

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

Monday, May 14, 2007

7:00 P.M. Regular Session

MINUTES

Place: Commissioners' Room, second floor, Durham County Government Administrative Complex, 200 E. Main Street, Durham, NC

Present: Chairman Ellen W. Reckhow, Vice-Chairman Becky M. Heron, and Commissioners Philip R. Cousin Jr. and Michael D. Page

Absent: Commissioner Lewis A. Cheek

Presider: Chairman Reckhow

Opening of Regular Session—Pledge of Allegiance

Agenda Adjustments

Chairman Reckhow stated that Commissioner Cheek had been excused from this meeting. She acknowledged the revised agenda (reflecting the addition of a closed session) and a revised budget worksession schedule, which had been placed at each Commissioner's station.

Announcements

Chairman Reckhow announced that the Board of Commissioners will hold a community meeting on the future of the Durham County Stadium on Monday, May 21, 2007, at 7:00 p.m. in the Northern High School auditorium. She encouraged citizens who are interested to attend.

Vice-Chairman Heron recapped the Second Annual Gala event of the Animal Protection Society of Durham on May 4, which successfully raised money for the Durham County Animal Shelter. The Gala was also a kick-off event for the 2007 Walk for the Animals on May 19 at Duke University's Wallace Wade Stadium from 9:00 a.m. to 1:00 p.m. Activities include the Walk, a raffle, demonstrations, contests, children's activities, rescue booths, and a free breakfast. She invited citizens to participate.

Chairman Reckhow announced the following budget related meetings:

May 21: County Manager's Recommended Budget to be presented to the Board of County Commissioners at 5:00 p.m.

May 22-24: Budget Worksessions from 9:00 a.m. to Noon

Minutes

Commissioner Cousin moved, seconded by Vice-Chairman Heron, to approve as submitted the April 23, 2007 Regular Session Minutes of the Board.

Ayes: Cousin, Heron, Page, and Reckhow
Noes: None
Absent: Cheek

Foster Care Month Proclamation

Chairman Reckhow read into the record the following proclamation recognizing May as Foster Care Month:

PROCLAMATION

WHEREAS, the family, serving as the primary source of love, identity, self-esteem, and support, is the foundation of our communities and our state; and

WHEREAS, over 513,000 American children are in foster care because their own families are in crisis and unable to provide for their essential wellbeing; and

WHEREAS, in Durham County, there are 266 children and youth in foster care being provided with a safe, secure, and stable home along with the compassion and nurture of a foster family; and

WHEREAS, foster families, who open their homes and hearts and offer to help children whose families are in crisis, play a vital role helping children and families heal and reconnect and launching children into successful adulthood; and

WHEREAS, the growth in the foster care populations results in a greater need for more foster families; and

WHEREAS, the Durham County Department of Social Services is joined by numerous individuals and public and private organizations who work to increase public awareness of the needs of children in and leaving foster care as well as the enduring and valuable contribution of foster parents, and the foster care “system” is only as good as those who choose to be part of it; and

WHEREAS, the Durham County foster care system depends on the active support and involvement of the Durham community:

NOW, THEREFORE, BE IT RESOLVED that I, Ellen W. Reckhow, Chairman of the Durham County Board of Commissioners, do hereby proclaim May 2007 as

FOSTER CARE MONTH.

I commend this observance to our community and urge all citizens to come forward and do something positive that will help *change a lifetime* for children and youth in foster care.

This the 14th day of May, 2007.

/s/ Ellen W. Reckhow, Chairman

Jovetta Whitfield, Child Placement and Supportive Services Program Manager, thanked the Board for acknowledging foster parents in Durham County by issuing the proclamation.

Deputy Sheriff Lisa Richmond, President, Durham Foster Parents Association, extended her gratitude to the Board for recognizing the Durham County foster care system, as well as her contributions to foster children. (Deputy Sheriff Richmond was recently named as “Honoring Connections: Key to Hidden Treasures” Adoptive Parent of the Year by Region 3 of the NC Association of Foster and Adoptive Parents.)

