



Durham County

200 E. Main Street
Durham, NC 27701
(919) 560-0025

Meeting Agenda Board of County Commissioners

Monday, May 6, 2019

9:00 AM

Commissioners' Chambers

Work Session

“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 Chair will ask the offending person to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chair 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.

9:00 am Work Session Agenda

1. Citizen Comments (30 min)

[19-0228](#)

Citizen Comments

Agenda Text:

The Board of County Commissioners will provide a 30-minute comment period at a meeting once a month. Any citizen of Durham County wishing to speak shall have an opportunity to do so. The Board may direct staff to research and reply to the concerns, if appropriate. Speakers must sign in prior to the start of the meeting providing a mail/email address and telephone number so that staff may reply to comments and/or questions. Citizens who request an immediate response from the Board are encouraged to submit a brief description of the issue to the Clerk to the Board two weeks prior to the meeting to allow an opportunity for research prior to the meeting. All speakers shall have three minutes to speak and are requested to refrain from addressing issues related to personnel matters.

Alignment with Strategic Plan: Citizen engagement aligns with all five of the strategic goals by allowing the Board to receive comments and concerns from the community related to important issues in Durham County.

Resource Persons: Monica Toomer, Interim Clerk to the Board

County Manager’s Recommendation: The County Manager recommends that the Board receive citizen comments and direct staff to respond, as deemed appropriate.

2. Consent Agenda (15 min)

[19-0168](#)

Slater Road Pump Station Construction Work Contract Amendment

Agenda Text:

The Board is requested to authorize the County Manager to enter into a contract amendment to increase the existing construction contract with Carolina Civilworks (FR# 18-651) for the construction of the Slater Road Pump Station Improvements (IFB 18-002) in the amount of \$22,178.06, bringing the total contract amount from \$391,921.60 to \$414,104.66, and to extend the contract date to June 30, 2019. Work for this project was completed in March 2019 and this amendment will be for the final payment.

Alignment with Strategic Plan: This action is in accordance with Durham County Strategic Plan Goal 4: “Environmental Stewardship and Community Prosperity,” as this project will ensure adequate sewer pump station capacity to continue to serve the Slater Road Pump Station Sub-basin.

Resource Persons: Jay Gibson PE, General Manager; Peri Manns ASLA, Interim General Manager; Stephanie Brixey, Deputy Director of E&ES

County Manager’s Recommendation: The County Manager recommends the Board to authorize the County Manager to enter into a contract amendment to increase the existing construction contract with Carolina Civilworks (FR# 18-651) for the construction of the Slater Road Pump Station Improvements (IFB 18-002) in the amount of \$22,178.06, bringing the total contract amount from \$391,921.60 to \$414,104.66, and to extend the contract date to June 30, 2019.

Attachments:

[AAF Supplemental Document - Slater Rd Pump Station Contract Amendment](#)

[CCW_Slater Rd_FR18-651_Original Contract](#)

[CCW_Slater Rd_FR18-651_Change Order #1](#)

[CCW_Slater Rd_FR18-651_Change Order #2](#)

[CCW_Slater Rd_FR18-651_Change Order #3](#)

[19-0177](#)

Budget Ordinance Amendment No. 19BCC000054 - Approving a Hazardous Materials Emergency Preparedness (HMEP) Grant from the State of North Carolina Division of Emergency Management (NCEM)

Agenda Text:

The Board is requested to approve Budget Ordinance Amendment No. 19BCC000054 approving the HMEP Grant # HM-HMP-0544-16-02-00 and recognizing \$9,125 in additional revenue and reducing General Fund-Fund Balance by \$9,125. This grant reimburses the County for personnel expenses utilized for conducting a Commodity Flow Study. The HMEP Grant Program provides financial and technical assistance to enhance State, Territorial, Tribal, and local hazardous materials emergency planning and training. The HMEP Grant is a pass-through program that distributes funds from the state to emergency responders for hazmat training and to Local Emergency Planning Committees (LEPC's) for hazmat planning.

By conducting the Commodity Flow Study, Emergency Management and emergency responders now have a better understanding of what hazardous materials are being transported through our community by rail, highway, and pipeline. Knowing which hazardous materials are most prevalent in our community helps emergency planners prioritize and better prepare for emergency incidents involving these substances.

Since this is a reimbursement of expenditures already encumbered rather than increasing expenses, the General Fund Fund Balance as a revenue source is being reduced in order to maintain a balanced budget.

Alignment with Strategic Plan: Goal 3: Safe Community

Resource Persons: James E. Groves, Fire Marshal/Emergency Management Director

County Manager's Recommendation: The County Manager recommends that the Board approve Budget Ordinance Amendment 19BCC000054 approving the HMEP Grant # HM-HMP-0544-16-02-00 and recognizing \$9,125 in additional revenue and reducing General Fund Fund Balance by \$9,125.

Attachments:

[HMEP AAF Supplemental Document - Noncontract 4.4.19](#)

[HMEP 2018 Reimbursement](#)

[AAF-54 Legal Form Recognizing Grant Revenue from State for HM and reduc](#)

19-0180

Budget Ordinance Amendment No. 19BCC000055 - Approval of Local Emergency Planning Committee (LEPC) Grant reimbursement from the State of North Carolina, Department of Public Safety

Agenda Text:

The Board is requested to approve Budget Ordinance Amendment No. 19BCC000055 approving the 2018 LEPC Grant and recognizing \$948.09 in additional revenue, as well as reducing General Fund-Fund Balance appropriation by \$948.09. The 2018 LEPC Grant reimburses the County for items and materials used to support LEPC meetings such as printing supplies, handouts, marketing material, or food/beverage meeting support.

The Durham County Local Emergency Planning Committee (LEPC) is identified as an active LEPC in North Carolina and has a vital role in coordinating information on chemical storage, emergency planning, and chemical spill response. Coordination is accomplished through effective partnerships between our Emergency Management Division staff, emergency responders, and business and industry that use and store hazardous substances.

