

**REVISED**

(Closed Session Item No. 15)

**NOTE: Meeting begins at 7:30 p.m.**  
**THE BOARD OF COUNTY COMMISSIONERS**  
**DURHAM, NORTH CAROLINA**

Monday, December 12, 2005

**AGENDA**

**?Public Charge?**

The Board of Commissioners asks its members and citizens to conduct themselves in a respectful, courteous manner, both with the Board and fellow citizens. At any time, should any member of the Board or any citizen fail to observe this public charge, the Chairman will ask the offending person to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chairman will recess the meeting until such time that a genuine commitment to the public charge is observed.

As a courtesy to others, please turn off cell phones during the meeting.

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**7:30** P.M. Regular Session

1. **Opening of Regular Session**?Pledge of Allegiance 5 min.
2. **Agenda Adjustments** 5 min.
3. **Announcements** 5 min.
4. **Minutes**  
5 min.
  - a. August 29, 2005 BOCC/City Council
  - b. November 28, 2005 Regular Session
5. **Resolution for ?The Bill of Rights Defense Committee?**  
5 min.

The Durham Bill of Rights Defense Committee (BORDC) was founded in January 2003 to work for maintaining constitutional civil rights and liberties in the face of the USA PATRIOT Act. The organization joined the nationwide effort to pass local resolutions to protect human and civil rights, and succeeded in passing two resolutions in the fall of 2003 (County Commission in September and City Council in October). Since then they have been active in education and advocacy for voting rights and against torture. In December 2004, the Board approved a resolution affirming its support for the Bill of Rights. Members of the group have requested that the Board reaffirm its support of civil rights and liberties guaranteed by the Bill of Rights by approving the resolution.

Resource Person(s): Joan Walsh and Jim Senter representing the Durham Bill of Rights Defense Committee

County Manager?s Recommendation: The Manager?s recommendation is that the Board approve the resolution and present to Ms. Walsh and Mr. Senter.

6. **Recognition of Leaders of the Interfaith Hurricane Relief Task Force**

5 min.

Following Hurricane Katrina, Durham County Commissioner Michael Page suggested coordinating with the faith community to provide a comprehensive assistance program for families displaced by the Gulf Coast storm who relocated to the Durham Community. The Interfaith Hurricane Relief Task Force was formed to work with Durham County Government and the Red Cross to meet the needs of families and individuals relocating to this area. The initiative, representing more than 125 congregations from many denominations and faith traditions, is led by Rev. James Smith of Mt. Calvary Baptist Church and Rev. Joe Harvard of First Presbyterian Church. A resolution of appreciation has been prepared for each of them.

Resource Person(s): Commissioner Michael D. Page

County Manager's Recommendation: The Manager's recommendation is that the Board present resolutions of appreciation to Rev. James Smith and Rev. Joe Harvard for their leadership of the Interfaith Hurricane Relief Task Force.

6a. **Recognize Kevin McDonald for his Support of the Durham County Katrina Relief Effort**

5 min.

Following Hurricane Katrina, Durham County employees and citizens donated a truckload of supplies to Jackson County, Mississippi, a community hard hit by the storm. Specifically, several employees made the journey to deliver a 48-foot tractor-trailer load of goods to Pascagoula, Mississippi.

Mr. Kevin McDonald, Executive Director of TROSA, donated the tractor-trailer to make the journey and additionally donated much needed medical supplies. A resolution has been prepared to honor his extreme generosity.

Resource Person(s): Mike Ruffin, County Manager

County Manager's Recommendation: The Manager's recommendation is that the Board present the resolution to Mr. Kevin McDonald along with sincere thanks for his contribution to this relief effort.

7. **Recognize Durham County Employees who Transported Supplies to Jackson County, Mississippi**

5 min.

Following Hurricane Katrina, Durham County employees and citizens donated a truckload of supplies to Jackson County, Mississippi, a community hard hit by the storm. Specifically, several employees made the more than 1400-mile journey to deliver a 48-foot tractor-trailer load of goods to a local distribution center in Pascagoula, Mississippi.

The Board of County Commissioners will present certificates to those employees who provided assistance and delivered the supplies to Mississippi in early September.

Resource Person(s): Mike Ruffin, County Manager

County Manager's Recommendation: The Manager recommends that the Board present certificates of appreciation to the employees who gave their time to this humanitarian endeavor.

8. **December Anchor Award Winner?Winnie Breeden**

5 min.

Winnie Breeden, a former Durham County social worker who came out of retirement to assist individuals and families displaced by Hurricane Katrina, was selected to receive the December Anchor Award. Ms. Breeden was recognized for this honor because of superior work, particularly for her diligent and seemingly never-ending efforts.

- Ms. Breeden put forth maximum effort to assist displaced citizens. She worked nights, weekends, and was available 24 hours a day, seven days a week for 3 months.
- Ms. Breeden helped over 300 displaced individuals in Durham County find employment, housing, and other essentials. She made it a point to respond to requests in less than 24 hours.

Chairman Ellen Reckhow will lead the presentation.

