



Durham County

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

Meeting Agenda Board of County Commissioners

Michael D. Page, Chair
Brenda A. Howerton, Vice Chair
Fred Foster, Jr., Commissioner
Wendy Jacobs, Commissioner
Ellen W. Reckhow, Commissioner

Monday, January 11, 2016

7:00 PM

Commissioners' Chambers

"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 pm Regular Session

1. Opening of Regular Session - Pledge of Allegiance (5 min)
2. Agenda Adjustments (5 min)
3. Announcements (5 min)

[16-826](#) Announcements

4. Minutes (5 min)

[16-829](#) Minutes

Attachments: [Regular Session - September 28, 2015](#)
[Regular Session - Oct 26, 2015](#)

5. Ceremonial Items

[16-827](#) Proclamation - National Mentoring Month

Agenda Text: The Board is requested to issue a proclamation declaring January 2016 as National Mentoring Month in Durham County on behalf of the Durham County

Juvenile Crime Prevention Council. The goal of the proclamation is to urge all residents of Durham County to rededicate ourselves to preventing youth from entering the juvenile and criminal justice systems and recommit to building a community where all our youth can grow, flourish, and take Durham County to new and greater heights through effective mentoring relationships.

The Durham County Juvenile Crime Prevention Council is a statutorily authorized advisory council which plans, organizes and evaluates locally-based programs designed to prevent and mitigate juvenile delinquency in Durham County.

Created in 2002 by the Harvard School of Public Health and MENTOR: The National Mentoring

Partnership, National Mentoring Month (NNM) focuses national attention on the need for mentors, as well as how each of us - individuals, businesses, government agencies, schools, faith communities and nonprofits - can work together to increase the number of mentors to assure positive outcomes for our young people.

NNM celebrates mentoring and the positive effect it can have on young lives. Its goals are to raise awareness of mentoring in its various forms, recruit individuals to mentor, especially in programs that have waiting lists of young people and promote the rapid growth of mentoring by recruiting organizations to engage their constituents in mentoring.

Alignment with Strategic Plan: Goal 1: Community & Family Prosperity and Enrichment and Goal 3: Safe & Secure Community.

Resource Persons: DeWarren Langley, Chairman, Durham County Juvenile Crime Prevention Council

County Manager's Recommendation: The County Manager recommends that the Board issue a proclamation declaring January 2016 as National Mentoring Month in Durham County.

Attachments: [Proclamation - National Mentor Month](#)

6. Consent Agenda (15 min)

[16-808](#)

Records Retention and Disposition Schedule for the Office of the Sheriff

Agenda Text:

The Board is requested to approve the Records Retention and Disposition Schedule for the Office of the Sheriff in accordance with N.C. General Statute §121-5(b). This schedule identifies and provides retention and disposition instructions for many records that are produced and maintained by the Office of the Sheriff. General Statute §121-5 mandates that these records be disposed of only in accordance with an official records retention schedule. Such schedules are written by the North Carolina Department of Cultural Resources, Division

of Historical Resources in cooperation with the agency or governing body and require the official approval of these bodies, as required by law, for records disposition actions.

The schedule contains a listing and brief description of the records maintained by the Sheriff of Durham County and identifies the minimum period of time each record series must be retained. The schedule provides a comprehensive records disposition plan, which, when followed, ensures compliance with statutory authority above. In the event that a state or federal legal requirement, statute, local ordinance, or program requires that a record be kept longer than specified in this schedule, the longer retention period shall be applied. The current schedule was adopted on November 15, 2015.

In accordance with N.C. General Statute, §121-5(b), the Sheriff hereby requests that the Board of County Commissioners approve the attached Records Retentions and Disposition Schedule, as well as the Amendment thereto, and include a copy in the minutes of the meeting during which the guidelines are approved. The Chairman of the Board of Commissioners should indicate approval by signing the agreement on page i of each document. This approval authorizes the Sheriff to administer the schedule, subject to local ordinance and in compliance with North Carolina General Statutes.

