

Revised
(Deletion—Item No. 8d)

THE BOARD OF COUNTY COMMISSIONERS
DURHAM, NORTH CAROLINA

Monday, November 24, 2008

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.

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.
4. **Minutes** 5 min.

October 27, 2008 Regular Session
November 3, 2008 Worksession

- 5a. **Recognition of Kids Voting Durham’s Efforts during Election Day 2008** 10 min.

The 2008 Election process yielded a record-breaking voter turnout. While approximately 78% of registered voters cast their ballots for President of the United States, nearly 4,500 Durham youth voted in the November 4 Kids Voting Durham elections.

Kids Voting Durham is a nonprofit, nonpartisan organization that helps youth understand and believe in the power they have as active citizens and informed voters.

Children and youth up to 17 voted in person with their parents at an adult precinct, or online on the Kids Voting Durham website. More than 450 volunteers from organizations all across Durham assisted children in casting their votes at polling sites throughout Durham. 75% of the precincts were run by youth from local youth groups

such as Boy and Girl Scouts, local elementary, middle, and high schools, YO! Durham, and 4H Junior Leadership Durham.

Resource Person(s): Carolyn Kreuger, Coordinator, Kids Voting Durham

County Manager's Recommendation: The Manager's recommendation is that the Board recognize the positive work that the Kids Voting Durham program has done to get youth involved in our community and receive framed results of the recent election.

5. **Recognize Darnell Allen for Academic Achievement with the North Carolina Mappers' Association, and Recognize Kevin Locklear, Recipient of the 2008 NC Mappers' Association President's Pride Award**

5 min.

The North Carolina Mappers' Association recognizes each year those who have completed the certification requirements of a Certified Mapper and have scored the highest test grade on a Mappers' Certification Exam. Darnell Allen, GIS Cartographer, received the Academic Achievement Award on October 2, 2008. He is the second employee within Durham County Tax Department, GIS/Land Records Division, to receive this award.

The North Carolina Mappers' Association President's Pride Award honors an individual within the NCPMA for dedication and service to the NCPMA, and the mapping community of the state. This year, Kevin Locklear, GIS Cartographer with Durham County, received the award at the Annual Mappers' Conference on October 2, 2008, from President Southerland.

Resource Person(s): Kimberly Simpson, Tax Administrator

County Manager's Recommendation: That the Board recognize Darnell Allen and Kevin Locklear on their awards and congratulate them on a job well done.

6. **Tax Administration Awarded the Joseph E. Hunt Distinguished Jurisdiction Award**

5 min.

The North Carolina Association of Assessing Officers recently awarded the Tax Department with the Joseph E. Hunt Distinguished Jurisdiction Award for their outstanding achievement in Tax Administration and Public Service. The award was a result of implementing the first tax payment kiosk system in the state. This is the second year the tax department has received such award.

Resource Person(s): Kimberly H. Simpson, Tax Administrator

County Manager's Recommendation: Recognize and present the department with the Joseph E. Hunt Distinguished Jurisdiction Award.

7. **Recognition of Outgoing County Commissioners Lewis Cheek and Philip Cousin**

10 min.

Board members have asked for time to extend personal remembrances and good wishes to Commissioners Lewis A. Cheek and Philip R. Cousin Jr. as they prepare to leave the Board. Commissioner Lewis Cheek joined the Board in 2004, and Commissioner Philip Cousin joined the Board in 2000.

Each will be presented with a plaque for outstanding service to the citizens of Durham County.

County Manager's Recommendation: The Manager's recommendation is that the remaining members of the Board extend sincere congratulations to Lewis A. Cheek and Philip R. Cousin Jr. for visionary leadership during their outstanding tenures as Durham County Commissioners.

8. **Consent Agenda**

20 min.