Resource Person(s): Carolyn Titus

County Manager's Recommendation: The Manager recommends that the December Anchor Award be presented to Ms. Winnie Breeden along with congratulations of the entire organization.

#### **9. Triangle Wastewater Treatment Plant?EDGE Award**

5 min.

The Triangle Wastewater Treatment Plant (TWWTP) Upgrade and Expansion Project received a 2005 EDGE Award for the project that best exemplifies environmental sensitivity. The EDGE Awards are presented by the Triangle Business Journal and recognize excellence in the design, general contracting, engineering, and landscape contracting industries.

With completion of Phase II of the TWWTP improvements, the treatment capacity was increased from 6 mgd (million gallons per day) to 12 mgd. The five-stage biological treatment process provides a high level of treatment and significantly reduces the discharge of nutrients (phosphorous and nitrogen) from the plant. This is important because the plant discharges to Northeast Creek, a tributary of Jordan Lake.

Phase I of the project provided a new influent pump station at the plant site and ultraviolet disinfection to replace chlorination for disinfection. UV is a non-chemical disinfection process that does not produce toxic side effects.

A unique feature of the project is the use of sustainable design for the Administration, Laboratory, and Maintenance Building. Several environmentally friendly elements were utilized in the project, including:

- the use of reclaimed water for the HVAC system and the toilets to reduce potable water use;
- digital lighting controls and occupancy sensors to save energy in the lighting systems;
- roof materials that lower solar energy absorption to reduce cooling costs;
- reflective interior wall surfaces to use more energy efficient lighting;
- the use of recycled materials, such as concrete blocks, doors, windows, carpet, ceiling tiles, and vanity tops to conserve natural resources;
- the acquisition of regionally manufactured materials to minimize shipping costs and impacts; and
- the diversion of 86% of the construction, demolition, and land clearing waste to uses other than landfill.

The Engineering Department is pleased to announce the receipt of this award to the Board.

Resource Person(s): Glen Whisler, P.E., County Engineer; Chuck Hill, P.E., Utility Division Manager; Bob Carter, Project Manager; Andy Lambeth, Project Manager

County Manager's Recommendation: The Manager recommends that the Board recognize the Utility Division of the Engineering Department for receiving a 2005 EDGE Award.

10. **Triangle Wastewater Treatment Plant ? LEED Certification**

5 min.

The administration, lab, and maintenance facility completed as part of the Phase II improvements at the County's Triangle Wastewater Treatment Plant has received a LEED certified rating from the U.S Green Building Council. The LEED (Leadership in Energy and Environmental Design) Green Building Rating System is the national standard for developing high-performance, sustainable buildings. LEED was created to:

- define "green building" by establishing a common standard of measurement
- promote integrated, whole-building design practices
- recognize environmental leadership in the building industry
- stimulate green competition
- raise consumer awareness of green building benefits
- transform the building market

LEED provides a complete framework for assessing building performance and meeting sustainability goals. Based on well-founded scientific standards, LEED emphasizes state of the art strategies for sustainable site development, water savings, energy efficiency, materials selection, and indoor environmental quality.

Sustainable design features in the new administration building include:

- The use of reclaimed water for the HVAC system and the toilets;
- CFC reduction in HVAC equipment;
- Digital lighting controls and occupancy sensors;
- Tubular skylights for natural lighting;
- Roof materials and color that lower solar energy absorption;
- Roof overhang on southern exposure;
- Reflective interior wall surfaces to allow more energy efficient lighting;
- Use of recycled materials, such as concrete blocks, doors, windows, carpet, ceiling tiles, and vanity tops;
- Low VOC paints, adhesives, and sealants;
- Certified wood products from sustainable forests;
- Storage and collection of recyclables;
- The acquisition of regionally manufactured materials; and
- Diversion of 86% of the construction, demolition, and land clearing waste from the landfill.

This is the first County building to achieve this rating and is consistent with the Engineering Department's performance measure to incorporate sustainable design in the implementation of CIP projects. The Engineering Department is pleased to announce the receipt of this certification to the Board.

Resource Person(s): Glen Whisler, P.E., County Engineer; Chuck Hill, P. E. Utility Division Manager; Bob Carter, Project Manager

County Manager's Recommendation: The Manager recommends that the Board recognize the Utility Division of the Engineering Department for receiving the LEED certification for the new administration building at the Triangle Wastewater Treatment Plant.

11. **Consent Agenda** 20 min.

