

REVISED AGENDA
(moved order of Items 10-13)

THE BOARD OF COUNTY COMMISSIONERS
DURHAM, NORTH CAROLINA

Monday, September 13, 2010

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.

5:30 P.M. Opening

1. **Opening of Regular Session**

1a. **Closed Session** 90 min.

7:00 P.M. Regular Session

2. **Opening of Regular Session - Pledge of Allegiance** 5 min.

3. **Announcements** 5 min.

- "In Touch with Durham County," the Durham County Television show, airs on Cable TV Channel 8 at 8:30 a.m. and 12 noon daily; 4:00 p.m. on Mondays; and 6:30 p.m. 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.
- We are pleased to announce that the public is invited to the opening ceremony for our newly renovated **Durham County Memorial Stadium** scheduled on Wednesday, September 15, from 6 – 9 p.m. The location is 2700 N Duke St. near Durham Regional Hospital.

- This month is Alcohol and Drug Addiction Recovery Month. Our Durham Center will sponsor Durham's 5th Annual Recovery Celebration on September 24, 4-7 p.m. at Durham Central Park. For more information, call 560-7833.

4. **Minutes**

5 min.

- a. July 26, 2010 Regular Session
- b. July 29, 2010 Continued Session
- c. August 23, 2010 Regular Session

5. **Family Day 2010 Proclamation**

5 min.

On Monday, September 27, 2010, American families are encouraged to dine together. Studies demonstrate that children who eat dinner with their family are less likely to use drugs or alcohol. The goal of this national observance "Family Day—A Day to Eat Dinner with Your Children," is to urge families to increase their appreciation of regular family activities, parent-child communication, and the likeliness that parents and children will have dinner together.

Chairman Page has been asked to proclaim Monday, September 27, 2010 as "Family Day—A Day to Eat Dinner with Your Children" in Durham County.

Resource Person(s): Rob Robinson and Doug Fuller, The Durham Center

County Manager's Recommendation: The County Manager recommends that Chairman Page proclaim September 27, 2010 as "Family Day—A Day to Eat Dinner with Your Children" and present the Proclamation to representatives of The Durham Center.

6. **Minority Enterprise Development Week Proclamation**

5 min.

On January 14, 2008, The Board of County Commissioners approved an ordinance to continue the County's Minority/Women Business Enterprise Program. As a part of the program promotion and continued efforts to enhance participation in governmental contract awards to minority and women businesses, it is hereby requested that October 4 through October 8, 2010, be recognized as Minority Enterprise Development Week in the County of Durham, North Carolina.

Local and National Minority Enterprise Development programs provide assistance to minority and women groups who own or wish to start or expand their own businesses.

Resource Person(s): Pamela Gales, CLGPO, CCA, Assistant Purchasing Manager

County Manager's Recommendation: The Manager recommends that the Board approve the Proclamation and recognize October 4 through October 8, 2010 as Minority Enterprise Development Week in Durham County.

7. **Recognition of The Durham Center and CJRC for Receiving a 2010 Employee Productivity Award from the NC Association of County Commissioners**

5 min.

The Board is requested to recognize The Durham Center and the Criminal Justice Resource Center for receiving a 2010 Employee Productivity Award from The NC Association of County Commissioners for their implementation of the Durham Center Access Assessment Team. The Employee Productivity Awards Program recognizes innovative county employees who develop successful productivity improvements in county government.

The Assessment Team conducts independent clinical assessments for uninsured, State- and County-funded Durham County citizens seeking mental health or substance abuse services. Its goal is to rapidly and accurately evaluate and connect individuals to the appropriate services based on clinical need. Since the inception of the Assessment Team in July 2009, The Durham Center has been able to absorb a \$1.4+ million dollar budget reduction without placing any consumer on a waitlist for needed services.

Resource Person(s): Ellen Holliman, Area Director, The Durham Center

County Manager's Recommendation: The Manager recommends that Board recognize The Durham Center and CJRC.