Chairman Reckhow presented the proclamation to Ms. Whitfield and Deputy Sheriff Richmond.

Ms. Whitfield announced the Walk for the Children on Saturday, May 19, at 9:00 a.m. The Walk would begin at the Durham County Social Services parking lot located on Main Street (across from the Housing Authority).

Durham Soil and Water Conservation District Envirothon Team Recognition

The Durham Soil and Water Conservation District requested that the Board of County Commissioners officially recognize the homeschool Envirothon team, the Vicious Vipers, who placed first among all middle school teams for their outstanding performance at the 2007 State Envirothon competition.

Jennifer Brooks, Watershed Conservationist, reported that more than 500 North Carolina middle and high school students from all 100 counties in the state gathered in Burlington on April 27 and 28 for an environmental science competition called the Envirothon. The competition, held annually in the U.S. and Canada, is coordinated in North Carolina through the N.C. Division of Soil and Water Conservation, the state’s 96 local soil and water conservation districts, and the N.C. Association of Soil and Water Conservation Districts. Locally, the Envirothon is sponsored by the Durham Soil and Water Conservation District through means of training and resource materials. Five-member student teams are tested on their knowledge of the environment and natural resources in the areas of soils, forestry, aquatics, wildlife, and current environmental issues. The team with the highest combined point total wins the state competition.

Ms. Brooks stated that the Durham Soil and Water Conservation District sponsored five teams from Durham County that participated at this year’s State competition. All five teams were eligible to compete due to their high placement at an area level competition in March. She recognized the five team members and their advisor: Anna Gass, Nathaniel Gass, Merilee Nixon, Michael Estes, Mason Erb, and Team Advisor Cindy Gass.

Team Advisor Gass expressed appreciation for the Durham Soil and Water Conservation District's support and sponsorship.

Chairman Reckhow extended her congratulations and presented award medals to the Vicious Vipers.

Consent Agenda

Commissioner Cousin moved, seconded by Vice-Chairman Heron, to approve the following consent agenda items:

- a. Cultural Master Plan Revised Spending Request for Durham Rising Festival (approve this grant request for \$8,000 for DDI's Durham Rising festival, authorizing the expenditure of implementation funds);
- *b. Budget Ordinance Amendment 07BCC000063—County Tax Service Inc.—Approve the Contract Amendment to recognize \$30,000 in additional tax revenue and authorize the Manager to amend the contract;
- *c. Budget Ordinance Amendment No. 07BCC000064—Public Health—Recognize One-Time Title X Bonus Funds in the amount of \$48,960 from the NC Department of Health and Human Services for the Family Planning Program;
- d. Approve the Proposed Lease Amendment for Lincoln Community Health Center and authorize the Manager to execute;
- e. Approve the Contract with RS&M Appraisal Services Inc. to provide revaluation assistance to the Tax Administration Department; contract amount not to exceed \$150,000;
- *i. Capital Project Amendment No. 07CPA000008—Durham Public Schools (DPS)—Applications to the Public School Building Capital Fund (approve funds to the Neal Middle School capital project [\$105,000] and Hillside High School capital project [\$90,000] and that the Chairman of the Board of County Commissioners sign the two applications for PSBCF funding);
- j. Durham Public Schools—Approval of Construction Contract for Lowe's Grove Middle School (enter into a contract with H.B. West Construction Company for the construction of a new fire lane at Lowe's Grove Middle School for \$186,790);
- *k. Enact the Proposed Amendment to the Stormwater Management Ordinance;
- l. Approve the Offer to Purchase 50 acres on the Little River Owned by North Triangle Realty \$11,000 per acre or approximately \$550,000; the offer is contingent upon a CWMTF award equaling 65% of the purchase price, a

clean Phase I environmental assessment, and a closing prior to December 31, 2007;