- a. Durham Board of County Commissioners' 2006 Meeting Schedule (approve the schedule as presented);
- b. Standard Non-Reimbursable Utility Contract for the Extension of the County Sanitary Sewer System (authorize execution of the contract with TMC Associates, LLC for this addition to the County sanitary sewer system);
- c. Sheriff's Office' Budget Ordinance Amendment No. 06BCC000029' Recognize Revenue from the Bureau of Justice Assistance (BJA) (approve to authorize the Sheriff's Office to accept the award in the amount of \$82,967);
- d. Amendment to the Minority and Women Business Enterprise Ordinance (approve the requested amendment to Chapter 8, Article V of the Durham County Code of Ordinances and allow the Finance Department to return at later date to request the funds for a disparity study);
- e. Budget Ordinance Amendment No. 06BCC000030' Soil & Water Conservation' Establish a Provision Full-Time Position to Support the County's Storm Water Education Program (accept \$24,293 in funding from the Environmental Protection Agency to support a new 1.0 full-time FTE position);
- f. Approval of the US 15-501 Transit Corridor Memorandum of Agreement (discussed at the December 5 Worksession);
- g. Appoint Dr. Andrew Rothschild to the Cultural Master Plan Advisory Board due to the recent resignation of Mr. John Mallard;
- h. Nonprofit Agency Funding Policy Revision (adopt the revised Nonprofit Agency Funding Policy); and
- i. Amendment to Audit Contract (approve an extension of the audit contract to December 31, 2005 and authorize the Chairman to execute the required documents).

12. **FY 2006-2007 Consolidated Action Plan Needs Public Hearing**

15 min.

The City of Durham Department of Housing and Community Development requests that the Board of County Commissioners hold the FY 2006-2007 Consolidated Action Plan Needs public hearing on December 12, 2005 to receive citizen comments. The Citizen Participation Plan contained in the adopted Durham 2005-2010 Consolidated Plan requires that two (2) public hearings be held prior to the submission of the Annual Consolidated Action Plan to the U.S. Department of Housing and Urban Development (HUD). The purpose of the first public hearing is to receive citizen comments on how City-County HOME Consortium funds can be used to address housing needs in Durham.

Durham anticipates receiving approximately \$1,300,000 in FY 2006-2007 HOME Consortium funds from HUD. In previous years, HOME Consortium funds have been used primarily for housing activities in Durham with special focus in target neighborhoods, including existing homeowner rehabilitation and new homebuyer rehabilitation activities. Approximately \$275,000 in non-federal funds will be needed from the HOME Consortium as a matching funds requirement of the FY 2006-2007 HOME program.

Mike Barros, Director of the City of Durham Department of Housing and Community Development has reviewed this request and recommends that the Board of County Commissioners hold the FY 2006-2007 Consolidated Action Plan Needs public hearing on December 12, 2005

Resource Person(s): Bruce Warrington, Federal Program Coordinator, City of Durham Department of Hosing and Community Development

County Manger?s Recommendation: The Manager?s recommendation is that the Board hold the FY 2006-2007 Consolidated Action Plan Needs public hearing to receive public comment.

13. Left blank intentionally

14. **Board and Commission Appointments**

10 min.

Vonda Sessoms, Clerk to the Board, will distribute ballots to make appointments to the following boards and commissions:

- Adult Day Care Home Community Advisory
  
- Animal Control Advisory Board
  
- Community Child Protection Team/Child Fatality Prevention Team
  
- Criminal Justice Partnership Act Advisory Board
  
- Open Space and Trails Commission
  
- Public Health Board

Resource Person(s): Vonda Sessoms

County Manager?s Recommendation: The County Manager recommends that the Board of County Commissioners vote to appoint members to the above-mentioned boards/commissions.

15. **Closed Session**

45 min.

The Board of Commissioners is requested to adjourn to closed session to instruct the staff concerning the position to be taken in negotiating the material terms for the acquisition of two real properties pursuant to G.S. § 143-318.11(a)(5). The two properties are: 247 S. Mangum owned by U-Haul Real Estate Company and **306 S. Roxboro Street owned by Scarborough and Hargett Funeral Home** ~~50 acres located on the west side of South Lowell Road owned by Sean P. and Kristi Scully.~~

In addition, the Board is requested to adjourn to closed session to discuss matters relating to the location or expansion of business or industry pursuant to G. S. 143-318.11(a)(4).

16. **Resolutions Authorizing Condemnation for Courthouse**

5 min.

The Board of Commissioners is requested to pass two resolutions authorizing condemnation (use of eminent domain powers) of property for a new courthouse and related parking. The two parcels involved are owned by Scarborough and Hargett Funeral Home, Inc. and AREC 3, LLC (U-Haul). The property is located immediately south of the existing Durham County Jail. In fact, a new courthouse facility was planned for placement on these two parcels at the time the Jail was

constructed. A tunnel to connect the Jail with the proposed courthouse facility was planned at the time. This would greatly facilitate the transfer of prisoners to court and provide a large measure of safety for both the Sheriff's deputies and the prisoners.

While County staff has tried to negotiate a reasonable purchase price for the two properties, these negotiations have proven fruitless. The next step to secure the property is the use of eminent domain procedures as set forth in the General Statutes. If the resolutions are passed, the County Attorney's Office will institute an action to condemn the property. The fair market value of the properties as determined by independent appraisals will be deposited with the court when the actions are filed.

Resource Person(s): Chuck Kitchen, County Attorney; Wendell Davis, Deputy County Manager.

COUNTY MANAGER'S RECOMMENDATION: APPROVE THE TWO RESOLUTIONS ON SEPARATE VOTES SO THAT THE ACQUISITION OF THE PROPERTIES FOR THE NEW COURTHOUSE CAN PROCEED.

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**2½ hrs.**