8. **Recognition of Commissioner Brenda A. Howerton for Obtaining "Practitioner" Status from UNC School of Government's Local Elected Leaders Academy**

5 min.

Durham Commissioner Howerton is one of the first class of four county commissioners in the state to achieve Practitioner status in the Local Elected Leaders Academy. LELA has three overall goals: to enhance the capacity of elected officials to lead and govern their boards, councils and communities; to equip elected officials with the knowledge and tools to practice and preserve democracy and representative government; and to prepare elected officials to assume future leadership responsibilities within their communities, associations and throughout the state.

Through LELA, the NCACC and School of Government have established for individual county commissioners a three-level recognition program, which will help the Association achieve one of its strategic goals, "strengthen county leadership and board development." County commissioners began earning credits toward achieving official recognition for their commitment to lifelong learning with the kickoff of the December 2008 Essentials of County Government program. Practitioner is the first level of recognition, followed by Master and then Mentor.

Commissioner Howerton was presented the certification during the NCACC annual conference held in Greenville, NC last month.

Resource Person: Michael D. Page, Chair

County Manager's Recommendation: The County Manager recommends that the entire Board extend congratulations to Commissioner Howerton for her noteworthy achievement.

9. **Consent Agenda**

20 min.

- a. Approve Budget Ordinance Amendment No. 11BCC000003 – Cooperative Extension Recognition of Continuation Grant Funding for Strengthening Families 10-14 Program from a State of North Carolina Grant Award administered by Durham County Health Department to Support the Strengthening Families Program: For Parents and Youth Age 10-14 (\$25,030.00);
- b. Approve Budget Ordinance Amendment 11BCC000004 – Office of the Sheriff and City of Durham Police Department Acceptance of 2010 Edward Byrne Memorial Justice Grant (JAG) - \$91,626 each;
- c. Approve Budget Ordinance Amendment No. 11BCC000005 – Durham County Library to recognize revenue from South Arts for Humanities programming (\$2,000);
- d. Approve Budget Ordinance Amendment No. 11BCC000006 for the Department of Social Services to recognize Family Violence Prevention and Services Act Revenue (\$4,074.00);
- e. Approve Budget Ordinance Amendment No. 11BCC000007 for the Department of Social Services to recognize grant funds from Triangle United Way for Direct Medical (\$19,614);
- f. Approve Budget Ordinance Amendment No. 11BCC000008 for the Department of Social Services to recognize Supplemental Nutrition Assistance Program (SNAP) Contingency funds (\$236,314);
- g. Approve Budget Ordinance Amendment No. 11BCC000009 – Reallocation of Sheriff's Office LEO Officer to Durham Public Schools as a School Resource Officer with additional funding support from Durham Public Schools (\$47,739), and a corresponding change in the Interlocal Agreement relating to this position change;
- h. Approve Budget Ordinance Amendment No. 11BCC000010 – Sheriff's Office Designation and Appropriation of Inmate Funds to Support Inmate Welfare (\$351,744);
- i. Approve the contracts for the purchase of clinical casework and furniture from the U.S. Communities Buying Program for Phase I and II of the Durham County Human Services Project No: DC070;
- j. Award the contracts for the purchase of furniture for Phase I of the Durham County Human Services Project No: DC070, Bid No: IFB 11-002;
- k. Execute the Security System Installation Contract for the New Durham County Human Services Project No.: DC070, IFB No: 10-027;
- l. Execute the Heery International Consulting Services Agreement for the Moving Consulting Services for the Durham County Human Services Building Project No.: DC070: RFP No. 10-031;
- m. Execute the Engineering Design Service Contract with Edmondson Engineers, PA for the Fiber Optic Network Infrastructure Project. Project No.: DC134;
- n. Approve the Single Family Rehabilitation Grant Assistance Policy and Procurement & Disbursement Policy;
- o. Adopt the revisions to Audit Oversight Committee By-Laws;
- p. Accept the Liability Claims and Subrogation Recovery Report for FY 09-10;

- q. Approve the Amendment to the Radio Interlocal Agreement with the City of Durham;
- r. Authorize the County Manager to amend an Engineering Services Contract with Sud Associates for the Design Development and Construction Documents for the Replacement of the Administrative Complex Chiller to Secure ARRA Grant Funding for Energy Efficiency Upgrades.