- *m. Budget Ordinance Amendment No. 07BCC000065— Budget and Technical Changes Related to Moving Dedicated Sales Tax and Occupancy Tax Revenues and to Changes in the Debt Service Fund: 1) make technical changes to how Durham County budgets for dedicated Article 40 and 42 sales tax and occupancy tax revenues; 2) increase the current year budget estimate for these dedicated revenues; and 3) increase the budget estimates for revenues in the Debt Service Fund from various capital project funds as well as decreasing Debt Service Fund expenditures;
- *n. Offer to Purchase County Surplus Properties (pursue the upset bid process for the sale of 2422 Barry Street, 723 Eva Street, 3500 Carr Road, 818 Red Oak Avenue, and 2804 Cannada Avenue; the Board has the authority to accept or reject any offer at the conclusion of the upset bid process);
- o. Removed;
- p. Authorize the Execution of a Consulting Services Agreement with System WorGx in the amount of \$34,000 for the LEED Commissioning Services for the Proposed Durham County Human Services Complex. Project No.: DC070-48;
- q. Exempt the Oakleigh Building Project from RFQ Procedures for Hiring an Architect and authorize the County Manger to hire an architect to allow the construction schedule to move forward as quickly as possible;
- r. Approve the Verizon Easement on the Detention center Property; and
- s. Exempt the County Stadium Structural Evaluation from RFQ Procedures for Hiring a Consulting Engineer and authorize the County Manager to hire a consulting engineer to allow the evaluation and any needed remediation to move forward as quickly as possible.

The motion carried with the following vote:

Ayes: Cousin, Heron, Page, and Reckhow
Noes: None
Absent: Cheek

*Documents related to these items follow:

Consent Agenda Item No. b. Budget Ordinance Amendment 07BCC000063—County Tax Service Inc.—Approve the Contract Amendment to recognize \$30,000 in additional tax revenue and authorize the Manager to amend the contract.

DURHAM COUNTY, NORTH CAROLINA
FY 2006-07 Budget Ordinance
Amendment No. 07BCC000063

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2006-07 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Taxes	\$200,204,438	\$30,000	\$200,234,438

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
General Government	\$30,578,232	\$30,000	\$30,608,232

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 14th day of May, 2007.

Consent Agenda Item No. c. Budget Ordinance Amendment No. 07BCC000064—Public Health—Recognize One-Time Title X Bonus Funds in the amount of \$48,960 from the NC Department of Health and Human Services for the Family Planning Program.

DURHAM COUNTY, NORTH CAROLINA
FY 2006-07 Budget Ordinance
Amendment No. 07BCC000064

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2006-07 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental	\$321,515,765	\$48,960	\$321,564,725

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$380,122,005	\$48,960	\$380,170,965

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 14th day of May, 2007.

Consent Agenda Item No. i. Capital Project Amendment No. 07CPA000008—Durham Public Schools (DPS)—Applications to the Public School Building Capital Fund (approve funds to the Neal Middle School capital project [\$105,000] and Hillside High School capital project [\$90,000] and that the Chairman of the Board of County Commissioners sign the two applications for PSBCF funding).

DURHAM COUNTY, NORTH CAROLINA
FY 2006-07 Capital Project Ordinance
Amendment No. 07CPA000008

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2006-07 Capital Project Ordinance is hereby amended to reflect budget adjustments for the following projects:

	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>			
Neal Middle School Parking Lot Upgrades	\$0	\$105,000	\$105,000
Hillside High School Renovations for New Tech School	\$0	\$90,000	\$90,000

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 14th day of May, 2007.

Consent Agenda Item No. k. Enact the Proposed Amendment to the Stormwater Management Ordinance.

ORDINANCE AMENDING
THE STORMWATER MANAGEMENT ORDINANCE - CHAPTER 14 OF THE
DURHAM COUNTY CODE OF ORDINANCES

WHEREAS, the North Carolina Legislature has, through Session Law 2006-246, enacted a Stormwater Management Program which includes portions of the Cape Fear River Basin in Durham County and will be implemented on July 1, 2007; and,

WHEREAS, this Program is intended to protect and enhance the quality of surface waters by reducing the amount of stormwater pollutant runoff from new development; and,

WHEREAS, these goals are endorsed by the Board of County Commissioners and are consistent with their goals to promote ecologically responsible growth in Durham County and high quality water resources; and,

