

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

Monday, February 22, 2010

7:00 P.M. Regular Session

MINUTES

Place: Commissioners' Room, second floor, Durham County Government Administrative Complex, 200 E. Main Street, Durham, NC

Present: Chairman Michael D. Page, Vice-Chairman Ellen W. Reckhow, and Commissioners Becky M. Heron, Brenda A. Howerton, and Joe Bowser

Absent: None

Presider: Chairman Page

Opening of Regular Session—Pledge of Allegiance

State of the County Address

Chairman Page requested that the Commissioners move to the front row of the Chambers during the State of the County Address. He delivered the County's Annual State of the County Address highlighting the accomplishments of County Government in 2009 as follows:

“Good Evening Fellow Commissioners, County Manager Mike Ruffin who is unable to join us tonight, Durham County Administrative Staff, Department Heads and employees, special guests, my fellow citizens, those who are in the chambers and those who may be watching us on television, or on the Internet. Before I begin my remarks, I would like to recognize my fellow County Commissioners:

- Vice Chairman Ellen W. Reckhow
- Commissioner Brenda Howerton
- Commissioner Becky Heron
- And Commissioner Joe Bowser.

I want to thank these remarkable elected officials who serve with me on the Board for their time, talent, energy and for the tremendous skills, knowledge and compassion that they bring to the task. Also, my heartfelt thanks for re-electing me as Chairman for another year. I know we will continue to work together in a positive manner as we confront the challenges that are before us in the coming year.

My goal is to spend a few moments this evening reviewing our successes and achievements during the past year. Yes, even though we've experienced some fiscal challenges since last year, we do indeed have achievements in which we can take pride.

I will remind you that when I spoke to you last year, we were just witnessing the unprecedented financial challenges that were before us, primarily due to the economic climate that our nation was experiencing. As I ended my remarks last year, I assured this community that Durham County government would go through a transition during the slowdown and would eventually emerge a stronger Durham County Government. I can say today that, while we are still in an economic transition like the rest of the nation, Durham County is strong and moving in a positive direction.

Following my review of our past year, I will spend a few minutes addressing where I hope we will go in the near future.

First of all, I am pleased to note that your Board of County Commissioners was unified in the response to the 2009 budget concerns. We endured revenue losses in Sales Taxes, Register of Deeds Revenue and Interest income for example. Midyear cuts averaging 3% in funding for our schools, non profits and nearly 6% reductions in our departments were implemented. But thanks to the dynamic work of our County Manager Mike Ruffin and his Senior Management team, along with sacrifice and adjustments on the part of our departments, non profits and our schools, our Board unanimously approved a budget that did not raise taxes, did not cut services or cut any employees. Thanks to all of our employees for working with us.

We recognize that while our economic challenges remain, we nevertheless are faring better than many other local governments across this state and nation.

On the state level, economic challenges included a \$5 billion dollar budget shortfall that impacted all counties including Durham. State legislators who crafted the budget were forced to increase the state's sales tax and to make substantial cuts in funding levels in many areas such as education, human services, corrections and more. Clearly decisions in Raleigh drove some of the choices that we had to make in passing our own local budget.

Durham County continues to be a financially well managed county. Despite the economic downturn, we remain one of a small group of counties nationwide with a Triple A bond rating from the three rating agencies, S & P, Moody's and Fitch, placing us in the top 1% of counties nationwide.

As you can imagine economic difficulties have made financing major projects more of a challenge for the public sector, just as it has become for the average business or consumer.

Traditionally economic recovery following a downturn is government driven. Durham County is proceeding with building several major capital projects and we believe this will benefit our taxpayers in the long run. Such projects create an opportunity for many local jobs to be created and are good for the health of our economy.

Our Board engaged in a deliberative process to decide if it was indeed in our best interest to move forward with construction of two major projects. They are the Health and Human Services building and the proposed Courthouse. Because of the overall decline in the number of major construction projects in the region, contractors reduced costs and bid proposals in this competitive environment. The net effect to Durham County was a \$20

million dollar saving over the original estimate for the Human Services project, and slightly less than a \$25 million dollar saving over the projected cost of the new courthouse project.

In this economic downturn, Durham County Finance officials sought different tools for borrowing and financing capital projects as the market tightened. Our Finance Director George Quick negotiated the use of Bond Anticipation Notes or BANS for financing projects. What this does is allow for drawing down funds on an as-needed basis, rather than borrowing the full cost of the projects and paying interest on unused funds for many years. The net is a very low interest rate, and an overall net savings during the construction process. This innovative financing plan will save us millions of dollars in interest as we continue to finance schools, the courthouse and other capital projects in our program.

For several years, Durham County has been among the top counties in its tax collections. A few factors changed with the economic slowdown. Durham County has allowed citizens to use tax payment plans so long as property taxes are paid on time and not delinquent at the time of the request. In 2007 there were 307 such plans. Last year that number grew to 1531! I will tell you that our Tax Administrator Kim Simpson and her staff are working very hard to ensure that our collection rate remains on target with our budget. But our tax base is only seeing marginal growth at this point.

Durham County has indeed weathered this downturn much better than many parts of our state and nation. Despite tough economic times in 2009, Durham County still ranked as one of the best places in America to ride out a recession. Our Board indeed provided an economic incentive contract of \$1.2 million dollars for EMC Corporation located in the Research Triangle Park. EMC which provides information infrastructure is investing \$280 million in its expansion project and will create nearly 400 new jobs.

Just last month, our board also voted to enter into an economic development incentive contract with Innovative Emergency Management, Inc. IEM is moving its headquarters from Baton Rouge Louisiana and creating 400 plus jobs in our county. Our economic development partners at the Chamber of Commerce continue to work tirelessly to seek companies that will provide much needed jobs and be good fit for Durham.

The Stimulus Package approved by Congress last year helped state and local governments maintain many services. Nearly \$21 million dollars have come directly to, or passed through Durham County to help provide public services and to jumpstart our economy. Most of Durham County Government's aid helps our most vulnerable citizens. Increased amounts of Food stamps, childcare subsidy funding, Medicaid funding and funds to help reduce homelessness have allowed us to serve more clients.

Our Lincoln Community Health Center received nearly \$2 million dollars to improve operations and to construct more exam rooms and ultimately reduce waiting times for its patients. We are optimistically anticipating an additional infusion of stimulus funding for other programs for which we have applied during this year. A complete listing of what has been received is available on our website.

Providing human services is a primary role of county government in our state. I am sure I don't have to tell you that the economic downturn has put a strain on the human services that we provide. With greater numbers of vulnerable families, our human service workers try to stretch declining resources to meet the increasing needs. As I mentioned earlier, our Social Services Department was able to use additional stimulus dollars to help residents with Medicaid, child care for low income families, food stamps and more. With the leadership of our new Director, Ms. Geri Robinson, I am confident that the most vulnerable families in our community will receive the resources and services they need to move to self sufficiency.