- a. Approve the Amendment to Tax Interlocal Agreement with City of Durham;
- b. Property Tax Releases and Refunds for Fiscal Year 2008-2009 (accept the property tax release and refund report for October 2008 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- c. Approve Purchase of County Storage Network (authorize the Manager to enter into a contract to purchase the NetApp storage network appliance and installation services from ePlus Inc.);
- d. ~~Triangle United Way Inc. Service Contract Approval for Imagine Durham, an RBA Initiative (authorize the Manager to enter into a contract with Triangle United Way Inc. in the amount of \$30,000 to provide RBA Initiative administration and coordination);~~
- e. Budget Ordinance Amendment No. 09BCC000030—Public Health—Recognize Additional Funds in the amount of \$11,366 from the N.C. Department of Health And Human Services, Division of Public Health to Expand the Breast And Cervical Cancer Control Program (BCCCP);
- f. Budget Ordinance Amendment No. 09BCC000031—Public Health—Recognize One-Time Funds from the March of Dimes in the Amount of \$3,000 for the Health Education Target Infant Mortality Program;
- g. Budget Ordinance Amendment No. 09BCC000032—Social Services (recognize additional revenue in the amount of \$361,335 in additional funds for the Crisis Intervention Program);
- h. Nominations to the Duke University Health System Board of Directors (approve the following nominations: County Manager Mike Ruffin, Dr. Ira Smith, and Rev. Kenneth Hammond);
- i. Lease Renewal for the Parkwood Branch Library (authorize the Manager to sign the lease agreement with Mr. James Hawkins for 5122 Revere Road for the Parkwood Branch Library for a term that runs until August 31, 2010);
- j. Adopt the Resolution Determining Need for Additional Public Parking;
- k. Adopt the Resolutions to Support Durham Public Schools Guaranteed Energy Savings Contracts;
- l. Offer to Purchase County Surplus Property (414 Salem Street);
- m. left blank intentionally;

- n. Capital Project Amendment No. 09CPA000011—Durham Public Schools General Obligation Bond Project Budget Adjustments moving \$300,815 from five completed 2001 GO Bond funded DPS capital projects and \$199,185 from the 2003 GO Bond “Project Management” capital project, for a total of \$500,000, to the C.C. Spaulding Elementary School project, increasing that project budget to \$9,117,964, and moving \$445,000 from the 2003 GO Bond “Project Management” capital project to the Spring Valley Elementary School (New “B”) project, increasing that project budget to \$15,431,700; and
- o. Resolution Authorizing Private Sale (adopt the resolution which would authorize the private sale of the computers and printers currently being used by the Board of Commissioners upon the scheduled replacement of the computers; direct the required notice be published once in the newspaper).

9. **Public Hearing to Consider Providing Economic Development Incentives to Greenfire Real Estate Holdings, LLC for Greenfire Phase II Development**

15 min.

The Board of Commissioners is requested to hold a public hearing to receive comments on a proposed expenditure of funds for economic development in the form of the provision of structured parking for Greenfire Real Estate Holdings, LLC for Greenfire Phase II Development through a parking lease. The County would construct 210 parking spaces in a 320-space parking structure that would cost approximately \$7.54 million. The County would receive rental revenues for the spaces from Greenfire at fair market value. The structured parking would be located at the corner of Church and Parrish Streets. Consideration of this incentive to Greenfire Development would be the construction or redevelopment of properties in downtown Durham with an approximate private investment amount of \$98 million. The funds would be paid from the General Fund of the County of Durham.

The entire Phase II project will represent a minimum private investment by Greenfire of \$295 million. The project will also create approximately 1,300 jobs at full build out and provide 430 new housing units to downtown Durham. Upon completion in 2019, Phase II will result in approximately one million square feet of space, estimated to produce \$307.4 million in new property tax value. The County anticipates receiving approximately \$15.993 million in accumulated tax revenues over the next ten years as a result of Phase II.

It is recommended that the County participate in this economic development project by entering into a public-private partnership to provide parking needed for both government offices and downtown re-development. After reviewing the request for incentives and evaluating it in conjunction with the parking needs of the public utilizing county office buildings, the administration determined that a public-private partnership to provide for both parking needs was cost efficient as well as beneficial to both parties.