Alignment with Strategic Plan: Proper record retention is consistent with goal 5, accountable, efficient, and visionary government.

Resource Persons: Capt. Don Baker, Administrative Captain

County Manager's Recommendation: The County Manager recommends that the Board approve the Records Retention Schedule issued by the North Carolina Department of Cultural Resources for records maintained by the Sheriff.

Attachments: [Sheriff Schedule 2015.pdf](#)

16-811

Budget Ordinance Amendment No. 16BCC000033 to Recognize \$20,000 from the NC DHHS Health Division of Public Women's and Children's Health Section

Agenda Text:

The Board is requested to approve Budget Ordinance Amendment No. 16BCC000033 to recognize funds in the amount of \$20,000 from the Department of Health and Human Services Division of Public Health to plan and provide capacity building activities which will lead to improved birth outcomes. These activities will also lead to improved overall health status of children ages 0 to 5, and a lowering of the infant mortality rate in the Durham community.

The Board of Health has approved this amendment.

Please note that this amendment requires no additional County funds.

Alignment with Strategic Plan: This grant aligns with Strategic Goal 2: Health and Well-being for All. Birth outcomes and the infant mortality rate is a marker of the overall health of a community.

Resource Persons: Gayle B. Harris, MPH, Health Director

County Manager's Recommendation: The County Manager recommends that the Board of County Commissioners approve Budget Ordinance Amendment No. 16BCC000033 to recognize funds in the amount of \$20,000 from the Department of Health and Human Services Division of Public Health to plan and provide capacity building activities which will lead to improved birth outcomes.

Attachments: [164 - Evidence-Based Strategies for Maternal and Child Health](#)
[AAF-33 Legal Form Public Health DHHS Funds for Women and Children's Heal](#)

16-815

Budget Ordinance Amendment No. 16BCC000031 to Recognize \$486.05 in Revenue to the Cooperative Extension Program (Project BUILD) Budget from a Go Fund Me campaign

Agenda Text: The Board is requested to recognize revenue in the amount of \$486.05 in funding from a Go Fund Me campaign to provide youth served by Project BUILD with basic essentials such as clothing, shoes, and winter coats. This is an annual Christmas event for Project BUILD that resulted in over \$6,000 in in-kind contributions and \$486.05 in cash contributions through Go Fund Me.

Alignment with Strategic Plan: The grant funding aligns with Goal 1 (Community and Family Prosperity and Enrichment) and Goal 3 (Safe and Secure Community) by providing social support for youth who are at high risk of dropping out of school and involvement in criminal activity and gangs.

Resource Persons: Michelle Young, Director, Project BUILD and Delphine Sellars, Director, Cooperative Extension Service

County Manager's Recommendation: The County Manager recommends that the Board approve Budget Ordinance Amendment No. 16BCC000031 to recognize revenue in the amount of \$486.05 in funding from Go Fund Me.

Attachments: [Go Fund Me Check](#)
[Budget for AAF - Go Fund Me Christmas 2015](#)
[AAF-31 Legal Form CES Project BUILD Go Fund Me Campaign donations](#)
[AAF-31 Legal Form CES Project BUILD Go Fund Me Campaign donations](#)

16-816

Budget Ordinance Amendment No. 16BCC000032 to Appropriate \$3,822.38 of Unexpended Funds Awarded to Cooperative Extension Community Outreach by Way of a FY2015 Reimbursable Grant from Durham Public Schools in the Amount of \$8,000

Agenda Text: The Board is requested to appropriate \$3,822.38 in remaining funds from a FY15 \$8,000 award to Durham Cooperative Extension Community Outreach from Durham Public Schools. The funds awarded through this reimbursable

grant are to provide Parent & Family Advocacy and Support Training and Parent Leadership Training to parents in designated public schools. As of June 30, Cooperative Extension spent \$4,177.62 of the \$8,000 contracted award amount, leaving \$3,822.39 unexpended.