The LEPC Grant is a federally funded program that is passed through the State of North Carolina Emergency Management (NCEM). NCEM provides up to \$1,000 annually to active LEPCs across the state to support their planning and preparedness activities. Since this is a reimbursement of expenditures already expended, the

General Fund-Fund Balance appropriation is being reduced in order to maintain a balanced budget.

Alignment with Strategic Plan: County's Strategic Goal 3: Safe Community

Resource Persons: Jim Groves EM/FM Director.

County Manager's Recommendation:

The County Manager recommends that the Board approve Budget Ordinance Amendment No. 19BCC000055 approving the 2018 LEPC Grant, and recognizing \$948.09 in additional revenue, as well as reducing General Fund-Fund Balance appropriation by \$948.09.

Attachments:

[LEPC_AAF Supplemental 04.05.2019](#)

[2018 LEPC](#)

[AAF-55 Legal Form Recognizing Grant Revenue from LEPC and reducing GF fi](#)

19-0182

Laboratory Services for the Utilities Division

Agenda Text:

The Board is requested to authorize the County Manager to enter into a service contract with Meritech, Inc. and Pace Analytical (RFP 19-0025) to provide laboratory services for the Triangle Wastewater Treatment Plant (TWWTP) and Rougemont Water System for the upcoming fiscal year in the amounts listed below, subject to budget availability. The initial terms of the contracts will be from July 1, 2019 through June 30, 2020; with the option to renew by the County for four (4) successive one (1) year periods, under the same terms and conditions.

- a) \$80,048.00 with Meritech, Inc. for Triangle Wastewater Treatment Plant laboratory services, and sampling and laboratory services as required for the industrial pretreatment program, not to exceed \$85,000; and
- b) \$3,435.61 with Pace Analytical for Rougemont Water System laboratory services, not to exceed \$4,000.

Alignment with Strategic Plan: This action is in accordance with Durham County Strategic Plan Goal 4: "Environmental Stewardship and Community Prosperity," as this project will ensure sampling compliance with current permits and results will confirm we are operating in a manner that is protecting the environment.

Resource Persons: Jay Gibson PE, General Manager; Peri Manns ASLA, Interim General Manager; Stephanie Brixey, Deputy Director of Engineering & Environmental Services; Amy Moore, Utilities Compliance Manager

County Manager's Recommendation: The County Manager recommends the Board to authorize the County Manager to enter into a service contract with Meritech, Inc. and Pace Analytical (RFP 19-0025) to provide laboratory services for the Triangle Wastewater Treatment Plant (TWWTP) and Rougemont Water System for the upcoming fiscal year in the amounts listed below, subject to budget availability. The initial terms of the contracts will be from July 1, 2019 through June 30, 2020;

with the option to renew by the County for four (4) successive one (1) year periods, under the same terms and conditions.

- a) \$80,048.00 with Meritech, Inc. for Triangle Wastewater Treatment Plant laboratory services, and sampling and laboratory services as required for the industrial pretreatment program, not to exceed \$85,000; and
- b) \$3,435.61 with Pace Analytical for Rougemont Water System laboratory services, not to exceed \$4,000.

Attachments: [AAF Supplemental Document - Contract Approval RFP 19-025 Proposal Tabulation](#)
[MWBE Compliance Review Form-AAF for 19-025 RFP 040319](#)
[Review Committee Evaluation Summary](#)

19-0184 Budget Ordinance Amendment No. 19BCC00050 Appropriating Parkwood Fire Tax District Fund Fund Balance (\$156) and Durham County Fire and Rescue Service District Fund Fund Balance (\$299,844) and transferring \$300,000 to the General Fund to Support Replacing of Driveways at Two Former Parkwood Fire Stations, General Fund Fund Balance Appropriation will be Reduced by \$300,000

Agenda Text: The Board is requested to approve Budget Ordinance Amendment No. 19BCC00050 appropriating \$156 of Parkwood Fire Tax District Fund fund balance and \$299,844 of Durham County Fire and Rescue Service District Fund fund balance and transferring these funds (\$300,000) to the General Fund to reimburse the General Fund for expenditures related to replacing the driveways at two former Parkwood Fire Stations (Stations 81 & 83). The General Fund fund balance appropriation will be decreased by \$300,000 as expenditures will be supported by the transferred funds.

As part of the consolidation of Durham County Fire and Rescue (DCFR) with the City of Durham there was an agreement that the aprons (driveways) at the two former Parkwood Stations would be replaced by the County. This was budgeted in FY2017-18; however, the work was not completed during that fiscal year. The work is in process now and this amendment provides Fire District funds to reimburse the General Fund for expenditures related to this project.

Alignment with Strategic Plan: Goal 5 Efficient Government. While directly impacting our ability to provide for a Safe Community (Goal 3), this spending measure ensures the use of Fire District funds for directly related expenditures.

Resource Persons: James E. Groves, Fire Marshal/Emergency Management Director; David N. Ades, Assistant Director of Budget and Management; Motiryo Keambiroiro, Director of General Services

County Manager's Recommendation: The County Manager recommends that the Board approve Budget Ordinance Amendment No. 19BCC00033 appropriating \$156 of Parkwood Fire Tax District Fund fund balance and \$299,844 of Durham County Fire and Rescue Service District Fund fund balance and transferring these funds (\$300,000) to the General Fund to reimburse the General Fund for expenditures related to replacing the driveway at two former Parkwood Fire Stations. The General Fund Fund Balance appropriation will be decreased by \$300,000 as expenditures will be supported by the transferred funds.

