

**Revised**  
**(Deleted—Item No. 8g)**

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

Monday, May 9, 2011

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 phone during the meeting.

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**7:00 P.M. Regular Session**

1. **Opening of Regular Session** — Pledge of Allegiance 5 min.
2. **Agenda Adjustments** 5 min.
3. **Announcements** 5 min.
  - “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;
  - Durham will host a “Landlord Training Workshop” on May 18 from 8:30 a-5pm at the City of Durham Solid Waste Management Department Auditorium at 1933 Camden Ave. The event is set to help landlords effectively manage properties. Registration Deadline is May 11. Contact Lynwood Be stat 560-(919)560-1647, extension 34254.
4. **Minutes** 5 min.

**5. Proclamation—Foster Care Month**

10min.

All children deserve a safe, happy life—including youth in foster care. Young people in foster care are on their side because their own families are in crisis. Each May, we salute the compassionate people who make a difference by serving as foster parents, relative caregivers, mentors, advocates, social workers, and volunteers. Thanks to these unsung heroes, many formerly abused or neglected children and teens will either safely reunite with their parents, be cared for by relatives, or be adopted by loving families.

In Durham County, there were 179 children and youth in foster care on April 01, 2011. Two major events will be held in May to commemorate Foster Care month:

**Walk for the Children** – Saturday, May 7, 2010 at 9:00 a.m. The walk will start at the Durham County DSS parking lot, 300 block of East Main Street, across from the Durham Housing Authority. Walkers will take East Main Street to the Farmers Market and surrounding areas and then return to the same parking lot. The public is invited to participate and asked to wear white T-shirts and blue denim bottoms to promote visibility and cohesiveness.

**Foster Parent Appreciation Celebration** - Thursday, May 21, 2010 at 10 AM–2 PM at the Museum of Life and Science (Invitation Only).

The Board is requested to adopt a Proclamation declaring May as Foster Care Month in Durham. The Board of Commissioners is invited to attend both events.

Resource Persons : Jovetta Whitfield, Program Manager, Child Placement and Supportive Services, and John Holtkamp, Assistant Director, Family Safety and Permanence

County Manager's Recommendation : The Manager recommends that the Board approve a proclamation declaring Foster Care Month in Durham County and to raise community awareness about the need for more foster parents.

**6. Proclamation—Older Americans Month**

10min.

When Older Americans Month was established in 1963, only 17 million living Americans had reached their 65th birthdays. About a third of older Americans lived in poverty and there were few programs to meet their needs. Interest in older Americans and their concerns was growing, however. In April 1963, President John F. Kennedy's message served as a prelude to designating it as a month. Thanks to President Jimmy Carter's 1980 designation, what was once called Senior Citizens Month, is now called "Older Americans Month," and has become a tradition.

Today, one in six Americans, or 44 million people, is age 60 years or older. While older Americans are active members of their families and communities, others are at risk of losing their independence. These include four million Americans age 85 years and older,

those who are living alone without a caregiver, those living in nursing homes or other institutional settings, members of minority groups, older persons with physical or mental impairments, older persons residing in rural areas, low income older persons, and those who are abused, neglected or exploited.

Older Americans Month is a time to acknowledge the contributions of past and current older persons to our country, in particular those who defended our country. Every President since JFK has issued a formal proclamation during or before the month of May asking that the entire nation pay tribute in some way to older persons in their communities. Older Americans Month is celebrated across the country through ceremonies, events, fairs and others such activities.

The Department of Social Services, Health Department, the Durham Partnership for Seniors, Triangle J and the Council for Senior Citizens are requesting that the Board of Commissioners declare May as Older Americans Month in Durham County and help to promote this observance to Durham residents.

The Board is requested to approve a proclamation to recognize May as Older Americans Month in Durham County. DSS will host the annual *Celebration of Life* luncheon for DSS Adult Services clients ages 70+ on June 16 at St. Philips Episcopal Church starting at 11:30. Commissioners are invited to attend.

Resource Persons : Bob Wallace, Program Manager, Adult and Crisis Services, DSS; Margaret Keller, Durham Partnership for Seniors; Joan Pelletier, Triangle J; Gail Souare, The Durham Center for Senior Life; and Gayle Harris, Health Department

County Manager's Recommendation : The Manager recommends that the Board approve a proclamation declaring Older Americans Month in Durham County and to raise community awareness of the need for to strengthen the system of care for our older residents.