10. ~~11~~. Public Hearing - Text Amendment to the Unified Development Ordinance (UDO) – Nonconforming Off-Premise Signs (Billboards) (TC1000002)

120 min.

The Board is requested to receive public comments on Text Change – Nonconforming Off-Premise Signs (Billboards) (TC1000002) and to adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 11, Sign Standards. *This item was continued by the County Commissioners at their August 9, 2010 meeting.*

Resource Person(s): Steven L. Medlin, AICP, City-County Planning Director; Keith Luck, AICP, Assistant Planning Director; T.E. Austin, AICP, Planning Supervisor; Julia Mullen, Planner

County Manager's Recommendation: The Manager recommends that the Board conduct a public hearing on the proposed UDO text change and, if appropriate based on the comments received during the hearing, approve the change.

11. ~~12~~. Public Hearing to Consider Allocating Economic Development Investment Funds to Cree

20 min.

The Board is requested to hold a public hearing to consider allocating economic development investment funds to Cree, a leading developer and manufacturer of LED lighting, and semiconductor solutions for wireless and power applications. Cree's products are used in backlighting for electronics and vehicles, general illumination, electronic signs and signals, variable speed motors and wireless communications. The company is dedicated to designing and producing products which are energy efficient and environmentally friendly.

Cree, a homegrown Durham company since 1987, operates in a highly competitive global market driven by rapidly changing technology, short product life and a competitive pricing environment. Currently Cree is evaluating a substantial investment in a new production line to launch a new generation LED chip. Cree is considering several locations for the project, including China, Malaysia, and Durham. The capital investment for this project is expected to be approximately \$392 million, with \$135 million dedicated to machinery for the new production line. Cree would also create 244 new jobs in Durham by the end of 2013 to operate the production center. Company officials have stated that incentives from the local government are a key consideration in its final decision on locating the expansion, particularly in light of the cost of labor in the overseas market.

Staff is recommending that the county participate in this economic development project by providing up to two million (\$2,000,000.00) for the \$392 million project. Eight hundred and twenty five thousand (\$825,000) of those funds would be reserved to pay

for training expenses of new employees hired who are Durham residents. Funds would be furnished over a seven year period through an economic development incentive fund performance contract.

This public hearing was advertised on Friday, September 3, 2010 as required by law.

Resource Person: Carolyn P. Titus, 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 Cree in the maximum amount of \$2,000,000.

12. 13. RESERVED FOR ITEMS PULLED FROM CONSENT AGENDA

20 min.

13. 10. Discussion of Items for 2011 NCACC Legislative Agenda

20 min.

Following the Board's discussion and direction from the August 23rd meeting, we have developed the items submitted and await approval so that we can meet the NCACC deadline of September 15th.

Every other year, the North Carolina Association of County Commissioners (NCACC) prepares a package of legislative goals that the Association's lobbying team and elected officials pursue before the General Assembly. Each county may submit proposed goals to the Association through one of the Association's seven steering committees, who review the proposals and recommend their choices to the Legislative Goals Committee.

The seven committees are: Agriculture, Human Services, Taxation and Finance, Environment, Public Education, Justice and Public Safety and Intergovernmental Relations (a catchall for issues that don't fit elsewhere).

The Legislative Goals Committee typically meets 3-4 times during the fall before the long session to discuss the proposed goals. The committee discusses the items and recommends a slate of goals to the Board of Directors. The Board of Directors then fine-tunes the package and distributes it to all the counties. County commissioners from across the state convene at the Legislative Goals Conference in January to discuss and vote on the goals package.

Resource Person(s): Deborah Craig-Ray, Assistant County Manager; Lowell L. Siler, County Attorney

County Manager's Recommendation: The County Manager recommends that the Board approve the list of possible legislative issues of statewide concern and forward to NCACC.

5 hrs. 30 min.