On November 10, 2008, the Board of County Commissioners received a presentation from Greenfire Development requesting incentives for Phase II through the provision of public parking. A set of proposed deal points was presented by County administration for the Board’s consideration. Those draft deal points have been fashioned into the Development Agreement.

This Public Hearing was advertised on Friday, November 14, 2008, as required by NC Statutes.

Resource Person(s): Carolyn P. Titus, Deputy County Manager, and Chuck Kitchen, County Attorney

County Manager's Recommendation: The Manager recommends that the Board hold the public hearing and if appropriate, approve the Development Agreement between the County of Durham and Greenfire Development for the provision of economic development incentives through a parking lease for 210 parking spaces.

10. **Public Hearing on Acquisition of the Lakewood YMCA for School Purposes—Capital Project Amendment No. 09CPA000010—Appropriation of \$8,250,000 for the DPS/Lakewood YMCA Purchase and Renovation Capital Project (SH153) and Approval of Lakewood YMCA Purchase, Development Agreement, and Two Lease Agreements**

15 min.

Pursuant to N.C.G.S. § 153A-158.1, the Board of Commissioners is requested to hold a public hearing regarding the acquisition of the Lakewood YMCA property located at 2119 Chapel Hill Street, which will be used for school purposes following the renovation of the building. The purchase price of the property is \$250,000. Notice of this Public Hearing was duly published in The Herald-Sun on Friday, November 14, 2008.

On April 28, 2008, the Board approved Deal Points regarding the acquisition and renovation of the Lakewood YMCA property. Since then, Durham Public Schools (DPS), YMCA of the Triangle, and County staff have worked diligently on the terms of a development agreement as well as two lease agreements, in accordance with the approved Deal Points.

Pursuant to Session Law 2005-172, the County is participating in the development of a public-private project. The proposed development includes the County purchasing the entire Lakewood YMCA property, which includes several buildings totaling approximately 57,350 sq. ft. on approx. 7.4 acres, and leasing back to the YMCA approx. 18,000 of the facility needed to operate a successful YMCA. Both the County and the YMCA will be responsible for making certain investments and improvements to the property. Additionally, the County, pursuant to the existing Interlocal Agreement with DPS, will construct a Secondary School on the site. Once completed, the entire site will be conveyed to the Schools subject to the lease to the YMCA.

The proposed Development Agreement is a three-party contract setting forth the obligations of the County, DPS, and YMCA for the renovation of the property. The County will invest approximately \$8 million to the project to renovate the property as a Secondary School and assist in improving the YMCA fitness facility. The improvements that the County will make to the YMCA fitness building will include entrances, electrical, plumbing, HVAC, roofing, code-required improvements, and exterior repairs. The remainder of the improvements in the fitness building will be made by the YMCA, at their cost.

The County will purchase the property from the YMCA for \$250,000, and then lease back the property to the YMCA under two separate lease agreements for \$1 per year. One lease will be a short-term lease of the entire Lakewood YMCA property for 24 months or until construction begins, whichever occurs first. This allows the YMCA to operate after-school programs and camps on the property while DPS is working on design and regulatory approvals. The second lease is a 17-year lease for the 18,000-square-foot YMCA fitness facility. This long-term lease will be conveyed to DPS along with the property once the school is constructed, subject to financing requirements which may require the County to retain ownership while debt is outstanding. Notice of the long-term lease has been duly published in The Herald-Sun newspaper pursuant to N.C.G.S. § 160A-272.

The two lease agreements and Development Agreement have been prepared for consideration. This project is scheduled for consideration by the Board of Education on November 20, 2008 and by the YMCA of the Triangle on November 18, 2008. The County's offer to purchase anticipates a closing by December 31, 2008. The Board is requested to allow the County Attorney to make non-substantive changes that may be requested by the other parties to the agreements. Any substantive changes will be brought back to the Board for approval.

