

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

Monday, January 24, 2011

7:00 P.M. Regular Session

MINUTES

Place: Commissioners' Room, second floor, Durham County Government
Administrative Complex, 200 E. Main Street, Durham, NC

Present: Chairman Michael D. Page, Vice-Chairman Ellen W. Reckhow, and
Commissioners Joe W. Bowser, Becky M. Heron, and Brenda A. Howerton

Absent: None

Presider: Chairman Page

Opening of Regular Session — Pledge of Allegiance

Agenda Adjustments

There were no agenda adjustments.

Announcements

Chairman Page made the following announcements:

- "In Touch with Durham County," the Durham County Television show, airs on Cable TV Channel 8 at 8:30 a.m. and 12 noon daily; 4:00 p.m. on Mondays; and 6:30 p.m. Tuesday-Sundays. Our County Commissioners' meetings are also rebroadcast on Thursdays at 2:00 p.m., Saturdays at 9:00 p.m., and Sundays at 9:00 p.m.
- A public meeting on the realignment of Hope Valley Road, NC Highway 751 will be held on Thursday, January 27 from 6 pm until 8 pm at the Jordan High School Cafeteria. Draft proposed designs will be presented by the City of Durham Departments of Public Works and Transportation.
- Chairman Page also announced that the Criminal Justice Resource Center held an Open House earlier. He encouraged members of the community to go by and visit the building.

Minutes

Commissioner Howerton moved, seconded by Commissioner Heron, to approve minutes from the December 6, 2010 Worksession, December 13, 2010 Regular Session, and January 3, 2011 Regular Session.

The motion carried unanimously.

Resolution Honoring Jordan High School Soccer Team

Chairman Page acknowledged the Jordan High School Soccer team and asked them to come forward to be recognized. He acknowledged DPSS Superintendent, Dr. Eric Becoats; members of the DPSS School Board, Chair Minnie Forte-Brown, Ms. Omega Parker, Vice Chair Heidi Carter, and Ms. Natalie Bayer; and the DPSS Athletic Director, Mr. Larry McDonald.

Chairman Page read the following Resolution:

Durham County Board of Commissioners Resolution

WHEREAS, The Jordan Soccer Team won the North Carolina High School Athletic Association's 2010 State 4-A Soccer Championship on November 20 in a 2-0 victory against Charlotte Myers Park; and

WHEREAS, this championship represents the Jordan Falcon's third state title in soccer, having previously won in 2001 and 1990; and

WHEREAS, the team ended the year with its 15th shutout and completed a 25-0 season to attain this honor; and

WHEREAS, outstanding Falcon players included Monbo Bokar and Matthew Fiegler along with Bryan Roque who received most valuable player honors in the game; and

WHEREAS, the success of this team has again brought tremendous pride and recognition to the entire Durham community:

NOW, THEREFORE, BE IT RESOLVED that we the members of the Durham County Board of Commissioners do hereby salute Coach Steve Turner, his coaching staff and members of the

2010 JORDAN HIGH SCHOOL SOCCER TEAM

for winning the NCHSAA 4A Championship. We call upon all citizens in Durham County to join in saluting these outstanding athletes and the Jordan athletic staff for a job well done!

This the 10th day of January, 2011

Michael D. Page, Chairman

Ellen W. Reckhow, Vice-Chairman

Joe W. Bowser

Becky M.

Heron

Brenda A. Howerton

The Board and audience congratulated and applauded the Soccer Team. Chairman Page presented the resolution to the team. Coach Turner expressed his appreciation to the Board for recognizing the team.

2010 Durham County America Recycles Day Poster Winners Recognized

Chairman Page recognized Brian Haynesworth, Solid Waste Program Manager, and Dorothea Pierce, Executive Director, Keep America Beautiful, Inc.

Mr. Haynesworth stated that Durham County General Services and Keep America Beautiful partnered with other community organizations to sponsor the first America Recycles Day Poster Contest for Durham area elementary schools.

