

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

Monday, May 9, 2011

7:00 P.M. Regular Session

**MINUTES**

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

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

Absent: Chairman Michael D. Page

Presider: Vice-Chairman Ellen W. Reckhow

**Opening of Regular Session**—Pledge of Allegiance

**Agenda Adjustments**

Vice-Chairman Reckhow announced that Chairman Page had been excused from the meeting. She noted that Consent Agenda Item No. g, Approve the Lease Agreement to Durham Public Schools for the City of Medicine Academy, and authorize the Manager to approve non-substantive changes and execute the Lease, was removed from the agenda; revised agendas were placed at each Commissioner's station.

**Announcements**

Vice-Chairman Reckhow 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 pm; and
- Durham would host a "Landlord Training Workshop" on Wednesday, May 18, from 8:30 a.m. – 5:00 p.m. at the City of Durham Solid Waste Management Department Auditorium, 1933 Camden Avenue. The event is set to help landlords effectively manage properties. Registration deadline was May 11. She asked interested parties to contact Lynwood Best at (919) 560-1647, extension 34254.

Commissioner Heron invited the public to participate in the Walk for the Animals, which would be held at Duke University's East Campus on May 21, 2011 from 9:00 a.m. to 1:00 p.m. Proceeds would be used to support the Durham County Animal Shelter.

Commissioner Howerton briefly stated her pleasure in attending the 2011 graduation for EDGE (Education, Development, Growth, Employment) students held at North Carolina Central University on Friday, May 6. She also shared with the Board her experience regarding a class she

attended at the UNC School of Government, entitled “Manager Evaluation & Board Assessment Course”.

Vice-Chairman Reckhow suggested that Commissioner Howerton work with Chairman Page and County Manager Mike Ruffin to decide on a date and time to discuss the Manager Assessment tool.

### **Minutes**

Commissioner Howerton moved, seconded by Commissioner Heron, to approve as submitted the April 26, 2011 Regular Session Minutes of the Board.

The motion carried unanimously.

### **Proclamation—Foster Care Month**

Vice-Chairman Reckhow introduced this item and asked Commissioner Bowser, BOCC representative on the Social Services Board, to read the following proclamation into the record:

#### PROCLAMATION

WHEREAS, the family, serving as the primary source of love, identity, self-esteem, and support, is the foundation of our communities and our state; and

WHEREAS, over 424, 000 American children are in foster care because their own families are in crisis and unable to provide for their essential wellbeing; and

WHEREAS, in Durham County, there were 179 children and youth in foster care on April 01, 2011 being provided with a safe, secure, and stable home along with the compassion and nurture of a foster family; and

WHEREAS, foster families, who open their homes and hearts and offer help to children whose families are in crisis, play a vital role by helping children and families heal and reconnect and launching children into successful adulthood; and

WHEREAS, the growth in the foster care populations results in a greater need for more foster families; and

WHEREAS, the Durham County Department of Social Services is joined by numerous individuals and public and private organizations that work to increase public awareness of the needs of children in and leaving foster care as well as the enduring and valuable contribution of foster parents, and the foster care “system” is only as good as those who choose to be part of it; and

WHEREAS, the Durham County foster care system depends on the active support and involvement of the Durham community:

NOW, THEREFORE, BE IT RESOLVED that I, Ellen W. Reckhow, Vice Chairman of the Durham County Board of Commissioners, do hereby proclaim May 2011 as

FOSTER CARE MONTH.

I commend this observance to our community and urge all citizens to come forward and do something positive that will help *change a lifetime* for children and youth in foster care.

This the 9<sup>th</sup> day of May, 2011.

/s/ Ellen W. Reckhow, Vice Chairman

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Jovetta Whitfield, Program Manager, Child Placement and Supportive Services, thanked the Board for its support of recognizing the importance of foster care.