A capital project will be created appropriating \$8,250,000 for the purchase (\$250,000) and renovation (\$8,000,000) for the Lakewood YMCA. Currently, financing for this project and others are scheduled to close during the February–March 2009 time frame. Funding will occur through an interfund loan from the General Fund to be reimbursed when debt proceeds are received pursuant to a reimbursement resolution. This loan shall be in an amount not to exceed \$300,000 to cover the purchase price and additional closing costs.

Resource Person(s): Michael M. Ruffin, County Manager;, George K. Quick, Finance Director; and Chuck Kitchen, County Attorney

County Manager's Recommendation: The County Manager recommends that the Board hold the public hearing on the acquisition of the YMCA property for school purposes, and if appropriate, approve appropriation of \$8,250,000 to the DPS/Lakewood YMCA project, the Development Agreement, and two lease agreements for the Lakewood YMCA, subject to non-substantive changes made by the County Attorney, as well as approve the inter-fund loan for the acquisition of the property and authorize the Manager to execute the Development Agreements, leases and closing documents.

11. **Public Hearing—Zoning Map Change—1521 Mineral Springs Road (Z0800002)**

10 min.

To approve a request for a zoning map change for a 4.14-acre site located on the east side of South Mineral Springs Road, south of Delmar Drive. Request: RR and RS-20; F/J-B to PDR 4.000; F/J-B.

This item was continued from the October 27, 2008 Commissioner's meeting to allow the applicant to address internal configuration concerns raised at the public hearing.

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 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 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: Approval with additional committed elements, 11-2 on September 9, 2008. The Planning Commission finds that the ordinance request is consistent with the adopted *Comprehensive Plan*. The Commission believes the request is reasonable and in the public interest and recommends approval based on the information in the staff report, comments received during the public hearing and an additional committed elements proffered by the applicant at the meeting.

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.

12. **Public Hearing—Zoning Map Change—Page Corporate Center (Z07-42)**

10 min.

To approve a request for a zoning map change for a 34.48-acre site located on the north side of Page Road, west of Comstock Road and east of I-40. Request: Planned Development Residential (PDR 7.900) to Office and Institutional with a development plan (OI[D]).

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 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 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: Approval, 11-0, on October 14, 2008. The Planning Commission finds that the ordinance request is consistent with the adopted *Comprehensive Plan*. The Commission believes the request is reasonable and in the public interest and recommends approval based on the information in the staff report, comments received during the public hearing and additional committed elements proffered by the applicant at the meeting.

Resource Person(s): Steven L. Medlin, AICP, City-County Planning Director, and Gail Sherron, Senior 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.

13. **Public Hearing—Unified Development Ordinance (UDO) Text Change—Conservation Subdivisions (TC07-19)**

15 min.

Receive public comments on Text Change – Conservation Subdivisions (TC07-19) and adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 3, Applications and Permits, Article 6, District Intensity Standards, Article 7, Design Standards, and Article 8, Environmental Protection.

Resource Person(s): Steven L. Medlin, AICP, City-County Planning Director; Helen Youngblood, AICP, Senior Planner; and 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.

14. **Public Hearing—Unified Development Ordinance (UDO) Text Change—IL/Compact Height (TC0800001)**

5 min.

Receive public comments on Text Change – IL/Compact Height (TC0800001) and adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 6, District Intensity Standards.

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

15. **Public Hearing—Unified Development Ordinance (UDO) Text Change—Carnival Hours (TC0800003)**

5 min.

Receive public comments on Text Change – Carnival Hours (TC0800003) and adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 5, Use Regulations.

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

16. **Public Hearing—Unified Development Ordinance (UDO) Text Change—Public Notice (TC0800008)**

5 min.

Receive public comments on Text Change – Public Notice (TC0800008) and adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 3, Applications and Permits.

