

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

Monday, June 10, 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.

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**6:00 pm Regular Session**

**1. Opening of Regular Session – Closed Session (6:00 pm)**

**7:00 pm Regular Session**

**1a. 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](mailto:Clerk@dconc.gov) for more information. Please note that all City and County taxes must be current at the time of application.
- 3) The Durham County Department of Social Services' office hours will be changing. Effective June 24, 2013 the agency's operating hours to the public will be 7:30 am - 5:30 pm;

- 4) Applications are available for the 2013 Durham Neighborhood College. This series of classes, co-sponsored by the City and County of Durham, allows participants to learn about government operations. The final day to apply for this year's session is Friday, July 19. Classes are held on nine Thursday nights beginning September 5th. The cost is \$30. All applicants must be current in their personal and property taxes at the time of application. For more information, call 919 560-0008 or visit our website at [www.dconc.gov](http://www.dconc.gov);
- 5) The Durham County Juvenile Crime Prevention Council will host its first annual Keeping our Youth Safe & Engaged during the Summer Public Awareness Event on June 13 and June 22, 2013. The first event will be held on Thursday, June 13 from 6:00 - 8:00 pm at the Community Family Life and Recreation Center at Lyon Park, 1309 Halley Street. Dinner will be served. The second event will be held Saturday, June 22 from 9:00 - 11:00 am at Holton Career & Resource Center, 401 North Driver Street. Breakfast will be served. For more information, contact Celia Jefferson at 919-560-0534 or [cjefferson@dconc.gov](mailto:cjefferson@dconc.gov).
- 6) The Durham Diabetes Coalition is hosting a Diabetes Tech Summit on Thursday, June 20 at the Duke Medical Education Building. The purpose is to identify the most promising apps to improve diabetes outcomes. The event is open to the public. Registration closes on June 14. For more information on the Tech Summit and to register, visit [www.DurhamDiabetesCoalition.org](http://www.DurhamDiabetesCoalition.org).

#### 4. **Minutes** (5 min)

- a. May 28, 2013 Regular Session

#### 5. **Proclamation - Juneteenth 2013** (5 min)

- 1) The Board is requested to proclaim Saturday, June 15, 2013, as Juneteenth, North Carolina African American Independence Day, in Durham.
- 2) Juneteenth is the oldest nationally celebrated commemoration of the ending of slavery in the United States. The annual commemoration of African American freedom emphasizes education and achievement. Each year, the celebration of Juneteenth encourages people of all races, nationalities and religions to reflect and rejoice history and achievement of African Americans. Individuals, groups and communities are charged to acknowledge a period in history that shaped and continues to influence our society today.
- 3) To celebrate this important commemoration in Durham County, Triangle Cultural Awareness Foundation and its founder Phyllis Coley, in conjunction with Spectacular Magazine, Another Coley Event, Y-Rag Entertainment and its founder Gary N. Jones, are sponsoring North Carolina's premier celebration with the 9th Annual North Carolina Juneteenth Celebration on June 13-15, 2013. The celebration begins on June 13th with the Spectacular Magazine Man of the Year Awards Banquet that will honor African American men for their achievements and contributions; continues on June 15th with the Bridge Builders Youth Luncheon designed to build a bridge between positive African American men and our youth; and the Unity March for the eradication of modern-day

forms of bondage (gangs, drugs, etc). The Celebration culminates with a Festival in CCB Plaza in downtown Durham, free and open to the public.

**Resource Persons:** Mike Ruffin, Durham County Manager; and Phyllis Coley, Publisher for Spectacular Magazine

**County Manager's Recommendation:** The County Manager recommends that the Board proclaim June 15th as Juneteenth in Durham and encourage citizens to join in the excitement of the fun-filled and educational celebration.