Montina Swift, Social Work Supervisor II, enlightened the public on events planned for Foster Care Month. She asked persons interested in becoming a foster parent to call the recruit line at (919) 560-8092.

Commissioner Bowser thanked current foster parents for their services and encouraged prospective foster parents to get involved by contacting the recruit line.

Vice-Chairman Reckhow presented the proclamation to Ms. Whitfield and Ms. Swift.

**Proclamation—Older Americans Month**

Vice-Chairman Reckhow read the following proclamation into the record to recognize May as Older Americans Month:

PROCLAMATION

WHEREAS, Durham County is home to more than 35,000 residents 60 years of age or older; and

WHEREAS, the older residents of Durham County represent a dramatic trend in our nation's demographic make up; and

WHEREAS, older persons are diverse, respected citizens who continue to contribute to our nation's social and economic wellbeing; and

WHEREAS, a growing number of baby boomers are rapidly joining the population of older residents, and the number of individuals providing care to family members and friends is expanding significantly; and

WHEREAS, the Department of Social Services provides in-home services for more than 700 older residents to allow them to remain independent at home and prevent institutional placements; and

WHEREAS, 858 Durham residents live in 36 adult-care homes that are monitored for safety by the Department of Social Services; and

WHEREAS, more than 400 referrals are made to the Department of Social Services annually for evaluation of abuse, neglect, or exploitation of adults; and

WHEREAS, 2,013 grandparents are raising grandchildren in Durham County; and

WHEREAS, grandparents and other older adults are served by Medicaid, Food and Nutrition Services, and emergency assistance programs; and

WHEREAS, the opportunities and challenges that lie ahead require the Durham County community to think differently about health and long-term care and work together to rebalance and modernize our current systems so that we may adequately plan for and address the needs of current and future generations; and

WHEREAS, older persons are entitled to lives of dignity and independence through:

- streamlined access to information and community services;
- information about cost-effective prevention practices and activities that will improve health and quality of life; and
- innovative, affordable option for care and support that will provide an array of choice about how and where to live;

NOW, THEREFORE, BE IT RESOLVED that I, Ellen W. Reckhow, Vice Chairman of the Durham County Board of Commissioners, do hereby proclaim May 2011 as

#### OLDER AMERICANS MONTH.

I commend this observance to our residents and urge all citizens, community agencies, faith groups, medical facilities, and businesses to join with the Department of Social Services, Durham Center for Senior Life, and Durham's Senior Adult Results-Based Accountability Committee to honor older adults, and those who care for them, during May and throughout the year. I urge all to promote and participate in activities that contribute to helping older Americans make choices for a healthy and rewarding future.

This the 9<sup>th</sup> day of May, 2011.

/s/ Ellen W. Reckhow, Vice Chairman

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Bob Wallace, Program Manager, Adult and Crisis Services, DSS, thanked the Board for issuing the proclamation. He briefly discussed County programs for older citizens and announced events to be held during the month of May to honor older Americans.

Vice-Chairman Reckhow mentioned the Durham Center for Senior Life and the programs it offers for older citizens and presented the proclamation to Mr. Wallace.

Vice-Chairman Reckhow announced that DSS would host the annual *Celebration of Life* luncheon for DSS Adult Services clients ages 70+ on June 16 at St. Philips Episcopal Church, 403 East Main Street, 11:30 a.m. to 2:00 p.m. Citizens may call (919) 560-8600 to RSVP for the luncheon.

Commissioner Heron, Durham Center for Senior Life Board Member, invited citizens to visit the Center between 8:30 a.m. and 5:00 p.m. to witness the programs.

### **Lincoln Hospital Presentation**

Commissioner Bowser, Lincoln Community Health Center (LCHC) Board Member, asked Dr. Evelyn Schmidt, CEO of LCHC, and her staff to re-present their report, which was initially presented to the LCHC Board, as he was impressed with the report and intrigued by the data reported.

Dr. Schmidt provided a brief outline of the report and introduced Lynn Robbins, Pharmacy Director.