WHEREAS, the County of Durham previously adopted a local ordinance, Article V of Chapter 14, which controls same on February 26, 2001; and,

WHEREAS, upon review of the existing ordinance it has been determined that it should be amended to include certain requirements set out in Session Law 2006-246 concerning recordation of obligations and specific stormwater control standards; and,

WHEREAS, the North Carolina Legislature has, through N.C.G.S. §§ 143-214.7, 153A-102, 153A-121, 153A-123, 153-274ff, and Session Law 2006-246 vested the Board of County Commissioners with the authority to enact this article.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS FOR THE COUNTY OF DURHAM DOTH ORDAIN:

1) That Chapter 14, Article V of the Durham County Code of Ordinances is hereby amended by adding Section 4-163, which section shall read as follows:

Sec. 14-163. Recordation Requirements. A deed restriction or restrictive covenants shall be recorded which require compliance with the approved stormwater control plan and stormwater permit, as described in Article V. The deed restriction or restrictive covenants shall provide for enforcement by the County of Durham.

2) That Chapter 14, Article V of the Durham County Code of Ordinances is hereby amended by adding Section 4-153(b)(4), which section shall read as follows:

Section 14-153 (b) (4). High Density Developments, defined as those with greater than 24 percent impervious surface, located outside of the Water Supply Watershed Overlays as established in Durham County Unified Development Ordinance Section 4.11.2.A, shall use stormwater management systems that control and treat runoff from the first one (1) inch of rain to remove an eighty-five percent (85%) average annual amount of total suspended solids (TSS).

3.) The Chapter, as amended, is effective upon enactment.

4.) This the 14th day of May, 2007.

/s/ Ellen W. Reckhow, Chairman
Durham County Board of County Commissioners

Consent Agenda Item No. m. Budget Ordinance Amendment No. 07BCC000065—Budget and Technical Changes Related to Moving Dedicated Sales Tax and Occupancy Tax Revenues and to Changes in the Debt Service Fund: 1) make technical changes to how Durham County budgets for dedicated Article 40 and 42 sales tax and occupancy tax revenues; 2) increase the current year budget estimate for these dedicated revenues; and 3) increase the budget estimates for revenues in the Debt Service Fund from various capital project funds as well as decreasing Debt Service Fund expenditures.

DURHAM COUNTY, NORTH CAROLINA
FY 2006-07 Budget Ordinance
Amendment No. 07BCC000065

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2006-07 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Taxes	\$200,234,438	\$19,824,883	\$220,059,321
<u>CAPITAL FINANCE PLAN FUND</u>			
Taxes	\$29,230,536	(\$17,334,172)	\$11,896,364
Other Financing Sources	\$2,640,323	\$19,824,883	\$22,465,206
<u>DEBT SERVICE FUND</u>			
Other Financing Sources	\$39,605,434	(\$252,544)	\$39,352,890
<u>Expenditures:</u>			
<u>Function</u>			
<u>GENERAL FUND</u>			
Other	\$5,122,163	\$19,824,883	\$24,947,046
<u>CAPITAL FINANCE PLAN FUND</u>			
Other	\$32,316,414	\$2,490,711	\$34,807,125
<u>DEBT SERVICE FUND</u>			
Other	\$39,928,156	(\$252,544)	\$39,675,612

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 14th day of May, 2007.

Consent Agenda Item No. n. Offer to Purchase County Surplus Properties (pursue the upset bid process for the sale of 2422 Barry Street, 723 Eva Street, 3500 Carr Road, 818 Red Oak Avenue, and 2804 Cannada Avenue; the Board has the authority to accept or reject any offer at the conclusion of the upset bid process).

