

REVISED
(See Item No. 6)

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

Monday, October 12, 2009

County Commissioners' Chambers
200 East Main Street, Durham, North Carolina

"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.
 - “In Touch with Durham County”, the Durham County television show, airs on Cable TV channel 8 at 8:00 a.m. and 12 noon daily, 5:00 p.m. on Mondays, and 6:00 p.m. Tuesday – Saturday.
 - A public informational meeting on Durham's new middle school will be held tomorrow, October 13, at 7:30 p.m. at the Northern High School auditorium.
4. **Minutes** 5 min.

September 14, 2009 Regular Session
5. **Consent Agenda** 15 min.
 - a. Approve Budget Ordinance Amendment No. 10BCC000021 to Recognize Grant Funds from the NC Department of Health and Human Services in the Amount of \$1,000 for Diabetes Education in the Nutrition Division of Public Health;
 - b. Approve Budget Ordinance Amendment 10BCC000022 to appropriate \$133,192 in fund balance from the General Fund for payment to Bahama Volunteer Fire Department for unreimbursed paramedic services provided in FY 2009;

- c. Approve Budget Ordinance Amendment 10BCC000023 to reduce the Transfer from the Community Health Trust Fund to the General Fund in FY 2010 for Unspent FY 2009 Health Related Program Funds;
- d. Approve the Amendment of the Department of Social Services Contract with One Source;
- e. Approve Capital Project Amendment No. 10CPA000006 to close Nine Durham County Completed Capital Projects and allow these Completed Projects to become Final Assets and begin Depreciation;
- f. Capital Project Amendment No. 09CPA000007—Durham Public Schools General Obligation Bond Project Budget Adjustments (approve Capital Project Amendment No. 09CPA000007 moving \$1,434,250 from nine completed and almost completed 2003 GO Bond funded DPS capital projects [Playgrounds, Mobile Classrooms, New Middle School ‘B’ Land Purchase, Eno Valley Elementary School, Fayetteville Street Elementary School, Riverside High School, Southern High School, Neal Middle School, and Lakeview Secondary School] to nine other 2003 GO Bond funded DPS capital projects [C.C, Spaulding Elementary School, New Elementary ‘B’ - Spring Valley, Durham School of the Arts, Lowes Grove Middle School, Mangum Elementary School, Morehead Elementary School, Fuller Building, Jordan High School, and Northern High School]);
- g. Approve the Triangle Wastewater Treatment Plant Interlocal Agreement with the Town of Cary for Reclaimed Water Supply and First Amendment to the Interlocal Agreement with Wake County and the Town of Cary regarding Reclaimed Water Facilities (subject to non-substantive changes by the County Attorney or County Manager) and Authorize the County Manager to execute the Agreements;
- h. Triangle Wastewater Treatment Plant—Resolution for State Loan Application (adopt the resolution as proposed and authorize the County Manager to execute and to file the loan application for the NCDENR State Revolving Loan);
- i. Triangle Wastewater Treatment Plant—Amendment to Consultant Services Contract for Phase III and Reuse Projects Design Coordination and Loan Application Support Document Preparation (authorize the County Manager to enter into a contract amendment for a contract increase of \$211,000, with a total not to exceed \$1,271,600 to the referenced contract with McKim & Creed, P.A.);
- j. Triangle Wastewater Treatment Plant-Amendment to Consultant Services Contract for Design of Reuse Wastewater Capital Project (authorize the County Manager to enter into a contract amendment to the referenced contract with Camp, Dresser, & McKee [CDM] for Professional Engineering Study and Report, Design, Bidding, and Construction Services by \$79,300, but not to exceed the total price of \$299,900);
- k. Adopt the Falls Lake Water Quality Resolution; and
- l. Durham Public Schools Shepard Middle School Addition and Renovation Project (approve the owner/contractor agreement with Bar Construction Co. Inc. for the Addition and Renovation project at Shepard Middle School in the amount of \$8,255,600.00 and authorize the Manager to execute the agreement pursuant to the terms of the Interlocal Agreement with Durham Public Schools).