Ms. Catherine Aiden Rooney of Creekside Elementary School was the winner of the contest and the recipient of a \$200 savings bond.

Chairman Page read the following names of the students whose entries were used to create a calendar that was distributed by Ms. Pierce:

January was drawn by Daniel Kaye of George Watts Elementary
February was drawn by Jasmine Horne of Carter Community School
March was drawn by Jasmine McElroy of George Watts Elementary
April was drawn by Faith Merritt of W.G. Pearson Elementary
May was drawn by Christina Griffin of Carter Community School
June was drawn by Josie Anna Sanfelicio of George Watts Elementary
July was drawn by Isiah Waller of Carter Community School
August was drawn by Jayveon Jones of Fayetteville State School
September was drawn by Alondra Zoriz of George Watts Elementary
October was drawn by Ariel Ottey of Carter Community School
November was drawn by Angel Bouden of Carter Community School
December was drawn by Jacqueline Murillo-Fernandez of George Watts Elementary
Catherine Aiden Rooney of Creekside Elementary is the recipient of a \$200 savings bond as the winner of the contest and her drawing graces the cover of the calendar.

Introduction – Tammy Baggett, Durham County Library Director

County Manager Mike Ruffin introduced Ms. Tammy Baggett, Library Director, to the Board.

Ms. Baggett came to Durham from New Hanover County, where she served as assistant library director. She has worked in libraries for the past 19 years, including a stint at Durham County's Parkwood Library while she completed her Masters degree. Ms. Baggett earned a B.A. in Speech Communications/Public Relations from the University of North Carolina at Wilmington and a Masters of Library Science from North Carolina Central University.

The Board welcomed Ms. Baggett.

Veteran's Park Project

Mr. Lou Washington, Veterans Services Director, announced a new Veteran's Park which will open in 2011 in Fayetteville, North Carolina. The project will include handprints from a veteran from all 100 counties in North Carolina.

Artist Aaron Wallace, who served in the US Army's 82nd Airborne Division, will craft a clay sculpture using castings of hands from selected veterans' from all North Carolina counties. Durham County has selected Dr. Stewart Fulbright to have his hands cast as part of the display. Dr. Fulbright, a Tuskegee Airman who served as a Captain in the U.S. Air Force in World War II, will be in attendance.

Mr. Washington gave a brief introduction of Dr. Fulbright. Dr. Fulbright, in addition to his military career, served as the first Dean of the School of Business at North Carolina Central University.

The Board and audience congratulated and applauded Dr. Fulbright for being selected to participate in this important project that honors all North Carolina Veterans.

Consent Agenda

Commissioner Howerton moved, seconded by Vice Chair Reckhow, to approve the following consent agenda items:

- a. Accept the ambulance franchise request for modification and approve the change for the addition of Advanced Life Support to their current Basic Life Support Transport Program for transfers from and to the VA and its affiliated facilities;
- b. *Approve Budget Ordinance Amendment No. 11 BCC000 046 recognizing a \$500 grant from the Ezra Jack Keats Foundation ;
- c. Appoint Dr. S. Jill Bryant, Optometrist, to the Public Health Board as required by GS § 130A-35(b);
- d. *Accept the property tax release and refund report for November 2010 as presented and authorize the Tax Assessor to adjust the tax record as outlined by the report;
- e. *Accept the property tax release and refund report for December 2010 as presented and authorize the Tax Assessor to adjust the tax record as outlined by the report;