Our Public Health Department responded to the H1N1 influenza pandemic that gripped our community and nation last summer. Through coordination with Duke University Health Systems, Durham Public Schools, businesses, health care practices and the state, our staff provided H1N1 vaccinations to thousands of citizens at clinics throughout the community as well as at the local health department. Providing information and education about this new influenza was critical during the period. Our Public Health Director Gayle Harris became an instant TV star by appearing on various talk shows, our own In Touch with Durham County Show, even on YouTube webcasts to make sure everyone understood the importance of treatment and prevention related to H1N1. Gayle has become famous for her enthusiasm and her strong directive to us all... "Wash your hands, sing the happy birthday song twice and make bubbles!!!"

Seriously, the overall health of our community must improve according to the recent State of the County Health Report. From this report we note that we urgently need to make progress on issues including reducing adult and childhood obesity, infant mortality rate, the rate of HIV/AIDS, along with teen pregnancy.

We must commit resources to improving funding in these areas, and we must energize those organizations with which we collaborate to seek ways to improve our community's health status.

In addition, unemployment and layoffs contributed to the numbers of uninsured in our community. We must continue to work to reverse that trend and provide healthcare to our community.

Our Durham Center continued to meet the needs of our most vulnerable residents experiencing behavioral health and disability issues. Durham's Mobile Crisis Team, made up of psychiatrists, nurses, counselors, addiction specialists and other professionals responded to nearly 200 individuals in crisis. That work resulted in keeping all of those consumers out of an admission to a State hospital.

Also, the walk in clinic located at our local crisis facility, Durham Center Access, located at 309 Crutchfield Street near Durham Regional Hospital, provided intervention and stabilization and treatment for 213 persons, again diverting them from an admission to a State hospital. Durham Center continues to work with the goal of ensuring that limited and costly high-level services are reserved for consumers with the greatest need. Overall, Human Services are a core service of counties and we remain committed to providing the best care possible to our residents.

Durham County was pleased to join with the Durham Public Schools, the City of Durham and Duke University Health Systems in support of the new, Holton Career and Resource Center which opened in August. This facility provides vocational and technical education courses offered by Durham Public Schools, a Duke Health community clinic, recreation center and other resources to support the surrounding neighborhood. This is a wonderful example of adaptive reuse of the former Holton Middle School.

The best way to provide services in these challenges times is to look for every opportunity to collaborate with others in serving our community. One new program, Computers 4 Kids was launched in 2009 as a partnership between Durham County Government, Durham Public Schools, the United Way of the Greater Triangle, and the Volunteer Center of Durham. County surplus desktop computers are refurbished and provided free of charge to students who've been referred by Durham County Social Services, DPS social workers, DPS teachers, DPS tutors or the Juvenile Crime Prevention Council. To date almost 100 kids have received computers through this program. This is a great program to begin to bridge the digital divide.

Our own Durham County employees understand the importance of giving back to this community and working with other groups to make a difference. Last May for two days during County Government week, 15 Durham County employees volunteered to help build an eco-friendly home located at Fairview Road just off West Morehead Street. Pictured here are Ravi Kotthuru, Cathy Simmons, Michael Perry, Wil Sutton and Drewlyn Chessa. Thanks to all of the employees for your hard work and for helping to provide a new home for a deserving Durham family.

In 2009, work continued on some key approved bond projects. The Museum of Life and Science's BioQuest expansion project was completed with the July opening of its new dinosaur trail. The project was another example of a successful public-private partnership - half funded by County bond funds and half by private donors. Features include an improved walking trail with life-size model replicas, footprints, and a fossil remains dig site. Thanks to the Museum for welcoming a record 400,000 visitors and for creating a major economic impact for Durham of nearly \$13 million dollars!

The groundbreaking for our new \$70 million dollar state of the art Human Services Complex was conducted in May. At this point a parking area has been completed and the unique building project remains on track. It is being constructed in phases, with the first phase set for completion at the end of the year.

Currently, work on the wing that will house the Health Department is underway. Once that is completed and the Health department moves in, the present health department will be torn down to allow the rest of the building to be constructed. This client-friendly structure will bring together public health, social services and mental health/substance abuse service making our Human Service delivery system more effective and efficient.

Our new Animal Control Office Building was opened early last year. In keeping with our Sustainability Policy, a Silver LEED Certification for the new facility was applied for and awarded.

In addition, two projects for our Durham County Library system are nearing completion. The South Regional library, located on the corner of Highway 54 and South Alston Avenue is on schedule and we expect it to open early this summer. The expansion and renovation of our Southwest Regional Library, on Shannon Road, has been underway since last March. You will recall that we are actually expanding that location to a full service 25,000 square foot building in line with our other regional library branches. It, too, is on target for opening later this year.

Renovations at Lincoln Community Health Center were completed last fall. Durham County renovated the lower level area formerly occupied by our Emergency Medical Services that was vacated when the new EMS facility was opened near Hayti Heritage Center on Old Fayetteville Street.

Finally, major renovations continued at our historic Durham County Stadium. The construction for this \$8 million dollar project began last April, and the focus of the renovations includes the addition of a new running track and collaterals. Many other capital projects are in process around the county and we look forward to showing them in a future report.

This County maintained its strong reputation as a leader in many areas of public administration. Sometimes in the face of adversity, we are challenged to think outside the box and the results can be quite positive as demonstrated by these honors.

Durham County received five National Association of Counties Achievement Awards. This annual program recognizes innovative county government programs across our nation and our Library received awards for four programs:

- GenText Book Club, a program for residents in their 20's and 30's.
- Get Set, Get Ready, Let's Read! An early literacy program where library personnel visit 15 in-home childcare centers.
- Poetry for Everyone that includes events held at various library facilities with local celebrities, elected officials, and poets reading their favorite poems
- Write On! which is a writing workshop for teens that helps them become better writers and readers.

The 5th NACo Achievement Award was given to our Department of Social Services for its Guardianship Assistance Program. This program is the State's first child welfare kinship care program and won a state award in 2008.

In another area of innovation, DSS partnered with the North Carolina Latino Coalition to launch a Spanish-language website which translates all English-language on the DSS website to Spanish. By simply clicking on the "Espanol" button on the website, visitors can access more than 100 documents translated into Spanish and dozens of bilingual educational materials for families.

I believe award winning programs begin in the minds of award winning employees. Durham County employees were recognized for accomplishments in various areas.

Ms. Lee Lichtenwalter, of our Public Health Department was honored by Glaxo Smith Kline with the 2009 Child Health Recognition Award.

Eddie Culberson, director of Soil and Water Conservation received the Technical Employee of the Year Award from the N. C. Association of Soil and Water Conservation Districts.

