

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

Monday, April 1, 2013

9:00 A.M. Worksession

AGENDA

1. Citizen Comments (30 min)

- 1) The Board of County Commissioners will provide a 30-minute comment period at the beginning of its Worksession meeting on the first Monday of each month. Any citizen of Durham County wishing to speak shall have an opportunity to do so. The Board may direct staff to research and reply to the concerns, if appropriate. Speakers must sign in prior to the start of the meeting providing a mail/email address and telephone number so that staff may reply to comments and/or questions. Citizens who request an immediate response from the Board are encouraged to submit a brief description of the issue to the Clerk to the Board two weeks prior to the Worksession to allow an opportunity for research prior to the meeting. **All speakers shall have three minutes to speak and are requested to refrain from addressing issues related to personnel matters.**

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

County Manager's Recommendation: The Manager recommends that the Board receive citizen comments and direct staff to respond, as deemed appropriate.

2. Removal of a Board Member Due to Poor Attendance (10 min)

- 1) On March 23, 2009, the Board of County Commissioners appointed Lisa Pineiro to serve a full term on the Durham Workforce Development Board. Based on information from Pheon Alston, Office of Economic Development Workforce, Ms. Pineiro has failed to comply with the Policy and Procedures for Appointments to the County Boards, Commissions, Committees or Authorities, set forth by the County Commissioners.
- 2) The Policy and Procedures for Appointments to the County Boards, Commissions, Committees or Authorities states, *"If an appointee has absences (excused or unexcused) which constitute more than 50% of the meetings in any calendar year, he or she is obligated to resign."*
- 3) The Workforce Development Board has attempted to contact Ms. Pineiro via letter (attached) to request her resignation.

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

County Manager's Recommendation: The Manager recommends that the Board suspend the rules and address Ms. Pineiro regarding her appointment.

3. Deal Points Related to the Redevelopment of the James A. Whitted School (45 min)

- 1) On November 5, 2012, the Board of Commissioners authorized County staff to begin developing an agreement with Integral Development LLC and the Durham Public School System related to the redevelopment of the James A. Whitted School property. After an RFP process, the Board supported the concept submitted by Integral LLC, Forty AM and the Durham Public School System to redeveloped Whitted School into a combination of residential use for low-income senior citizens and pre-kindergarten classrooms.
- 2) Since November, staff has been working on a Deal Points document between the County, Durham Public Schools and Integral Development, LLC. The Deal Points have been agreed upon by staff members of all three parties and is now at the point where it needs to be presented to Board of Commissioners to be considered for approval. A copy of the Deal Points is attached.
- 3) The Deal Points serve as the foundation for a detailed Development Agreement, which will serve as the legally binding agreement that will set out the obligations and expectations of all parties for the redevelopment of the property. Once the deal points are approved, staff will begin work on the formal Development Agreement. The Development Agreement will come to the Board of Commissioners for consideration when it is completed.
- 4) If the Board is comfortable with the Deal Points as presented, it will be placed on the April 8, 2013 Regular Session Agenda for approval.

Resource Persons: Lee Worsley, Deputy County Manager; Carol Hammett, Deputy County Attorney

County Manager's Recommendation: The County Manager recommends that the Board review the proposed Deal Points and provide input.

4. Annual Workforce Development Board Update (30 min)

- 1) The Board is requested to receive an annual update on the activities and a scaling-up presentation of the Workforce Development Board.

Resource Persons: Kevin Dick, Director, City of Durham Office of Economic and Workforce Development; and lead staff to the Durham Workforce Development Board.

County Manager's Recommendation: The County Manager recommends that the Board receive the report and give directions to staff as appropriate.

5. Bethesda Fire Department (45 min)

- 1) The Board is requested to hear an update on the status of the Bethesda Volunteer Fire Company, Inc. and their request for Durham County to assume operations of the fire department, effective July 1, 2013.
- 2) Durham County chooses to provide fire and medical first response protection in the unincorporated areas of Durham County through contracts with a number of non-profit, volunteer-based fire departments. This service is defined in an annual service contract

with each fire department, which outlines the responsibilities and obligations of the fire department and the County. In order to fund the operations of the non-profit fire departments, the County has established Rural Fire Protection Tax Districts, authorized under N.C.G.S. Chapter 69, Article 3A, and County Fire and Rescue Service Districts authorized under N.C.G.S. Chapter 153A, Article 15. The Board of County Commissioners are responsible for setting the tax rates in these Districts and the funds are collected in a special fund, and they are restricted by State statute to only be for fire/medical first response activities in the District. The fire/medical first response service can be provided directly by the County, contracted to a non-profit fire department, or contracted to a municipality with a fire department.