RESOLUTION

WHEREAS, Durham County owns a certain parcel of real property situated in Durham County, North Carolina and properly described as follows:

2422 Barry Street
PIN #0832-08-89-0594
Parcel ID #130029

WHEREAS, Brisco Enterprises has made an offer to the County to purchase the above property for \$3,000 and has made a bid deposit in the amount of \$150, which is not less than 5 percent of the bid; and

WHEREAS, G.S. 160A-269 provides for an "Upset Bid Method" for sale which provides for publication of the notice of upset sale including a description of the property, the amount of the offer, requirements for submission of an upset bid, and other details of the sale; and

WHEREAS, the Durham County procedure for sale of the parcel is as follows:

1. Publication of the Notice of Sale;
2. Upset bids must be received within ten days after the date the notice is published;
3. To qualify as an upset bid, the bid must raise the original or current offer by an amount of at least 10 percent of the first \$1,000.00 and 5 percent of the remainder of the original or current offer;
4. Bids shall be made to the Clerk to the Board or the Real Estate Manager, together with a 5 percent bid deposit by certified check, money order, or cash;
5. When the bid has been successfully raised (upset), the new bid becomes the current offer;
6. The highest bid received during the 10-day period is the upset bid rather than the first bid which meets the minimum upset bid requirements;
7. When the bid has been successfully raised (upset), the procedure is repeated;
8. Once the final qualifying offer has been received, it shall be reported to the Board of County Commissioners which must then decide whether to accept or reject it within 30 days of the date which the final qualifying offer so qualifies; and
9. Should the Board of County Commissioners accept the final qualifying offer, a nonwarranty deed will be prepared for the Chairman of the Board's signature and a time for closing will be scheduled:

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Durham County that a Notice of Sale be published and that the upset bid procedure for this sale take place as set forth in this resolution and as authorized by G.S. 160A-269.

Upon motion properly made and seconded, adopted by the Board at its meeting on May 14, 2007.

/s/ Vonda Sessoms
Clerk, Board of Commissioners

RESOLUTION

WHEREAS, Durham County owns a certain parcel of real property situated in Durham County, North Carolina and properly described as follows:

723 Eva Street
PIN #0831-10-36-1627
Parcel ID #111360

WHEREAS, Brisco Enterprises has made an offer to the County to purchase the above property for \$3,000 and has made a bid deposit in the amount of \$150, which is not less than 5 percent of the bid; and

WHEREAS, G.S. 160A-269 provides for an "Upset Bid Method" for sale which provides for publication of the notice of upset sale including a description of the property, the amount of the offer, requirements for submission of an upset bid, and other details of the sale; and

WHEREAS, the Durham County procedure for sale of the parcel is as follows:

1. Publication of the Notice of Sale;
2. Upset bids must be received within ten days after the date the notice is published;
3. To qualify as an upset bid, the bid must raise the original or current offer by an amount of at least 10 percent of the first \$1,000.00 and 5 percent of the remainder of the original or current offer;
4. Bids shall be made to the Clerk to the Board or the Real Estate Manager, together with a 5 percent bid deposit by certified check, money order, or cash;
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8. Once the final qualifying offer has been received, it shall be reported to the Board of County Commissioners which must then decide whether to accept or reject it within 30 days of the date which the final qualifying offer so qualifies; and
9. Should the Board of County Commissioners accept the final qualifying offer, a nonwarranty deed will be prepared for the Chairman of the Board's signature and a time for closing will be scheduled:

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Durham County that a Notice of Sale be published and that the upset bid procedure for this sale take place as set forth in this resolution and as authorized by G.S. 160A-269.

Upon motion properly made and seconded, adopted by the Board at its meeting on May 14, 2007.

/s/ Vonda Sessoms
Clerk, Board of Commissioners

RESOLUTION

WHEREAS, Durham County owns a certain parcel of real property situated in Durham County, North Carolina and properly described as follows:

3500 Carr Road
PIN #0841-18-32-5050
Parcel ID #131246

WHEREAS, Ms. Leeshawn DeShazo has made an offer to the County to purchase the above property for \$2,000 and has made a bid deposit in the amount of \$100, which is not less than 5 percent of the bid; and

WHEREAS, G.S. 160A-269 provides for an "Upset Bid Method" for sale which provides for publication of the notice of upset sale including a description of the property, the amount of the offer, requirements for submission of an upset bid, and other details of the sale; and

WHEREAS, the Durham County procedure for sale of the parcel is as follows:

1. Publication of the Notice of Sale;
2. Upset bids must be received within ten days after the date the notice is published;
3. To qualify as an upset bid, the bid must raise the original or current offer by an amount of at least 10 percent of the first \$1,000.00 and 5 percent of the remainder of the original or current offer;
4. Bids shall be made to the Clerk to the Board or the Real Estate Manager, together with a 5 percent bid deposit by certified check, money order, or cash;
5. When the bid has been successfully raised (upset), the new bid becomes the current offer;
6. The highest bid received during the 10-day period is the upset bid rather than the first bid which meets the minimum upset bid requirements;
7. When the bid has been successfully raised (upset), the procedure is repeated;
8. Once the final qualifying offer has been received, it shall be reported to the Board of County Commissioners which must then decide whether to accept or reject it within 30 days of the date which the final qualifying offer so qualifies; and
9. Should the Board of County Commissioners accept the final qualifying offer, a nonwarranty deed will be prepared for the Chairman of the Board's signature and a time for closing will be scheduled:

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Durham County that a Notice of Sale be published and that the upset bid procedure for this sale take place as set forth in this resolution and as authorized by G.S. 160A-269.

Upon motion properly made and seconded, adopted by the Board at its meeting on May 14, 2007.

/s/ Vonda Sessoms
Clerk, Board of Commissioners

RESOLUTION

WHEREAS, Durham County owns a certain parcel of real property situated in Durham County, North Carolina and properly described as follows:

818 Red Oak Avenue
PIN #0820-12-95-8246
Parcel ID #133245

WHEREAS, Ms. Gail Bell has made an offer to the County to purchase the above property for \$1,558 and has made a bid deposit in the amount of \$75, which is not less than 5 percent of the bid; and

WHEREAS, G.S. 160A-269 provides for an "Upset Bid Method" for sale which provides for publication of the notice of upset sale including a description of the property, the amount of the offer, requirements for submission of an upset bid, and other details of the sale; and

WHEREAS, the Durham County procedure for sale of the parcel is as follows:

1. Publication of the Notice of Sale;
2. Upset bids must be received within ten days after the date the notice is published;
3. To qualify as an upset bid, the bid must raise the original or current offer by an amount of at least 10 percent of the first \$1,000.00 and 5 percent of the remainder of the original or current offer;
4. Bids shall be made to the Clerk to the Board or the Real Estate Manager, together with a 5 percent bid deposit by certified check, money order, or cash;
5. When the bid has been successfully raised (upset), the new bid becomes the current offer;
6. The highest bid received during the 10-day period is the upset bid rather than the first bid which meets the minimum upset bid requirements;
7. When the bid has been successfully raised (upset), the procedure is repeated;
8. Once the final qualifying offer has been received, it shall be reported to the Board of County Commissioners which must then decide whether to accept or reject it within 30 days of the date which the final qualifying offer so qualifies; and
9. Should the Board of County Commissioners accept the final qualifying offer, a nonwarranty deed will be prepared for the Chairman of the Board's signature and a time for closing will be scheduled:

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Durham County that a Notice of Sale be published and that the upset bid procedure for this sale take place as set forth in this resolution and as authorized by G.S. 160A-269.

Upon motion properly made and seconded, adopted by the Board at its meeting on May 14, 2007.

/s/ Vonda Sessoms
Clerk, Board of Commissioners

RESOLUTION

WHEREAS, Durham County owns a certain parcel of real property situated in Durham County, North Carolina and properly described as follows:

2804 Cannada Avenue
PIN #0833-14-42-7589
Parcel ID #171946

WHEREAS, Brisco Enterprises has made an offer to the County to purchase the above property for \$1,000 and has made a bid deposit in the amount of \$50, which is not less than 5 percent of the bid; and

WHEREAS, G.S. 160A-269 provides for an "Upset Bid Method" for sale which provides for publication of the notice of upset sale including a description of the property, the amount of the offer, requirements for submission of an upset bid, and other details of the sale; and

WHEREAS, the Durham County procedure for sale of the parcel is as follows:

1. Publication of the Notice of Sale;
2. Upset bids must be received within ten days after the date the notice is published;
3. To qualify as an upset bid, the bid must raise the original or current offer by an amount of at least 10 percent of the first \$1,000.00 and 5 percent of the remainder of the original or current offer;
4. Bids shall be made to the Clerk to the Board or the Real Estate Manager, together with a 5 percent bid deposit by certified check, money order, or cash;
5. When the bid has been successfully raised (upset), the new bid becomes the current offer;
6. The highest bid received during the 10-day period is the upset bid rather than the first bid which meets the minimum upset bid requirements;
7. When the bid has been successfully raised (upset), the procedure is repeated;
8. Once the final qualifying offer has been received, it shall be reported to the Board of County Commissioners which must then decide whether to accept or reject it within 30 days of the date which the final qualifying offer so qualifies; and
9. Should the Board of County Commissioners accept the final qualifying offer, a nonwarranty deed will be prepared for the Chairman of the Board's signature and a time for closing will be scheduled:

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Durham County that a Notice of Sale be published and that the upset bid procedure for this sale take place as set forth in this resolution and as authorized by G.S. 160A-269.

Upon motion properly made and seconded, adopted by the Board at its meeting on May 14, 2007.

/s/ Vonda Sessoms
Clerk, Board of Commissioners

Consent Agenda Items Removed for Discussion

Consent Agenda Item No. f. Approve the Recommended JCPC/DJJDP Program Funding Allocations for FY 2007-2008.

Vice-Chairman Heron requested that the Board approve all recommended JCPC/DJJDP program funding with the exception of "A Structured Day" program. Additional information on the program would be brought back to the Board at a later date.

Commissioner Page asked if applications are still being accepted for funding.

Vice-Chairman Heron responded in the affirmative.

Chairman Reckhow inquired about two programs—No. 6, Parenting of Adolescents – Exchange Clubs’ Family Center, and No. 16, Adolescent Parenting Program, Durham County Department of Social Services.

Theresa Clark, Interim County Extension Director, provided a brief overview of program Nos. 6 and 16.

Chairman Reckhow directed Ms. Clark to include descriptions of programs in future supporting documentation.

Commissioner Page moved, seconded by Commissioner Cousin, to approve Consent Agenda Item No. f.

The motion carried with the following vote:

Ayes: Cousin, Heron, Page, and Reckhow
Noes: None
Absent: Cheek

Consent Agenda Item No. g. Grandale Subdivision Infrastructure Improvements at Scott King Road (approve the transfer of \$140,000 from the Scott King Road stormwater infrastructure escrow account to Durham Public Schools [DPS]).

Chairman Reckhow removed this item to suggest an addition to the County Manager’s recommended action. She requested that the Board approve the transfer of \$140,000 from the Scott King Road stormwater infrastructure escrow account to Durham Public Schools with the monies designated for capital improvement.

County Manager Mike Ruffin noted that the monies would be paid directly by the trustee to DPS; DPS would then designate the funds.

Vice-Chairman Heron moved, seconded by Commissioner Page, to approve the transfer of \$140,000 from the Scott King Road stormwater infrastructure escrow account to Durham Public Schools with the monies designated for capital improvements.

The motion carried with the following vote:

Ayes: Cousin, Heron, Page, and Reckhow
Noes: None
Absent: Cheek

Vice-Chairman Heron cautioned that \$140,000 may not be sufficient to remedy the stormwater problem on Scott King Road. The infrastructure must be fully funded by developers who plan to build in that area.

Consent Agenda Item No. h. Durham Public Schools (DPS)—Approval of Construction Contract for New Elementary School “B” (enter into a contract with DeVere Construction for \$12,401,000).

Chairman Reckhow recognized signed speaker Victoria Peterson, representing Durham Citizens Rebuilding Communities, PO Box 101, Durham 27702, for comments.

Ms. Peterson asked County Manager Ruffin for a report of the number of minorities to be hired by DeVere for the New Elementary School “B” construction. She also requested that the Board draft a policy to ensure that subcontractors hire Durham citizens for County labor.

Chairman Reckhow responded that DeVere Construction has identified 10.4% M/WBE participation; the percentage of each race is unknown.