Attachments: [AAF-50 Supplemental Appropriate Parkwood and Durham County Fire and Res](#)
[AAF-50 Legal Form Appropriate Parkwood and Durham County Fire and Rescu](#)

19-0185 **Budget Ordinance Amendment No. 19BCC00051 Appropriating Lebanon Fire Tax District Fund Fund Balance (\$37,076), and Transferring to the General Fund for Personnel Costs Related to Implementation of the Classification and Compensation Study**

Agenda Text: The Board is requested to approve Budget Ordinance Amendment No. 19BCC00051 appropriating \$37,076 of Lebanon Fire Tax District Fund Balance and transferring these funds to the General Fund to offset costs related to the implementation of the Classification and Compensation Study for 12 Durham County Employees at Lebanon Volunteer Fire Department.

As part of the FY2018-19 adopted budget, funds were placed in Non-Departmental Business Area for the implementation of the Classification and Compensation Study for Public Safety Employees. Durham County has 12 employees that work at Lebanon Fire Department whose expense is covered by the Lebanon Fire Tax District through transfers from the District to the General Fund to reimburse actual expenditures. The Lebanon Fund Center in the Fire Marshal Business Area is where these employees are budgeted in the General Fund. The cost for implementation for the Lebanon employees is \$37,076, requiring an increase in the appropriate Fund Center. This amendment ensures that all expenditures related to these 12 employees are still offset by District Funds transferred to the General Fund.

Alignment with Strategic Plan: Goal 5 Efficient Government. While directly impacting our ability to provide for a Safe Community (Goal 3), this spending measure ensures the use of Fire District funds for directly related expenditures.

Resource Persons: James E. Groves, Fire Marshal/Emergency Management Director; David N. Ades, Assistant Director of Budget and Management.

County Manager's Recommendation: The County Manager recommends that the Board approve Budget Ordinance Amendment No. 19BCC00051 appropriating \$37,076 of Lebanon Fire Tax District Fund Balance and transferring these funds to the General Fund to offset costs related to the implementation of the Classification and Compensation Study for 12 Durham County Employees at Lebanon Volunteer Fire Department.

Attachments: [AAF-51 Legal Form Appropriate Lebanon Fund Balance \(\\$37,076\) and transfer](#)
[AAF-51 Supplement Appropriate Lebanon Fund Balance \(\\$37,076\) and transfer](#)

19-0199 **Utilities Division Biosolids Contract Amendment with McGill Environmental Systems, Inc.**

Agenda Text: The Board is requested to authorize the County Manager to enter into a contract amendment to increase the existing contract with McGill Environmental Systems, Inc. (FR# 19-177) for the transport and disposal of wastewater treatment plant residuals (RFP 17-023) in the amount of \$8,877.98, bringing the total contract amount from \$252,920.00 to \$261,797.98 and to execute any other related contracts, including amendments, not to exceed \$265,000.

Alignment with Strategic Plan: This action is in accordance with Durham County Strategic Plan Goal 4: “Environmental Stewardship and Community Prosperity,” as this ensures we are complying with State and Federal regulations as well as protecting the environment.

Resource Persons: Jay Gibson PE, General Manager; Peri Manns ASLA, Interim General Manager; Stephanie Brixey, Deputy Director of E&ES

County Manager’s Recommendation: The County Manager recommends the Board authorize the County Manager to enter into a contract amendment to increase the existing contract with McGill Environmental Systems, Inc. (FR# 19-177) for the transport and disposal of wastewater treatment plant residuals (RFP 17-023) in the amount of \$8,877.98, bringing the total contract amount from \$252,920.00 to \$261,797.98 and to execute any other related contracts, including amendments, not to exceed \$265,000.

Attachments: [Supplemental AAF Documnetation - McGill Env. Systems](#)
[FR19-177_McGILL ENVIRONMENTAL](#)

19-0200 **Utilities Division Polymer Contract Amendment with Polydyne, Inc.**

Agenda Text: The Board is requested to authorize the County Manager to enter into a contract amendment to increase the existing purchase of goods contract with Polydyne, Inc. (FR# 19-406) for polymer (IFB 18-042) in the amount of \$5,399.20, bringing the total contract amount from \$85,000 to \$90399.20, and to execute any other related contracts, including amendments, not to exceed \$101,784.20.

Alignment with Strategic Plan: This action is in accordance with Durham County Strategic Plan Goal 4: “Environmental Stewardship and Community Prosperity,” as these chemicals are necessary for the Triangle Wastewater Treatment Plant to meet all permit limitations as specified in the facility’s NPDES permit.

Resource Persons: Jay Gibson PE, General Manager; Peri Manns ASLA, Interim General Manager; Stephanie Brixey, Deputy Director of E&ES

County Manager's Recommendation: The County Manager recommends the Board authorize the County Manager to enter into a contract amendment to increase the existing purchase of goods contract with Polydyne, Inc. (FR# 19-406) for polymer (IFB 18-042) in the amount of \$5,399.20, bringing the total contract amount from \$85,000 to \$90,399.20, and to execute any other related contracts, including amendments, not to exceed \$101,784.20.

Attachments: [AAF Supplemental Document - Contract Approval - Polydyne](#)
[FR19-406 POLYDYNE](#)

19-0202 **Capital Project Amendment No. 19CPA000017 - Move Funds from the Collection System Rehabilitation Capital Project SE051 to the Stirrup Iron Creek Lift Station Capacity Improvements Capital Project SE056 in the amount of \$123,429 and Contract Amendment for Carolina Civilworks, Inc.**

Agenda Text: The Board is requested to approve Capital Project Amendment No. 19BCC000017 to move funds from the Collection System Rehabilitation Capital Project SE051 to the Stirrup Iron Creek Lift Station Capacity Improvements Capital Project SE056 in the amount of \$123,429. The Board is also requested to authorize the County Manager to enter into a contract amendment to increase the existing construction contract with Carolina Civilworks (FR# 19-671) for the construction of the Stirrup Iron Pump Station Improvements (IFB 18-029) in the amount of \$205,000, bringing the total contract amount from \$897,280 to \$1,102,280.

Alignment With Strategic Plan: This action is in accordance with Durham County Strategic Plan Goal 4: "Environmental Stewardship and Community Prosperity," as this project will ensure backup emergency power which will reduce the risk of sanitary sewer overflows. No additional policy impacts are expected as a result of this project.