- 3) The Bethesda Volunteer Fire Company Inc. was formed in 1964 and has had a long tradition of providing fire and medical first response services within the Bethesda Rural Fire Protection Tax District pursuant to a service contract with Durham County. A map outlining the Bethesda District is attached as Appendix 1. Over the years, the district that Bethesda Fire Company serves has become increasingly urban and includes a portion of the Research Triangle Park. Because of the complexity of this District, the Bethesda Fire Company is required to function, and have similar capabilities, as many larger urban fire departments. As volunteers have decreased, the Bethesda Volunteer Fire Company has worked with Durham County to adequately staff the Department through County employees. Currently, the Chief of the Bethesda Fire Department is a County employee and 19 full time County firefighters work at Bethesda. The Bethesda Volunteer Fire Company supplements the firefighters needed by employing part time personnel, which equate to 11 FTEs.
- 4) Over the last couple of years, Bethesda Volunteer Fire Company has faced financial issues and the funds available within the Bethesda Rural Fire Tax Fund have depleted. Due to the manner in which the District was created back in 1964, the tax rate is capped at \$.10. Thus, as demands grow, revenues do not. The maximum rate of \$0.10 is no longer sufficient to fund the department at the level necessary to provide adequate fire protection to the District. These financial pressures resulted in the Board of Directors of the Bethesda Volunteer Fire Company, Inc, asking County staff to work with them last year to explore future options. The analysis completed by County staff (attached as Appendix 2) shows that a tax rate increase is necessary to keep service levels in Bethesda at current levels, which are required to provide adequate service to the District and to the RTP. The analysis further shows that the increase needed for the County to assume operations of the fire department would be less than if the service remained the responsibility of the Bethesda Volunteer Fire Company, Inc.
- 5) There would be a significant impact to services if the rate is kept at \$0.10, greatly impairing the ability of the fire department to adequately respond to emergencies within the District. Maintaining the rate of \$0.10 would require laying off all part time staff, essentially un-manning Bethesda Fire Station 2 on Leesville Road. This would result in a downgrade of the insurance rating for the residents of District and would bring about significant increases in Homeowner's Insurance rates for those residents. Ultimately, the cost to residents from a tax increase will be less than the resulting increases in Homeowners Insurance if the rate is maintained at \$0.10.

- 6) On February 12, 2013, the Bethesda Volunteer Fire Company, Inc. Board of Directors voted unanimously to cease operations as of July 1, 2013 and transfer all of their assets to Durham County. A letter conveying this action is attached as Appendix 3. If authorized by the Board of County Commissioners the public will see no change in service on July 1, 2013 as a result of this change.
- 7) In order to begin moving forward, the Board of County Commissioners will need to consider the creation of a County Fire and Rescue Service District, under N.C.G.S. Chapter 153A, Article 15, to be overlaid on the existing Bethesda Rural Fire Tax District. The boundaries will be contiguous. A timeline to implement the new Service District is included as Appendix 4. Following the creation of the Service District, the Board will be requested to acquire the assets of the Bethesda Volunteer Fire Company and set the tax rate at \$.13.

Resource Persons: Lee Worsley, Deputy County Manager; Jeff Batten, Fire Marshal; Carol Hammett, Deputy County Attorney

County Manager's Recommendation: The County Manager recommends that the Board receive the report and ask any questions about the proposed creation of a service district and the transition of services in the Bethesda District to a County Fire Department.

6. Rougemont Community Water System Update (15 min)

- 1) The Board is requested to receive a brief status update on the funding and operational planning for the proposed Rougemont community water system.

Resource Persons: Drew Cummings, Assistant County Manager

County Manager's Recommendation: The County Manager recommends that the Board accept the report and ask any questions they have regarding the proposed water system.

7. Durham Industrial Land Study (15 min)

- 1) The Board is requested to receive the Durham Industrial Land Study. No action is necessary.
- 2) The memo from the Planning Director includes:

Attachment 1: Durham Industrial Land Study

Attachment 2: Slide Presentation

Resource Persons: Laura D. Woods, Senior Planner

County Manager's Recommendation: The County Manager recommends that the Board accept the Industrial Land Study.

8. ITEM REMOVED.

9. Board Directives (10 min)

- 1) The Board is requested to review the previous month's directives for staff and make comments as necessary. This set of directives covers December of 2012 and January, February and March of 2013.

Resource Persons: Ellen Whelan-Wuest, Assistant to the County Manager

County Manager's Recommendation: The County Manager recommends that the Board review the March BOCC directives and make comments to staff as necessary.

10. Closed Session (40 min)

- 1) The Board is requested to adjourn to Closed Session pursuant to G. S. 143-318.11(a)(4) to discuss matters relating to the location or expansion of a business or industry.

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

11. Public Comment Period for Non-Profit Agencies Applying for FY 2013-2014 Funding (150 min)

- 1) The Board is requested to hear presentations from non-profit agencies that applied for funding in the 2013-2014 Fiscal Year.

Resource Persons: Pam Meyer, Budget and Management Services Director; Laura Jensen, Budget Analyst

County Manager's Recommendation: The County Manager recommends that the Board receive comments from presenting non-profit agencies.