

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

Monday, June 24, 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.
 - 3) Please take note of a major change in the way motor vehicles are taxed. The State's "Tax and Tag Together" Program was created to enable the collection of property taxes and registration renewals at the same time. The program becomes law on July 1st. All vehicle owners in North Carolina are affected by this change. For more information, visit www.ncdot.gov or call the Durham County Tax office at 919 560-0300.
4. **Minutes** (5 min)
 - a. June 10, 2013 Regular Session

- b. June 3, 2013 Worksession and Budget Worksession
- c. May 6, 2013 Worksession

5. Introduction of Howard ‘Skip’ Kirkwood as Durham County EMS Director (5 min)

- 1) Skip Kirkwood was announced in June as the new Director of Durham County EMS.
- 2) Skip came to Durham County from Wake County, where he served as Chief, Emergency Medical Services Division/Deputy Director since 2005. As Durham County’s Director of EMS, he will directly manage the Durham County EMS staff of 112, in 9 locations and a budget of \$8.6 million as well as be responsible for the management of the entire Durham County EMS System.
- 3) Kirkwood is a graduate of the University of the State of New York, with a B.S. degree in Biomedical Sciences. He also holds a M.S. degree in Health Services Administration from Central Michigan University and a J. D. with Honors from Rutgers University School of Law. In addition, his is a graduate of University of North Carolina School of Government where he received a Certificate in Municipal and County Administration.
- 4) In addition to his tenure in Wake County, Mr. Kirkwood has previous service as Executive Director/Chief EMS Officer, Area Ambulance Authority in Cedar Rapids, Iowa; Director, Emergency Medical Services, Munroe Regional Health System in Ocala, Florida; Battalion Chief and EMS Officer, Tualatin Valley Fire & Rescue, Aloha, Oregon and Chief, Emergency Medical Service and Systems, Oregon State Health Division in Portland, Oregon.
- 5) He is affiliated with numerous professional organizations such as the National EMS Management Association where he was on the Board of Directors and served as President in 2011-2012. Kirkwood is also a member of the International Association of Fire Chiefs and IAFC EMS Section, and the EMS Administrators of North Carolina.

Resource Persons: Lee Worsley, Deputy County Manager

County Manager’s Recommendation: The County Manager recommends that the Board welcome Mr. Kirkwood to Durham County.

6. Introduction of Greg Marrow as Chief Information Officer (CIO) (5 min)

- 1) Greg Marrow was announced in May as Durham County’s new Chief Information Officer. As Durham County’s CIO, he will direct technology operations for Durham County and manage a staff of 42 and a budget of nearly six million dollars.
- 2) With more than 20 years in the technology profession, Marrow previously served as CIO at Alabama A&M University in Huntsville, Alabama, a position he held since 2010. Marrow formerly worked at North Carolina Central University as its Chief Information Officer from 2004 until 2009.

- 3) In addition to his extensive career in the academic arena, Marrow has held progressively responsible technology positions at SAS in Cary where he worked as a Senior IT Program Manager; Nortel Networks in the Research Triangle Park where he served as Director of IT Product Management, and in Senior Management Positions in Information Technology at IBM in the Research Triangle Park.
- 4) Marrow is a graduate of North Carolina A&T University in Greensboro and holds B.S. and M.S. degrees in Electrical Engineering. He holds certifications in Information Technology Information Library (ITIL) Foundations Version 3 and as a Project Management Professional. He also earned a University Management Development Program Certificate from UNC and a Wharton Business School Executive Development Fellow Certificate. Marrow is currently participating in a CIO Institute Program at Carnegie Mellow University with graduation expected in 2014.

Resource Persons: Lee Worsley, Deputy County Manager

County Manager's Recommendation: The County Manager recommends that the Board welcome Mr. Marrow to Durham County.

7. Adoption of the FY2013-2014 Budget Ordinance (20 min)

- 1) The Durham County Manager presents the FY2013-2014 Annual Budget Ordinance to the Durham County Board of Commissioners for approval. This submission is in accordance with the Local Government Budget & Fiscal Control Act which requires adoption of the annual budget, no later than July 1.

Resource Persons: Michael Ruffin, Durham County Manager; Pamela Meyer, Director, Budget & Management Services

County Manager's Recommendation: The County Manager recommends that the Board approve the FY2013-2014 Budget Ordinance.