Skip Auld, Durham County Library Director was named the 2009 Distinguished Alumnus of the School of Information and Library Science at UNC Chapel Hill. This award is the highest honor bestowed on an alumni.

Our Durham County Register of Deeds office completed a major technological enhancement to their recordkeeping in 2009. Residents now have the ability to view all of Durham County real estate transactions from 1881 to the present time. That includes deeds, maps, plats and documents.

Durham County continued to inform citizens through the use of cable TV. The new “In Touch With Durham County” TV show was launched in August and airs daily on Cable Channel 8. This show has featured interviews with our County Commissioners, community partners and various department heads. Timely topics have included H1N1 response, winter storm safety, citizen engagement, treating holiday depression, and Grandparents Raising Grandchildren to name a few. In addition, all County Commissioners evening meetings are webcast on our Granicus site and broadcast several times a week on Cable Channel 8.

In an effort to engage our younger residents in the work of their local government, Durham County now “Tweets” and has “Facebook” friends and fans. The use of Twitter and Facebook has greatly enhanced our ability to get important messaging out very quickly. Durham County was recently featured in “AIM”, the monthly magazine for Local Government Employees Credit Union members statewide for our use of these new social media tools.

Durham County has also turned to podcasting to get immediate messages out the community. Such issues as the new smoking ban in restaurants, train safety and H1N1 immunization information have been placed on the county’s YouTube site on our website.

During last year’s State of the County address, I announced a new awards program....The Commissioners Community Circle Award. It was developed help our Board to identify and recognize various organizations for the outstanding services provided to the citizens of Durham. It is given for excellence in the areas of productivity, creativity and commitment to improving the lives of our citizens. Our entire community wins when ordinary citizens take it upon themselves to produce extraordinary acts of kindness and service to their neighbors. Congratulations again to our 2009 winners:

- Durham County Health Department’s Nutrition Division
- Salvation Army Boys and Girls Club
- Durham City-County CrimeStoppers Inc.
- Legacy Center
- Alliance of AIDS Services – Carolina
- New Beginnings Outreach CDC
- Hold Your Head Up

We have done much in this past year that we can take pride in. Despite the economy, we have tackled many challenges and succeeded. Let us take a look at where we go from here. There is no question that we must continue to be fiscally conservative in the management of our resources for the coming year.

Until a full recovery is evident, we will do everything within our power to continue to deliver the services most critical to our residents.

We are beginning to see some glimmers of an upturn in some economic indicators. Those who study these trends note that a real recovery will be steady, but slow. What that tells us is that the revenues that we depend on from various sources will continue to lag yet another budget cycle.

As our General Assembly prepares to return to Raleigh in May for a short session, we are waiting to learn where state revenues will be and what cost shifting from state to local government we will have bear this time.

Just last week our Board met with staff to begin to crystallize our strategy for moving through this year. The news was sobering, but we will take the steps necessary to provide a budget that serves this county's needs. Our departments are preparing for this budget season and have already been tasked with developing a spending plan that is less than the one they currently operate under.

Know that we will tighten our belts, roll up our sleeves and work to provide the best service level possible for our citizens. We will meet our challenges with the leadership, experience and vision of those you in this room.

In the weeks to come, we will conduct several community meetings to hear from our citizens about their priorities, and where our county will move forward.

At the end of the day, I remain confident that we will stay true to the mission and values that keep Durham County a wonderful place to live, work and do business. Thank you."

Announcements

Chairman Page made the following announcements:

- "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.; and
- The NC Dental Society's Missions of Mercy outreach program to hold a FREE dental clinic for adults on March 12 and 13 at the National Guard Armory, 801 Stadium Drive. Cleanings, fillings, and extractions would be provided from 7:30 a.m. – 5:00 p.m. both days. This Program is open only to adult patients whose family income is less than 200% of the Federal Poverty Index. Services to be provided on a first come, first serve basis.

Agenda Adjustments

Deputy County Manager Wendell Davis noted that Consent Agenda Item No. i had been revised and indicated on the revised agenda, which had been placed at each Commissioner's station.

Keep Durham Beautiful Wins National Award for Fifth Consecutive Year

Chairman Page announced that on December 14, 2009, Keep Durham Beautiful (KDB) received the Keep America Beautiful President's Circle Award for a fifth year in a row during the Keep America's Beautiful's National Conference held last December in the nation's capital.

To qualify for a *President's Circle Award*, Keep Durham Beautiful (KDB) 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. In addition, award recipients must conduct activities in KDB's three core focus areas of litter prevention, waste reduction and beautification/community improvement.

In 2009, Keep Durham Beautiful had 2,469 volunteers that contributed over 15,000 hours at 193 events across Durham. Volunteers came from neighborhoods and schools across Durham as well as from corporations such as GlaxoSmithKline, Quintiles, and the Duke Alumni Association. Projects included litter cleanups, road and park adoption, planting gardens and trees, and improving the community through KDB's expanded grants program.

Brian S. Haynesworth, Waste Reduction Specialist, elaborated on KDB's purpose and objectives.

Dorothea Pierce, Executive Director, and Sylvia Le Goff, Chairwoman, KDB, introduced KDB board members and spoke to KDB's achievements and accolades.

Keep Durham Beautiful representatives received applause from the audience.

Chairman Page thanked KDB for its hard work.

Vice-Chairman Reckhow recapped the moment when KDB was reactivated in hopes of connecting with private sectors. She commended staff for KDB's achievements.

Resolution Honoring John L. Atkins III, FAIA, Chairman and CEO of O'Brien/Atkins Associates

Chairman Page reported that he attended the celebration to appoint Mr. Atkins as Honorary Consul General to Japan.

Chairman Page read the following resolution to honor Durham resident John L. Atkins III, FAIA, Chairman and CEO of O'Brien Atkins Associates, for his recent noteworthy appointment:

RESOLUTION

WHEREAS, John L. Atkins III, FAIA, Chairman and CEO of O'Brien/Atkins Associates, was appointed Honorary Consul General to Japan in Raleigh by Mr. Katsuya Okada, Minister for Foreign Affairs with the Ministry of Foreign Affairs in Tokyo, Japan; and

WHEREAS, his appointment letter was officially bestowed by The Honorable Takuji Hanatani, Consul General of Japan in Atlanta, on February 11, 2010; and

WHEREAS, Mr. Atkins is highly regarded in various industry groups, civic and professional organizations, and economic development initiatives; and

WHEREAS, this Durham native who holds a Bachelor of Architecture from North Carolina State University and a Master of Regional Planning from the University of North Carolina at Chapel Hill is also a member of the American Institute of Architects' College of Fellows, an honor only five percent of architects receive; and

WHEREAS, this latest honor further demonstrates his extraordinary efforts to build professional goodwill that bridges the divide between the United States and Japan:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham Board of County Commissioners, do hereby congratulate

JOHN L. ATKINS III, FAIA

for attaining this prestigious appointment as Honorary Consul General to Japan for his extraordinary professional accomplishments. We call upon all Durham County residents to join in congratulating Mr. Atkins for this tremendous honor.