County Attorney Chuck Kitchen clarified that the 10.4% is the percentage of work to be subcontracted to African-American-owned businesses.

Chairman Reckhow explained that the Board of County Commissioners was requested by DPS to approve this contract to save money for DPS on a sales tax that was imposed by the General Assembly.

Vice-Chairman Heron moved, seconded by Commissioner Page, to approve Consent Agenda Item No. h.

The motion carried with the following vote:

Ayes: Cousin, Heron, Page, and Reckhow

Noes: None

Absent: Cheek

Public Hearing to Consider Allocating Economic Development Investment Funds to Computer Sciences Corporation

Per the request of Deputy County Manager Carolyn Titus, the Board held a public hearing to consider allocating economic development investment funds to Computer Science Corporation (CSC), a leading provider of information technology services to commercial and government markets worldwide.

Ms. Titus reported that CSC is competing for a contract to provide data center services to the federal government. If awarded the bid, CSC would expand their current operations consisting of approximately 300 employees in Research Triangle Park. The expansion would include redevelopment of the former EPA campus at Highway 54 and TW Alexander Drive which has been vacant for approximately 5 years. Over the next ten years, CSC would invest

approximately \$250 million in a new 240,000 square foot facility which includes 100,000 square feet of data center space and associated network and computer equipment. The data center would house 200 new, well-paying jobs available to Durham citizens. Company officials have stated that incentives are a key consideration in its ability to be awarded the winning bid.

Staff recommended that the County participate in this economic development project by providing up to \$1,000,000 for the costs of expansion and employee training.

Chairman Reckhow opened the public hearing that was advertised on Friday, May 4, 2007, as required by NC Statute and called signed speakers forward for comments.

Victoria Peterson, representing Triangle Citizens Rebuilding Communities, PO Box 101, Durham 27701, expressed concern about the minimal hiring of African-American males.

The following speakers discussed the benefits of Computer Science Corporation expanding in Durham County and urged the Board to approve the incentive contract:

Ted Conner, representing the Greater Durham Chamber of Commerce, 300 West Morgan Street, Durham 27701.

Jamie Glass, Vice President of Continuing Education, Durham Technical Community College, 1637 Lawson Street, Durham 27703.

Jerry O’Keeffe, Chair, Greater Durham Chamber of Commerce Board of Directors, 300 West Main Street, Durham 27701.

Chairman Reckhow closed the public hearing and referred the matter back to the Board.

Chairman Reckhow responded to comments by Ms. Peterson regarding racial diversity at biotechnology companies in Durham County. She commended CSC for its expansion and for creating additional jobs for Durham citizens.

Vice-Chairman Heron moved, seconded by Commissioner Cousin, to approve entering into a standard economic development incentive contract between the County of Durham and Computer Sciences Corporation (CSC) in the amount of \$1,000,000.

The motion carried with the following vote:

Ayes: Cousin, Heron, Page, and Reckhow

Noes: None

Absent: Cheek

Vice-Chairman Heron welcomed CSC to Durham. She addressed Ms. Peterson’s comments, stating that the school dropout rate must be decreased primarily because a high school education is required to apply to Durham Tech to receive job training for such jobs offered by CSC.

Chairman Reckhow noted that Speaker of the House Joe Hackney indicated at a forum held at Shepard Middle School a week and a half ago that decreasing the school dropout rate is a House priority this year. The House is considering allocating \$10 million in the budget for special programs to help keep youths in school.

Closed Session

Commissioner Page moved, seconded by Commissioner Cousin, to adjourn to closed session to hear a report concerning the investigation of alleged criminal misconduct pursuant to G.S. § 143-318.11(a)(7).

The motion carried with the following vote:

Ayes: Cousin, Heron, Page, and Reckhow
Noes: None
Absent: Cheek

Reconvene to Open Session

Chairman Reckhow announced that the Board met in closed session; directives were given to staff; no action was taken.

Adjournment

There being no further business, Chairman Reckhow adjourned the meeting at 8:20 p.m.

Respectfully Submitted,

Yvonne R. Gordon
Deputy Clerk to the Board