

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

April 28, 2003

POST AGENDA

4:00 P.M. Joint Session

Board of County Commissioners and Durham Public Schools Board of Education

7:00 P.M. Regular Session

1. **Opening of Regular Session**-Pledge of Allegiance

2. **Agenda Adjustments**

Commissioner Heron wished to add an item concerning House Bill 397 which is pending in the Legislature and will impact the county.

Vice-Chairman Bowser added an item regarding the dangerous intersection of Moores Mill and Red Mountain Roads in Rougemont. Also, he wanted to talk about the potential erection of a state mental health hospital in this area.

Chairman Reckhow added an outgrowth from the 4:00 p.m. meeting with the school board; the Commissioners should consider contacting the General Assembly on the major cuts to the school budget.

3. **Minutes**

- a. January 6, 2003 Worksession Minutes
- b. February 10, 2003 Special Session Minutes
- c. April 14, 2003 Regular Session Minutes

Commissioner Heron moved, seconded by Vice-Chairman Bowser, to approve the February 10, 2003 Special Session Minutes and the April 14, 2003 Regular Session Minutes of the Board as submitted. The January 6, 2003 Worksession Minutes were approved with corrections.

The motion carried unanimously.

3aa. **Presentation of the Durham Careers in Hospitality**

Hospitality is one of the largest and fastest-growing career clusters in the world. Already hospitality is the fifth-largest employment segment of Durham's economy. Durham is preparing for this growth in its lodging, food service, entertainment, retail, and transportation industries. Durham Careers in Hospitality (DCIH) is a workforce partnership between the Durham Convention & Visitors Bureau and Durham Public Schools for the purpose of generating career awareness with elementary students, career exploration with middle school students, and career experience with high school students.

Currently DCIH is active at four Durham schools:

- Eno Valley Elementary;

- Carrington Middle School;
- Hillside High School; and
- Northern High School.

The DCIH program provides opportunities for young people and their parents to explore careers in the visitor sector as well as hands-on projects based on real-world tasks.

Resource Person(s): Michael Martino, Vice Chair of the Durham Careers in Hospitality Task Force

County Manager's Recommendation: The County Manager recommended that the Board receive the presentation.

3ab. **Annual Durham County Commissioners Great Family Fun Walk**

The annual Durham County Commissioners Great Family Fun Walk, which raises money to support recreational programs in the schools, will be held on Saturday, May 3, 2003 at 9:00a.m. The walk will begin at the Edison Johnson Recreation Center.

Resource Person(s): Artie Kamiya, Chairman of the Durham Fitness Council

County Manager's Recommendation: The County Manager recommends that the Board receive the presentation.

4. **Consent Agenda**

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

- (a) Appointments to Durham Workforce Development Board (approve the appointment of Chairman Reckhow and Vice-Chairman Bowser to the Durham Workforce Development Board);
- * (b) Budget Ordinance Amendment No. 03BCC000060-Fire Marshal-Recognition of Federal Grant Monies Disbursed Through State Emergency Management-"Continuity of Operations/Government" (approve Budget Ordinance Amendment No. 03BCC000060 to recognize funds of \$27,200 in federal grant monies disbursed through NC Emergency Management);
- * (c) Budget Ordinance Amendment No. 03BCC000061-Fire Marshal-Recognition of Federal Grant Monies Disbursed Through State Emergency Management-"Weapons of Mass Destruction" and "Exercise Funding" (approve Budget Ordinance Amendment No. 03BCC000061 to recognize the amount of \$74,953 in federal grant monies disbursed through NC Emergency Management);
- (d) (d) Public Health-Authorization to Accept Donation of the Tooth Ferry Dental Van from Duke University Medical Center (accept this asset and approve completion of the paperwork to conclude the transfer);
- (e) (e) Reschedule May 26, 2003 Regular Session (reschedule the May 26, 2003 Regular Session to Tuesday, May 27, 2003 beginning at 7:00 p.m. due to the Memorial Day Holiday);
- * (f) Interlocal Cooperation Agreement for Sales Tax Distribution (approve the Interlocal Agreement in order for the County to receive the increased revenues); and
- (g) Exemption of Architect Contract (exempt the architect's contract to evaluate the YMCA Daycare building from the bidding requirements).

The motion carried unanimously.

Commissioner Heron wished to make comments regarding consent agenda item Nos. 4(b) and 4(c). She suggested that representatives from Durham County Animal Control and Animal Shelter be included in the decision-making process for the disaster plan.