This the 22nd of February, 2010.

/s/ All Five Commissioners

Mr. Atkins received applause from the audience. He thanked the Board for the recognition and commented briefly on his and Durham County's relationship with Japan and its companies.

Chairman Page presented the resolution to Mr. Atkins.

Consent Agenda

Chairman Page requested that the Board defer voting on Consent Agenda Item Nos. l – q until after the discussion of Execution of the Construction Contract for the New Durham County Courthouse & Parking Structure Project No.: DC066, IFB No: 10-015.

The Board voiced no objections.

Vice-Chairman Reckhow moved, seconded by Commissioner Howerton, to approve the following consent agenda items:

- *a. Property Tax Releases and Refunds for Fiscal Year 2009-2010 (accept the property tax release and refund report for January 2010 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- *b. Approve Budget Ordinance Amendment No. 10BCC000054 in the Amount of \$200,000 and amend the County Tax Service Inc. Contract;
- *c. Approve Budget Ordinance Amendment No.10BCC000055 in the Amount of \$200,000 and amend the contract with Turner Business Appraisers for property value discoveries;
- *d. Approve Budget Ordinance Amendment No. 10BCC000056—Public Health—to recognize Funds from the Department of Health and Human Services in the Amount of \$50,000 for the Child Health Program;
- *e. Approve Budget Ordinance Amendment No. 10BCC000057—Public Health—to recognize Grant Funds in the Amount of \$5,950 from Results-Based Accountability (RBA) for the Partnership for a Healthy Durham;
- *f. Approve Budget Ordinance Amendment No. 10BCC000058—Public Health—to recognize Grant Funds from Duke for the Amount of \$32,964 for the Implementation of the Durham Health Innovations Grant in the Health Education Division;
- *g. Approve Budget Ordinance Amendment No. 10BCC000059—Public Health—to recognize Grant Funds from the March of Dimes in the Amount of \$3,426 for the Maternal Health Program;
- *h. Approve Budget Ordinance Amendment No. 10BCC000060—Public Health—to recognize Grant Funds from BCBS of NC Foundation in the Amount of \$10,000 for Project Soul in the Health Education Division;
- *i. Appointment of the 2010 E&R Board Members (appoint a special Board of Equalization and Review, designate membership to this Board, appoint Chair and Vice Chair, and approve compensation);
- j. Advertising of Tax Liens (approve the Tax Administrator's request to begin advertising the 2009 tax liens in the month of March); and
- *k. Approve the Resolution of Intent to sell the Durham County Home Health Agency dba Visiting Nurse Service of Durham and direct the Public Health Director to proceed with the request for proposals.

The motion carried unanimously.

*Document(s) related to this item follow:

Consent Agenda Item No. a. Property Tax Releases and Refunds for Fiscal Year 2009-2010 (accept the property tax release and refund report for January 2010 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report).

Due to property valuation adjustments for over assessments, listing discrepancies, duplicate listings, and clerical errors, etc., the attached report details releases and refunds for the month of January 2010.

Releases & Refunds for 2010 Taxes:	
Personal	<u>\$ 21,043.45</u>
Total for 2010 Taxes and Fees	\$ 21,043.45

Releases & Refunds for 2009 Taxes:	
Real Estate	\$ 42,703.08
Personal	\$211,164.76
Motor Vehicles	\$ 24,192.78
Vehicle Fees	<u>\$ 510.00</u>
Total for 2009 Taxes and Fees	\$278,570.62

Prior years' (2004-2008) releases and refunds for January 2010 are in the amount of \$34,478.37. The total current year and prior years' releases and refunds amount to \$334,092.44.

(Recorded in Appendix A in the Permanent Supplement of the February 22, 2010 Regular Session Minutes of the Board.)

Consent Agenda Item No. b. Approve Budget Ordinance Amendment No. 10BCC000054 in the Amount of \$200,000 and amend the County Tax Service Inc. Contract.

DURHAM COUNTY, NORTH CAROLINA
 FY 2009-10 Budget Ordinance
 Amendment No. 10BCC000054

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental	\$238,026,950	\$200,000	\$238,226,950

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
General Government	\$66,215,482	\$200,000	\$66,415,482

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 22nd day of February, 2010.

Consent Agenda Item No. c. Approve Budget Ordinance Amendment No.10BCC000055 in the Amount of \$200,000 and amend the contract with Turner Business Appraisers for property value discoveries.

DURHAM COUNTY, NORTH CAROLINA
FY 2009-10 Budget Ordinance
Amendment No. 10BCC000055

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental	\$238,026,950	\$200,000	\$238,226,950

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
General Government	\$66,215,482	\$200,000	\$66,415,482

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 22nd day of February, 2010.

Consent Agenda Item No. d. Approve Budget Ordinance Amendment No. 10BCC000056—Public Health—to recognize Funds from the Department of Health and Human Services in the Amount of \$50,000 for the Child Health Program.

DURHAM COUNTY, NORTH CAROLINA
FY 2009-10 Budget Ordinance
Amendment No. 10BCC000056

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental	\$449,162,712	\$50,000	\$449,212,712

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$482,218,665	\$50,000	\$482,268,665

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 22nd day of February, 2010.

Consent Agenda Item No. e. Approve Budget Ordinance Amendment No. 10BCC000057—Public Health—to recognize Grant Funds in the Amount of \$5,950 from Results-Based Accountability (RBA) for the Partnership for a Healthy Durham.

DURHAM COUNTY, NORTH CAROLINA
FY 2009-10 Budget Ordinance
Amendment No. 10BCC000057

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental	\$449,212,712	\$5,950	\$449,218,662

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$482,268,665	\$5,950	\$482,274,615

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 22nd day of February, 2010.

Consent Agenda Item No. f. Approve Budget Ordinance Amendment No. 10BCC000058—Public Health—to recognize Grant Funds from Duke for the Amount of \$32,964 for the Implementation of the Durham Health Innovations Grant in the Health Education Division.

DURHAM COUNTY, NORTH CAROLINA
FY 2009-10 Budget Ordinance
Amendment No. 10BCC000058

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u> Intergovernmental	\$449,218,662	\$32,964	\$449,251,626

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u> Human Services	\$482,274,615	\$32,964	\$482,307,579

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 22nd day of February, 2010.

Consent Agenda Item No. g. Approve Budget Ordinance Amendment No. 10BCC000059—Public Health—to recognize Grant Funds from the March of Dimes in the Amount of \$3,426 for the Maternal Health Program.