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

Resource Person(s): 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.

17. **First Extension of Sublease by and Among Durham County, Durham County Hospital Corporation, and Duke University Health System, Inc. and First Extension of Operating Agreement by and Among Durham County, Durham County Hospital Corporation, and Duke University Health System, Inc.—Second Amendment to Sublease by and Among Durham County, Durham County Hospital Corporation, and Duke University Health System, Inc. and First Amendment to Operating Agreement by and Among Durham County, Durham County Hospital Corporation, and Duke University Health System, Inc.—Amendment to Lease**

15 min.

The Board is requested to approve the above-referenced documents. The purpose of the amendments to the documents follows: 1) Duke University Health Systems is exercising its authority under the Operating Agreement for Durham Regional Hospital to extend the lease and Operating Agreement until September 30, 2031; 2) the Lease and Operating Agreement are being amended to change the annual rent as reflected in Section 2 of the Second Amendment to the Sublease; a chart has been prepared illustrating the increased payments assuming a 3½% increase in the consumer price index; 3) the term is extended to provide for an automatic renewal of the lease on a yearly basis; additionally, the lease is extended to 40 years for the initial term; these two provisions thus provide for a 40-year “rolling term”; 4) the Operating Agreement is amended to allow for a transfer of programs and services to another facility without

approval of the Durham County Hospital Corporation Board of Trustees.; with such a transfer, the programs and services would remain under the retained responsibilities of the Durham County Hospital Corporation Board of Trustees; and 5) certain provisions are added to restrict the County's liability for bonded indebtedness if at any point the County decides not to renew the lease.

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

County Manager's Recommendation: Approve the First Extension of Sublease by and Among Durham County, Durham County Hospital Corporation, and Duke University Health System Inc. and First Extension of Operating Agreement by and Among Durham County, Durham County Hospital Corporation, and Duke University Health System, Inc.; Second Amendment to Sublease by and Among Durham County, Durham County Hospital Corporation, and Duke University Health System Inc., and First Amendment to Operating Agreement by and Among Durham County, Durham County Hospital Corporation, and Duke University Health System Inc.; and Amendment to Lease.

18. **Budget Ordinance Amendment No. 09BCC000034—Appropriation Of \$95,000 for the Jordan Lake Surveying Project and Execution of the Surveying Services Agreement with ESP Associates, P.A., for the Survey of the Normal Pool Elevation (NPE) Boundary of the Durham County Portion of Jordan**

20 min.

The Board is hereby requested to authorize the County Manager to enter into a contract with ESP Associates, P.A., Cary, NC, to provide surveying services for the survey of the NPE Boundary of the Durham County Portion of Jordan Lake in the amount not to exceed \$83,870 plus a reimbursable amount of \$2,000, thus totaling \$85,870, and to execute any other related contracts or contract amendments, if necessary, not to exceed the estimated budget of \$95,000. The estimated NPE Boundary length to be surveyed as part of this contract is 30,000 linear feet. Additional boundary will be surveyed at a unit cost of \$1.87 per linear foot. This project is to locate the 216.0' Mean Sea Level NPE Boundary of Jordan Lake within Durham County and to map the associated Critical and Protected watershed boundaries as defined by local and state watershed protection regulations.

A request for qualifications (RFQ) for surveying services for this project was advertised on October 26, 2008, and ten responses were received on November 11, 2008. A selection committee comprised of staff from County Engineering, City-County Planning, and the County Manager's Office met to review and select a firm. The firm identified as most qualified for the Jordan Lake project was interviewed on November 13, 2008. A fee proposal was submitted on November 17, 2008, which was refined during negotiations for a total of \$83,870 plus a reimbursable amount of \$2,000. The services to be rendered under this contract include a boundary survey and mapping of the Durham County Portion of Jordan Lake, associated Critical and Protected watersheds, associated property lines, and property owner's information as required for submittal to the Division of Water Quality for consideration.