**6. Proclamation - Vulnerable Adult and Elder Abuse Awareness Month 2013 (5 min)**

- 1) The Board is requested to proclaim June Vulnerable Adult and Elder Abuse Awareness Month.
- 2) The International Network for the Prevention of Elder Abuse (INPEA) was founded in 1997 and is dedicated to global dissemination of information as part of its commitment to world-wide prevention of abuse and neglect of older adults.
- 3) The United Nations International Plan of Action adopted by all countries in Madrid, April 2002, clearly recognizes the importance of addressing and preventing abuse and neglect of older adults and puts it in the framework of the Universal Human Rights.
- 4) INPEA is dedicated to supporting the plan of action. As part of INPEA's research agenda, they launched a World Elder Abuse Awareness Day in 2006.
- 5) The Department of Social Services, The Durham Center for Senior Life, The Durham Center, The Triangle J Area Agency on Aging, the Durham Partnership for Seniors, and members of Partners Eliminating Adult Victimization in Durham (PEAVD) are jointly participating in community efforts to support and improve the safety and well-being of vulnerable and older adults and secure their right to live free of abuse, neglect, and exploitation.
- 6) Durham will join communities and municipalities world-wide in making proclamations declaring World Elder Abuse Awareness Day and participate in events designed to raise their communities' awareness of abuse and neglect of older persons.

**Resource Persons:** Jovetta Whitfield, Assistant Director; Bob Wallace, Adult Services Program Manager; Margaret Keller, Durham Partnership for Seniors; Joan Pelletier, Executive Director, Triangle J Area Agency on Aging; Juanita Nelson, Executive Director of the Durham Center for Senior Life, Ellen Holliman, Director, Alliance Behavioral Health and members of PEAVD

**County Manager's Recommendation:** The County Manager recommends that the Board proclaim June as Vulnerable Adult and Elder Abuse Awareness Month.

**7. Consent Agenda (15 min)**

- a. ITEM REMOVED;

- b. Approve the attached resolution and associated Capital Project Amendment No. 13CPA000012 for 2013 Round Single Family Rehabilitation Grant Project (4120DC097);
- c. Approve the attached resolution designating four County staff as eligible to sign requisitions for reimbursement under the 2013 Single Family Rehabilitation grant from the North Carolina Housing Finance Agency. Those four persons will be the Chairman of the Durham County Board of County Commissioners, Fred Foster, Jr.; Vice Chair Brenda Howerton, Michael M. Ruffin, County Manager; or George Quick, Finance Director;
- d. Approve the attached funding agreement with the North Carolina Housing Finance Agency for the \$170,000 Single Family Rehabilitation grant we have been approved for;
- e. Approve Budget Ordinance Amendment No. 13BCC000083 to recognize \$400 in donations and appropriate those funds in the Cooperative Extension budget;
- f. Approve Budget Ordinance Amendment No. 13BCC000084, a grant to the Durham Striders Youth Association in the amount of \$7,390.50 and authorize the Manager to execute the grant agreement;
- g. Approve Budget Ordinance Amendment No. 13BCC000085 to recognize the BECOMING grant funds and the Sub-recipient Agreement with Alliance Behavioral Healthcare to pass through the funds for the BECOMING Project to Alliance;
- h. Authorize the County Manager to enter into a contract with Baker & Taylor, Inc. for the acquisition of audiovisual materials and cataloging and processing services for a total amount not to exceed \$277,000.00, with an option to renew the contract for five (5) successive one (1) year periods;
- i. Approve the attached resolution designating certain County staff to sign requisitions for funds available to the County under the 2013 CDBG-Infrastructure Grant (06-D-2405);
- j. Approve the proposed Lease Amendment with Coastal Horizons Center, Inc and authorize the Manager to execute the Lease Amendment;
- k. Approve the first reading for Franchise Renewal for Duke Life Flight, and schedule the required second reading and final approval for the June 24, 2013 Board of County Commissioners Meeting;
- l. Approve the attached resolution, which will be forwarded to the appropriate staff at the NC Department of Transportation;
- m. Approve the request to increase the number of Durham County Adult Care Home Community Advisory Committee volunteers from the current 13 positions to 20 positions;

- n. Decline to purchase the school properties located at 301 and 302 Morris Street;
- o. Approve the Durham County Coordinated Public Transit – Human Service Transportation Plan;
- p. approve Budget Ordinance Amendment No. 13BCC000086 transferring \$700,936 from the Community Health Trust Fund into the General Fund Public Health budget to purchase Patagonia Patient Management Software and authorize the execution of the contract.

