplishments at the county and state levels.

Each year, the NC Association of SWCD recognizes a district employee, as well as a teacher, who have made significant contributions to the conservation and proper management of NC's natural resources. On January 5, 2009 in RTP, North Carolina, the Employee of the Year award was presented to Eddie Culberson and the Teacher of the Year award was presented to Lyn Streck.

Each Year the Hugh Hammond Bennett Chapter/Soil and Water Conservation Society recognizes a Unit of Government. On January 24, 2009 in Raleigh, North Carolina, the Unit of Government Award was presented to the Durham SWCD for all of its accomplishments throughout the year in natural resource conservation.

Resource Person(s): Lisa Marochak, Administrative Officer, and Jennifer Brooks, Watershed Conservationist

County Manager's Recommendation: The Manager's recommendation is that the Board recognize and congratulate Mr. Culberson, Mrs. Streck, the Durham Soil and Water Conservation District Board, and Durham Soil and Water Department staff for their accomplishments.

8. **Consent Agenda**

15 min.

- a. Budget Ordinance Amendment No. 09BCC000045—Board of Elections—Recognize and Appropriate a \$124,000 Grant from the State Board of Elections for One-Stop, No-Excuse Absentee Voting;
- b. Budget Ordinance Amendment No. 09BCC000046—Social Services—Recognize Additional Revenue (Crisis Intervention Payments—\$295,931 increase; and LIEAP and CIP Administration Funds—\$45,923 increase);
- c. Budget Ordinance Amendment No. 09BCC000047 in the amount of \$93,736—Interlocal Cooperation Agreement with the City and Sheriff Regarding Warrants;
- d. AAA Transport Inc. Service Franchise Renewal (accept the three-year ambulance franchise renewal request and schedule the request for a second and final approval on February 23, 2009);
- e. Purchase of Periodical and Subscription Services—Library (authorize the Manager to enter into a contract with EBSCO Information Services for a total amount not to

- exceed \$60,000, with an option to renew the contract for four successive one-year periods);
- f. Award of Contract for Purchase of Vehicles for Various Departments (authorize the Manager to enter into contracts with University Ford Inc. for \$654,253, Bobby Murray Chevrolet Inc. for \$194,846, and Hendrick Durham Auto Mall for \$60,078);
 - g. Request Approval of Right-Of-Way Agreements with Duke Energy Carolinas, LLC for Durham County South Regional Branch Library (authorize the Manager to enter into the agreements for the project located at 4504 South Alston Avenue, Durham, North Carolina);
 - h. Durham Public Schools Construction Project at Jordan High School (approve the owner/contractor agreement with C.T. Wilson Construction Co. Inc. for work at Jordan High School in the amount of \$420,110; authorize the Manager to execute the agreement pursuant to the terms of the Interlocal Agreement with Durham Public Schools);
 - i. Approval of Commissioner Assignments to Boards and Commissions;
 - j. Contract With NexGen Digital Document Solutions (approve the contract with NexGen Digital Document Solutions for web site enhancement and scanning of tax documents for the Tax Administration Department; contract amount not to exceed \$69,075); and
 - k. **Contract of Government and Public Access Channel Programming (authorize the Manager to enter into a contract in an amount not to exceed \$55,000 for technical services related to public access channel programming through June 30, 2010, and in an amount not to exceed the Fiscal Year 2009 budget appropriation for technical services related to government access channel services).**
9. **Public Hearing—Zoning Map Change—New Middle School—Treyburn (Z0800034)**

10 min.

To approve a request for a zoning map change for approximately 117 acres of a 150.25-acre site located north of Snow Hill Road, west of Vintage Hill Parkway (the remaining area is in the City's jurisdiction). Request: PDR 2.240; F/J-B (partial) and M/LR-A (partial) to RR; F/J-B (partial) and M/LR-A (partial)

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, 14-0 on December 9, 2008. 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 Amy Wolff, 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.

10. **Cultural Master Plan Mid-Year Update and Project Funding Proposals**

10 min.

The Interlocal Agreement to extend the Cultural Master Plan Advisory Board and provide City and County funding through June 30, 2009 was signed November 3, 2008. Before any payment from County-provided implementation funds can be made, the Agreement requires a mid-year report to the Board of County Commissioners, as well as approval by the Commissioners of spending proposals.

The Cultural Master Plan Advisory Board recommends approval of grant funds for the following initiatives:

Arts and Business Council Project (\$18,000) – To contract with the Durham Arts Council for a joint project with the Chamber of Commerce to affiliate with the national Arts and Business Council program. This replaces an earlier authorization for a \$40,000 project, producing cost savings of \$22,000.

Museum Without Walls Project Phase Two (\$2,700) – To fund a second phase project to create a Durham History Museum website to be administered by the Museum of Durham History Inc. It would use \$2,700 of the funds remaining from the first phase project, which was completed for \$6,400 less than budgeted.

The Cultural Master Plan Advisory Board recommends that the Board of County Commissioners receive three reports:

Durham History Museum Report – The Durham History Museum Feasibility Study prepared by Riggs Ward Design.

Public Art Consultant's Report – Summary Recommendations: Public Art Planning and Implementation report prepared by Janet Kagan of the Percent for Art Collaborative LLC.

Cultural Master Plan Initiatives Report – The report recommends 12 new initiatives, totaling \$74,900, from County-provided funds. It proposes using \$25,700 in funds remaining from the original funding provided by the County for the Arts and Business Council project and Museum Without Walls project, and \$49,200 from the County funds in the 2008 - 2009 Fiscal Year budget.

Resource Person(s): Peter Coyle, Cultural Master Plan Project Manager; Joshua Parker, Chair, Cultural Master Plan Advisory Board; and G. Christopher Dickey, Economic Development Senior Manager, City of Durham

County Manager's Recommendation: The Manager recommends that the Board receive the Cultural Master Plan mid-year update and project funding proposals and, if appropriate, approve funding for the new projects based on the comments received.

11. **Closed Session**

45 min.

The Board is requested to adjourn to Closed Session for the following:

1. pursuant to N.C. G.S. § 143-318.11(a)(1) to prevent the disclosure of information that is privileged or confidential pursuant to N.C.G.S. § 143-318.10(e);
2. pursuant to G.S. § 143-318.11(a)(5) in order to instruct staff concerning the position to be taken by or on behalf of the Board in negotiating the price and other material terms of a contract for the acquisition of real property located at 4524 S. Alston Avenue, Durham; and
3. pursuant to G.S. § 143-318.11(a)(6) to consider the performance of a public officer or employee.

2 hrs.