- f. *Approve Budget Ordinance Amendment No. 11BCC000 047 in the amount of \$8,000 from the NC Department of Health and Human Services for the Diabetes Today-Project REACH Initiative;
- g. *Approve Budget Ordinance No. 11BOCC000048 with an increase of \$52,793 for the Crisis Intervention Program (CIP);
- h. *Approve Budget Ordinance Amendment No. 11BCC000 049 to recognize grant funds in the amount of \$80,000 from the NC Department of Health and Human Services for H1N1 influenza vaccination activities;
- i. *Pursue the upset bid process for the sale of 11 6 N Blacknall Street. The Board has the authority to accept or reject any offer at the conclusion of the upset bid process;
- j. Adopt the resolution as proposed and to authorize the County Manager to execute and to file the Offer and Acceptance Document for the NC DE NR State Revolving Loans;
- k. Approve the sale of 2804 Cannada Avenue to Bruce McBarnette for \$5,385 and 2230 North Oak Ridge Boulevard to Carrie McNeil for \$3,658;
- m. Approve the two-month extension of the Ten-Year Plan to End Chronic Homelessness and authorize the County Manager to execute the contract amendment.

*Document(s) related to this item follow:

Consent Agenda Item No. 9b Approve Budget Ordinance Amendment No. 11BCC00004 6 recognizing a \$500 grant from the Ezra Jack Keats Foundation.

DURHAM COUNTY, NORTH CAROLINA
 FY 2010-11 Budget Ordinance
 Amendment No. 11BCC000046

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2010-11 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Contributions & Donations	\$1,130,356	\$500	\$1,130,856

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Cultural & Recreation	\$11,009,640	\$500	\$11,010,140

All ordinances and portions of ordinances in conflict therewith are hereby repealed.

This the 24th day of January, 2011.

Consent Agenda Item No. 9d. Accept the property tax release and refund report for November 2010 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report.

Due to property valuation adjustments for over assessments, listing discrepancies, duplicate listings, and clerical errors, etc., the attached report details releases and refunds for the month of November 2010.

Releases & Refunds for 2010 Taxes:

Real	\$74,894.33
Personal	\$60,571.99
Motor Vehicles	\$32,488.41
Vehicle Fees	\$1,245.00
Total for 2010 Taxes and Fees	\$169,199.73

Prior years' (2002-2009) releases and refunds for November 2010 are in the amount of \$18,698.83. The total current year and prior years' releases and refunds amount to \$187,898.56.

Consent Agenda Item No. 9e. Accept the property tax release and refund report for December 2010 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report.

Due to property valuation adjustments for over assessments, listing discrepancies, duplicate listings, and clerical errors, etc., the attached report details releases and refunds for the month of December 2010.

Releases & Refunds for 2010 Taxes:

Real	\$96,085.88
Personal	\$250,616.70
Motor Vehicles	\$23,440.17
Vehicle Fees	\$925.00
Total for 2010 Taxes and Fees	\$371,067.75

Prior years' (2002-2009) releases and refunds for December 2010 are in the amount of \$15,739.63. The total current year and prior years' releases and refunds amount to \$386,807.38.

Consent Agenda Item No. 9f. Approve Budget Ordinance Amendment No. 11 BCC000047 in the amount of \$8,000 from the NC Department of Health and Human Services for the Diabetes Today-Project REACH Initiative.

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY Y that the
 FY2010-11 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental	\$80,053,219	\$8,000	\$80,061,219

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Human Services	\$113,620,970	\$8,000	\$113,628,970

All ordinances and portions of ordinances in conflict therewith are hereby repealed.

This the 24th day of January, 2011.

Consent Agenda Item No. 9g Approve Budget Ordinance No. 11 BOCC000048 with an increase
 of \$52,793 for the Crisis Intervention Program (CIP).

DURHAM COUNTY, NORTH CAROLINA
 FY2010-11 Budget Ordinance
 Amendment No. 11 BCC000048

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY Y that the
 FY2010-11 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental	\$80,061,219	\$52,793	\$80,114,012

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Human Services	\$113,628,970	\$52,793	\$113,681,763

All ordinances and portions of ordinances in conflict therewith are hereby repealed.

This the 24th day of January 2011.

Consent Agenda Item No. 9h Approve Budget Ordinance Amendment No. 11BCC00004 to recognize grant funds in the amount of \$80,000 in from the NC Department of Health and Human Services for H1N1 influenza vaccination activities.

