

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

Monday, February 24, 2014

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 pm 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 daily on Cable TV Channel 8 or 97-5 at 10 a.m., 3:30 p.m. and 6:30 p.m. 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) "Living Healthy," the Durham Diabetes Coalition Television show, airs daily on Cable TV Channel 8 or 97-5 at 7 p.m. Each episode features Durham County resources and residents successfully living with diabetes. This is also an initiative that supports Durham County's strategic goal Health and Well-being for All.
 - 4) As Chair of the Board of County Commissioners, I will hold office hours for citizens on Wednesdays from 2:00 pm to 5:00 pm. Appointments can be made by calling me at 919-949-4022;

4. Minutes (5 min)

- a. January 27, 2014 Regular Session
- b. February 3, 2014 Worksession
- c. February 10, 2014 Special Session
- d. February 10, 2014 Regular Session

5. Resolution Honoring the Life and Legacy of Commissioner Becky M. Heron (10 min)

- 1) The Board is requested to recognize former Commissioner Becky M. Heron who passed on January 23, 2014. Commissioner Heron was the first woman to chair the Board of County Commissioners and was highly regarded for opening the doors for other women to serve in political leadership positions.
- 2) In her statement announcing her resignation from the Board in June 2011, she said of her 29-year career, "I always prided myself on serving the community to the best of my ability...I have been most devoted to environmental issues, planning, transportation, animal control, mental health, education and looking out for our senior citizens."
- 3) Mrs. Heron will long be remembered for her dedication to public service, and for the numerous projects she supported including the Center for Senior Life, Little River Park, Durham County Inventory of Natural and Cultural Resources and more which helped to improve the quality of life for all Durham County residents.
- 4) Alignment With Strategic Plan: This resolution honoring former Commissioner Becky M. Heron aligns with Strategic Goal 5: Accountable Efficient and Visionary Government.

Resource Persons: Michael D. Page, Chairman

County Manager's Recommendation: The County Manager recommends that the Board approve this resolution and present it to Dr. Duncan Heron and the family of Commissioner Becky M. Heron, along with sincere sympathies from the entire Durham County family.

6. Resolution Honoring Budget and Management Services Director, Pam Meyer (5 min)

- 1) The Board is requested to recognize Budget and Management Services Director, Pam Meyer as she prepares to retire from Durham County Government management. Ms. Meyer has led the Budget Office since January, 2001 and has served in local government for more than 30 years.
- 2) Ms. Meyer will be remembered for her dedication to effective Durham County administration, her tremendous skill at guiding the development of 13 multi-hundred million dollar budgets, her invaluable support in the development of a comprehensive ten year Capital Improvement Plan process, and her ability to work and communicate

effectively with Commissioners, County Managers, department heads, and county employees. Ms. Meyer was everything that Durham County citizens would hope a County employee would be. That she directed a department integral to making varied policies and BOCC directives come to fruition was an added bonus that can in part be measured in the high fiscal reputation Durham County holds.

- 3) An informal combined retirement reception will be held on February 27th for family, employees, and colleagues to honor the career of Ms. Meyer. Ms. Meyer officially bids farewell to Durham County Government on Friday, February 28th.
- 4) Alignment with Strategic Plan: This resolution honoring our insightful, visionary retiring County Director aligns with Strategic Goal 5: Accountable Efficient and Visionary Government.

Resource Persons: Michael D. Page, Chairman

County Manager's Recommendation: The County Manager recommends that the Board approve this resolution and present it to Pam Meyer, along with best wishes for a well-deserved retirement.

7. **Resolution Honoring Durham County Engineering and Environmental Services Director Glen Whisler (5 min)**

- 1) The Board is requested to recognize Glen Whisler, Durham County Engineering and Environmental Services Director as he prepares to retire from a distinguished, superior career. Whisler joined Durham County in 1997 as a project manager in the General Services Department. In July 1998, he was appointed County Engineer to lead the newly established Durham County Engineering Department.
- 2) Whisler managed multiple building and renovation projects during his tenure totaling more than one billion dollars. He is credited with excellent project management skills, and for saving Durham County hundreds of thousands of dollars through his dynamic attention to project details.
- 3) Whisler officially bids farewell to Durham County Government at the end of this week.
- 4) Alignment With Strategic Plan: This resolution honoring our retiring Durham County Engineering and Environmental Services Director aligns with Strategic Goal 5: Accountable Efficient and Visionary Government.

Resource Persons: Michael D. Page, Chairman

County Manager's Recommendation: The County Manager recommends that the Board approve this resolution and present it to Mr. Glen Whisler, along with best wishes for a productive and joyful retirement.