DURHAM COUNTY, NORTH CAROLINA
FY 2009-10 Budget Ordinance
Amendment No. 10BCC000059

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u> Intergovernmental	\$449,251,626	\$3,426	\$449,255,052

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u> Human Services	\$482,307,579	\$3,426	\$482,311,005

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 22nd day of February, 2010.

Consent Agenda Item No. h. Approve Budget Ordinance Amendment No. 10BCC000060—Public Health—to recognize Grant Funds from BCBS of NC Foundation in the Amount of \$10,000 for Project Soul in the Health Education Division.

DURHAM COUNTY, NORTH CAROLINA
FY 2009-10 Budget Ordinance
Amendment No. 10BCC000060

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental	\$449,255,052	\$10,000	\$449,265,052

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$482,311,005	\$10,000	\$482,321,005

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 22nd day of February, 2010.

Consent Agenda Item No. i. Appointment of the 2010 E&R Board Members (appoint a special Board of Equalization and Review, designate membership to this Board, appoint Chair and Vice Chair, and approve compensation).

Appointments to the 2010 Board of Equalization and Review
By each BOCC member

My recommendation is to appoint Mr. Scott as Chair and Mr. Robinson as Vice-Chair for 2010

George A. Scott
909 Brandon Road
Durham NC 27713
596-8370

appointed by The Reverend Michael D. Page
(served as 2008 Chair)

Warren Robinson
705 Wellingham Drive
Durham NC 27713
730-7008
appointed by Joe Bowser
(served as 2008 Vice-Chair)

Kelly Matherly
2701 Pickett Road
Durham NC 27705
489-1740
appointed by Ellen Reckhow

Spurgeon Booth
PO Box 2916
Durham NC 27715
417-5159 (cell phone)
appointed by Brenda Howerton

Martha Ann Traylor
PO Box 2752
Durham NC 27715
309-1255
appointed by Becky Heron

Consent Agenda Item No. k. Approve the Resolution of Intent to sell the Durham County Home Health Agency dba Visiting Nurse Service of Durham and direct the Public Health Director to proceed with the request for proposals.

RESOLUTION DECLARING ITS INTENT TO SELL THE DURHAM COUNTY HOME HEALTH AGENCY DBA VISITING NURSE SERVICE OF DURHAM PURSUANT TO N.C.G.S. §131E-13

WHEREAS, the County of Durham, North Carolina (the “County”) has determined to sell the Durham County home health agency dba Visiting Nurse Service of Durham.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Board of Commissioners for the County, as follows:

1. The County of Durham intends to sell the Durham County Home Health Agency dba Visiting Nurse Service of Durham;
2. The Durham County Health Director is hereby directed to request proposals of purchase by direct solicitation of at least five (5) prospective buyers and include a copy of North Carolina General Statute §131E-13 with the solicitations;
3. The Board of Commissioners shall conduct a public hearing on the resolution of intent on March 22, 2010.
4. Notice of the public hearing shall be published at least fifteen (15) days before the hearing.
5. Notice of this proposed action was duly published in The Herald Sun on February 12, 2010.

Public Hearing—Zoning Map Change—New Middle School—Treyburn (Z0800034)

This item was continued from the February 9, 2009, March 12, 2009, and March 23, 2009 Board of County Commissioner’s meetings and referred back to staff at the August 10, 2009 meeting.

County Attorney Lowell Siler explicated the differences in the public and quasi-judicial hearings and the major site plan pertaining to New Middle School—Treyburn.

Patrick Young, AICP, Assistant Planning Director, requested that the Board 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). Mr. Young presented a PowerPoint presentation in conjunction with his request.

Chairman Page opened the public hearing that was properly advertised and called the following signed speakers forward for comments:

Christian Ferrell, 1009 Snow Hill Road, Durham 27712

Jim Slaughter, 816 Snow Hill Road, Durham 27712

Steve Ross, 1005 Snow Hill Road, Durham 27712

Nancy Hester, 2110 Vintage Hill Drive, Durham 27712

Rob Zebrowski, 4 Amberglen Court, Durham 27712

Michael Porter, representing Merck and Co., 1722 Hadington Drive, Durham 27712

Dr. E. Lavonia Allison, Durham Committee on the Affairs of Black People PO Box 428, Durham 27702

DeAnn Cable, 610 Red Cedar Circle, Durham 27712

Lewis Cheek, representing Durham Public Schools, 430 Davis Drive, Durham 27713

Joe Parker, 1207 East Pointe Drive, Durham 27712

Jason McGhinnis, 4 Deerwood Court, Durham 27712

Andy Parker, 6 Deerwood Court, Durham 27712

Bernie Rice, 7006 Old Trail Drive, Durham 27712

Steve Yova, 11 Fairwoods Drive, Durham 27712

Bernice Bond, 107 Wright Hill Drive, Durham 27712

Patrick Byker, representing Durham Public Schools, 2614 Stuart Drive, Durham 27707

Chairman Page closed the public hearing and referred the matter back to the Board.

Commissioner Heron moved, seconded by Vice-Chairman Reckhow to approve Zoning Map Change—New Middle School—Treyburn (Z0800034).

The Board held a brief discussion regarding the zoning map change.

The motion carried unanimously.

Quasi-Judicial Public Hearing—Major Special Use Permit—New Middle School—Treyburn (M0900005) and Quasi-Judicial Public Hearing—Transportation Special Use Permit—New Middle School—Treyburn (T0900003)

Chairman Page stated that the quasi-judicial hearing was judicial in nature and would be conducted in accordance with special due process safeguards.

Chairman Page directed all persons who had signed to testify in the case to go to the Clerk's station to be sworn in or to give affirmation. (Those persons who had not signed earlier on the

special sheet and wished to speak were directed to sign the sheet and participate in the swearing-in.) After being sworn in, persons were to return to their seats.

The Clerk to the Board administered the oath to everyone who had signed up to speak.

Before opening the hearing, Chairman Page gave the Board members a chance to reveal possible conflicts and to withdraw from the proceeding if necessary.

No one responded.

Chairman Page asked the Commissioners if they could rule fairly and impartially.

None of the Commissioners revealed conflicts.

Chairman Page continued by stating, "In this hearing, we will first hear from the Planning staff and other County witnesses, then from the applicant and their witnesses, and then from any opponents to the request. Parties may cross-examine witnesses after the witness testifies when questions are called for. If you want the Board to see written evidence, such as reports, maps, or exhibits, the witness who is familiar with the evidence should ask that it be introduced during or at the end of his or her testimony. We cannot accept reports from persons who are not here to testify. Attorneys who speak should not give factual testimony but may summarize their client's case. Before you begin your testimony, please clearly identify yourself for the record."

