

(REVISED – REMOVED ITEMS 7 & 12; ADDED 15)

**AGENDA**

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

Monday, May 7, 2012

9:00 am Worksession

**AGENDA**

*The Board of County Commissioners welcomes students from W. G. Pearson Magnet Middle School. The Board will break at noon to have lunch and talk with the students about Durham County government.*

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**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 (3) minutes to speak and are requested to refrain from addressing issues related to personnel matters.**

**Resource Person:** 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. Domestic Partners Benefits (30 min)**

- 1) The Board is requested to receive a legal opinion on what effect, if any, the enactment of Amendment One will have on the County's Domestic Partners Benefits Provisions.

**Resource Persons:** Lowell Siler, County Attorney; Kathy Everett-Perry, Assistant County Attorney

**County Manager's Recommendation:** The County Manager recommends that the Board receive the opinion from the Attorney's Office.

**3. Durham Public Schools – Request for Reallocation of a Portion of Authorized and Unissued 2007 School Bond Proceeds (20 min)**

- 1) On April 26, 2012, the DPS Board of Education requested a change in the use of a portion of the proceeds of the School Bonds that were approved at a referendum on November 6, 2007 and have not been issued from the construction of New High School "A" to the purchase of technology equipment in order to meet current standards and equity across all DPS schools. A copy of the Resolution approved by the Board of Education is attached. High School enrollment has subsided since the planning of the 2007 Bond and demographic projections do not indicate a significant need for more space, especially in light of charter growth, in the next 3 to 8 years. Therefore, the building of New High School "A" is not planned before 2018 (land has already been purchased) and it is requested that \$9,039,174 be reallocated for district-wide technology equipment such as teacher laptops, smart boards, digital cameras and classroom computers. A request to reallocate the remaining approximately \$31 million may be proposed and will be subject to approval by this Board at a future date.
- 2) The School Superintendent and his staff have provided sufficient information to allow the County Manager to investigate the need for reallocation of a portion of the unissued 2007 School Bond proceeds. A list of projects funded in whole or in part by the 2007 Bond proceeds is attached hereto. The reallocation of \$9,039,174 will not jeopardize any of the existing projects funded in whole or in part with 2007 School Bond proceeds. No other projects allocated in the 2007 Bond proceeds are in need of additional funding at this time.

**Resource Persons:** Dr. Eric Becoats, Superintendent; Hugh Osteen, Assistant Superintendent Operational Services; Elaine Batten, Director IT Operations

**County Manager's Recommendation:** The County Manager recommends the Board hear the Durham Public School request for a reallocation of use of 2007 School Bond funds, and if so inclined, place a Resolution and Capital Project Amendment reallocating \$9,039,174 of authorized and unissued 2007 School Bond funds from the "New High School 'A' capital project to a new "Technology" capital project on the May 14, 2012 regular BOCC meeting agenda for approval by the Board.

**4. Proposed Amendments to Legislation Creating the Durham County Memorial Stadium Authority (15 min)**

- 1) Tommy Hunt, Chairman of the Durham County Memorial Stadium Authority, has requested permission to speak regarding the proposed legislation amending the size of the Stadium Authority Board.

**Resource Persons:** Tommy Hunt, Chairman, Durham County Memorial Stadium Authority; Pam Karriker, County Commission representative to the Stadium Authority; Carol Hammett, Deputy County Attorney and Staff Attorney to the Stadium Authority

**County Manager's Recommendation:** The Manager recommends that the Board review the legislation, discuss possible changes with Stadium Authority representatives and advise the staff as to changes it desires to make, if any, to the proposed legislation.

5. **Public Hearing and Approval of the Draft FY 2012-2013 Annual Action Plan (continued from April 23, 2012) (15 min)**

- 1) The Citizen Participation Plan contained in the adopted 2010-2015 Consolidated Plan requires that two (2) public hearings be held prior to the submission of the Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD). The purpose of the first public hearing is to receive citizen comments on housing and community development needs and that public hearing was held on February 13, 2012. The purpose of the second public hearing is to receive citizen comments on the City's Draft Annual Action Plan, which specifies the allocation of CDBG, HOME and ESG funds. Of these three allocations, only HOME funds may be used outside of the corporate city limits.
- 2) Durham anticipates receiving approximately \$767,896 in HOME Consortium funds from HUD. In previous years, HOME Consortium funds have been used primarily for housing activities in Durham with special focus on target neighborhoods, including existing homeowner rehabilitation and first-time home homebuyer activities. Approximately, \$172,776.60 in non-federal funds will be needed from the HOME Consortium for the matching funds requirement of the HOME program.
- 3) The Annual Action Plan is Durham's application to HUD for FY 2012-2013 and outlines the actions Durham is taking with HUD-awarded funds to meet the goals as described in the 2010-2015 Consolidated Plan. HUD regulations require that the City submit the Council-approved Annual Action Plan by May 15<sup>th</sup>.

**Resource Persons:** Reginald J. Johnson, Interim Director of the City of Durham Department of Community Development, and Assistant Director Larry Jarvis

**County Manager's Recommendation:** The Manager recommends that the Board suspend the rules, hold a public hearing to receive citizen comments, and approve the draft FY 2012-2013 Annual Action Plan.

**6. Durham County Parking Policy (20 min)**

- 1) Revisions to the County's Parking Policy are needed due to the completion of the new courthouse parking deck. However, the policy governs parking at all County-owned parking facilities.

**Resource Persons:** George Quick, Finance Director; Motiryo Keambiroiro, General Services Director; Dave Jerrido, Parking Manager

**County Manager's Recommendation:** The County Manager recommends that the Board review the policy and move the item to the May 14<sup>th</sup> Consent Agenda for approval.