DURHAM COUNTY, NORTH CAROLINA
FY 2010-11 Budget Ordinance
Amendment No. 11BCC000049

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2010-11 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>	
<u>GENERAL FUND</u>				
Intergovernmental	\$80,114,012	\$80,000	\$80,194,012	

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$113,681,763	\$80,000	\$113,761,763

All ordinances and portions of ordinances in conflict therewith are hereby repealed.

This the 24th day of January, 2011.

Consent Agenda Item No. 9i Pursue the upset bid process for the sale of 116 N Blackall Street. The Board has the authority to accept or reject any offer at the conclusion of the upset bid process.

RESOLUTION

WHEREAS, Durham County owns a certain parcel of real property situated in the City of Durham, Durham County, North Carolina and which is described as follows:

116 N. Blackall Street
PIN#0831-14-44-0300
Parcel ID#111680

WHEREAS, Habitat for Humanity has made an offer to the County to purchase the above property for \$1,950 and has made a bid deposit in the amount of \$100, which is not less than 5% of the bid; and

WHEREAS, G.S. 160A-269 provides for an "Upset Bid Method" for sale which provides for publication of the notice of sale including a description of the property, the amount of the offer, requirements for submission of an upset bid and other details of the sale; and

WHEREAS, the Durham County Procedure for sale of the parcel of property is as follows:

1. Publication of the Notice of Sale in The Herald-Sun newspaper.
2. Upset bids must be received within 10 days after the date the Notice is published.
3. Upset bids must raise the current bid by at least 10% of the first \$1,000.00 and 5% of the remainder.
4. Upset bids shall be made to the Real Estate Manager or the Clerk to the Board if the Real Estate Manager is not available, together with a 5% bid deposit by certified check or money order made to the County of Durham, or cash.
5. When the original bid has been successfully raised (upset), the upset bid becomes the current bid. Interested bidders are encouraged to contact the Real Estate Manager before making a bid to confirm the amount of the current bid.
6. The highest bid received during the 10-day period is deemed the current bid rather than the first which meets the minimum upset bid requirements.
7. This procedure shall be repeated until no further qualifying upset bids are received, at which time the high bid will be reported to the Board of County Commissioners who may accept the offer and sell the property to the highest bidder.
8. Should the Board of County Commissioners accept the qualifying high bid, a non-warranty deed will be prepared for the Chairman of the Board's signature and a time for closing will be scheduled.
9. The Board of County Commissioners may at any time reject any and all bids.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Board of County Commissioners of Durham County that a Notice of Sale be published and that the upset bid procedure for this sale take place as set forth in this resolution and as authorized by G.S. 160A-269.

Upon motion properly made and seconded, adopted by the Board at its meeting on January 24, 2011.

/s/Michelle Parker-Evans, Clerk to the Board

Chairman Page asked Ms. Lanier Foster to briefly speak about Item 9m – Approve the two-month extension of the Ten-Year Plan to End Chronic Homelessness.

Ms. Foster announced that HUD requires each community to conduct a biennial homeless census to determine the number of homeless individuals and the circumstances causing their homelessness. The census will be conducted statewide on January 26. She added that emphasis

is being placed on homeless families and children. A warm shelter night will be sponsored on the night of the census count.

Convention Center Agreement

Drew Cummings, Assistant County Manager, introduced the item. Carol Hammett, Deputy County Attorney; Joel Reitzer, City of Durham General Services Director; and Karmisha Wallace, Assistant to the City Manager, were present to answer questions. Members of the Convention Center Authority were also present. Global Spectrum executives and Shaner executives were also present.

Mr. Cummings gave the following account. The Board was requested to accept the recommendation of Global Spectrum based on work of the City and County staffs. There were two contracts to be considered: (1) A "pre-opening consulting contract" where Global proposes to ramp up sales and marketing, and manage events during the period in which the Convention Center will be under construction (roughly January-July, 2011); (2) A "Post construction" contract which will be a three-year contract with a option for a two-year renewal at the end of the three years (2014).