Resource Persons: Jay Gibson PE, General Manager; Peri Manns ASLA, Interim General Manager; Stephanie Brixey, Deputy Director of E&ES

County Manager's Recommendation: The County Manager recommends the Board approve Capital Project Amendment No. 19CPA000017 to move funds from the Collection System Rehabilitation Capital Project SE051 to the Stirrup Iron Creek Lift Station Capacity Improvements Capital Project SE056 in the amount of \$123,429. The Board is also requested to authorize the County Manager to enter into a contract amendment to increase the existing construction contract with Carolina Civilworks (FR# 19-671) for the construction of the Stirrup Iron Pump Station Improvements (IFB 18-029) in the amount of \$205,000, bringing the total contract amount from \$897,280 to \$1,102,280.

Attachments: [AAF Supplemental Document - Contract Approval](#)
[FNI Generator Replacement Letter](#)
[CCW Quote - Generator](#)
[CCW Contract - Stirrup Iron Creek Lift Station](#)
[CPA-17 Legal Form Move funds Project SE051 to SE056 \(\\$129,429\)](#)

19-0204 **Capital Project Amendment 19CPA000018 to Increase the Detention Center Elevator Project Funding by \$500,000 to Facilitate ATS Replacement and Associated HVAC Upgrades**

Agenda Text: The Board is requested to appropriate \$500,000 to facilitate the complete replacement of the Durham County Detention Center emergency generator automatic transfer switches (ATS) and elevator equipment/control room HVAC systems. The automatic transfer switches safely provide emergency power to the Detention Center elevators and other essential life safety systems.

The General Contractor, Progressive Contracting, that is performing the Detention Center elevator modernization project (IFB No. 18-003, currently underway), has provided a proposed cost of \$852,826.25 for the complete replacement of the generator ATS and elevator related HVAC system. The available project budget in the Jail Elevator Upgrade Project 4190DC077 is \$439,390.79. With the additional funding of \$500,000, General Services intends to award a contract change order, not to exceed \$852,826.25, to Progressive Contracting for complete replacement of the emergency generator ATS and related elevator HVAC systems. After transfer of funding and change order execution, the remaining fund balance of \$86,564.51 will be reserved for project contingency purposes.

The additional \$500,000 will be funded by reducing the DSS Building Demolition Project by the remaining balance of \$249,573 and an appropriation of Debt Service Fund fund balance of \$250,427 and transferring these funds to the Pay as You Go County Contribution Fund. Both amounts will be appropriated to the Detention Center elevator Project.

Alignment with Strategic Plan: Goal 3: Safe Community and Goal 5: Accountable, Efficient and Visionary Government

Resource Persons: Motiryo Keambiroiro, Director of General Services; Shawn Swiatocha, Assistant Director of General Services; Joel Jones, Quality Control & Contract Specialist

County Manager's Recommendation: The County Manager recommends that the Board approve Capital Project Amendment 19CPA000018 to increase the Detention Center Elevator Project by the remaining balance of \$249,573 and Budget Ordinance Amendment No. 19BCC000052 to Appropriate Debt Service Fund fund balance of \$250,427 and transfer the funds to the Pay as You Go County Contribution fund and appropriate this amount to the Detention Center elevator

Project to replace the emergency generator automatic transfer switch gear serving the Detention Center elevators and essential life safety systems.

Attachments: [ATS Funding Supplemental Document revised](#)
[AAF-52 Legal Form Transferring Debt Service Fund fund balance to the Pay Gc](#)
[CPA-18 Legal Form Detention Center Elevator Project \(\\$500,000\)](#)

19-0208 **Approval of the City of Durham and County of Durham Housing Opportunities for Persons with Aids (HOPWA) Sub-Grant Agreement**

Agenda Text: The Board is requested to authorize the County Manager to enter into a sub-grant agreement between the City of Durham (Grantee) and the County of Durham (Project Sponsor) for the Housing Opportunities for Persons with Aids (HOPWA) Program. Under this federal program, HUD makes grants to local communities, States, and nonprofit organizations for projects that benefit low-income persons living with HIV/AIDS and their families. The Department of Social Services (DSS) is being awarded the HOPWA Program funds for eligible activities. DSS will provide services as stated in the scope of work.

Funding is incorporated in the FY18-19 Budget.

Alignment with Strategic Plan: This action aligns with Goal 2: Health and Well-being for All.

Resource Persons: William Rose, Director and Janeen Gordon, Assistant Director of Aging and Adult Services.

County Manager's Recommendation: The County Manager recommends the Board authorize the County Manager to enter into a sub-grant agreement between the City of Durham (Grantee) and the County of Durham (Project Sponsor) for the Housing Opportunities for Persons with Aids (HOPWA) Program.

Attachments: [HOPWA Contract signed by City](#)

19-0211 **Capital Project Amendment No. 19CPA000019- Moving 2016 General Obligation Bond Funds Between Multiple Durham Public School Capital Projects and Closing Three Bond Funded Capital Projects**

Agenda Text: On April 11, 2019, the Durham Public Schools (DPS) Board of Education approved adjustments to multiple 2016 Bond funded Capital Projects. Pursuant to the Interlocal Agreement with DPS, as amended, the Durham County Board of County Commissioners is requested to consider and approve the closing of three DPS Capital Projects and moving funds between multiple Capital Projects. The projects that DPS closed as part of this transfer are Merrick-Moore Renovations (SH242), Holt Kitchen Renovations (SH266), and High School Track Repairs (SH271).

The projects that DPS is closing as part of this transfer are Merrick-Moore Renovations (SH242), Holt Kitchen Renovations (SH266), and High School Track Repairs (SH271). All three projects were completed under budget based on the

original allocation of 2016 Bond Funds. The remaining balances for Merrick-Moore Renovations (SH242) and Holt Kitchen Renovations (SH266) will be applied to the Eno Valley Renovations project which is underfunded due several factor including asbestos and mold found during the renovation work. The remaining balance of the High School Track Repairs will be transferred to the Existing Northern High School project specifically for track renovations.