Chairman Page opened the hearings on Case Nos. M0900005 and T0900003 and asked for the testimony from County staff. He stated that staff would present and explain the staff report and ask that it be entered into evidence. At the end of each staff person's testimony, the chairman would then ask you questions, are there questions from the Board or any of the parties.

Michael Stock, AICP, Senior Planner, presented the following PowerPoint presentation to aid in his report:

Major Special Use Permit Case # M0900005
Applicant: Durham Public Schools

- Requested Actions:
 - 1) Conduct a Quasi-Judicial Public Hearing
 - 2) Consider approval of a Major Special Use Permit for an 850 student Middle School with 169 parking spaces

- Board Findings for Approval:

Proposed use is

 - 1) In harmony with the area and not substantially injurious to the value of properties in the general vicinity; and
 - 2) In conformance with all special requirements applicable to the use; and
 - 3) Will not adversely affect the health or safety of the Public; and
 - 4) Will adequately address the review factors listed below

- Review Factors:
 - 1) Circulation
 - 2) Parking and Loading
 - 3) Service Entrances and Areas
 - 4) Lighting
 - 5) Signs
 - 6) Utilities
 - 7) Open Spaces
 - 8) Environmental Protection
 - 9) Screening, Buffering and Landscaping
 - 10) Effect on Adjacent Property
 - 11) Compatibility
 - 12) Consistency with Policy
 - 13) Other Factors as Established by the Governing Body
- Staff report evaluated all findings and review factors based on information available to the Planning Department and information provided by the applicant.
- Based on staff review, the application appears to meet all technical requirements of the Unified Development Ordinance.
- Staff Recommendation
 - Staff will make a recommendation at the conclusion of tonight's hearing.

Transportation Special Use Permit Case # T0900003

Applicant: Durham Public Schools

- Requested Actions:
 - 1) Conduct a Quasi-Judicial Public Hearing
 - 2) Consider approval of a Transportation Special Use Permit for an 850 student Middle School with 169 parking spaces and an estimated 711 AM peak hour motor vehicle trips
- Board Findings for Approval
 - The traffic generated by the development and associated improvements to the street system will not have a significant adverse impact on the surrounding area. Significant adverse impact shall include:
 - Substantial increases in traffic on local residential streets such that the majority of the traffic is not associated with the residential properties which front on the street; or
 - The need to widen local residential streets which would detract significantly from the character or basic function of the nearby streets.
 - Adequate provisions have been made for safe and efficient vehicular circulation, parking and loading, and pedestrian access.
- Board Findings for Approval

- The traffic generated by the proposed development and any proposed improvements to the street system will not have a significant adverse impact on the environment. Significant adverse impacts shall include but not be limited to undue concentration of air pollutants, or excessive noise or vibrations.
- The traffic generated by the development can be accommodated by the existing or funded transportation system, or adequate traffic mitigation measures have been proposed as part of the development application. Proposed mitigation measures shall become conditions of the special use permit. The adopted level of service for the adjacent roadways may be considered in making this determination but shall not be the sole factor considered by the governing body.
- Transportation Impact Analysis reviewed by NCDOT and City Transportation Department NCDOT and City Transportation staff concluded that findings appear to be met if several transportation improvements are made by the applicant as a condition of approval of the TSUP and Site Plan
- To hold a quasi-judicial public hearing to consider a Major Special Use Permit for development of a middle school, located at 923 Snow Hill Road, and within the RR zoning district, and F/J-B and M/LR-A overlays. PIN 0835-01-38-4685, 0835-01-29-3261, 0835-02-57-2763
- Summary of TIA Required Improvements
 - Roxboro Road and Snow Hill Road / Mason Road (signalized)
 - Extend the westbound left-turn lane on Snow Hill Road from 75 feet to 200 feet.
 - Extend the southbound left-turn lane from 125 feet to 275 feet.
 - Snow Hill Road and Site Access #1 (unsignalized)
 - Construct Site Access #1 with one ingress lane and two egress lanes with adequate storage and tapers.
 - Construct an eastbound left-turn lane with adequate storage and appropriate tapers.
 - Construct a westbound left-turn lane with adequate storage and appropriate tapers.
 - Snow Hill Road and Site Access #2 (unsignalized)
 - Construct Site Access #2 with one ingress lane and two egress lanes with adequate queuing storage and tapers.
 - Construct an eastbound left-turn lane with adequate storage and appropriate tapers.
- Staff Recommendation
 - Staff will make a recommendation at the conclusion of tonight's hearing.

The Board was requested to issue separate motions for M0900005 and T0900003.

Planning staff and Dan Jewell, Landscape Architect, Coulter Jewell Thames, P.A., addressed questions by the Board pertaining to traffic concerns on the proposed site area.

Chairman Page called the applicants and other proponents forward for their testimonies.

Craigie Sanders, Attorney for K&L Gates, 430 Davis Drive, Durham 27713, representing DPS, stated the request for a transportation special use permit as required by the Unified Development Ordinance. His stated that the project would retain substantial buffering from the residential area to its south. The proposed project is in harmony with the area and would have no negative impact on the value of properties in the general vicinity. The project would have no adverse impact on public health or safety. The plans for this project satisfy all the requirements the general findings for special use permit set for in the UDO. Durham Public Schools has agreed to a number of traffic mitigation measures to offset potential roadway impacts along Snow Hill Road. Mr. Sanders also stated that testimony would be given regarding the specific agreed to number of roadway improvements to mitigate the associated traffic at the proposed school by providing two access points from Snow Hill Road and to promote acceptable level of service near the site. Traffic generated by the development and associated improvements to the street system would not have significant adverse impact on the surrounding area. This means that there would not be increases in traffic on local residential streets such that the majority of traffic is not associated with the residential properties which front that street. The widening of any local streets in this action was not proposed. Adequate provisions have been made for safe and efficient vehicular circulation, parking, loading, and pedestrian access. The traffic generated by the proposed Middle School "B" development and the proposed improvements to the street system would not have a significant adverse impact on the environment, significant adverse impacts include: undo concentration of air pollutants or excessive noise or vibrations. The traffic generated by the development can be accommodated by the existing roadways with our proposed traffic mitigation measures as part of our application. Proposed mitigation measures would become conditions of the special use permit, if approved. Mr. Sanders requested that the Board approve Major Special Use Permit (M0900005) and Transportation Special Use Permit (T0900003).

Mr. Sanders requested that documents presented during testimonies be entered into the record along with any changes, additions, or deletions thereto.

The issues mentioned by Mr. Sanders were addressed by the following individuals:

Dan Jewell, Landscape Architect, Coulter Jewell Thames, P.A., 111 West Main Street, Durham 27701

David Smith, State Appraiser, 3 Morristown Circle, Durham 27705

Lyle Overcash, 4000 Westchase Blvd, Suite 530, Raleigh 27607

Keith Lewis, 4000 Westchase Blvd, Suite 530, Raleigh 27607

Chairman Page recognized Dr. E. Lavonia Allison, representing Durham Committee on the Affairs of Black People, PO Box 428, Durham 27702, for comments.