Ms. Robbins provided a brief update about activities, opportunities, and challenges that LCHC faces.

Vice-Chairman Reckhow thanked Commissioner Bowser for bringing the presentation forward.

Vice-Chairman Reckhow called signed speaker Victoria Peterson forward for comments.

Dr. Schmidt addressed Ms. Peterson's comments regarding satellite LCHC locations within the community.

Vice-Chairman Reckhow added that a couple of programs housed at LCHC had moved into the new Human Services Complex, which frees space at LCHC for additional programs. She thanked Dr. Schmidt for her leadership and her staff for their tremendous work.

Commissioner Bowser explained to Ms. Peterson that bidding for contract work at LCHC is managed by the County. He spoke to Ms. Peterson's comment regarding poor response time when setting appointments. Commissioner Bowser thanked Dr. Schmidt and her staff for the report.

### **Consent Agenda**

Commissioner Bowser moved, seconded by Commissioner Heron, to approve the following consent agenda items:

- a. Approve JCPC's local funding plan for the allocation of \$536,666 in State funding for FY 2011-2012;
- b. Receive the 2010 Historic Preservation Commission Certified Local Government Annual Report;
- c. Approve the resolution authorizing the County to enter into a contract with the Department of Transportation and execute

- all agreements and contracts with the NCDOT Public Transportation Division;
- d. Adopt the “Resolution to Endorse the Durham County Project Priority List for the FY 2014-2020 Transportation Improvement Program;”
  - e. Authorize the amendment of the project management services contract with Phoenix Business Consulting for the ERP upgrade to SAP ERP 6.0, for the amount of \$233,800 for a not to exceed amount of \$637,400.00 to be paid from the Capital Project Amendment No. 10CPA000015 which appropriated \$2,500,000.00 to the capital project, ERP (Enterprise Resource Planning) Upgrade project (42001910DC135.;
  - f. Approve the Third Amendment to the Sublease and Release of Leasehold Interest related to the Durham Regional Lease documents, subject to non-substantive changes approved by the County Attorney; and
  - g. REMOVED PRIOR TO MEETING
  - h. Reject the IFB proposals for Whitted School; proceed with receiving roof repair and board up broken window pricing; and dedicate the balance of the funds to incentivize a development partnership for the retrofitting of Whitted School, and in preparing an RFP for a development partnership and strategy.

The motion carried with the following vote:

Ayes: Bowser, Heron, Howerton, and Reckhow  
Noes: None  
Absent: Page

### **Items Removed from the Consent Agenda for Discussion**

Consent Agenda Item No. i. Receive the report and approve a resolution in support of closing Pickett Road in Orange County, between the Durham County line and Erwin Road, subject to the installation of a traffic signal at the intersection of Erwin Road and Randolph Road, and that an easement be retained for public use for bicycle and pedestrian access.

Vice-Chairman Reckhow pulled this item from the consent agenda to allow the signed speakers to comment. She allotted two minutes per speaker.

The following citizens opposed the closing of Pickett Road in Orange County:

Debra Barnes  
Bill Hall

Wendy Jacobs, representing the Hollow Rock Access Area Master Plan, elaborated on the Plan’s recommendation to close Pickett Road.

Vice-Chairman Reckhow read the following portion of the written comments submitted from the Pickett Road Neighborhood meeting:

“I LOOK FORWARD TO THE CLOSING OF PICKETT ROAD AND THE FURTHER DEVELOPMENT OF THE PARK IN THE NEAR FUTURE. Some comments: I believe Pickett Rd is dangerous and should be closed irrespective of the benefit to future Hollow Rock Park development. Pickett Rd suffers from 3 shortcomings: 1) at the intersection with Erwin Rd there are very poor sightlines to northbound Erwin Road traffic. This makes a left hand turn from Pickett onto Erwin very dangerous!; 2) There is a large blind, narrow hill in Pickett Rd adjacent to the farmhouse on the north side of the road. Drivers approaching this hill from either side cannot see if any traffic is coming from the other direction, and the passage is so narrow that there is little room for error. There have been several accidents at this spot since I have lived in the Hope Creek neighborhood; and 3) Pickett Rd is composed of gravel which makes traction poor under the best of dry conditions, and even more hazardous when it is wet. Construction vehicles and other heavy trucks create large ruts in the road surface and render it again very hazardous to traffic.”