8. Consent Agenda (15 min)

- a. Approve the 3-year Ambulance Franchise Renewal request for Duke Life Flight to expire on June 30, 2016;
- b. Appoint the new EMS Director, Howard "Skip" Kirkwood, Jr. as a Deputy Tax Collector effective July 1, 2013;
- c. Authorize the County Manager the authority to execute the Interlocal Agreement between the County of Durham and the City of Durham regarding the ICMA Fellowship position;
- d. Accept the property tax release and refund report for May, 2013 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report;
- e. Renew the Interlocal Cooperation Agreement with the City of Durham for the programming of Durham Government TV;

- f. Approve the lease extension for 706 Rigsbee Avenue between Durham County and Rainbow 66 Storehouse Incorporated for one year and to authorize the Manager to execute the lease extension;
- g. Award the attached administration contract for the CDBG Infrastructure grant received by Durham County from the NC Department of Commerce (Division of Community Assistance) to The Wooten Company and authorize the County Manager to execute it;
- h. Approve the attached procurement and disbursement guidelines for use during implementation of the 2013 round Single Family Rehabilitation grant;
- i. Approve the attached FY13-14 service contract with Urban Ministries of Durham;
- j. Approve the Service Contract with Animal Protection Society of Durham, Inc., and the Sheriff for the operation of the Durham County Animal Shelter, in the amount of \$566,478.00, and authorize the Manager to execute the Agreement;
- k. Approve the annual renewal contract between Durham County and Correct Care Solutions (CCS) for an amount not to exceed \$3,216,982 and give the Manager the authority to either renegotiate or amend the contract if SB 321 passes;
- l. Approve Budget Ordinance Amendment 13BCC000087 and amend the budget as indicated – increase the budget for Coordinated Transportation by \$4,620 and approve the requested local match amount of \$462;
- m. Appoint Vice Chair Brenda Howerton as voting delegate and Commissioner Ellen Reckhow as alternate voting delegate for the NACo Conference in July, 2013;
- n. Appoint Vice Chair Howerton to one of the two at-large vacancies on the Durham Technical Community College Board of Trustees.
- o. Approve Capital project Amendment No. 13CPA000013 to officially close 23 completed projects allowing them to become final assets and begin depreciation and to transfer \$339,270.22 of unspent Main Library Renovations project (DC093) funds to a new Main Library Upgrade project (6110DC094) for future upgrades and to approve Budget Ordinance Amendment No. 13BCC000088 transferring \$7,188.00 of unspent project funds to the Debt Service Fund to offset debt service payments related to project financings;
- p. Appropriate the necessary funds from fund balance for the general ledger funds affected by the settlement to make final payment in the matter of the IBM Settlement should a settlement be reached before fiscal year end 2013;
- q. Approve the contract amendment with Womble Carlyle Sandridge & Rice, LLP to increase the total compensation by an amount not to exceed \$75,000 and authorize the County Manager to execute the amendment;

- r. Approve the contract amendment with Jackson Lewis, LLP to increase the contractor's rate by 5% for services rendered after June 24, 2013 and authorize the County Manager to execute the amendment;
- s. Approve the contract with Alliance Behavioral Healthcare for annual funding and provisions regarding services for FY 14.

9. Public Hearing to Consider Allocating Economic Development Investment Funds to Syngenta Biotechnology, Inc. (15 min)

- 1) The Board is requested to hold a public hearing to consider allocating up to \$375,000 in economic development investment funds to Syngenta Biotechnology, Inc.
- 2) Syngenta Biotechnology, located in Research Triangle Park (RTP), is a global center of biotechnology research and development. The Basel, Switzerland based company has had operations in Durham since 1984. It is part of a strong and growing agricultural biotechnology cluster in RTP. The company has over 27,000 employees worldwide and a presence in 90 countries and 8 U.S. states. Syngenta has 364 employees in Durham County. The company focuses on plant genetics to develop drought, pest, and disease-resistant plants and to otherwise increase global food production as well as sources of renewable energy.
- 3) Syngenta's governing board is considering where to locate new administrative and research and development facilities. The company is planning additional expansions of its operations with each expansion phase competing against its other global sites. Sites competing with Durham for the administrative and R&D expansion include two U.S. sites – Iowa and Minnesota – as well as Brazil, China, London and France. The project would involve a capital investment of \$94 million and the creation of 100 net new full time jobs. The average salary of the new jobs is \$88,107. If the Durham site is chosen, the new facilities would be built at 9 Davis Drive next to Syngenta's recently opened greenhouse facility.
- 4) Staff is recommending that the county provide up to \$375,000 in economic development incentives. \$275,000 would be tied to the \$94 million capital investment and up to \$100,000 would be paid for Durham residents trained. Funds would be paid from the general fund and furnished over a six (6) year period through an economic development incentive fund performance contract.
- 5) This public hearing was advertised on June 14, 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.

