

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

Monday, February 11, 2013

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)
 - 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@dconc.gov for more information. Please note that all City and County taxes must be current at the time of application.
4. **Minutes** (5 min)
 - a. January 14, 2013 Regular Session
 - b. January 28, 2013 Regular Session

5. Consent Agenda (15 min)

- a. Approve Budget Ordinance Amendment No. 13BCC000055 to amend the AnimalKind budget, thereby increasing the contract amount to allow the reimbursement of \$5,450 from NC Department of Agriculture and Consumer Services Spay/Neuter Program to Durham County to be disbursed to AnimalKind for additional Durham County animals to be provided low cost spay and neutering services;
- b. Approve Budget Ordinance Amendment No. 13BCC000056 in the amount of \$4,000 from the National Association of County and City Health Officials (NACCHO) for the Environmental Health Division;
- c. Approve Budget Ordinance Amendment No. 13BCC000057 appropriating \$36,379 of General Fund fund balance to support an invoice payment by the Finance department of a Sales Tax Audit by Dixon Hughes Goodman;
- d. Approve the Durham County Local Emergency Planning Committee (LEPC) membership roster as presented and accept the report of the past year's activities;
- e. Approve the final 2013 Durham County Legislative Agenda;
- f. Approve Budget Ordinance No. 13BCC000058 to recognize additional revenues in the amount of \$1,251,974 for Crisis Intervention, Low Income Energy Assistance Payments, LIEA & CIP Administration, Child Care, and Progress Energy's Energy Neighbor Program, in the amount of \$1,251,974;
- g. Approve the resolution for the rate reduction to the South Parking Deck; and authorize the Manager and the Chief financial Officer to execute the necessary documents;
- h. Approve the contract amendments with Jackson Lewis, LLP and Womble Carlyle Sandridge & Rice, LLP in an amount not to exceed \$80,000 respectively; and authorize the County Manager to execute the contracts;
- i. Amend the 2013 BOCC Meeting Calendar to cancel the regular meeting for March 26, 2013 and change the time of the September 3, 2013 Worksession to 9:00 am.

6. Public Hearing to Consider Allocating Economic Development Investment Funds to bioMérieux, Inc. (20 min)

- 1) The Board is requested to hold a public hearing to consider allocating \$400,000 in economic development investment funds to bioMérieux, Inc., the U.S. subsidiary of a French medical diagnostic healthcare company with its US headquarters in Treyburn Corporate Park in Durham, North Carolina. bioMérieux, Inc. provides diagnostic healthcare solutions that improve patient health and ensure consumer safety. The

- company is a worldwide leader in developing tests that bring high medical value for clinical decisions related to infectious diseases, cardiovascular emergencies, targeted cancers, and tests assisting doctors in making health care decisions for patients. In industrial applications, the company significantly contributes to preventing contamination risks in agri-food, pharmaceutical and cosmetic products.
- 2) bioMérieux is celebrating its 50th anniversary in 2013 and employs approximately 7,000 workers globally at 21 industrial sites. The company is experiencing strong global growth which requires adding additional manufacturing capacity to meet growing demand. The company is considering options to expand its capacity in Brazil, India, China or Durham.
 - 3) bioMérieux employs approximately 637 full-time employees in North Carolina. The Treyburn facility in Durham is a manufacturing operation providing blood culture bottles for the global market and currently employs approximately 108 full-time manufacturing employees. Company officials have stated that 33 of the company's jobs in Durham County would be lost should bioMérieux locate its expansion elsewhere. Durham County is being asked to partner with the State of North Carolina in a One NC Fund grant to support the retention of these jobs in North Carolina and the creation, through expansion, of 44 new full-time jobs with an average salary of \$50,000. If bioMérieux selects Durham County to locate its expansion, the 33 Durham County jobs at risk would be retained, and the company would create 44 new full-time jobs in Durham by 2015. The company proposes to add 25,500sf to the production facility, built to LEED standards. This would entail a capital investment of approximately \$48 million dollars to fund the expansion. Company officials have stated that local incentives will be a key factor in its decision of where it will locate its expansion operations.
 - 4) Because bioMérieux is an important partner in our community's biotechnology sector, the proposed expansion is being supported by the North Carolina Biotechnology Center. A decision to locate its new production facility elsewhere could adversely impact the sector's future growth in Durham County.
 - 5) Staff is recommending that the county provide four hundred thousand dollars (\$400,000) to encourage bioMérieux' s \$48 million dollar capital investment in Durham County, and to retain the 33 current jobs at risk, and the creation of 44 new full-time jobs through expansion. Funds would be furnished over a five year period through an economic development incentive fund performance contract. No payment would be made unless and until the company commits to stay in Durham. Should the company leave Durham during the life of the contract, some or all of any payments made may be recovered. The County funds will be used to reimburse bioMérieux, Inc. for expenses related to site preparation. The funds will be paid from the General Fund of the County of Durham.
 - 6) This public hearing was advertised on February 1, 2013 as required by law.