5. **FY 2003-2004 Draft Consolidated Action Plan Public Hearing**

The adopted Citizen Participation Plan requires that two public hearings be held prior to Consolidated Action Plan submission to the Department of Housing and Urban Development (HUD). The purpose of the first public hearing, held on February 24, 2003, was to receive comments pertaining to HOME program needs in Durham. The purpose of the second public hearing is to receive comments on the use of FY 2003-2004 HOME funds as proposed in the Draft Consolidated Action Plan which was made available for public review March 20, 2003 through April 20, 2003.

The Durham City-County HOME Consortium anticipates receiving total HOME Investment Partnership (HOME) program funds in the amount of \$1,456,000. This amount includes an annual HOME allocation of \$1,306,000 and program income in the amount of \$150,000. The proposed use of FY 2003-2004 HOME funds includes a Community Housing Development Organization (CHDO) set-aside, substantial homeowner rehabilitation activities for low-income city and county residents, and a First-Time Homebuyers Program for city and county residents. Housing and Community Development staff is recommending that two FY 2003-2004 HOME proposals also be funded: rehabilitation/historic preservation activities (Historic Preservation Society of Durham) and Walltown housing development (Self-Help Credit Union). The Durham City-County HOME Consortium will be required to provide a 25-percent match (non-federal funds) to the total amount of HOME funds used directly for affordable housing activities during FY 2003-2004. The required match would be approximately \$300,000 and would be funded with City Housing Bonds and available County funds as outlined in the current Consortium Agreement.

Charlene Montford, Director of the City of Durham Department of Housing and Community Development, has reviewed this request and recommends that the Board of County Commissioners hold the FY 2003-2004 Draft Consolidated Action Plan public hearing to receive citizen comments.

Resource Person(s): Michael Pullum, Senior Planner, Department of Housing & Community Development, City of Durham

County Manager's Recommendation: The Manager's recommendation is that the Board hold the FY 2003-2004 Draft Consolidated Action Plan public hearing to receive citizen comments.

Mr. Pullum made a presentation to the Board of County Commissioners.

Chairman Reckhow opened the public hearing that was properly advertised.

Dr. Lavonia Allison spoke on this item.

As no one else had signed to speak on this item, Chairman Reckhow closed the public hearing and referred the item back to the Board for comments.

Commissioners Heron and Jacobs and Chairman Reckhow asked various questions of Mr. Pullum.

Mr. Pullum answered the questions.

No action was necessary regarding this agenda item.

6. **Public Hearing on Coordinated Transportation: FY 2003-2004 Rural Operating Assistance**

Program (ROAP) Grant-Application Approval

Cooperative Extension Service requested Board approval of the Rural Operating Assistance Program (ROAP) grant to be submitted to the North Carolina Department of Transportation (NCDOT). The ROAP grant consolidates the Elderly and Disabled Transportation Assistance Program (EDTAP), Rural General Public Program, and the Work First/Employment Program into a single application package. EDTAP provides assistance in the transportation of the elderly and disabled. The Work First Transitional/Employment Program is intended to provide operating assistance for transitional Work First. Rural General Public funds will be used to supplement existing routes that currently serve the County.

The application proposes that \$88,069 of governmental revenue be allocated to support transportation for Durham County elderly/disabled residents through the Elderly and Disabled Transportation Assistance Program (EDTAP), \$27,040 for Rural General Public Transportation (RGP), and \$14,049 for Work First Transitional/Employment. These funds support the transportation needs of citizens through County and nonprofit human service agencies. Funding will be used to assist with transportation services from July 1, 2003 through June 30, 2004.

NCDOT annually allocates funds for EDTAP, RGP, and Work First. Durham County will receive \$129,158 for FY 2003-2004.

Funds shall be used to provide services for the noted agencies:

Council of Senior Citizens	Dept. of Social Services (Adult)
Durham Exchange Club Industries	Retired and Senior Volunteer Program
Services for the Blind	Piedmont Consortium

Transportation Advisory Board made recommendations for the allocation of EDTAP funds.

Resource Person(s): Cheryl Lloyd, County Cooperative Extension Director, and Johnny Ford, Transportation Access Coordinator

County Manager's Recommendation: The Manager recommended approval of the ROAP application for submittal to NCDOT.

Mr. Ford presented the agenda item.

Chairman Reckhow opened the public hearing that was properly advertised.

As no one signed to speak on this item, Chairman Reckhow closed the public hearing and referred the item back to the Board for discussion/consideration.