The Board was requested to authorize the County Manager and County Attorney to finalize the two Management Agreements by and among the County, City of Durham, and Global Spectrum based on the terms and proposed budget provided and further authorize the Manager to execute the Agreements.

A \$100,000 Management fee is included in the agreement and up to \$100,000 in incentives based on performance. 75% of the incentives are based on financial performance and 25% are based on qualitative performance, such as how well the group works in the community. It is expected that aggressive marketing, cooperation with other hotels, and greater use of the City/County facility as well as a greater bottom line will be accomplished with the new contract.

Incentives would be earned in the 2011-2012 fiscal year. The County does not make incentive payments until an audited report is received the next fiscal year. Therefore, incentives could be earned in 2011-2012; however, the funds would be budgeted and released in the following fiscal year.

Regarding the kitchen, the City and County, through phase 2 construction project approval, provided for the "backbone" work for the kitchen. Food and beverage revenues over the five years would be used for the equipment for the kitchen.

Vice Chair Reck how inquired as to what type of financial benchmark would have to be achieved to draw down the performance incentive. Mr. Cummings replied that in FY 2011-2012, there is a \$1.5 million benchmark which is what was earned last year. Above that point is where Global would start to earn incentives. In the second year, the floor starts at \$1.6 million and incentives are earned when revenues exceed the \$1.6 million.

Mr. Cummings further explained that the IRS does not allow you to base incentives on both, financial and qualitative performance. The City and County chose to base the incentives on revenues. Vice Chair Reckhow asked that consideration be given to the bottom line when finalizing the document. She expressed concern about the eligibility of receiving an incentive if the deficit benchmark was exceeded.

County Manager Ruffin explained that the action tonight was to approve in principal the contract and to authorize staff to prepare a contract with Global to come back before the Board for final approval.

Vice Chair Reckhow suggested that when the final document was prepared, that it should define "qualitative."

Commissioner Howerton also expressed concern about the qualitative performance measures, especially around customer service. Mr. Cummings recalled that feedback is received from clients, and an annual report would show data.

Mr. Ruffin commented that the Board would receive a monthly report showing progress.

Commissioner Heron questioned the role of the Convention Center Authority Board. She felt the appointed Board should help to keep up with reporting of the Convention Center. Chair Page concurred, and felt the monthly reports would be very helpful.

The Chair recognized the following citizens and they were given 3 minutes to speak: Citizen Allan Lang pointed out that the Carolina Theatre is also funded by the City. He stated that there was additional meeting space located inside the auditoriums. He suggested having a dinner theater in conjunction with the Carolina Theatre would be a viable option.

Mr. Matt Martin, Attorney representing Shaner, asked the Board to give the matter careful consideration. He introduced the Shaner team, Lance Shaner, Cassandra Gore, Dick Brezinski, Scott Miskiman, and Josh Bryant. He noted the following points. There was a contradiction regarding IRS regulations; Shaner is not proposing to build a second kitchen; Durham could risk losing the Marriott flag; jobs were at stake; and marketing.

Mr. Lance Shaner, CEO of Shaner Hotels, spoke about the incentives being offered to Global after \$1.5 million dollars in revenue. He pointed out that the building was built to be one building. Marriott has brought great benefits to our town Durham. He added that prior to the recession, Shaner's revenues were better than what Global is offering. He offered a guaranteed cap on the subsidy of the building. He added that Shaner had invested \$17 million in the convention center and hotel. He expressed concern that Durham could lose Marriott with a new contract.

Ms. Cassandra Gore, Human Resources with Shaner, provided information on the jobs and community participation Shaner engages in hiring from there-entry program. She explained that

48 jobs would be lost, and the hotel could lose an additional ten jobs. Many of the employees are hired through TROSA, Urban Ministry, and the Troy House. She spoke about the donation of room that Shaner has made over the year to charitable organizations along with sponsorships to community activities and organizations.