**8. Public Hearing – FY 2013-14 Budget (45 min)**

- 1) The Board of Commissioners will conduct a public hearing to receive citizen input on the FY2013-2014 Recommended Budget. In order to be able to hear from all interested citizens, the Commissioners usually set a time limit of three minutes for each speaker; however, the time limit may be adjusted at the discretion of Chairman Foster.

**Resource Person:** Michael Ruffin, County Manager

**County Manager’s Recommendation:** The County Manager recommends that the Board receive input from speakers and incorporate into their deliberations prior to finalization of next fiscal year’s budget.

**9. Public Hearing to Consider Allocating Economic Development Investment Funds to GE Aviation (15 min)**

- 1) The Board is requested to hold a public hearing to consider allocating economic development investment funds to General Electric Company, through its GE Aviation business unit, a global leader in jet engine and aircraft system production.
- 2) GE Aviation is a provider of commercial and military jet engines and components as well as avionics, electric power, and mechanical systems for aircraft with an extensive global service network to support these products. The company is considering a significant investment across the state of North Carolina to handle demand. It currently has approximately 1,400 employees in North Carolina at facilities including Durham and three other counties. As proposed, manufacturing would be done in other facilities and assembled in Durham.
- 3) The proposed investment would bring cutting edge manufacturing to the state and increase the capacity of the Durham facility to assemble new fuel efficient, lower emissions engines, an economic and environmental benefit. The company will spend approximately \$29,000,000.00 through 2017 to expand its Durham facility. In addition, the company will establish 50 new full-time jobs.
- 4) Company officials have stated that incentives from the local government are a key consideration in its final decision on expanding its operations in Durham.
- 5) Staff is recommending that the county participate in this economic development project by providing up to two hundred thousand (\$200,000.00) for its capital investment and the

creation of 50 new jobs. Funds would be furnished over a five (5) year period through and economic development incentive fund performance contract.

- 6) This public hearing was advertised on Friday, May 31, 2013 as required by law.

**Resource Persons:** Marqueta Welton, 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 GE Aviation in the amount of \$200,000.00.

**10. Public Hearing and Resolution - Bethesda Fire and Rescue Service District (15 min)**

- 1) The Board is requested to hold a Public Hearing regarding the creation of the Bethesda Fire and Rescue Service District. The creation of the Fire Service District is related to the request of the Bethesda Volunteer Fire Company, Inc. for Durham County to assume operations of the fire department, effective July 1, 2013.
- 2) Durham County chooses to provide fire and medical first response protection in the unincorporated areas of Durham County through contracts with a number of non-profit, volunteer-based fire departments. This service is defined in an annual service contract with each fire department, which outlines the responsibilities and obligations of the fire department and the County. In order to fund the operations of the non-profit fire departments, the County has established Rural Fire Protection Tax Districts, authorized under N.C.G.S. Chapter 69, Article 3A, and County Fire and Rescue Service Districts authorized under N.C.G.S. Chapter 153A, Article 15. The Board of County Commissioners is responsible for setting the tax rates in these Districts and the funds are collected in a special fund, and are restricted by State statute to only be used for fire/medical first response activities in the District. The fire/medical first response service can be provided directly by the County, contracted to a non-profit fire department, or contracted to a municipality with a fire department.
- 3) The Bethesda Volunteer Fire Company Inc. was formed in 1964 and has had a long tradition of providing fire and medical first response services within the Bethesda Rural Fire Protection Tax District, pursuant to a service contract with Durham County. A map outlining the Bethesda District is attached as Appendix 1. Over the years, the District that Bethesda Volunteer Fire Company serves has become increasingly urban and includes a portion of the Research Triangle Park. Because of the complexity of this District, the Bethesda Volunteer Fire Company is required to have similar capabilities as many larger urban fire departments. As volunteers have decreased, the Bethesda Volunteer Fire Company has worked with Durham County to adequately staff the Department through County employees. Currently, the Chief of the Bethesda Fire Department is a County employee and 19 full time County firefighters work at Bethesda. The Bethesda Volunteer Fire Company supplements the firefighters needed by employing part time personnel, which equate to 11 FTEs.
- 4) Over the last couple of years, Bethesda Volunteer Fire Company Inc. has faced financial issues and the funds available within the Bethesda Rural Fire Tax Fund have depleted.