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

- a. Approve the Tax Administrator's request to begin advertising the 2013 tax liens in the month of March;
- b. Approve Budget Ordinance Amendment No. 14BCC000042 to amend the AnimalKind budget, thereby increasing the contract amount to allow the reimbursement of \$4,325 from NC Department of Agriculture and Consumer Services Spay/Neuter Program to Durham County to be disbursed to AnimalKind for additional Durham County animals to be provided low cost spay and neutering services;
- c. Approve Budget Ordinance No. 14BCC000043 to recognize Duke Energy Progress Merger Settlement funds to assist low-income customers with energy assistance and LIEAP funds to provide assistance to low income households with heating and cooling expenses, in the total amount of \$8,375;
- d. Approve Budget Ordinance Amendment No. 14BCC000044 for the amount of \$6,789 from the NC Department of Health and Human Services for the Health Education Division;
- e. Approve Budget Ordinance Amendment No. 14BCC000045 in the amount of \$27,430 for TANF Out- Of- Wedlock Prevention Program;
- f. Accept an easement from Wake County for a future extension of the County sanitary sewer collection system;
- g. Award the construction contract for the Miami Boulevard Force Main Improvements to Sullivan Eastern, Inc., in the amount of \$869,700.00; to authorize the County Manager to execute the contract; and to authorize the County Manager to execute any related contracts, not to exceed a total project budget of \$913,185.00;
- h. Approve the sale of 2114 Ashe Street to Ian Kip for \$20,000;
- i. Pursue the upset bid process for 2403 Angier Avenue, 2121 Cheek Road and 3005 Ruth Street. A resolution to offer the properties in an "upset bid" sale is attached. The Board has the authority to accept or reject any offer at the conclusion of the upset bid process;
- j. Approve the sale of 606 E. Umstead to the Durham Public Schools for \$44.32;
- k. Approve the funding requests from Eno River Association and Museum of Durham History and the allocation of \$12,935 of the budgeted Matching Grants funds to these projects;
- l. Adopt the Durham City/County Emergency Operation Plan;
- m. Approve the attached Resolutions (3) authorizing the Interim County Manager to Issue Refunding General Obligation Bonds in an amount not to exceed \$60M for a term not more than twenty years; to extend the County's BANS financing facility for three years in an amount not to exceed \$50M; and to authorize staff to request that the Local Government Commission extend the issuance time for Bonds authorized under the 2007 Referendum to November 1, 2017;

9. City Center / Jack Tar Community Development Project Discussion (10 min)

- 1) The Board is requested to consider directing staff to negotiate the award of community development funds for public parking and historic preservation to the Jack Tar hotel and associated parking deck, which also involves the rehabilitation and re-use of the Jack Tar Hotel and parking deck. Historic building facades on Parrish St. would also be preserved.
- 2) The developers have requested funds equaling \$6 million in 2014 dollars (Net Present Value). The City has requested that the County share equally in this request.
- 3) If the Board directs staff to begin negotiations, staff would negotiate a contract addressing the following terms, and any additional terms that are deemed necessary and prudent. A negotiated contract would be brought back to the Board for final approval.
 - A reasonable amount of public, hourly parking, on a first come first serve basis available in the Jack Tar parking deck.
 - Regular review of developer's audited financials to monitor compliance with the contract terms.
 - Developer minimum necessary investments, ensuing that the private investment is made before any public contribution.
 - Impact of Developer receiving historic tax credits on the Jack Tar Hotel thus reducing the \$6m financial gap Developer currently has.
 - Impact of Developer pursuing tax advantages tied to a historic landmark status for the Jack Tar Hotel.
 - Addressing the conveyance of the project to a new owner.
 - Addressing the design elements and preservation of the Jack Tar Hotel.
- 4) Alignment with Strategic Plan: Goal 1 – Community and Family Prosperity and Enrichment

Resource Persons: George Quick, Interim Deputy County Manager

County Manager's Recommendation: The County Manager recommends that the Board consider directing staff to negotiate a contract for the award of community development funds for public parking and historic preservation to the City Center / Jack Tar project.

10. Board and Commission Appointments (10 min)

- 1) Michelle Parker-Evans, Clerk to the Board, will distribute ballots to the Board to make appointments to the following boards:

- a. Adult Care Home Community Advisory Committee
- b. Alcoholic Beverage Control Board
- c. City-County Appearance Commission
- d. Juvenile Crime Prevention Board
- e. Open Space and Trails Commission
- f. Public Health Board

- 2) **Alignment with Strategic Plan:** When citizens are engaged and partners on our Boards and Commissions, the vision of our Strategic Plan is achieved – a thriving, vibrant, diverse community with abundant opportunity for all residents to live, work, learn, play and grow.

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 and commissions.

11. ITEMS PULLED FROM CONSENT AGENDA (20 min)

12. CLOSED SESSION

- 1) The Board is 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;
- 2) The Board is requested to adjourn into closed session pursuant to G.S. 143-318.11(a)(5) to instruct staff on the position to be taken concerning the acquisition of real property conservation easements on two farm properties located at 2132 Infinity Road owned by Scottie McFarland; and 4103 Adcock Road owned by Robert F. Adcock Jr. and Paul S. Adcock;
- 3) The Board is requested to adjourn into closed session pursuant to G.S. 143-318.11(a)(5) to instruct staff on the position to be taken concerning the price and other material terms of a proposed contract for the acquisition of real property for the Rougemont Critical Water Infrastructure project;
- 4) The Board is 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.