**7. ITEM REMOVED**

**8. Charter School Follow-Up Discussion (20 min)**

- 1) On April 3, 2012, the County Commissioners heard from representatives of Durham Public Schools and each of the public charter schools located in Durham County. They were also presented with data collected from each of those sources. Both the Commissioners and the school representatives indicated an interest in this being the beginning of an ongoing series of discussions, and the purpose of this Worksession is for the Commissioners to discuss among themselves topics and possible timeframes / frequencies for those future meetings.
- 2) Topics discussed at the first meeting or proposed for future meetings included:
  - (a) Transportation options for charter school students;
  - (b) Achievement gap for econ. disadvantaged vs. *not* economically disadvantaged for all public and public charter schools;
  - (c) Encouraging further dialogue between DPS and charters;
  - (d) Diversity of charter schools (incl. possible legislative agenda item of adding options to charter school lottery system);
  - (e) Clearer information on charter school finances (capital vs. operating).

**Resource Person:** Drew Cummings, Assistant County Manager

**County Manager's Recommendation:** The County Manager recommends that the Board discuss the issues they would like to pursue with or on behalf of DPS and Durham's public charters.

**9. Durham Comprehensive Plan Update (30 min)**

- 1) The Board is requested to review updates to the *Durham Comprehensive Plan*.
- 2) The *Durham Comprehensive Plan* sets out Durham's policies on how the City and County provide public facilities and services and guide growth in Durham. Projects and tasks identified in the Plan form the basis of the Planning Department's annual work plan and provide policy guidance to other County and City departments.
- 3) The *Durham Comprehensive Plan* was adopted by the Durham County Board of Commissioners and the Durham City Council in February 2005. Planning staff initiated a Plan update in September 2010. The primary purposes of the update are to define new projects and tasks to be accomplished over the next five years, revise policies in order to meet new conditions and directives of the elected officials, and to remove policies pertaining to projects and tasks that have been completed. The Memo from the Planning Director includes one attachment.

**Resource Persons:** Laura D. Woods, AICP, Senior Planner; Keith Luck, AICP, Assistant Planning Director

**County Manager's Recommendation:** The County Manager recommends that the Board review updates to the *Durham Comprehensive Plan* and place the Comprehensive Plan Update on the agenda of the May 14, 2012 Regular Session for action.

**10. Tax Base Fiscal Year 2012-2013 (15 min)**

- 1) The Board is requested to receive a staff presentation regarding the tax valuation estimates for the upcoming fiscal year 2012-2013.

**Resource Persons:** Kimberly Simpson, Tax Administrator; Pamela Meyer, Budget Director, George Quick, Finance Director

**County Manager's Recommendation:** The County Manager recommends that the Board of County Commissioners receive the presentation from the tax valuation working group.

**11. Interlocal Agreement between Durham County, Orange County and Triangle Transit Authority Regarding the Cost Allocations for the Light Rail Project (30 min)**

- 1) The Board is requested to consider an Interlocal Agreement between Durham County, Orange County and Triangle Transit Authority regarding the financial

obligations related to the planning, construction, operation and maintenance of the Light Rail Project located in Orange and Durham County.

- 2) On June 27, 2011, the Board approved the Durham County Bus and Rail Investment Plan (the "Plan"). Pursuant to N.C.G.S 105-508.1(2), the Plan provides for equitable use of the net proceeds and considers (i) the identified needs of local public transportation systems in the district, (ii) human service transportation systems within the district, and (iii) expansion of public transportation systems to underserved areas of the district. On November 1, 2011, the voters approved the referendum which authorizes a 1/2 cent sales tax to be levied in the county to fund public transportation projects pursuant to the Plan. Durham County has pledged not to levy the tax without Orange County residents approving the tax as well. This will allow both jurisdictions to jointly fund and support a 17.3 mile passenger rail service running from Durham to Orange along a corridor and utilizing light rail vehicles ("LRT Project") as an important element in meeting their future transportation needs and supporting efficient, sustainable development patterns.
- 3) A proposed Interlocal Agreement is attached between Durham County, Orange County and TTA which sets for the funding obligations for the LRT Project.

**Resource Person:** Michael M. Ruffin, County Manager

**County Manager's Recommendation:** The County Manager recommends that the Board receive the presentation regarding the terms of the Interlocal Agreement between Durham County, Orange County and TTA regarding the allocation of costs for the planning, construction, operation and maintenance of the light rail project and if appropriate move it to the May 14 consent agenda.

**12. ITEM REMOVED**

**13. Strategic Plan Update (10 min)**

- 1) The Board is requested to hear an update on the County's Strategic Plan Implementation.
- 2) Since the Board of County Commissioners adopted the County's Strategic Plan in February, County employees have been hard at work creating the necessary structure for successful implementation of the plan. Today's update is the first quarterly update since adoption and will include review of the following steps:
  - Inception of Implementation Team (including Goal Champions)
  - Prioritization of "Year 1" initiatives for each goal
  - Creation of goal-oriented "Standing Teams"
  - Development of ad-hoc, project-based teams charged with carrying out initiatives

- Initial planning for performance measurement/dashboard to chart progress
- Creation of process-oriented “Core Team” to support overall Plan Implementation
- Early action on “plan alignment” with City of Durham and Durham Public Schools

**Resource Person:** Michael Davis, Strategic Initiative Manager

**County Manager’s Recommendation:** The County Manager recommends that the Board hear the Strategic Plan Update and make comments to staff as necessary.

**14. Review of Board Directives (5 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 January, February, March and April of 2012.

**Resource Person:** Michael Davis, Assistant to the County Manager

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

**15. Closed Session**

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 into Closed Session, and instruct staff accordingly.