These projects are not officially closed yet in the County's asset management system. Any project that has had activity during the fiscal year cannot be closed in the asset management system until the next fiscal year. The County will bring another amendment to BOCC in FY2019-20 to officially close these projects in the County's asset management system.

The table below indicates funds reconciled by DPS and the County that are available for transfer:

| Project | Current Budget | Increase/ Decrease | Revised Budget | Project Status |
|--|------------------------|--------------------|------------------------|----------------------------|
| 16 GO Bond - Eno Valley Renovations (SH241) Amending | | | \$8,321,789.04 | \$98,518.77 \$8,420,307.81 |
| 16 GO Bond - Merrick-Moore Renovations (SH242) Complete | | | \$687,500.00 | (\$64,292.97) \$623,207.03 |
| 16 GO Bond - Existing Northern High School (SH249) Amending | | | \$256,061.44 | \$54,600.02 \$310,651.46 |
| 16 GO Bond - Holt Kitchen Renovations (SH266) Complete | | | \$337,500.00 | (\$34,225.80) \$303,274.20 |
| 16 GO Bond - High School Track Repairs (SH271) Complete | | | \$937,500.00 | (\$54,600.02) \$882,899.98 |
| Totals | \$10,540,350.48 | \$0.00 | \$10,540,350.48 | |

Alignment with Strategic Plan: This capital project amendment aligns with **Goal 1-Community and Family Prosperity and Enrichment**, through providing access to educational, vocational, economic and cultural opportunities and by providing support for educational opportunities that ensure high academic achievement.

Resource Persons: Fred Jernigan, Senior Project Manager, Construction & Capital Planning.

County Manager's Recommendation: The County Manager recommends that the Board approve Capital Project Amendment No. 19CPA000019 closing three Capital Projects and moving 2016 General Obligation (GO) Bond funds between other Capital Projects.

Attachments: [CPA-19 Legal Form for Transfers and Closures of DPS Capital Projects](#)

19-0212

Budget Ordinance Amendment 19BCC000053 for the Department of Social Services - Recognize Subsidized Child Care Services Support Revenue of \$166,545 and Family Reunification Revenue of \$33,857

Agenda Text:

The Board is requested to approve the Department of Social Services request to

recognize additional revenue subsequent to the adoption of the FY2018-2019 Budget.

Subsidized Child Care Services Support Funds: The Subsidized Child Care Program allocates a portion of its funding to service support (administrative cost) each year. Durham County received an increase of \$166,545 for FY2018-2019. Attached is the SFY18-19 Subsidized Child Care Allocation Funding Allocation Form dated March 1, 2019.

Family Reunification Services Funds: Family Reunification funds are intended to provide services to a child who is removed from his/her home and placed in a foster home or a child care institution. These funds also provide services to the parents or primary caregivers to facilitate the safe and appropriate reunification of the family. The department recognizes \$33,857 which is the difference between the adopted budget and the allocation. Attached is the SFY18-19 Family Reunification Funding Authorization.

Alignment with Strategic Plan: Goal 2: Health and Well-being for All & Goal 3: Safe Community

Resource Persons: William Rose, Director; Rhonda Stevens, Assistant Director; Candice Leathers, Child Care Program Manager, and Jovetta Whitfield, Assistant Director

County Manager's Recommendation: The County Manager recommends that the Board of County Commissioners approve Budget Ordinance Amendment No. 19BCC000053 recognizing Subsidized Child Care Program Funds of \$166,545 and Family Reunification Services Funds of \$33,857.

Attachments:

[6. CC Service Support \\$166,545 & Family Reunif \\$33,857 AAF Suppl Doc](#)
[AAF-53 Legal Form DSS Recognize additional Child Care Support Admin. Reve](#)

19-0216

Restaurant Lease for Admin Building II, Suite 140

Agenda Text:

The Board is requested to approve and authorize execution of a Lease Agreement with Neighbor's LLC to operate a restaurant in the County Administration Building II located at 201 E Main Street, in accordance with the terms and conditions as set forth in the Lease Agreement attached to this Agenda Item. This lease is for 3291 square feet of restaurant space located in the County Administrative Building II, Suite #140. The lease term is 10 years with options for two 5-year renewals. The starting lease rate for the first 10 years is \$52,656 per year for the first two years, increasing to \$65,820 for years 9 and 10. The lease agreement requires that Neighbor's complete all upfit construction within 180 days at their cost, with the County contributing \$100,000 toward the total cost for all tenant improvements which will be provided in the form of a rental offset. We anticipate the restaurant will be open in the 4th quarter of 2019. Neighbor's will be a diner style restaurant, serving breakfast, lunch and dinner. The owners also intend to seek an ABC permit to sell beer and

wine.

Renovation of the Durham County Administration Building II included two unfinished spaces on the first floor designed and constructed to be leased restaurant space, based on the Board's direction in 2015 to have ground floor commercial in the renovated building. In June 2018, staff presented to the Board a set of Guiding Principles that outlined the County's objectives for the new restaurant spaces. The Board sought a process and tenants that would activate East Main Street, offer strong business plans and solid financials, encourage diverse and small business participation, provide quality menu options at moderate prices, and offer something unique in the market.

Neighbor's LLC responded to the County's Request for Proposals in January 2019. Their proposal was evaluated, found to be in alignment with the standards of the RFP, and a Letter of Intent and Lease Agreement were subsequently negotiated.

Alignment with Strategic Plan: The attached Lease Agreement supports Goal 1 "Community Empowerment and Enrichment," and Goal 5 "Accountable, Efficient and Visionary Government"

Resource Persons: Jane Korest, Open Space & Real Estate Manager; Nancy Mitchell, Senior Real Estate Officer; Peri Manns, Deputy Director of Engineering and Environmental Services.