## 7. Lincoln Hospital Presentation

15min.

Dr. Evelyn Schmidt, CEO of Lincoln Community Health Center (LCHC), will provide a brief update about activities, opportunities and challenges that LCHC is facing.

Resource Persons : Dr. Evelyn Schmidt, MD, Lincoln Community Health Center; Lynn Robbins, Pharmacy Director

County Manager's Recommendation : The Manager recommends that the Board receive the presentation and advise the staff if any additional action is necessary.

## 8. Consent Agenda

15min.

- 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 FY2014-2020 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 Leased documents, subject to non-substantive changes approved by the County Attorney;
- 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;~~
- 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; and
- 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.

**9. Public Hearing – Consider Allocating Economic Development Investment Funds to Syngenta Biotechnology, Inc.**

15min.

The Board is requested to 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. 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.

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 will mean a \$71 million investment in our 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 is recommending that the county participate in this economic development project by providing up to two hundred twenty-five thousand dollars (\$225,000.00) for the \$71 million project. Funds would be furnished over a five (5) year period through an economic development incentive fund performance contract.

This public hearing was advertised on Friday, April 29, 2011 as required by law.

Resource Person : Marqueta Welton, Interim Deputy County Manager

County Manager's Recommendation : The County Manager recommends that the Board hold the public hearing and based upon the information received, approve entering into an economic development incentive contract between the County of Durham and Syngenta Biotechnology, Inc. in the amount of \$225,000.00.

**10. Public Hearing-Zoning Map Change-TFDA Utipl ex(Z1000006)**

30min .

The Board is requested to approve a request for a zoning map change for a 22.58 acre site located at 207 Riley Drive, located on the west side of Riley Drive south of Hamlin Road.

Request: RS-20; F/J-B to RR(D); F/J-B

To adopt support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan, should the plan amendment be approved, and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials; or

Alternatively, in the event that a motion to approve the item fails, the Commissioners adopt support for their actions on the proposed zoning map change the determination that, notwithstanding its consistency with the Comprehensive Plan, should the plan amendment be approved, the request is neither reasonable nor in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

Staff Determination: Should the plan amendment be approved, staff determines that this request would be consistent with the Comprehensive Plan and other adopted policies and ordinances as presented in the staff report.

Planning Commission Recommendation and Vote: Denial with additional committed elements, 6-5 on February 8, 2011. The Planning Commission finds that the ordinance request is not consistent with the adopted Comprehensive Plan. However, should the plan amendment be approved, the request would be consistent with the Comprehensive Plan. The Commission believes the request is not reasonable nor in the public interest and recommends denial based on problems of traffic congestion and inadequate transportation infrastructure, inconsistency with neighboring land uses, and opposition from the community.

Resource Person(s) : Steven L. Medlin, AICP, City-County Planning Director and Amy Wolff, Planner

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

**11. Public Hearing-Triangle Flying Disc Association (TFDA) Utipl ex(A1000006)**

30min.

The Board is requested to hold a public hearing on a plan amendment for TFDA Ultiplex (A1000006); and

To approve the requested change to the land use designation on the Future Land Use Map of the *Durham Comprehensive Plan* from Low-Medium Density Residential (4-8 DU/Ac.) to Low Density Residential (4 DU/Ac. or Less).

Resource Person: Steven L. Medlin, AICP, City-County Planning Director

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

**12. Public Hearing – Unified Development Ordinance (UDO) Text Amendment – Broadcast Towers (TC1100001)**

10min.

The Board is requested to 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.

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

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

**13. Sale of Carmichael Building**

20min.

The Board is 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 will no longer need the Carmichael building.

Duke University, through Durham Realty Inc, has 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 is 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 will be brought back to the Board for consideration and approval. Although the County will sell the property, we will need a short-term lease for a portion of the building until the DSS employees can move into the new Human Services building.

A copy of the Letter of Intent from Duke University, through Durham Realty, Inc., is attached for your consideration which sets for the terms of the purchase and lease arrangement. The Board's approval will 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 will be brought back before the Board for approval.

Resource Person : Michael M. Ruffin, County Manager

County Manager's Recommendation : The Manager recommends that the Board authorize the sale of 300 North Duke Street and publish the offers submitted by Durham Realty, Inc. for upset bids pursuant to N.C.G.S. 160A-269.

**14. RESERVED FOR ITEMS PULLED FROM CONSENT AGENDA**

20min .

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2hrs.45min.