After Board discussion, the following motion was made:

Commissioner Jacobs moved, seconded by Commissioner Heron, to approve the ROAP application for submittal to NCDOT.

The motion carried unanimously.

7. **Approval of the DJJDP Funding Plan for 2003-2004**

The Durham County Juvenile Crime Prevention Council requested that the Board of County Commissioners review and approve the North Carolina Department of Juvenile Justice and Delinquency Prevention (DJJDP) funding plan for addressing the needs of juvenile offenders in Durham County. The plan is designed to strengthen and expand needed juvenile court sanctions and treatment services. Programs provide treatment, rehabilitation, and educational enrichment

based on locally defined priorities. Local priorities include reduction of academic failure and family problem management. A publicly advertised request for proposals and assessment process has been completed under the direction of DJJDP Regional Consultant James M. Barbee.

The funding plan was approved on April 23, 2003 at the regularly scheduled meeting of the Durham Juvenile Crime Prevention Council with a quorum present.

Resource Person(s): Cheryl L. Lloyd, County Extension Director; Greg Brown, Chair; and Karen Thompson, Allocations Committee Chair, Treasurer

County Manager's Recommendation: The County Manager recommended approval of the NC DJJDP Funding Plan as recommended by the Durham Juvenile Crime Prevention Council.

Dr. E. Lavonia Allison spoke on this agenda item.

After questions were asked of Ms. Lloyd, the following motion was made:

Vice-Chairman Bowser moved, seconded by Commissioner Cousin, to approve the NC DJJDP Funding Plan as recommended by the Durham Juvenile Crime Prevention Council.

The motion carried unanimously.

8. **American Tobacco Documents**

The Board was requested to approve the Development Agreement, Lease, and Design-Build Contract documents for the American Tobacco Project in substantially the form as presented. As the financing for the project has not yet been obtained, the lender may require some minor changes in the documents. As such, the Board is further requested to allow minor amendments in the documents which do not change material terms upon the agreement of the County Manager and County Attorney.

The financing is expected to be completed in August or September 2003.

Resource Person(s): Michael Ruffin, County Manager, and Chuck Kitchen, County Attorney

County Manager's Recommendation: The County Manager recommended that the Board approve the form of the documents and allow for minor amendments upon the agreement of the County Manager and County Attorney.

County Manager Ruffin thanked Chairman Reckhow, Jim Goodman, Deputy County Manager Carolyn Titus, County Attorney Chuck Kitchen, Budget Director Pam Meyer, Finance Director George Quick, County Engineer Glen Whisler, Public Information Officer Deborah Craig-Ray, Yolanda Moore-Gaddy (Purchasing), Mike Hill

The Board of Commissioners was asked to approve the form of the following documents:

- Development Agreement;
- Parking Lease Agreement;
- Design/Build Agreement; and
- Interlocal Cooperation Agreement.

County Attorney Kitchen made a PowerPoint presentation on the following:

Key points:

- County will contract with American Campus, LLC (ACL) to build 1140-space parking garage

("South Garage").

- County will build a 441-space parking garage on the DATA site ("East Garage") if ACL builds Diamond View II Office Building (DVII).
- Of the 441 spaces, 336 will be for DVII parking and 105 will be for Diamond View I (DVI) replacement parking.

City obligations:

- City will contract with ACL to build a 1311-space garage ("North Garage").
- City will build a garage next to the County East Garage which will hold 110 spaces.
- The two garages will functionally work as one garage.
- City will provide approximately \$8,356,520 in Economic incentives to ACL.

ACL obligations:

- ACL will renovate the American Tobacco Complex including the restoration of approximately 374,436 feet of predominantly commercial office space with some retail or restaurant uses (Phase I).
- ACL will renovate approximately 108,000 feet of space which may include several different uses (Phase IA).
- ACL may build Diamond View II, an approximately 90,000-square-foot office building.
- ACL may build Phases III (approximately 174,390 square feet) and IV (178,756 square feet) of the remaining buildings on the American Tobacco site.
- No additional parking will be provided by the public sector for Phases III and IV other than the decks as outlined.

Financial commitment:

- County will pay to ACL the sum of \$14,435,514 (including approximately \$238,246 in sales tax which will be recovered) to design and construct the South Garage.
- If DVII is built, County will pay to ACL The sum of \$5,397,178 (including approximately \$94,718 in sales tax) to ACL to design and construct the East Garage.
- County will pay ACL \$18/month per space to manage all parking spaces.