Dr. Allison spoke to traffic and busing issues that may arise with the construction of the new school.

Chairman Page called for oppositions against evidence submitted into the record; no objections were stated. He then called for opponents to the request and asked that attorneys or representatives who would give a general summary of their clients' positions to speak first; no one requested to speak.

Chairman Page closed the public hearings and referred the matter back to the staff.

Mr. Stock stated that based on the evidence and testimony given, staff would like to recommend approval subject to the conditions that the proposed development associated site improvements shall be substantially consistent with the site plan and site plan conditions submitted to the Board of Commissioners as part of the application and, subsequently, approve for case D0800219 and per approval of the associated Transportation Special Use Permit (T0900003).

Mr. Stock noted that draft orders indicating staff's request had been placed at each Commissioner's station.

Vice-Chairman Reckhow moved, seconded by Commissioner Howerton, to approve the draft Order Granting, Upon Certain Conditions, A Major Special Use Permit for Middle School "B" a.k.a. Treyburn Middle School (M0900005).

The motion carried unanimously.

ORDER GRANTING, UPON CERTAIN CONDITIONS, A MAJOR SPECIAL USE PERMIT
FOR A SCHOOL
Middle School B a.k.a Treyburn Middle School (M0900005)
923 Snow Hill Road
PIN 0835-01-38-4685, 0835-01-29-3261, 0835-02-57-2763

The Board of Commissioners of the County of Durham, having conducted a hearing on "Middle School 'B'" (M0900005) on February 22, 2010, and having considered all written and oral evidence presented at such hearing, hereby determines that the Ordinance requirements for the granting of a Major Special Use Permit in this case have been met, and that the Use Permit should be granted upon certain conditions.

THE BOARD OF COMMISSIONERS HEREBY MAKES THE FOLLOWING FINDINGS AND CONCLUSIONS, based on the evidence presented at the public hearing:

The proposed use, as described in the application, with such further conditions as may be described below, meets the requirements of Section 3.9 of the Unified Development Ordinance, and:

1. Is in harmony with the area and not substantially injurious to the value of properties in the general vicinity;
2. Conforms with all general, special and supplementary requirements applicable to the use and the Review Factors identified in Section 3.9.8B;
3. Will not adversely affect the health or safety of the public.

IN SUPPORT OF THESE FINDINGS AND CONCLUSIONS, THE BOARD finds as fact that the descriptions and statements of fact set forth in the staff report presented as evidence to the Board are

the facts describing the proposed use, surrounding conditions, and ordinance requirements, and the Board adopts by reference and includes in this decision and order all such facts as if set forth herein.

THEREFORE, THE BOARD HEREBY GRANTS THE MAJOR SPECIAL USE WITH THE CONDITIONS THAT MAY BE SET FORTH BELOW:

1. The proposed development and associated site improvements shall be substantially consistent with the site plan and site plan conditions submitted to the Board of Commissioners as part of the application and subsequently approved per case D08000219, and per approval of the associated transportation special use permit request T0900003.

IN ADDITION, as indicated in Section 3.9.13 of the Unified Development Ordinance this permit will become null and void in the following cases:

1. If a site plan is not approved within 12 months of the date of permit approval.
2. Where an approved site plan or building permit expires.
3. Where a building permit is not issued within two years of the date of approval, in cases where a site plan is not required.
4. If a substantial violation of the conditions of the permit, as determined by the Planning Director or designee occurs.

Mr. Stock stated that based on the evidence and testimony given, staff would like to recommend approval subject to the following conditions:

1. The proposed development is substantially consistent with the associated site plan, site plan conditions, and TIA submitted to the Board as part of the application.
2. That right-of-way acquisition and road improvements indicated as special conditions of the site plan and indicated below are completed prior to the issuance of a certificate of occupancy. These road improvements are:

Roxboro Road and Snow Hill Road / Mason Road (signalized)

1. Extend the westbound left-turn lane on Snow Hill Road from 75 feet to 200 feet.
2. Extend the southbound left-turn lane from 125 feet to 275 feet.

Snow Hill Road and Site Access #1 (unsignalized)

1. Construct Site Access #1 with one ingress lane and two egress lanes with adequate storage and tapers.
2. Construct an eastbound left-turn lane with adequate storage and appropriate tapers.
3. Construct a westbound left-turn lane with adequate storage and appropriate tapers.

Snow Hill Road and Site Access #2 (unsignalized)

1. Construct Site Access #2 with one ingress lane and two egress lanes with adequate queuing storage and tapers.
2. Construct an eastbound left-turn lane with adequate storage and appropriate tapers.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve the draft Order Granting, Upon Certain Conditions, A Transportation Special Use Permit for Middle School "B" a.k.a. Treyburn Middle School (T0900003).

The motion carried unanimously.

ORDER GRANTING, UPON CERTAIN CONDITIONS, A TRANSPORTATION SPECIAL
USE PERMIT

Middle School B a.k.a Treyburn Middle School (T0900003)
923 Snow Hill Road
PIN 0835-01-38-4685, 0835-01-29-3261, 0835-02-57-2763

The Board of Commissioners of the County of Durham, having conducted a hearing on "Middle School 'B'" (T0900003), concerning a proposed project generating over 600 trips per peak hour, on February 22, 2010 and having considered all written and oral evidence presented at such hearing, hereby determines that the Ordinance requirements for the granting of a Transportation Special Use Permit in this case have been met, and that the Use Permit should be granted upon certain conditions.

THE BOARD OF COMMISSIONERS HEREBY MAKES THE FOLLOWING FINDINGS AND CONCLUSIONS, based on the evidence presented at the public hearing:

The proposed project, as described in the application, with such further conditions as may be described below, meets the requirements of Sections 3.3.8D of the Unified Development Ordinance, and:

1. The traffic generated by the development and associated improvements to the street system will not have a significant adverse impact on the surrounding area. Significant adverse impacts include:
 - a. Substantial increases in traffic on local residential streets such that the majority of the traffic is not associated with the residential properties which front on the street; or
 - b. The need to widen local residential streets which would detract significantly from the character or basic function of the nearby streets.
2. Adequate provisions have been made for safe and efficient vehicular circulation, parking and loading, and pedestrian access.
3. The traffic generated by the proposed development and any proposed improvements to the street system will not have a significant adverse impact on the environment. Significant adverse impacts shall include but not be limited to undue concentration of air pollutants, or excessive noise or vibrations.
4. The traffic generated by the development can be accommodated by the existing or funded transportation system, or adequate traffic mitigation measures have been proposed as part of

the development application. Proposed mitigation measures shall become conditions of the special use permit.