County Manager's Recommendation: The County Manager recommends that the Board approve and authorize execution of a Lease Agreement with Neighbor's LLC to operate a restaurant in the County Administration Building II located at 201 E Main Street, in accordance with the terms and conditions as set forth in the Lease Agreement attached to this Agenda Item.

Attachments: [AAF Supplemental Form Admin II retail 5-6-19 WS r](#)
[Attachment1 LEASE Summary Admin Retail 5-6-19 r](#)
[Attachment 2 Admin II Neighbors Lease 5-6-19 WS](#)

19-0217

Lease Agreement with the State of North Carolina Department of Agriculture & Consumer Services (Forest Service)

Agenda Text:

The Board is requested to approve a new Lease Agreement with the State of North Carolina, through the North Carolina Department of Agriculture & Consumer Services (NCDA&CS), for the NC Forest Service, and authorize the County Manager to execute the lease. The lease is for approximately 1254 square feet of office space in the fifth floor of the County Administrative Building II.

Durham County has a cooperative agreement with the North Carolina Department of Agriculture and Consumer Services to provide for the protection, development, and management of forest land within the County. The staff costs to provide this service are shared between the County and the State, with the County paying 40% and the

State paying 60%. The NC Forest Service is a division within the NCDA&CS. NCDA&CS requires a lease for the space that the Forest Service staff occupies. All communities that have a Forest Service agreement in place provide office space at a nominal rate of \$1/yr.

This lease essentially replaces the prior lease to reflect that the Forest Service's location has been moved to the County Administrative II Building. The Forest Service staff were previously located in the Cooperative Extension building at 721 Foster Street. They occupied that space for at least two decades before being relocated to the County Administrative II Building in September 2018. The decision was made to move the Forest Service to provide them with the office and storage space they needed, and to relieve the cramped office conditions for the Cooperative Extension. This is a one-year lease, with 4 additional one-year renewal periods. The lease also includes two surface parking spaces for Forest Service vehicles. The lease amount is \$1/year.

Alignment with Strategic Plan: The attached Lease Agreement with the state of North Carolina Department of Agriculture and Consumer Services (Forest Service) supports Goal 3 "Safe Community", and Goal 4 "Environmental Stewardship and Community Prosperity".

Resource Persons: Jane Korest, Open Space and Real Estate Division Manager; Nancy Mitchell, Sr. Real Estate Officer

County Manager's Recommendation: The County Manager recommends that the Board approve a new Lease Agreement with the State of North Carolina, through the North Carolina Department of Agriculture & Consumer Services, for the NC Forest Service, and authorize the County Manager to execute the lease.

Attachments:

[AAF Supplemental Forest Service Lease Agreement 2019-2020](#)

[Attachment 1 LEASE Summary Forest Service 201 East Main](#)

[Attachment 2 Draft Lease for Forest Service in Admin II 5-6-19 WS](#)

19-0218

Conservation Easement Amendment for the Van Ellis Farm

Agenda Text:

The Board is requested to approve an amendment to the county's existing conservation easement on the Van Ellis farm. The Ellis farm was protected with a conservation easement on 69.1 acres that was completed in December 2013. The farm easement was acquired with the grant assistance from the USDA NRCS's federal farm and ranchland protection program. The Ellis's are interested in permitting Wildlands Engineering (Wildlands) to perform a restoration on two stream sections of Dry Creek, totaling 3,818 linear feet and upstream from Lake Michie. The stream restoration would have a long-term positive impact on the water quality on the farm and downstream by reducing stream bank erosion, improving the floodplain function, and providing additional vegetation enhancements. The stream restoration would be undertaken by Wildlands under a contract with the State of North Carolina Division of Mitigation Services and the US Army Corps of Engineers to provide

compensatory mitigation credits by restoring streams on the Ellis farm and four other downstream properties.

The stream restoration project requires that an additional easement be conveyed for the stream restoration area totaling 10 acres. The State of NC requires a stream restoration conservation easement to permanently protect the improvements/enhancement on the 10-acre area. The county's conservation easement explicitly permits additional easements so long as the new easement is compatible with the conservation purposes the underlying farm easement. OSRE staff have reviewed the detailed request and determined that the proposed additional easement is compatible with, and supportive of, the overall conservation values of the property and county-held agricultural easement. The additional easement along the stream would be subordinate to the County's conservation easement.

The State and the Army Corps of Engineers require that additional language be added to the County's existing easement in Section 3.8 Water Rights (additional language is underlined): "3.8. Water Rights. *Except for the water rights given to the State of NC in the Deed of Conservation Easement and Right of Access recorded in the Durham County Register of Deeds at Book _____ Page _____, Grantor shall retain and reserve the right to use any appurtenant water rights sufficient to maintain the agricultural productivity of the Protected Property. Grantor shall not transfer, encumber, lease, sell or otherwise separate such water rights from title to the Protected Property itself.*"

The county's conservation easement requires any amendments also be reviewed and approved by the State NRCS office, and that they be a signatory to the document. The State NRCS office has reviewed the Ellis amendment request and concurred with the County that the request is consistent with the easement. The State NRCS Office forwarded the request to the USDA national office, which also approved the requested amendment. With national approval Wildlands has completed their design work, secured required permits, and are ready to proceed with the physical restoration work which will take place in the fall of 2019.

Alignment with Strategic Plan: The support of a stream restoration easement on the Ellis farm directly supports the County's Strategic Plan Goal 4, Environmental Stewardship, Strategy 4.1A "Water Quality - Maintain, protect, and improve water quality" by permitting a stream restoration project on the Ellis farm which is upstream from Lake Michie.

Resource Persons: Jane Korest, Open Space & Real Estate Manager; Celeste Burns, Open Space and RE Coordinator, Peri Manns, Deputy Director of Engineering and Environmental Services

County Manager's Recommendation: The County Manager recommends that the Board approve the additional conservation easement for limited portions of the

Van Ellis Farm, approve the amended language to Section 3.8 of the easement, and authorize the Manager to sign the amendment.

