

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

Monday, July 26, 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.

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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.
  - “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.
  - Applications are being accepted for the 2010 Durham Neighborhood College Term. This nine week program is co-sponsored by the City and County of Durham and helps residents learn about government operations directly from leaders responsible for overseeing key services. Applications will be available on the City or County websites and in the County Manager’s Office. **The deadline to apply is August 13.** Call 560-0000 for more information.
  - Join us for the grand opening of the new South Regional Library on July 28 from 10am until 2pm. The library is located at 4505 South Alston Avenue.

4. **Minutes**

5 min.

- a. June 28, 2010 Regular Session
- b. June 15, 2010 Special Budget Session
- c. June 7, 2010 Worksession
- d. May 26, 2010 Special Budget Session

5. **June Anchor Award Winner – Michael Perry**

5 min.

Michael Perry, Deputy Director of Elections, is the winner of the coveted Anchor Award. In the attached nomination letter, Elections Director Mike Ashe detailed the outstanding work Mr. Perry performed while serving as both Director and Deputy Director during the recent medical absence of Mr. Ashe.

Resource Person: Carol Anderson, Elections Board Chair

County Manager's Recommendation: The Manager recommends that the Board present the June Anchor Award to Michael Perry, along with the sincere congratulations of the entire organization.

6. **Resolution Honoring Bull City Slam Team, Winners of Southern Fried Poetry Slam**

5 min.

Earlier this summer, the Bull City Poetry Slam Team received top honors at the 18th Annual Southern Fried Poetry Slam. The team is sponsored by St. Joseph's Historic Foundation. Team members are: Slam Coach, Chris "Dasan Ahanu" Massenburg, George "G" Yamazawa, Elliott "Axiom" Miley, Kane Smego and Will McInerey.

The Southern Fried Poetry Slam was started by Asheville poet and writer Allan Wolf in 1993. This performance poetry competition, which travels to a different southern city annually, has grown into one of the largest poetry conventions in the nation.

Congratulations to the group for beating out 23 others to win the competition. The Bull City Slam Team now travels to Poetry Slam Inc.'s National Poetry Slam in St. Paul, Minnesota in early August.

Resource Person(s): Janella Sellars, Hayti Heritage Center

County Manager's Recommendation: The County Manager recommends that the Board congratulate members of the Bull City Slam Team and wish them well as they continue to compete on the national level.

7. **Consent Agenda**

5 min.

- a. Authorize the County Manager to enter into a contract with Urban Ministries of Durham in the amount of \$149,440 to provide emergency shelter services to the homeless population of Durham County;

- b. Authorize the County Manager to enter into a contract with Downtown Durham, Inc. in the amount of \$52,380 to perform the functions of economic development in the downtown area;
- c. Approve the proposed Lease Agreement for office space at Criminal Justice Resource Center with Reliant Management Group and authorize the County Manager to execute the lease;
- d. Approve Capital Project Amendment No. 11CPA000001 appropriating budgeted County Contribution funds for two capital projects;
- e. Authorize the County Manager to enter into Interlocal Agreement with the ABC Board to provide maintenance services to ABC locations;
- f. Accept the property tax release and refund report for June 2010 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report;
- g. Receive and approve the 2009 Property Tax Settlement Report. Charge the Tax Collector with 2010 Property Taxes. Authorize the relieving of taxes that are more than 10 years past due and motor vehicle taxes that are more than 2 years past due;
- h. Approve the Amendment to the Cooperative Agreement between Durham County and Commodity Credit Corporation for the amount of \$693,000, and authorize the County Manager to execute the Cooperative Agreement and the corresponding conservation easements on the Carrington, Thacker, and Blalock farms;
- i. Pursue the upset bid process for the sale of 2804 Cannada Avenue and 2230 North Oak Ridge Boulevard; adopt a resolution to offer the properties in an “upset bid” sale. The Board has the authority to accept or reject any offer at the conclusion of the upset bid process;
- j. Adopt a resolution to sell the Durham County Home Health Agency d/b/a Visiting Nurse Service of Durham to Innovative Senior Care Home Health of Durham, LLC; and authorize the County Manager to execute all necessary documents related to the sale;
- k. Approve the Lease Agreement for office space in 414 E. Main Street to Innovative Senior Care Home Health of Durham, LLC; and authorize the County Manager to execute the Lease Agreement;
- l. Approve Capital Project 11CPA000002 appropriating \$1,000,000 from the Collection System Rehabilitation Fund balance to the Collection System Rehabilitation Project;
- m. Authorize the County Manager to enter into janitorial service contracts with CJ Enterprise (\$9,410.64), Service Master Clean (\$388,244.00), Top Job Services (\$75,100.92), Fredrick’s Housekeeping Services (\$33,768.00), and B&R Janitorial (\$126,730.44) to provide services to twenty-five Durham County buildings;
- n. Authorize the County Manager to enter into a service contract for Inmate meal preparation and food services with Aramark Correctional Services in the amount not to exceed \$693,955;
- o. Approve the resolution for the addition of Northern Durham Parkway (1014 linear feet) to the State-Maintained Secondary Road System;
- p. Approve the appointment of Commissioner Joe Bowser for an additional term on the Convention Center Authority’s Board of Directors.

8. **Public Hearing Regarding the Durham County Industrial Facilities and Pollution Control Financing Authority Issuance of Revenue Bonds**

10 min.