IN SUPPORT OF THESE FINDINGS AND CONCLUSIONS, THE BOARD OF COMMISSIONERS finds as fact that the descriptions and statements of fact set forth in the staff report presented as evidence to the Board of Commissioners are the facts describing the proposed use, surrounding conditions, and ordinance requirements, and the Board of Commissioners adopts by reference and includes in this decision and order all such facts as if set forth herein.

THEREFORE, THE BOARD OF COMMISSIONERS HEREBY GRANTS THE TRANSPORTATION SPECIAL USE WITH THE CONDITIONS THAT MAY BE SET FORTH BELOW:

1. The proposed development is substantially consistent with the associated site plan, site plan conditions, and TIA submitted to the Board as part of the application.
2. That right-of-way acquisition and road improvements indicated as special conditions of the site plan and indicated below are completed prior to the issuance of a certificate of occupancy. These road improvements are:

Roxboro Road and Snow Hill Road / Mason Road (signalized)

1. Extend the westbound left-turn lane on Snow Hill Road from 75 feet to 200 feet.
2. Extend the southbound left-turn lane from 125 feet to 275 feet.

Snow Hill Road and Site Access #1 (unsignalized)

1. Construct Site Access #1 with one ingress lane and two egress lanes with adequate storage and tapers.
2. Construct an eastbound left-turn lane with adequate storage and appropriate tapers.
3. Construct a westbound left-turn lane with adequate storage and appropriate tapers.

Snow Hill Road and Site Access #2 (unsignalized)

1. Construct Site Access #2 with one ingress lane and two egress lanes with adequate queuing storage and tapers.
2. Construct an eastbound left-turn lane with adequate storage and appropriate tapers.

Major Site Plan and Preliminary Plat—New Middle School—Treyburn and City Park (D0800219)

As discussion ensued during the previous item regarding New Middle School “B”, Vice-Chairman Reckhow suggested that the Board motion to move this item.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve Major Site Plan and Preliminary Plat—New Middle School—Treyburn and City Park (D0800219).

The motion carried unanimously.

Execution of the Construction Contract for the New Durham County Courthouse & Parking Structure Project No.: DC066, IFB No: 10-015

Glen Whisler, P.E., County Engineer, requested that the Board authorize the County Manager to enter into a contract with The Whiting Turner Contracting Company Inc. (TWTC) for the construction of the new Durham County Courthouse and Parking Structure to be located on 247 South Mangum and 306 South Roxboro Streets, Durham, North Carolina in the combined total amount of \$74,974,000.00 (Base Bid plus Alternate No. 1), and to execute any other related contracts including change orders, if necessary, not to exceed the construction budget of \$80,222,180.00 pending approval of financing.

Vice-Chairman Reckhow stated for the record that the County obtained a bid 25% less than what was anticipated.

Commissioner Howerton moved, seconded by Vice-Chairman Reckhow, to authorize the execution of the construction contract with The Whiting Turner Contracting Company Inc., in the combined total amount of \$74,974,000.00 (Base Bid plus Alternate No. 1), and to execute any other related contracts including change orders, if necessary, not to exceed the construction budget of \$80,222,180.00 pending approval of financing.

The motion carried unanimously.

Consent Agenda

Vice-Chairman Reckhow moved, seconded by Commissioner Howerton, to approve the following consent agenda items:

- l. Resolution and Action regarding the Financing of the New Durham County Courthouse and Various Other Projects and the Refinancing of the County Detention Facility (approve the Installment Financing Agreement and Deed of Trust regarding the financing of the new Durham County Courthouse, parking deck, and various other projects and the refinancing of the Durham County Detention Facility in an amount not to exceed \$125,000,000 substantially as presented; approve actions to date by certain County officers; and authorize certain County officers to approve changes in such documents and execute documents and take other actions in connection therewith);
- *m. Approve Capital Project Amendment No. 10CPA000012 to appropriate Approved Financing Funds for Four Capital Projects including the Durham County Courthouse;
- n. Execution of Contract Amendment with O'Brien/Atkins Associates, P.A., for Construction Administration (CA) Phase of the New Durham County Courthouse & Parking Structure Project No.: DC066 (authorize the County Manager to amend the design contract with O'Brien/Atkins Associates [OBA],

- P.A., to include the Construction Administration [CA] Phase and related services for the New Durham County Courthouse & Parking Structure project in the amount of \$3,564,000.00 plus additional services if necessary, estimated at \$160,380.00 for a total \$3,724,380.00, thus increasing the overall total compensation for basic design, construction administration, and additional services including reimbursement to \$11,579,409.00, pending approval of financing);
- o. Execution of Consulting Services Agreement with Mactec Engineering and Consultants Inc. for the Construction Materials and Testing and Special Inspection Services for the New Durham County Courthouse and Parking Structure Project No.: DC066 (authorize the execution of a consulting services agreement with Mactec in the amount not to exceed \$1,150,000.00 and to execute any other related contracts including change orders, if necessary, not to exceed the budget of \$1,300,000.00 pending the approval of financing);
 - p. Lease Agreement for Temporary Parking (approve the lease for parking spaces at 905 Jackie Robinson with E & L Realty, LLC in order to replace parking temporarily lost during the Courthouse construction); and
 - q. Approve the Final Right-of-Way and Easement Plat for the New Durham County Courthouse and Parking Structure, which will be recorded in the Durham County Register of Deeds Office.

The motion carried unanimously.

*Document(s) related to this item follow:

Consent Agenda Item No. m. Approve Capital Project Amendment No. 10CPA000012 to appropriate Approved Financing Funds for Four Capital Projects including the Durham County Courthouse.

DURHAM COUNTY, NORTH CAROLINA
 FY 2009-10 Capital Project Ordinance
 Amendment No. 10CPA000012

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 Capital Project Ordinance is hereby amended to reflect budget adjustments for the following projects:

	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>			
Durham County Courthouse	\$15,596,455	\$103,550,000	\$119,146,455
County Storage Facility	\$0	\$3,100,000	\$3,100,000
Judicial Building Renovations	\$1,146,742	\$1,964,627	\$3,111,369
Fiber Optic Backbone	\$0	\$781,000	\$781,000

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 22nd day of February, 2010.

Board and Commission Appointments

Michelle Parker-Evans, Clerk to the Board, distributed ballots to the Board to make appointments to boards and commissions

The following appointments were made (incumbents are underlined):

Adult Care Home Community Advisory Committee

Patricia Crispell

Nursing Home Community Advisory Committee

Elizabeth Frentzel

Donna McNeil

Open Space & Trails Commission

Will Wilson (Lebanon Township)

Adjournment

There being no further business, Chairman Page adjourned the meeting at 10:31 p.m.

Respectfully submitted,

Yvonne R. Jones
Deputy Clerk to the Board