Attachments: [AAF Supplemental Document - Ellis Easement Amendment 5-6-19](#)
[Attachment 1 - Dry Creek Restoration Project Area MAP](#)
[Attachment 2 Ellis Conservation Easement 2013](#)
[Attach 4 Van Ellis Easement Amendment DRAFT 5-6-19](#)

19-0219 **Durham County Juvenile Crime Prevention Council Local Funding Recommendation FY 2019-2020**

Agenda Text: The Board is requested to receive and approve the Durham County Juvenile Crime Prevention Council's (JCPC) local funding recommendation for FY 2019-2020. At their regular scheduled meeting on April 24, 2019, with a quorum present, the JCPC members voted to recommend the attached local funding plan for the allocation of \$536,666 in state funding for FY 2019-2020.

These funds are anticipated to be included in the State of North Carolina's FY 2019-2020 budget and allocated to Durham County by the Department of Public Safety Division of Juvenile Justice based on a formula. The funding is available only for programs serving youth who are delinquent, undisciplined, or at risk of court involvement and is restricted to services providing intermediate and community sanctions to the courts. Programs are required to offer treatment, rehabilitation and/or educational enrichment as prioritized in the publicly advertised Request for Proposals (RFP). This year, JCPC received applications requesting a total of \$672,982.

The Durham County JCPC conducted the funding allocation process in accordance with the relevant North Carolina General Statutes and the Division of Juvenile Justice's procedures and guidelines. Council members were assisted in the process by JCPC Area Consultant Walter Crews.

Alignment with Strategic Plan: This item aligns with Goal 3 of Durham County's Strategic Plan: Safe Community.

Resource Persons: Nisha Williams, JCPC Chair, and Drew Cummings, JCPC Treasurer

County Manager's Recommendation: The County Manager recommends that the Board receive and approve the Durham County Juvenile Crime Prevention Council's (JCPC) local funding recommendation for FY 2019-2020.

Attachments: [JCPC Funding Recommendations to the Board of County Commissioners](#)
[Durham 19-20 Final RFP](#)

19-0221 **Capital Project Amendment No. 19CPA000020 - Move Funds from the Ongoing Roof Replacement Project 4190DC073 to the (L) Convenience Center Site Upgrades 4190DC079 in the amount of**

\$200,000.**Agenda Text:**

The Board is requested to approve Capital Project Amendment No. 19BCC000020 to move funds from the Ongoing Roof Replacement Project 4190DC073 to the (L) Convenience Center Site Upgrades 4190DC079 in the amount of \$200,000. The funds are to be utilized to purchase the Convenience Site land.

Alignment with Strategic Plan: This action is in accordance with Durham County Strategic Plan Goal 4: “Environmental Stewardship and Community Prosperity,” as this project will ensure backup emergency power which will reduce the risk of sanitary sewer overflows. No additional policy impacts are expected as a result of this project.

Resource Persons: Motiryo Keambiroiro, Department Director; James Faress, Senior Project Manager; Chrissie Koroivui, Solid Waste Program Manager; Josh Edwards, Goal 5 Budget and Management Analyst

County Manager’s Recommendation: The County Manager recommends the Board approve Capital Project Amendment No. 19CPA000020 to move funds from the Ongoing Roof Replacement Project 4190DC073 to the (L) Convenience Center Site Upgrades 4190DC079 in the amount of \$200,000. The funds are to be utilized to purchase the Convenience Site land.

Attachments:

[CPA-20 Supplemental Form Move funds Project 4190DC073 To 4190DC079 \(\\$](#)
[CPA-20 Legal Form Leased Convenience Center Site Upgrade \(\\$200,000\)](#)

19-0227**Approval of the July - December 2019 Board of County Commissioners’ Meeting Calendar****Agenda Text:**

The Board is requested to review and approve the July - December 2019 BOCC meeting calendar.

During the December 2018 Work Session there was a directive to approve the meeting calendar through August 2019 and at that time, the remaining dates would be reviewed and approved. Due to upcoming meeting and events, the Board is being asked to approve the meeting schedule from July - December 2019.

Alignment with Strategic Plan: This item aligns with Goal 5: Accountable, Efficient and Visionary Government

Resource Persons: Monica W. Toomer, Interim Clerk to the Board

County Manager’s Recommendation: The County Manager recommends that the Board review and approve the July - December 2019 Board of County Commissioners’ Meeting Calendar.

Attachments:

[2019 July - December BOCC Meeting Calendar](#)

3. Discussion Items (110 min)

19-0224**City-County Strategic Youth Initiative Update (30min)****Agenda Text:**

The Board is requested to receive an update about the City-County Strategic Youth Initiative. In 2017 the City and the County jointly created a new Youth Initiatives Manager position to promote alignment among youth serving programs supported by the City and County of Durham for youth ages 5 to 24.

Since December 2017 when Youth Initiatives Manager Lara Khalil was hired, the Office on Youth has endeavored to carry out the work of the strategic youth initiative and to build a foundation for success. Priority activities during the period have included connecting with hundreds of stakeholders, mapping/examining relationships in the youth services ecosystem, initiating a strategic planning process for the office, conducting best practices research on related work, creating a large and growing youth engagement network of service providers and developing a vision for a youth listening project. The purpose of the youth listening project is to understand how local government can better engage and communicate with youth and their families.

Alignment with Strategic Plan: This item aligns with Goal 1: Community and Family Prosperity

Resource Persons: Lara Khalil, City-County Youth Initiatives Manager

County Manager's Recommendation: The County Manager recommends that the Board receive the current progress report from the Durham City-County Strategic Youth Initiative.

Attachments:

[2019 City-County Strategic Youth Initiatives Update to BOCC 2019-05-06](#)

[AAF for 2019 City-County Strategic Youth Initiatives Update 2019-04-25](#)

19-0187**Approval of Fourth Amendment to the Management Agreement for the Durham Convention Center (20min)****Agenda Text:**

The Board is requested to receive information on the proposed, fourth amendment to the management agreement for the Durham Convention Center and, if appropriate, to approve it and authorize the County Manager to execute it.