Due to the manner in which the District was created back in 1964, the tax rate is capped at \$.10. Thus, as demands grow, revenues do not. The maximum rate of \$0.10 is no longer sufficient to fund the department at the level necessary to provide adequate fire protection to the District. These financial pressures resulted in the Board of Directors of the Bethesda Volunteer Fire Company, Inc, asking County staff to work with them last year to explore future options.

- 5) On February 12, 2013, the Bethesda Volunteer Fire Company, Inc. Board of Directors voted unanimously to cease operations and transfer all of their assets to Durham County. A letter conveying this action is attached as Appendix 2.
- 6) At the Worksession on April 1, 2013, County staff briefed the Board of Commissioners on the issues at Bethesda. At that time, staff outlined the process that would need to take place to establish a new Fire Service Tax District in order to adequately fund the operations at Bethesda. The presentation included data that showed that the tax increase needed for the County to assume operations of the fire department would be less than if the service remained the responsibility of the Bethesda Volunteer Fire Company.
- 7) As discussed at the April 1 Worksession, there will be a significant impact to services if the Fire Service Tax District is not established and the rate is kept at \$0.10, greatly impairing the ability of the fire department to adequately respond to emergencies within the District. Maintaining the rate of \$0.10 would require laying off all part time staff, essentially un-manning Bethesda Fire Station 2 on Leesville Road. This would result in a downgrade of the insurance rating for the residents of District and would bring about significant increases in Homeowner's Insurance rates for those residents. Ultimately, the cost to residents from a tax increase will be less than the resulting increases in Homeowners Insurance if the rate is maintained at \$0.10.
- 8) In order to begin moving forward, the Board of County Commissioners will need to consider the creation of a County Fire and Rescue Service District, under N.C.G.S. Chapter 153A, Article 15, to be overlaid on the existing Bethesda Rural Fire Tax District. The boundaries will be contiguous. As required by State law, notice of the Public Hearing was sent to all property owners in the proposed district (Appendix 3). Additionally, as required by State law, a report regarding the impact of the new Fire Service Tax District was prepared, and placed, in the Clerk to the Board's Office (Appendix 4). Notice of the Public Hearing was also duly published in accordance with applicable law.
- 9) After conclusion of the Public Hearing, the Board is asked to consider the attached Resolution (Appendix 5), creating the Bethesda Fire and Rescue Service District. Following the creation of the Service District, the Board will be requested to acquire the assets of the Bethesda Volunteer Fire Company. As part of the County Manager's Recommended Budget, a tax rate of \$0.13 has been recommended for the new Bethesda Fire Service Tax District. Since the existing Bethesda Rural Fire Tax District is not being abolished, the tax rate for that district is recommended to be set a \$0.00.

**Resource Persons:** Lee Worsley, Deputy County Manager; Jeff Batten, Fire Marshal; Carol Hammett, Deputy County Attorney

**County Manager's Recommendation:** The County Manager recommends that the Board hold a Public Hearing regarding the creation of the Bethesda Fire and Rescue Service District and, following the Public Hearing, approve the attached Resolution creating the Bethesda Fire and Rescue Service District, effective July 1, 2013.

**11. Public Hearing - Evaluation and Assessment Report of the *Durham Comprehensive Plan* (A1300001) (15 min)**

- 1) The Board is requested to conduct a public hearing and receive public comments on the annual Evaluation and Assessment Report of the *Durham Comprehensive Plan* (A1300001), and
- 2) To adopt a resolution that the Durham Comprehensive Plan be amended in accordance with the proposed changes to policies listed in the staff report; that the Future Land Use map of the Durham Comprehensive Plan be rectified; and that the Recreation and Open Space and Agricultural layers of the Future Land Use map be amended to reflect technical updates according to the map shown in the staff report.

**Resource Persons:** Steven L. Medlin, AICP, Planning Director and Hannah Jacobson, Planner

**County Manager's Recommendation:** The County Manager recommends that the Board adopt a resolution that the Durham Comprehensive Plan be amended in accordance with the proposed changes to policies listed in the staff report; that the Future Land Use map of the Durham Comprehensive Plan be rectified; and that the Recreation and Open Space and Agricultural layers of the Future Land Use map be amended to reflect technical updates according to the map shown in the staff report.