6. **Public Hearing to Consider Allocating Economic Development Investment Funds to EMC Corporation**

15 min.

The Board is requested to hold a public hearing to consider allocating economic development investment funds to EMC Corporation (EMC), a leading developer and provider of information infrastructure technology, solutions, and services.

Durham is competing with the states of New York, Washington, and Virginia, as well as Canada for an expansion to the current EMC operation in North Carolina. If Durham were to be selected, EMC would purchase a facility, construct a new data center, and establish a new research and development (R&D) laboratory. The total project investment would be approximately ~~\$282~~ **\$280** million with approximately 292 new jobs in Durham County. Company officials have stated that incentives from the local government are a key consideration in its final decision on locating the expansion.

As a world leader in information infrastructure solutions, EMC is the recipient of numerous awards, including the North Carolina Department of Environment and Natural Resources (DENR) Environmental Stewardship Award, the Triangle Business Journal's "Best Places to Work" award, and Fortune Magazine's "Most Admired Companies" award.

Staff is recommending that the County participate in this economic development project by providing up to \$1,200,000.00 over a period of seven years for the costs of expansion. \$200,000 of those funds would be reserved to pay for training expenses of employees who are Durham residents.

This public hearing was advertised on Friday, October 2, 2009, as required by law.

Resource Person(s): Carolyn P. Titus, Deputy County Manager

County Manager's Recommendation: The County Manager recommends that the Board hold the public hearing and, based upon the information received, approve entering into an economic development incentive contract between the County of Durham and EMC Corporation in the maximum amount of \$1,200,000.

7. **Public Hearing—Plan Amendment, Jordan Lake Critical Area (A0900004)**

30 min.

To hold a public hearing on a plan amendment for Jordan Lake Critical Area (A0900004); and

To approve the requested change to the land use designation on the Future Land Use Map of the *Durham Comprehensive Plan* from Very Low Density Residential (2 DU/Ac. or Less), Suburban Tier, and inside the Urban Growth Area to Rural Density Residential (0.5 DU/Ac. or Less), Rural Tier and outside the Urban Growth Area.

To approve the requested change to the land use designation on the Future Land Use Map of the *Durham Comprehensive Plan* from Rural Density Residential (0.5 DU/Ac.

or Less), Rural Tier and outside the Urban Growth Area to Very Low Density Residential (2 DU/Ac. or Less), Suburban Tier, and inside the Urban Growth Area.

City-County Planning Department Recommendation: Approval, based on the request being justified and meeting the criteria for plan amendments.

Planning Commission Recommendation: Denial, 12-0, August 11, 2009, based on concerns about different survey methodologies for determining the normal pool; the need for a comprehensive, independent survey; and potential impacts on water quality.

Resource Person(s): Steven L. Medlin, AICP, City-County Planning Director; Keith Luck, AICP, Assistant Planning Director; and Joseph Carley, AICP, Planner

County Manager's Recommendation: The Manager recommends that the Board conduct a public hearing and, if appropriate based on the comments received, approve Plan Amendment A0900004.

8. **Public Hearing—Zoning Map Change—Jordan Lake Critical Area (Z0900009)**

90 min.

As per Section 3.5.7A.1 of the Unified Development Ordinance, this item was administratively deferred from the September 14, 2009 Board of Commissioners meeting at the request of an opponent.

To approve a request for a zoning map change for approximately 835 acres, generally west of NC 751, east of Farrington Mill Road, south of Stagecoach Road, and north of the Chatham County line, and between NC 55 and Hopson Road, north of the Wake County line.

Request: Revisions to the F/J-A and F/J-B overlay zoning districts; and

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, should the plan amendment (Jordan Lake Critical Area A0900004) be adopted, based on consistency with the Comprehensive Plan and considering the information contained in this report.

Planning Commission Recommendation and Vote: Denial, 12-0, on August 11, 2009. 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 inconsistency with the neighboring land uses, concerns regarding impacts on the environment, opposition from the community, and inadequate policy direction for determining the normal pool location.

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

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.

2 hrs. 50 min.