Vice-Chairman Reckhow noted that improvements to Pickett Road had been placed on the improvement list for the secondary road program for years; however, the State had never proceeded due to one of the owners along the right-of-way not allowing an increase in the right-of-way width.

The Board discussed the following:

- Travel inconvenience due to the proposed closing
- Hollow Rock Park access if Pickett Road is closed
- Traffic
- Accidents in the area
- Traffic signal locations
- Process to close Pickett Road, if the Board approves the request

The Commissioners discussed their positions on whether to close Pickett Road.

For the record, Commissioner Bowser stated his opposition due to the number of citizens who raised concerns about the closing.

Commissioner Howerton moved, seconded by Commissioner Heron, to approve Consent Agenda Item No. i.

The motion carried with the following vote:

Ayes: Heron, Howerton, and Reckhow  
Noes: Bowser  
Absent: Page

Commissioner Heron urged citizens who had reservations about the closing to drive along Pickett Road to examine the danger of traveling in that area.

**Public Hearing—Consider Allocating Economic Development Investment Funds to Syngenta Biotechnology Inc.**

Marqueta Welton, Interim Deputy County Manager, requested that the hold a public hearing to consider allocating economic development investment funds to Syngenta Biotechnology Inc. (SBI), one of the world's leading agricultural biotechnology companies. Ms. Welton reported that Syngenta's biotechnology helps increase crop productivity, protect the environment and improve health and quality of life by developing safe and effective solutions that can enable farmers to grow more from less.

Ms. Welton further reported that SBI is the biotech research division of Switzerland-based Syngenta Global. SBI is headquartered in RTP where it employs about 400 people and operates out of 200,000 square feet on its main campus. SBI plans to expand its research and development operations and is considering sites in China, Singapore, Brazil and Durham County. If Durham County is selected, the project would mean a \$71 million investment in the local economy. Company officials have stated that incentives from the local government are a key consideration in its final decision on locating the expansion, particularly considering that costs in overseas markets are lower than expansion costs in Durham.

Staff recommended that the County participate in this economic development project by providing up to \$225,000 for the \$71 million project. Funds would be furnished over a five-year period through an economic development incentive fund performance contract.

Commissioner Heron highlighted that the funds for the project would be provided over a five-year period.

Vice-Chairman Reckhow opened the public hearing that was advertised on Friday, April 29, 2011, as required by law and called signed speakers forward for comments.

The following speakers spoke in support of the incentive contract:

Casey Steinbacher, President and CEO, Greater Durham Chamber of Commerce

John White, representing the Greater Durham Chamber of Commerce

Keith Burns, representing the Greater Durham Chamber of Commerce

Victoria Peterson expressed concerns regarding the previous speakers' failure to mention the hiring of North Carolina Central University students and inquired about how the \$71 million would be used. She also made an inquiry regarding environmental protection.

Steven Goldsmith, Syngenta Biotechnology representative, addressed Ms. Peterson's concerns.

Vice-Chairman Reckhow closed the public hearing and referred the matter back to the Board.

Commissioner Heron moved, seconded by Commissioner Bowser, to approve entering into an economic development incentive contract between the County of Durham and Syngenta Biotechnology Inc. in the amount of \$225,000.00.