**12. Offer to Purchase Real and Personal Property from Bethesda Volunteer Fire Company, Inc. (10 min)**

- 1) The Board is requested to approve the attached Offer to Purchase two fire stations, fire suppression equipment and vehicles from the Bethesda Volunteer Fire Company, Inc., in an amount equal to the debt service owed as of July 1, 2013, which is anticipated to be \$1,119,000 (payoff amounts will be adjusted the day of closing to account for any additional interest and for any payments made in the interim) plus closing costs. The acquisition of the property and equipment is necessary for the County to take over the provision of fire services in the Bethesda Fire Service District beginning July 1, 2013. The Offer to Purchase is attached for your consideration.
- 2) The fire stations to be acquired are located at 1724 South Miami Blvd. Durham, NC 27703 and 7305 Leesville Rd. Durham, NC 27703. An inventory of fire suppression and vehicles to be purchased is attached to the Offer to Purchase.
- 3) The purchase of the property, vehicles and equipment will occur on July 1, 2013, and is subject to the creation of the new Bethesda Fire and Rescue Service District.

**Resource Persons:** Carol Hammett, Deputy County Attorney; Lee Worsley, Deputy County Manager; Jeff Batten, Fire Marshal



**County Manager's Recommendation:** The County Manager recommends that the Board approve the Offer to Purchase real property, fire suppression equipment and vehicles from the Bethesda Volunteer Fire Company, Inc. and authorize the County Manager to execute the Offer and any subsequent documents necessary to complete the acquisition.

**13. Durham Open Space and Trails (DOST) Commission Matching Grants Funding Recommendation**

1) The Durham Open Space and Trails Commission (DOST) received four applications for the Matching Grants Program to assist nonprofit community organizations with recreational and open space projects. The Matching Grants committee of the DOST and county staff examined the proposed projects to ensure compliance with the program's goals and guidelines. The DOST approved these projects and funding recommendation below at its April 17, 2013 meeting:

- Diverse Occupational Vocational Education Institute           \$15,370.00
- Keep Durham Beautiful   \$10,000.00
- Triangle Land Conservancy   \$ 9,000.00
- Trips for Kids Triangle   \$ 7,000.00

2) The recommendation to allocate \$41,370 of county funds represents a gain to the County of \$41,607 in matching funds as more than half the projects' proposed value of \$82,977. The Matching Grants program budget was approved in the FY2012-2013 Budget.

3) These recommendations are in addition to the four projects previously approved by the Board of County Commissioners in January 2013. With the current four projects, the FY 2012-13 Matching Grants program will fund eight total projects.

**Resource Persons:** Annette Montgomery, Matching Grants Committee Chair and Bo Gattis, Budget Analyst/Matching Grants Administrator

**County Manager's Recommendation:** The County Manager recommends the BOCC approve the funding requests from Diverse Occupational Vocational Education Institute, Keep Durham Beautiful, Triangle Land Conservancy, and Trips for Kids Triangle and the allocation of \$41,370 of the budgeted Matching Grants funds to these projects.

**14. ITEM REMOVED**

**15. ITEMS PULLED FROM CONSENT AGENDA (20 min)**

**16. Closed Session**

1) The Board of Commissioners is requested to adjourn to closed session to consult with an attorney concerning *In the Matter of the Appeal of IBM Credit Corporation for the Valuation and Taxation of Real Property by Tax Year 2001, 01 PTC 544*, and to preserve the attorney-client privilege pursuant to G.S. § 143-318.11(a)(3).

- 2) The Board is requested to adjourn to Closed Session pursuant to G. S. 143-318.11(a)(4) to discuss matters relating to the location or expansion of a business or industry.
- 3) The Board was requested to adjourn to closed session pursuant to G.S. 143-318.11(a)(3) to consult with an attorney in order to preserve the attorney-client privilege and to discuss the case in the matter of Geraldine Robinson v. Joe Bowser et al.

**COUNTY MANAGER'S RECOMMENDATION:** The County Manager recommends that the Board adjourn to Closed Session and direct staff as appropriate.

**County Manager's Recommendation:** The County Manager recommends that the Board adjourn to Closed Session and direct staff as appropriate.