

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

Monday, August 27, 2012

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)
  - 1) "In Touch with Durham County," the Durham County Television show, airs on Cable TV Channel 8 at 8:30 a.m. and 12 noon on Mondays; and 8:30 a.m., 12 noon and 6:30 pm on 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.
  - 2) Durham County needs you! If you have a few hours to commit, Durham County has a number of boards and commissions that can benefit from your participation. We invite you to make a difference in our community. Contact the Clerk's Office at 919-560-0025, visit the County's website, or email [Clerk@durhamcountync.gov](mailto:Clerk@durhamcountync.gov) for more information. Please note that all City and County taxes must be current at the time of application.
  - 3) Durham County Library will remember the historic "1963 March on Washington" with a special discussion on Tuesday, August 28 at 7pm. The program will be held at the Main library, 300 N. Roxboro St. Mandy Carter of the Bayard Rustin Centennial Project and Barbara Lau of the Pauli Murray Project will lead this free event.

- 4) The FY2012-2013 Matching Grant Program of the Durham Open Space and Trails Commission application process will begin today, August 20, 2012. The grants are to assist nonprofit organizations in preserving open space lands and promoting new or improved recreational opportunities for citizens. All Durham community nonprofits interested in applying for FY2012-13 Matching Grant funds must submit an application by September 14, 2012. The Matching Grant Program application and FY 2012-13 Program Guidelines are available on the County's website through September 14, 2012. For additional information, please contact the Matching Grants Administrator, Bo Gattis, in the Budget and Management Services department at 560-0012.

**4. Minutes (5 min)**

- a. August 6, 2012 Worksession
- b. August 13, 2012 Regular Session

**5. Durham County Government Wins National County Government Month Award (5 min)**

- 1) The Board is requested to congratulate Durham County's Public Information Office for winning a 2012 National County Government Month (NCGM) Award.
- 2) The 2012 NCGM Award was presented by the National Association of Counties at the annual conference held in Alleghany County, Pennsylvania in early July. The recognition highlighted the Durham County Health and Wellness Education Fair featuring Flashmob held on April 18, 2012. The second place award was secured for producing an activity which presented educational and creative methods for increasing the public's awareness of Durham County Government services. Each year, Durham County Government participates in NCGM. This year's theme, "*Healthy Families, Healthy Counties,*" set the tone for the award-winning activity.
- 3) The Health and Wellness Education Fair featuring the Flashmob event, held in the heart of downtown at the CCB Plaza, was well attended and supported by Durham County employees and citizens. Attendees enjoyed information learned and the 15 minutes of cardio surprise.

**Resource Persons:** Deborah Craig-Ray, Assistant County Manager; and Dawn Dudley, Public Information Specialist

**County Manager's Recommendation:** The County Manager recommends that the Board congratulate Durham County Government employees for the outstanding award.

**6. Recognize Durham County EMS 2012 Recipient of the Vic Pearson Memorial Award (5 min)**

- 1) The Board is requested to recognize Rick Johnson, Paramedic, Durham County EMS, as the recipient of the **2012 Vic Pearson EMS Memorial Award**. Rick was recently recognized at the annual EMS Week celebration in May for his clinical competency and compassion to those he responds to and treats, within the Durham community who suffer from sudden illness or trauma.

- 2) The Vic Pearson Memorial Fund and Award was established in April 1995 in memory of Vic Pearson, who was a Paramedic with Durham County EMS and died after complications from cancer surgery. In remembrance of Vic, this award is presented to the EMS employee who has displayed the highest levels of competency and compassion to his/her patients during the year. These were strong attributes Vic exhibited while employed with Durham County EMS. Each year Durham Regional and Duke Emergency Departments select the individual whom they feel best displays these attributes, and recognizes him/her during EMS Week in May. Mr. Johnson was unanimously selected as this year's award winner.

**Resource Persons:** Mike Smith, EMS System Director

**County Manager's Recommendation:** The County Manager recommends that the Board recognize and congratulate Mr. Johnson for his selection as the 2012 Vic Pearson EMS memorial award winner.

**7. Consent Agenda (15 min)**

- a. Accept the property tax release and refund report for July, 2012 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report;
- b. Accept the gift of three pieces of art by Marjorie Pierson to Durham County Library;
- c. Approve Budget Ordinance Amendment No. 13BCC000009 to amend the budget as indicated to increase the Durham Cooperative Extension budget by \$2,000.;
- d. Approve Budget Ordinance Amendment No. 13BCC000010 to roll funds received in FY 2011-12 into FY 2012-13 in the amount of \$57,424 from the NC Department of Health and Human Services for the DINE Program;
- e. Authorize the County Manager to execute the Utility Contracts for these additions to the County sanitary sewer system;
- f. Approve Budget Ordinance Amendment No. 13BCC000011 in the amount of \$24,000 from the Community Transformation Grant Project;
- g. Approve the elimination of a .8 Public Health Nurse II FTE and creation of 1 Social Worker II FTE, for a net FTE increase of .2 in the Pregnancy Care Management Program;
- h. Approve Capital Project Amendment No. 13CPA000003 appropriating \$4,419,000 of installment purchase financing funds to the Utility Performance Contract capital project;
- i. Approve the Resolution approving the installment financing contract with SunTrust Equipment Finance & Leasing Corp. which contract is attached in substantially final form, subject to changes by the County Attorney and authorize the execution and delivery of the document in connection therewith;

- j. Appoint positions to the Criminal Justice Advisory Committee.