10. Amendment to Animal Control Ordinance (15 min)

- 1) The Board is requested to approve proposed changes to the Animal Ordinance to delete the requirement of an animal tax.

- 2) The proposed Resolution Amending Chapter 4 of the Durham County Code of Ordinances entitled 'Animals' is attached for consideration and approval, as well as the red-lined version which shows the changes stuck.

Resource Person(S): Lowell L. Siler, County Attorney

County Manager's Recommendation: The County Manager recommends that the Board approve the proposed Ordinance Amending Chapter 4 of the Durham County Code of Ordinances related to Animals, to become effective July 1, 2013.

11. Adoption of Joint Resolution to Approve the Merger/Consolidation of the Cumberland Area Authority into the Alliance Multicounty Area Authority (20 min)

- 1) The Board is requested to adopt the attached Joint Resolution between Cumberland, Durham and Wake counties approving the merger/consolidation of the Cumberland Area Authority into the Alliance Multicounty Area Authority/ Local Management Entity ("LME") pursuant to N.C. Gen. Stat. § 122C-115.1 for the provision of mental health, intellectual/developmental disabilities and substance abuse services.
- 2) The Resolution provides Cumberland County with proportional representation on the Alliance Board of Directors as well as proportional obligation for the \$8 million start-up loan to Alliance originally funded by Durham and Wake counties.

Resource Person(s): Ellen S. Holliman, Chief Executive Officer, Alliance Behavioral Healthcare

County Manager's Recommendation: The County Manager recommends that the Board adopt the Joint Resolution.

12. Consideration of Concord Hospitality Enterprises Company Request for Financial Support to Develop a Marriott Residence Inn Hotel (30 min)

- 1) Concord Hospitality Enterprises Company, one of the largest hotel managers in the country, is a Raleigh-based company with over 90 hotels in its portfolio. Concord proposes to build a Marriott Residence Inn hotel on the former North Carolina Eye & Ear Hospital site located at 1108 West Main Street. Project plans include retaining one third of the old McPherson Hospital as a façade for the proposed hotel. Concord's stated cost for preserving the McPherson façade is \$400,000; however, Concord says that its development cost for incorporating the McPherson design theme into the hotel is \$1,264,205. Concord indicated that inclusion of the McPherson façade detail contributes to its inability to obtain an 18% to 20% internal rate of return on investment its investors desire to move forward with this project.
- 2) The company is seeking local government support to offset costs associated with incorporating the McPherson façade into the project and is asking Durham County for a \$755,000 grant to be paid over 8 years. Payment of the grant would commence after completion of hotel construction and its first year of operations. In the alternative, the

company seeks a lump sum present value equivalent in the amount of \$525,000 to be paid upon completion of its first year of operations. Other alternatives advanced by Concord include:

- \$400,000 grant payable year one with a \$215,000 loan at market rates amortized over 10 years; or
 - \$400,000 grant payable in \$200,000 increments year one and year two with a \$275,000 loan at market rates amortized over 10 years.
- 3) The County may consider financial support of this project pursuant to G.S. 153A-376 as a community development program to preserve or rehabilitate older neighborhoods or properties. Staff recommends that any support considered be limited to the actual cost of preserving the façade.

Resource Persons: Marqueta Welton, Deputy County Manager; Carol Hammett, Deputy County Attorney; George Quick, Finance Director.

County Manager's Recommendation: The County Manager recommends that the Board hold the public hearing and based upon the information received, approve entering into a community development contract between the County of Durham and Concord Hospitality Enterprises Company in the maximum amount of \$400,000 to be used to preserve the McPherson Hospital façade and paid upon completion of the hotel's first year of operations.

13. Citizen Board Appointments (10 min)

- 1) Michelle Parker-Evans, Clerk to the Board, will distribute ballots to the Board to make appointments to the following boards and commissions:
- a) Board of Adjustment
 - b) Durham Technical Community College Board of Trustees
 - c) EMS Council
 - d) Homeless Services Advisory Committee
 - e) Juvenile Crime Prevention Council
 - f) Women's Commission
 - g) Workforce Development Board

Resource Person(s): Michelle Parker-Evans, Clerk to the Board

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

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

15. 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).

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