

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

Monday, November 8, 2010

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.
 - "In Touch with Durham County," the Durham County Television show, airs on Cable TV Channel 8 at 8:30 a.m. and 12 noon daily; 4:00 p.m. on Mondays; and 6:30 p.m. Tuesday-Sundays. Our County Commissioners' meetings are also rebroadcast on Thursdays at 2:00 p.m., Saturdays at 9:00 p.m., and Sundays at 9:00 p.m.
 - The FY2011-2012 Nonprofit Agency Funding process began on November 5, 2010 with the opening of the pre-application submission period. All Durham community nonprofits interested in applying for FY2012 nonprofit funding **MUST** first submit a Pre-Application Questionnaire and accompanying documents no later than 5:00pm on December 15, 2010. All nonprofits who meet the eligibility criteria outlined in the County's nonprofit policy will then be invited to apply for FY2012 funding. The Pre-Application Questionnaire and the Nonprofit Agency Funding Program policy will be available on the County's website from November 5, 2010 through December 15, 2010. Early submission of the Pre-Application Questionnaire is encouraged. For additional information, please contact Laura Jensen in the Budget and Management Services department at 560-7065.

- The Low Income Energy Assistance Program (LIEAP) is taking applications from now until November 12. The program provides families with a one -time cash payment to help pay their heating bills. Interested residents must visit and submit their application at Durham County Social Services, located at 300 North Duke Street, from 8:30 a.m. until 4:30 p.m. For more information, call (919) 560-8301.

4. **Minutes**

5 min.

October 25, 2010 Regular Session

5. **Proclamation – Home Care and Hospice Month**

5 min.

November has been designated as National Home Care and Hospice Month. The Board is requested to proclaim November as Home Care and Hospice Month in Durham County.

Resource Person: Carol Ann Mullis, Program Manager, Duke HomeCare and Hospice

County Manager’s Recommendation: The Manager recommends that the Board proclaim November as Home Care and Hospice Month in Durham County.

6. **Consent Agenda**

15 min.

- a. Approve the Resolution Authorizing a Public Auction Sale and authorize the County Manager or designee to follow the procedural steps above for removal and disposal of surplus furniture and equipment as related to the new Human Service Complex building;
- b. Authorize the amendment of the project management services contract with Phoenix Business Consulting for the ERP upgrade to SAP ERP 6.0, for the amount of \$138,000 for a not to exceed amount of \$403,600 to be paid from the Capital Project DC083, ERP (Enterprise Resource Planning) Upgrade project;
- c. Authorize the County Manager to execute a License Agreement with the City of Durham for the County’s Fiber Optic Network Infrastructure within the City’s Rights of Way;
- d. Accept the Board of Adjustment Annual Report for Fiscal Year 2009;
- e. Approve the attached resolution and thereby approve the nominated Durham County members to the Piedmont Food and Agricultural Processing Center Steering Committee.

7. **Public Hearing - Durham County Industrial Facilities and Pollution Control Financing Authority issuance of Revenue Bonds**

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 (“Authority”) of its Revenue Bonds in an amount not to exceed \$65,000,000, the proceeds of which will be loaned to Chesterfield Partners, LLC, a North Carolina limited liability company or affiliate or subsidiary thereof (“Borrower”), to be used to finance the acquisition, construction, renovation and equipping of a building to be renovated into a mixed use facility (office, retail and restaurant) (the “Project”). The Project consists of a

total of approximately 360,000 square feet located on an approximately 1.484 acre tract at 701 W Main Street, which is the corner of Duke Street and Main Street in Durham, Durham County, North Carolina. The Project will be owned and operated by the Company, or an affiliate or subsidiary of the Company. The Company expects the total cost of the Project to be financed with the Bonds to be approximately \$65,000,000. The Authority and the Company entered into an inducement agreement with respect to the Project and the Bonds on October 6, 2010.

Borrower is solely responsible for the repayment of the bonds. Neither the County nor the Authority has any financial responsibility for the debt. The Resolution approving the Project in principle is attached for consideration. Representatives from Chesterfield Partners, LLC will be present at the public hearing to answer questions you may have regarding the Project.

Resource Person(s): Carol Hammett, Deputy County Attorney; Mary-Nash Rusher, Hunton & Williams, Bond Counsel; Josh Parker, Chesterfield Partners, LLC

County Manager's Recommendation: The Manager recommends that the Board hold the public hearing on the issuance of the bonds to Chesterfield Partners, LLC for the acquisition, construction, renovation and equipping of the Chesterfield Building to be renovated into a mixed use facility, and approve the Resolution of approval in principle, if appropriate.

8. Public Hearing – Economic Development

20 min.

The Board is requested to hold a public hearing to consider allocating economic development investment funds to the Hill, LLC, a wholly owned subsidiary of Greenfire Development, LLC, for converting the historic 'Hill' and 'Trust' buildings, located on Main Street between Corcoran and Market Streets, to a 165-room boutique hotel and spa, also known as the "Spark Hotel Project". The total project investment is approximately \$53.9 million, including \$25 million in Federal Economic Recovery Zone Facility Bonds (approved in principle by the Board of County Commissioners on July 26, 2010.) The Spark Hotel Project will consist of over 165,000 s.f. and include a LEED certified four star hotel, spa and restaurant. The project will have a significant impact to downtown Durham. The Project will result in at least 125 new permanent jobs in downtown Durham. The additional sleeping rooms in downtown are anticipated to increase the number of conferences and conventions booked at the City and County's Convention Center. The property is located directly in the center of the City and is key to the ongoing revitalization efforts taking place in downtown Durham. The occupancy tax revenue and associated visitor spending will have a strong economic impact beyond the property itself. Many restaurants and retail business are anticipated to locate in the area as a result of the Project.

Since 2003 Greenfire Development has been actively engaged in the revitalization of downtown Durham. Greenfire has completed over six redevelopments, including the conversion of the historic Baldwin and Kress buildings into "residential over retail", and the

combined three historic buildings on Parrish Street, into a mixed use project named Rogers Alley. Greenfire has developed public/private partnerships with the City and County governments, and is aligned with community development goals and the Downtown Master Plan. Greenfire officials have stated that incentives from the local government are vital in its ability to complete this project.

Staff is recommending that the County participate in this economic development project by providing up to one million (\$1,000,000.00) in incentive funds after the project is completed and open for business. The incentive award would be subject to final approval by the Local Government Commission (LGC), and would be provided over a ten year period through an economic development incentive fund performance contract.

This public hearing was advertised on Friday, October 29, 2010 as required by law.

Resource Persons: Carolyn P. Titus, Deputy County Manager and Carol Hammett, Deputy County Attorney

County Manager's Recommendation: The County Manager recommends that the Board hold the public hearing, and based upon the information received, approve entering into an economic development incentive contract between the County of Durham and the Hill, LLC, in the maximum amount of \$1,000,000.00, subject to LGC approval.

9. Public Hearing – TC0900008 – Riparian Buffers

20 min.

The Board is requested to conduct a public hearing and receive public comments on the Unified Development Ordinance (UDO) Text Change – Riparian Buffers (TC0900008); and

To adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 3, Applications and Permits; Article 6, District Intensity Standards; Article 8, Environmental Protection; Article 15, Enforcement; and Article 16, Definitions.

Resource Person(s): Steven L. Medlin, AICP, City-County Planning Director; Aaron Cain, AICP, Acting Planning Supervisor; Julia Mullen, Planner

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

10. RESERVED FOR ITEMS PULLED FROM CONSENT AGENDA

1 hrs. 55 min.