**8. Public Hearing - Alexander Park Development, A1100008 (15 min)**

- 1) The Board is requested to conduct a public hearing and receive public comments on a plan amendment for the Alexander Park Development; and
- 2) To approve the requested change to the land use designation on the Future Land Use Map of the *Durham Comprehensive Plan* from Industrial to Low-Medium Density Residential (4-8 DU/Ac.).
- 3) The following seven (7) attachments are referenced throughout the staff report for further information regarding this case:

Attachment 1, Proposed Change

Attachment 2, Context Map

Attachment 3, Aerial Photograph

Attachment 4, Applicant's Plan Amendment Justification

Attachment 5, Letter from the Greater Durham Chamber of Commerce, Chamber position on Comprehensive Plan Amendment A011-00008, dated March 26, 2012

Attachment 6, Planning Commission Written Comments

Attachment 7, Resolution

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

**County Manager's Recommendation:** The Manager recommends that the Board conduct a public hearing on the proposed amendment to the Future Land Use Map of the Durham Comprehensive Plan and, if appropriate based on the comments received during the hearing, approve the change.

**9. Public Hearing to Consider Allocating Economic Development Investment Funds to Sentinel Data Centers**

- 1) The Board is requested to hold a public hearing to consider allocating economic development investment funds to Sentinel Data Centers, a wholesale data center.
- 2) Sentinel was founded in 2001 to enable corporate users to access both world-class data center real estate and world-class critical infrastructure management services. Sentinel provides turn-key, separately demised, separately secured, fully autonomous data center solutions exclusively for large-footprint users (a model sometimes referred to as "wholesale collocation"). By leasing exclusively to large-footprint users, Sentinel has been able to finely tune its business model to the security, autonomy, reporting and process requirements of large, highly regulated enterprises and services providers.
- 3) Sentinel plans to develop a 300,000 square foot, tier three plus data center in three generally equal phases of 100,000 square feet each over a three year period. The company will spend approximately \$174,000,000 on capitalized building costs,

machinery and equipment through 2015. In addition, the project will bring approximately 19 new full-time jobs.

- 4) Durham County is one of several locations under consideration and company officials have stated that incentives from the local government are a key consideration in its final decision on locating its new operations in Durham. If Durham County is selected, the project will mean a \$174 million investment in our local economy.
- 5) Staff is recommending that the county participate in this economic development project by providing up to eight hundred thousand (\$800,000.00) for the project for the capital investment. Funds would be furnished over a six (6) year period through and economic development incentive fund performance contract.
- 6) This public hearing was advertised on Friday, August 17, 2012 as required by law.

**Resource Persons:** Marqueta Welton, Deputy County Manager

**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 Sentinel Data Centers in the amount of \$800,000.00.

**10. Public Hearing and Consideration of a Resolution to Adopt the Updated Durham County Hazard Mitigation Plan (15 min)**

- 1) The Board is requested to conduct a Public Hearing on the updated Durham County Hazard Mitigation Plan (HMP) and adopt it by resolution in accordance with Federal regulations for hazard mitigation and disaster recovery funding.
- 2) This updated Plan has been completed in accordance with Federal and FEMA rules which require that the Plan be updated and adopted every five (5) years. The original HMP was adopted in March, 2007.

**Resource Persons:** Mark Schell, Emergency Management Coordinator; Jeff Batten, Emergency Management Director

**County Manager's Recommendation:** The County Manager recommends that the Board conduct a Public Hearing and adopt the updated Hazard Mitigation Plan at the September 10, 2012 Regular Session.

**11. Board Appointments (10 min)**

- 1) Michelle Parker-Evans, Clerk to the Board, will distribute ballots to the Board to make appointments to the following boards and commissions:
  - a. Adult Care Home Community Advisory Committee
  - b. Bicycle & Pedestrian Advisory Committee
  - c. Dangerous Dog Appeal Board

- d. Juvenile Crime Prevention Council
- e. Nursing Home Community Advisory Committee

**Resource Person(s):** Michelle Parker-Evans, Clerk to the Board

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

**12. RESERVED FOR ITEMS PULLED FROM CONSENT AGENDA (20 min)**

**13. Closed Session (1 hr 45 min)**

- 1) The Board is requested to adjourn to Closed Session pursuant to G. S. 143-318.11(a)(5) to instruct staff concerning the acquisition of real property located at 4527 Hillsborough Road, Durham.
- 2) The Board is requested to adjourn to Closed Session pursuant to G. S. 143-318.11(a)(3) in the Matter of the Appeal of IBM Credit Corporation for the Valuation and Taxation of Real Property by Tax Year 2001, 01 PTC 544.
- 3) The Board is requested to adjourn to Closed Session pursuant to G. S. 143-318.11(a)(3), and to preserve attorney-client privilege.
- 4) The Board of Commissioners is requested to adjourn to closed session to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee, pursuant to G.S. 143-318.11(a)(6).

**Resource Persons:** Lowell L. Siler, County Attorney

**County Manager's Recommendation:** The County Manager recommends that the Board adjourn to closed session and provide direction to staff, if needed.