Revenues:

- ACL will lease 100 percent of the South Garage spaces and 100 percent of the DVII spaces from County.
- County will lease 100 percent of DVI replacement spaces to City which will sublease the spaces to ACL.
- ACL will pay to the County \$45/month per space to lease the South Garage and DVII spaces.
- City will pay to the County \$18/month per space (or actual amount of management fee) to lease the DVI spaces.
- ACL will pay \$60,000 per season for baseball parking for South Garage.

Miscellaneous:

- If the theater is built, ACL will manage parking with revenues after expenses coming to County.
- There will be free public parking for the restaurants after 6:00 p.m.
- ACL will have restrictive covenants in deeds for property so that none will apply for historic property tax designation for 20 years.
- County will have restrictive covenants that it will lease 90 percent of the parking in the decks for monthly parking.
- County M/WBE Ordinance provisions will be used in the construction of the decks.
- Financing of the decks is anticipated to be through a § 160A-20 transaction called a "private placement" with a lending institution.
- The financing for each of the County decks will be taxable financing.

Policy statement:

The American Tobacco project is a unique opportunity to provide public parking for an area that once comprised the largest tobacco company in the world. Due to the special location and relationship of the campus to downtown Durham and the opportunity to reinvigorate a section of Durham, the County is undertaking this project. It is the intention of the County that the building of parking decks as outlined in the agreements will not be repeated, and thus no formal policy for any future projects is needed.

Chairman Reckhow called on the following citizens to speak:

Dr. E. Lavonia Allison

J. C. Scarborough III

Floyd McKissick Jr.

Ted Conner

Commissioner Jacobs moved, seconded by Commissioner Heron, to approve the form of the documents (Development Agreement, Parking Lease Agreement, Design/Build Agreement, and Interlocal Cooperation Agreement) and allow for minor amendments.

The motion carried unanimously.

Commissioner Cousin moved, seconded by Commissioner Jacobs, to approve the policy statement.

The motion carried unanimously.

House Bill 397

Commissioner Heron asked County Attorney Kitchen to explain this item.

County Attorney Kitchen reviewed the following projected EMS costs for H397 (House budget):

- EMS \$10,000
- 911 11,100
- County Fire 22,150

Commissioner Heron wanted the Board to go on record to express its concerns to the State Senators regarding this House Bill.

Commissioner Heron moved, seconded by Commissioner Cousin, that the Board of County Commissioners make every effort to inform the local delegation of the negative impact this bill would have on our local EMS and that it should be pulled immediately.

The motion carried unanimously.

Intersection of Moores Mill and Red Mountain Road

Vice-Chairman Bowser expressed concern about the number of accidents which had occurred at this intersection. Residents had asked Vice-Chairman Bowser to address the Board for a solution to this dangerous problem.

Vice-Chairman Bowser moved, seconded by Commissioner Heron, to write a letter to John Nance (copy to Ty Cox) with the NCDOT about a

solution to the potential danger at this intersection.

The motion carried unanimously.

State Mental Hospital

Vice-Chairman Bowser directed the County Manager to look into the possibility of asking Health and Human Services in Raleigh to build the hospital in Durham.

Durham Public Schools

Commissioner Jacobs moved, seconded by Commissioner Cousin, that a letter be faxed to the state senators and a copy to the governor concerning the amount of cuts to our school system.

The motion carried unanimously.

9. **Nominations for Appointments to the Duke University Health System Board of Directors**

Garry E. Umstead, CMC, Clerk to the Board, distributed ballots to select two or three members of the Durham County Hospital Corporation Board of Trustees to be nominated for an appointment to the Duke University Health System Board of Directors.

Resource Person(s): Garry E. Umstead, CMC, Clerk to the Board

The Commissioners selected the following:

Arnett Coleman, MD

Mary D. Jacobs, Ed.D.

Penelope A. Keadey

10. **Board Appointments-Durham County Hospital Corporation Board of Trustees**

Garry E. Umstead, CMC, Clerk to the Board, distributed ballots to make appointments to the Durham County Hospital Corporation Board of Trustees.

Resource Person(s): Garry E. Umstead

The Commissioners appointed the following:

Joseph S. Harvard III

C. Edward McCauley

Cedric M. Bright, MD

Robert E. Price, MD

Ira Q. Smith, MD

Adjournment

Chairman Reckhow adjourned the meeting at 9:43 p.m.



Last updated: May 3, 2006

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