Mr. Bowser questioned whether the donations were in-kind or budgeted donations. Ms. Gore replied that TROSA received the largest donations, mainly through sponsorships. She clarified that North Carolina Central University athletics were refunded at \$9,948 annually.

Mr. Dick Brezinski, Marriott Manager, shared statistics about the history of the Marriott. He explained that surveys showed a 95 percent positive rating over the past two years for the Marriott. He indicated that Shaner was one group of people whom he made sure that hotel guests and convention center guests were taken care of.

Mr. Scott Bryant, Attorney, addressed the tax exempt status. He also addressed the Marriott flag. If Shaner does not manage the convention center, it could be viewed as a breach of contract with Marriott.

Ms. Rosemarie Kitchen, Vice Chair of the Convention Center Authority stated that the Authority would work diligently with whatever group was awarded the contract. She added that there is a need for a specialist company to manage the convention center.

Mr. Patrick Byker, Chair of the Convention Center Authority recognized the other Authority members. The Authority unanimously recommended that Global Spectrum be awarded the contract. He commented that specialization and budget deficits were considerations when making the recommendation.

Commissioner Bowser expressed concern about ensuring that employees of the hotel and convention center were protected.

Chairman Page asked about the RFP submittals. Mr. Cummings attested that the RFP was very complicated. Global Spectrum was near compliant in most areas of the original RFP. Shaner left several areas unanswered in the original RFP, according to Mr. Cummings. Shaner's original proposal offered a \$1 million cap.

Vice Chair Reckhow questioned the wording under financial performance incentive. "... this incentive category will be focused on while remaining consistent with the owner's operational goals and objectives." That would imply a revenue increase at the same time the deficit goes up. She asked for a clarification from Global Spectrum.

Mr. Frank Russo, Global Spectrum Executive, briefed the Board on his qualifications and management history. He stated that Global has the ability for the client to terminate the contract for missing the bottom line budget for two consecutive years. According to his attorneys, he was told they must comply with IRS 97-13. There could be disincentives that could be given back.

The qualitative evaluation allows the client to take some percentage of the 25% and evaluate it. He offered that there are three different mechanisms that would offer protection for the City and County.

County Manager Ruffin assured the Board that staff would take their deal points and recommendations and work on an Agreement to bring back to the Board.

Chairman Page asked about the kitchen costs. Mr. Cummings stated that \$300,000 does not cover the full cost of building the kitchen. He stated that the kitchen has up front costs, but in the long term, taxpayers would gain more and the kitchen would be a big part of the financial health of the facility.

Vice Chair Reckhow commented that moving forward with a company that is a major company with marketing experience seems appropriate at this time. She hopes for a win-win situation. Growing the convention center business would be good for the hotel.

Vice Chair Reckhow moved, seconded by Commissioner Howerton to authorize the Manager and County Attorney to finalize the two Management Agreements by and among the County, City of Durham and Global Spectrum based on the terms and proposed budget provided and further authorize the Manager to execute the Agreements; and to bring the final Agreements back to the Board at the next meeting, and that comments made by Commissioners tonight are taken into consideration.

Manager Ruffin stated that if there is a change in the Marriott flag, the air lease states that it must be a Marriott equivalent. Deputy Attorney Hammett further explained that a "Marriott equivalent" must be full service hotel and offer services currently provided by the Marriott. She read the following definition of "Marriott equivalent" from the 2nd amendment to the Air Lease.

"a hotel franchise or license to operate a hotel and convention facility with a franchisor or licensor of the quality and the standards at least equal to the current quality and standards of full service hotels franchised or licensed by Marriott."

Commissioner Bowser felt the language was very vague in the agreement. He stated that he did not want to take final action until the hotel issue was resolved.

Manager Ruffin stated that if the Marriott flag came down, the City and County would have to be satisfied that the new flag met their approval.

Commissioner Bowser felt the Board needed some kind of assurance that if the Marriott pulled out, the governing bodies could bring a hotel with name recognition that would help enhance downtown. Commissioner Heron concurred. He also expressed concern about the possibility of job loss and the effect of the economy.