The Board of Commissioners is requested to hold a public hearing concerning the issuance and sale by The Durham County Industrial Facilities and Pollution Control Financing Authority ("Authority") of its Revenue Bonds in an amount not to exceed \$25,000,000, the proceeds of which will be loaned to The Hill, LLC or a related entity ("Borrower"), a North Carolina limited liability company and used together with other funds to finance the conversion of the 'Hill' and 'Trust' buildings, located on Main Street between Corcoran and Market streets, to a boutique hotel (the "Spark Hotel Project"). The Spark Hotel Project will be located in downtown Durham. The Borrower will construct the Project to be a LEED certified four star hotel and Spa, and branded as part of the Starwood Luxury Collection. Federal and North Carolina law require the County Board of Commissioners to approve "in principle" the issuance of the bonds for this project after a public hearing.

Borrower is solely responsible for the repayment of the bonds. Neither the County nor the Authority has any financial responsibility for the debt.

Representatives from The Hill, LLC will be present at the public hearing to further explain and answer questions regarding the Spark Hotel Project.

Resource Person(s): Mary-Nash Rusher, Hunton & Williams, Bond Counsel; Carol Hammett, Assistant County Attorney.

County Manager's Recommendation: The Manager recommends that the Board hold the public hearing on the issuance of the bonds to The Hill, LLC for the conversion of the Hill and Trust buildings in downtown Durham to a boutique hotel, and approve the issuance in principle.

9. **Public Hearing – Zoning Map Change – 751 Assemblage (Z0800003)**

120 min.

To approve a request for a zoning map change for a 166.8 acre site located at 9414 NC 751 Highway, on the west side of NC 751 Highway, south of Chancellor's Ridge Drive and opposite Fayetteville Road. Less than one acre of the site is on the east side of NC 751 Highway.

Request: PDR 0.220 and RR; F/J-B (partial), F/J-A (partial) to MU(D) and RR(D); F/J-B (partial), F/J-A (partial).

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials; or

Alternatively, in the event that a motion to approve the item fails, the Commissioners adopt as support for their actions on the proposed zoning map change the determination that, notwithstanding its consistency with the Comprehensive Plan, the request is neither

reasonable nor in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

Staff Recommendation: Staff recommends approval, based on consistency with the Comprehensive Plan, and considering the information provided in this report.

Planning Commission Recommendation and Vote: Denial with additional committed elements, 11-1 on April 13, 2010. The Planning Commission finds that the ordinance request is not consistent with the adopted Comprehensive Plan. The Commission believes the request is not reasonable nor in the public interest and recommends denial based on inadequate transportation infrastructure, inconsistency with neighboring land uses, concerns regarding impacts on the environment, and opposition from the community.

Resource Person(s): Steven L. Medlin, AICP, City-County Planning Director and Amy Wolff, Planner

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

10. **Resolution Calling for a November 2, 2010 Durham County Special Referendum on Levying a ¼ cent County Sales and Use Tax (Article 46)**

30 min.

Ad Valorem property taxes have for years been the major source of revenue for NC local governments and the only significant revenue source that county commissioners have control over. Durham County commissioners have requested from the state other optional revenue sources including sales tax options. The Article 44 sales tax was offered to counties (without voter approval) in FY 2002-03, but has since been taken by the state as part of statewide Medicaid Swap legislation.

In 2007 the NC General Assembly granted county governments the authority to levy a ¼ cent county sales and use tax (Article 46) subject to voter approval. This sales tax levy does not have to be split with municipalities within the county. Since 2007 16 counties have had this new sales tax approved by their voters; Alexander, Catawba, Cumberland, Duplin, Haywood, Hertford, Lee, Martin, New Hanover, Onslow, Pitt, Randolph, Rowan, Sampson, Surry and Wilkes. Several counties, Alamance, Bladen, Cherokee and Montgomery are planning to place the referendum on Nov. 2 during the general election. Robeson County is planning on an Aug. 3 referendum, while Watauga County is planning on an Aug. 31 referendum.

Attached is a resolution for BOCC consideration and approval calling for a special referendum on the November 2, 2010 ballot to grant Durham County the authority to enact an additional ¼ cent county sales and use tax (Article 46). Also attached is a copy of the Article 46 legislation.

The NC General Statutes state once a majority of those voting in a referendum give approval to levy the tax, the BOCC “may, by resolution and after 10 days’ public notice, levy a local sales and use tax at a rate of one-quarter percent.” Also, ratified by the Legislature in this past session was a change to allow for collection to begin “only on and after the first day of a calendar quarter, as set by the board of county commissioners in the resolution levying the tax.”

Mike Ashe, Durham County Board of Elections Director, has noted that in order to add an item to the November 2, 2010 ballot the Board of Elections (BOE) would have to have the official request and exact verbiage from the County or Bond Attorney by August 1, 2010.

If Durham County were to move forward with a referendum in November 2010 and it was approved, the new sales tax could be effective April 1, 2011 allowing 3 months collections for FY 2010-11. A full year’s collection of the ¼ cent Article 46 sales tax realized in FY2011-12 is estimated at \$7.8 million.

Resource Person(s): Michael Ruffin, County Manager; Lowell Siler, County Attorney; and Pam Meyer, Budget and Management Director

County Manager’s Recommendation: The Manager recommends that the Board discuss the item and take action as it deems appropriate.

11. **Board and Commission Appointments**

10 min.

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

- Alcohol Beverage Control Board
- Area Mental Health Board
- Board of Adjustment
- Juvenile Crime Prevention Council
- Library Board of Trustees
- Nursing Home Community Advisory Committee
- Women’s Commission
- Workforce Development Board

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

County Manager’s Recommendation: The Manager recommends that the Board vote to appoint members to the above mentioned boards/commissioners.

12. **Reserved for Items Pulled from Consent Agenda**

20 min.

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3 hrs. 45 min.