Durham County and the City of Durham jointly own the Durham Convention Center. The facility, which opened in the late 1980s, was managed for many years by The Shaner Corporation, which also owned and operated the attached Marriott hotel. In FY10-11, the City and County decided to bid out management of the convention center, and in February 2011 entered into our first management agreement with Global Spectrum (now doing business as Spectra).

The agreement has already been extended twice. Global Spectrum's performance has taken a facility which regularly required over \$1 million per year in subsidy to a facility losing very little money at all. In FY17-18 the facility actually made money. Based on this positive performance and also on helpful elements incorporated in this proposed amendment, City and County staff are happy to bring forward this

proposed ten-year extension of the management agreement. The proposed agreement does provide for a full management review after the first five years.

Alignment with Strategic Plan: A high-performing Durham Convention Center exposes many new people to Durham and is a driver for a great deal of economic activity, aligning it well with Goals 1 and 4 of the Durham County Strategic Plan.

Resource Persons: Drew Cummings, Chief of Staff; Jina Propst, Asst. Dir. (City General Services); Bill Kalkhof, Chair of the Durham Convention Center Authority.

County Manager's Recommendation: The County Manager recommends that the Board receive information on the proposed, fourth amendment to the management agreement for the Durham Convention Center and, if appropriate, to approve it and authorize the County Manager to execute it.

Attachments: [4TH CONTRACT AMENDMENT GLOBAL SPECTRUM DCC - 4-15-2019](#)
[AGENDA MEMO 4TH AMENDMENT DCC GLOBAL SPECTRUM - 4-15-2019](#)

19-0234 **Discussion of Proposed Purchase of New Site for Northern High School (30min)**

Agenda Text: The Board is requested to consider the request from Durham Public Schools to approve the purchase of a site for a new Northern High School.

Durham Public Schools has identified a site they would like to purchase for construction of a new Northern High School. North Carolina State Statute § 115C-426 requires that DPS seek the approval of the Durham County Board of County Commissioners prior to making this purchase.

Alignment with Strategic Plan: Proper facilities for delivery of high-quality K-12 education would be in clear alignment with goals 1, 2, and 4 of the Durham County Strategic Plan.

Resource Persons: Fred Jernigan, Senior Project Manager (Construction and Capital Planning); Aaron Beaulieu, Chief Operating Officer (DPS)

County Manager's Recommendation: The County Manager recommends that the Board consider the request from Durham Public Schools to approve the purchase of a site for a new Northern High School.

Attachments: [NHS site selection 05 06 19](#)

4. Lunch

19-0233 **Discussion of Resolution in Support of NC's Working People and their Families (10min)**

Agenda Text: The Board is requested to review the attached Resolution in Support of North Carolina's Working People and their Families for discussion and possible adoption at the May 13th Regular Session. After review and possible additions, a final version of

this resolution will be prepared by staff and placed on the next regular meeting agenda for the Board's approval.

Alignment with Strategic Plan: This item aligns with Goal 1: Community and Family Prosperity as well as Goal 2: Health and Well-Being for All.

Resource Persons: Wendy Jacobs, Chair, Durham Board of County Commissioners

County Manager's Recommendation: The County Manager recommends that the Board discuss the proposed resolution, provide staff with any suggested changes and move it to the regular session on May 13th for approval

Attachments: [Resolution in support of North Carolina](#)

19-0235 Revision to the Procedures for Citizen Appointments (10min)

Agenda Text:

The Board is requested to review recommended changes to the Procedures for Citizen Appointments.

At the March 25, 2019 Regular Session meeting the Board suggested changes to reflect boards, commissions and committee voting. An update was made to the policy to show the addition of a voting rule (line 11).

During a department review of the procedures, it was noted that the expiration of terms (line 10) needed additional wording to support partial and full terms. We have recommended wording to reflect that change.

Alignment with Strategic Plan: This item aligns with Goal 5: Accountable, Efficient and Visionary Government

Resource Persons: Lowell Siler, County Attorney; Macio Carlton, Senior Administrative Assistant and Monica Toomer, Interim Clerk to the Board.

County Manager's Recommendation: The County Manager recommends that the Board review the recommended changes to the Procedures for Citizen Appointments.

Attachments: [Procedures for Citizen Appointments \(Rev September 2018\)](#)

19-0140 Review of BOCC Directives (10min)

Agenda Text:

The Board is requested to review the report showing staff responses to BOCC directives and ask any questions they wish.

Board directives from previous meetings as well as staff follow-up are reviewed at monthly work Sessions. Staff strive to have all directives input into the system as accurately as possible as soon after they are issued as possible and to follow-up with the board and/or with other relevant parties in an appropriate time frame.

Alignment with Strategic Plan: Specific directives can relate to any goal area, but overall, timely response to Commissioner directives aligns with Goal 5 - Accountable, efficient, and visionary government.

Resource Persons: Drew Cummings, Chief of Staff

County Manager's Recommendation: The County Manager recommends that the Board review the report showing staff responses to BOCC directives and ask any questions they wish.

5. Closed Session

19-0198

Closed Session

Agenda Text:

The Board is requested to adjourn into Closed Session for the following:

- To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations pursuant to G.S. 143-318.11(a)(4)
- 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; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee, pursuant to G.S. 143-318.11(a)(6).
- To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged, pursuant to G.S. 143-318.11(a)(3)

Alignment with Strategic Plan: This item aligns with Goal 5: Accountable, Efficient and Visionary Government

Resource Persons: Andrew Miracle, Economic Development Director; Claudia Hager, General Manager and Lowell Siler, County Attorney

County Manager's Recommendation: The County Manager recommends that the Board adjourn into closed session and provide direction to staff.

6. Adjournment