After further discussion, the following directives were given to staff:

Directives

1. Consider including a clause in the final contract to indicate that Global Spectrum would be ineligible for a financial incentive if the definition is exceeded;
2. Define "qualitative performance" in the final contract;
3. Convey to the Convention Center Authority the Board's request for a periodic report;
4. Staff to research and report findings to the Board in regard to the County possibly losing the Marriott flag and gaining a comparable "full-service" hotel;
5. Present the final contract to the Board at its February 7, 2011 Work session.

The motion carried unanimously.

Item Pulled from the Consent Agenda

Mr. Allan Lang, citizen, requested to pull the following item from the Consent Agenda:

Consent Agenda Item No. 91. Authorize the County Manager to enter into contract with University Ford, Inc., for \$327,750.00 for the purchase of vehicles for the Durham County Sheriff's Office.

Mr. Lang stated that he supported the item and thanked the County for considering local bidders for the vehicle purchase. He expressed concern for ensuring that Durham tax dollars being are used in Durham County. He asked for consideration of the Board adopting a policy for making sure a percentage of all bids and contracts represent local bidders. He specifically suggested that the schools be required to follow the same guidelines.

Commissioner Bowser concurred with Mr. Lang and thanked him for his comments.

Manager Ruffin explained that a change would require statewide legislation. Many counties are dealing with the same issue, according to the Manager.

Chairman Page felt the matter warranted further discussion and suggested that it be a topic for a joint meeting with the School Board.

Commissioner Howerton requested a report that gives data on what companies are being used in County contracting. Chairman Page concurred. The report should outline what companies are used, how the money is issued, the amount of money, and the report should cover the past three years.

Commissioner Bowser made a motion, seconded by Vice Chair Reckhow to approve Item 91 from the Consent Agenda.

The motion was unanimously carried.

Closed Session

Commissioner Howerton moved, seconded by Vice Chair Reckhow, to adjourn to closed session to discuss the following matters:

1. The Board of Commissioners is requested to adjourn to closed session to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee, pursuant to G.S. §143-318.11(a)(6).
2. The Board is requested to adjourn in closed session pursuant to G.S. 143-318.11(a)(5) to instruct staff on the position to be taken concerning the acquisition of farmland conservation easements on two farms: 1526, 1528 and 1529 Bacon Road, owned by W.R. and Olivia Harris; and 4720 Bahama Road, owned by David Krabbe.
3. The Board is requested to adjourn to Closed Session pursuant to G.S. 143-318.11(a)(3) to consult with the County attorney in order to preserve the attorney-client privilege between the attorney and the public body.

The motion carried unanimously.

Reconvened to Open Session

Chairman Page announced that the Board met in closed session, and directives were given to staff. The Board voted on the following items:

Commissioner Bowser moved, seconded by Commissioner Howerton that the Board authorize the Manager to sign an Option to Purchase a conservation easement on the 79-acre Harris Farm located at 1526 Bacon Road, owned by W.R. and Olivia Harris. The Option would be subject to an approved appraisal, and receipt of a grant equal to 50% of the easement price. The minimum price paid would be 75% of the appraised value, but no less than \$3,000 per acre nor more than \$4,500 per acre. The option would be valid through December 31, 2012.

The motion passed unanimously.

Commissioner Howerton moved, seconded by Vice Chair Reckhow that the Board authorize the Manager to sign an Option to Purchase a conservation easement on the 93-acre Prodigal Farm located at 4720 Bahama Road, owned by David Krabbe. The Option would be subject to an approved appraisal, and receipt of a grant equal to 50% of the easement price. The minimum price paid would be 75% of the appraised value, but no less than \$4,000 per acre nor more than \$5,000 per acre. The option would be valid through December 31, 2012.

The motion passed unanimously.

Adjournment

There being no further business, Chairman Page adjourned the meeting at 10:28pm.

Respectfully Submitted,



V. Michelle Parker-Evans
Clerk to the Board