The Engineering Department has reviewed the proposal with the City-County Planning Department, the County Manager's Office, and the County Purchasing Department, and recommends that the County proceed with the work described in ESP Associates, P.A. Proposal, dated November 18, 2008, and award a contract to ESP Associates, P.A. Funding for this contract will be appropriated in the Engineering Department's budget and will come from Commissioner Contingency funds. The anticipated schedule for completing the project is estimated to be ten weeks from the Notice to Proceed date. Additional time may be required depending on weather conditions and lake levels. There is no M/WBE participation at this time because ESP Associates proposes to self-perform the project. Should the opportunity arise, M/WBE participation will be encouraged and considered.

Resource Person(s): Glen Whisler, P.E., County Engineer, Engineering Department, and Steve Medlin, AICP, City/County Planning Director

County Manager's Recommendation: The County Manager recommends that the Board approve Budget Ordinance Amendment No. 09BCC000034 appropriating \$95,000 to the Engineering Department from Commissioner Contingency funds and authorizing the execution of a surveying contract with ESP Associates, P.A., in the amount not to exceed \$83,870 plus a reimbursable amount of \$2,000, thus totaling \$85,870, and to execute any other related contracts or contract amendments, if necessary, not to exceed the estimated budget of \$95,000.

19. **Establish the Lowes Grove Public-Private Project and Authorize the Sale of Property to Durham Public Schools and the State Employees Credit Union**

15 min.

The Board is requested to establish the Lowes Grove public-private project under SL 2005-172 and authorize the sale of portions of the former Lowes Grove School property to Durham Public Schools (DPS) and the State Employees Credit Union (SECU).

On May 14, 2004, Durham County purchased the 16.062-acre Lowes Grove School property from Durham Public Schools for \$1,000,000 for development of the South Regional Library. The property is located on the northeast corner of NC-54 and South Alston Avenue. The County desires to participate in a public-private project on this property with the SECU for construction of a credit union and DPS for construction of an elementary school. The project would include shared roads and a shared stormwater facility. The library will occupy a 4.69-acre tract adjacent to South Alston Avenue shown as Lot 1 on the plat. The SECU would occupy an approximately 2-acre lot in the southeast corner, and DPS would occupy the remainder. A conceptual development plan shows the library as well as the school and SECU.

The County has received an offer to purchase Lot 4 from SECU for \$1,200,000. The tract is 2.044 acres and would require easements for ingress and egress along the proposed roads running through the property as well as necessary easements to access the stormwater facility. The County has also received an offer to purchase Lots 2, 3 and 5, a total 8.982 acres, at a cost of \$62,258.75 per acre from DPS for a total price of \$559,208.09 less the demolition credit estimated to be \$100,000 for a purchase price of \$459,208.09. The offers are both contingent on subdivision of the parcels and

execution of a three-party development agreement that would address issues such as construction and maintenance of a shared stormwater facility, construction, and maintenance of the shared internal driveways, access easements, shared parking arrangements, site lighting and landscaping, signage, and other issues of shared interest.

Resource Person(s): Mike Ruffin, County Manager; Glen Whisler, County Engineer; Chuck Kitchen, County Attorney; and Jane Korest, Open Space and Real Estate Manager

County Manager's Recommendation: The County Manager recommends that the Board authorize the sale of the properties contingent upon subdivision of the property and negotiation of a three party development agreement; authorize the County Manager to execute the development agreement and complete the sale of the property.

20. **Board and Commission Appointments**

10 min.

Vonda Sessoms, Clerk to the Board, will distribute ballots to the Board to make appointments to the following boards and commissions:

- Animal Control Advisory Committee
- Board of Adjustment
- Durham County Hospital Corporation
- Durham Wake Service District Advisory Committee
- EMS Council

Resource Person(s): Vonda Sessoms

County Manager's Recommendation: The County Manager recommends that the Board of County Commissioners vote to appoint members to the above-mentioned boards/commissions.

3½ hrs.