Resource Persons: Marqueta Welton, Deputy County Manager

County Manager's Recommendation: The County Manager recommends that the Board conduct the public hearing and, if appropriate, approve the proposed incentives.

7. FY 2013-2014 Annual Action Plan "Needs" Public Hearing (20 min)

- 1) The City of Durham Department of Community Development requests that the Board of County Commissioners hold the FY 2013-2014 Annual Action Plan "Needs" public hearing on February 11, 2013 to receive citizen comments. The purpose of this meeting is to receive citizen comments on how City-County HOME Consortium funds can be used to address housing needs in Durham for the 2013-2014 fiscal year.
- 2) Durham anticipates receiving approximately \$652,712 in HOME Consortium funds from the U. S. Department of Housing and Urban Development (HUD). Due to the renewal of a HOME Consortium Agreement in 2011 with Durham County, HOME Consortium funds will be jointly awarded to the City and County on a pro rata share of approximately 95% and 5%, respectively. In previous years, HOME Consortium funds have been used primarily for housing activities in Durham with special focus on target neighborhoods; including existing homeowner rehabilitation and first-time home homebuyer activities. Approximately, \$146,860 in non-federal funds will be needed from the HOME Consortium for the matching funds requirement of the HOME program.

Resource Person(s): Reginald J. Johnson, Director, City of Durham Department of Community Development; Larry Jarvis, Assistant Director, City of Durham Department of Community Development

County Manager's Recommendation: The Manager recommends that the Board Hold a public hearing on February 11, 2013 and receive public comments on the FY 2013-2014 Annual Action Plan "Needs" related to community development needs.

8. Public Hearing - New Durham County Courthouse Financing (20 min)

- 1) The Board is requested to hold a Public Hearing concerning the issuance of Limited Obligation Bonds in connection with the financing of the New Durham County Courthouse financing. The financing will be in an amount not to exceed \$125,000,000 for a term not to exceed 30 years. The financing will cover the following projects:

• Durham County Courthouse	\$ 103,550,000
• Jail Refunding	12,235,000
• County Storage Building	3,100,000
• Judicial building Renovations	1,964,627
• Fiber Backbone	781,000
• Administration fees	1,725,000
• Contingency	<u>1,644,373</u>
• Total	\$ 125,000,000

- 2) Once all projects are complete, a recommendation will be made for approval by the Board on the use of any excess funds.

- 3) At the conclusion of the Public Hearing, the Board is requested to approve the attached resolution and authorize the Manager and the Chief Financial Officer to execute the necessary documents.

Resource Persons: George K. Quick, Chief Financial Officer.

County Manager's Recommendation: The County Manager recommends that the Board hold the public hearing, approve the resolution, and authorize the Manager and the Chief Financial Officer to execute the necessary documents.

9. Discussion of 2013 Federal Legislative Agenda

- 1) The North Carolina Association of County Commissioners (NCACC) is asking counties to submit federal issues of statewide importance to all counties. The NCACC's Board of Directors will vote on February 20 to determine which issues to present to the N. C. Congressional delegation during NACo's Legislative Conference in early March.
- 2) Some suggested items to consider:
 - Oppose Unfunded Mandates
 - Gun Control
 - Global Warming
 - Immigration Reform
 - Increase Education Funding
- 3) We are asked to submit no more than two items for consideration and to answer questions including: has a bill been introduced in congress; how the issue impacts counties, is there a cost to counties; and does it impact county authority. The deadline to send proposals to NCACC is **Wednesday, February 13.**

Resource Persons: Deborah Craig-Ray, Assistant County Manager and Lowell L. Siler, County Attorney

County Manager's Recommendation: The County Manager recommends that the Board discuss and approve federal priority items to send to NCACC for presentation to the North Carolina Congressional Delegation.

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

11. Closed Session (30 min)

- 1) The Board is requested to adjourn into closed session pursuant to G.S. 143-318.11(a)(5) to instruct staff on the position to be taken concerning the acquisition of real property for open space at 1003 Santee Road owned by Capital Bank N.A., and the acquisition of conservation easements on two farm properties located at 8848 Roxboro Road owned by George P. and Elizabeth Tilley, and 12459 Hampton Road owned by Douglas Daye.

2) Background information on the properties will be provided to Board members separately.

Resource Persons: Jane Korest, Open Space and Real Estate Manager; Glen Whisler, County Engineer

County Manager's Recommendation: The County Manager recommends that the Board adjourn into closed session and instruct staff, if appropriate.