The motion carried with the following vote:

Ayes: Bowser, Heron, Howerton, and Reckhow  
Noes: None  
Absent: Page

**Public Hearing—Zoning Map Change—TFDA Ultiplex (Z1000006) and Triangle Flying Disc Association (TFDA) Ultiplex (A1000006)**

Steven L. Medlin, AICP, City-County Planning Director, informed the Board via email and during the meeting that a revised TFDA Development Plan application was submitted at 4:00 p.m. that afternoon. It was determined that the changes to the resubmittal from the original development plan submittal were significant; therefore, this case must be resubmitted to the Durham Planning Commission for consideration.

Mr. Medlin requested that Zoning Map Change—TFDA Ultiplex (Z1000006) be referred back to the Planning Commission and that the associated Comprehensive Plan Amendment, Triangle Flying Disc Association (TFDA) Ultiplex (A1000006), be referred back to Planning staff as requested by the applicant's attorney.

Commissioner Howerton moved, seconded by Commissioner Heron, to close the public hearing, which was continued from the April 11 Regular Session, and refer the item back to the Planning Commission.

The motion carried with the following vote:

Ayes: Bowser, Heron, Howerton, and Reckhow  
Noes: None  
Absent: Page

**Public Hearing—Unified Development Ordinance (UDO) Text Amendment—Broadcast Towers (TC1100001)**

Steven L. Medlin, AICP, City-County Planning Director, requested that the Board conduct a public hearing and receive public comments on the Unified Development Ordinance (UDO) Text Amendment—Broadcast Towers (TC1100001), and to adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 5, Use Regulations, and Article 16, Definitions.

Vice-Chairman Reckhow opened the public hearing that was properly advertised. As no one signed up to speak, she closed the public hearing and referred the matter back to the Board.

Commissioner Bowser moved, seconded by Commissioner Heron, to approve Unified Development Ordinance (UDO) Text Amendment—Broadcast Towers (TC1100001).

The motion carried with the following vote:

Ayes: Bowser, Heron, Howerton, and Reckhow  
Noes: None  
Absent: Page

### **Sale of Carmichael Building**

County Manager Mike Ruffin introduced this item.

The Board was requested to authorize staff to proceed with the sale of the property located at 300 N. Duke Street, commonly referred to as the Carmichael building pursuant to N.C.G.S. 160A-269. The County purchased the property in 1996. Currently, the Carmichael building houses a portion of the County's DSS employees and services as well as General Services surplus storage. Upon completion of the new Human Services Complex, the County would no longer need the Carmichael building.

Duke University, through Durham Realty Inc., submitted an offer to purchase the Carmichael property. In light of the short-term use the County has for the property and the value of the property, it was recommended that the County sell the property pursuant to N.C.G.S. 160A-269, which allows the County to take offers then publish them for upset bids. Following the upset bid process, the highest and best offer would be brought back to the Board for consideration and approval. Although the County would sell the property, the County would need a short-term lease for a portion of the building until the DSS employees move into the new Human Services building.

The Board's approval would authorize staff to advertise the property for upset bids. The Board has the authority to accept or reject any offer at the conclusion of the upset bid process. The final offer would be brought back before the Board for approval.

#### Questions/Concerns

- Lease terms
- Timing of sale of the property
- Debt on property and net proceeds
- Need for the Carmichael building storage space

#### Directives

1. Staff to assess items stored in the Carmichael building to determine the need for storage.
2. County Manager to find out whether the County borrowed or paid cash to fund the Carmichael building chiller project in 2003.

Commissioner Bowser moved, seconded by Commissioner Howerton, to authorize the sale of 300 North Duke Street and publish the offer submitted by Durham Realty Inc. for upset bids pursuant to N.C.G.S. 160A-269.

The motion carried with the following vote:

Ayes: Bowser, Heron, Howerton, and Reckhow

Noes: None

Absent: Page

**Adjournment**

There being no further business, Chairman Page adjourned the meeting at 8:55 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Yvonne R. Jones". The signature is written in black ink and is positioned below the typed name.

Yvonne R. Jones  
Deputy Clerk to the Board