Alignment with Strategic Plan: The position aligns with Goal One of Community and Family Prosperity and Enrichment by developing the skill set of parents and families to help children succeed.

Resource Persons: Donna Rewalt, Community Outreach Coordinator and Delphine Sellars, Cooperative Extension Director

County Manager's Recommendation: The County Manager recommends that the Board approve Budget Ordinance Amendment No. 16BCC000032 to appropriate \$3,822.38 in an unspent FY2015 reimbursable grant award of \$8,000 from Durham Public Schools.

Attachments:

[DPS Letter for Contract 2-1-2015.pdf](#)

[DPS Contract PFAST 2-1 to 7-31.pdf](#)

[AAF-32 Legal Form CES Community Outreach Grant from DPS](#)

16-822

Lease Agreement to Alliance Behavioral Healthcare for 309 Crutchfield Street (Durham Center Access Building)

Agenda Text:

The Board is requested to approve the attached Lease Agreement to Alliance Behavioral Healthcare (Alliance) for 309 Crutchfield Street for a period through June 30, 2018. Alliance runs the mental health crisis clinic located at 309 Crutchfield and the County has leased the property to Alliance since they became a separate organization in July 2012. The attached lease reflects some minor changes requested by either the General Services Department or Alliance based on the operational and maintenance experience gained over the past several years with a lease in place. Alliance subleases the property to the current non-profit provider that operates the Durham Center Access under a contract with Alliance, and the lease specifically allows Alliance to sublease the property for this purpose with the County's permission.

The attached lease continues the rent calculations contained in the previous lease with Alliance where the annual lease rate is based on the County's actual operational costs for the building in the preceding year, including planned and needed maintenance, landscaping services, and inspections. Starting July 1, 2015 through June 30, 2016, this results in a lease rate of \$7,182.13 per month. Under the lease, Alliance continues to be responsible for the cost of utilities, including electric, water, and gas bills, and reimburses the County each month for these variable expenses. Alliance has agreed to the changes in the revised lease, and a partly signed version is attached.

Alignment with Strategic Plan: The lease of 309 Crutchfield to Alliance for the continued provision of mental health crisis services aligns with the Strategic Plan Goal 2 "Health and Well-being for All" as it provides an essential community service for the individuals needing and benefitting from the services

provided at this facility.

Resource Persons Marqueta Welton, Deputy County Manager; Motiryo Keambiroiro, Director of General Services; Willie Darby, Senior Assistant County Attorney; Jane Korest, Open Space and Real Estate Manager

County Manager's Recommendation: The County Manager recommends that the Board approve the attached Lease Agreement with Alliance Behavioral Healthcare for 309 Crutchfield Street for a term through June 30, 2018.

Attachments: [Attach 1 LEASE Summary for 309 Crutchfield](#)

[Attach 2 Alliance Lease for 309 Crutchfield-Crisis Center](#)

16-823

Capital Project Amendment No. 16CPA000008 - Moving Unspent 2007GO Bond funds Between Durham Public School Capital Projects

Agenda Text:

On December 17, 2015, the Durham Public Schools (DPS) Board of Education approved adjustments to remaining 2007 General Obligation (GO) Bond 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 transfer of funds between DPS capital projects with 2007 GO bond funding. A brief description of the proposed transfers is included by attachment.

The attached table indicates funds reconciled by DPS and the County that are available for transfer.

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

Resource Persons: Hugh Osteen, DPS Deputy Superintendent of Operational Services; Jon Long, DPS Executive Director, Construction & Capital Planning.

County Manager's Recommendation: The County Manager recommends that the Board approve Capital Project Amendment No. 16CPA000008 moving 2007 GO Bond funds between DPS capital projects as outlined above.

Sponsors: Lane

Attachments: [CPA-08 Legal Form Moving 2007 GO Bonds Between Many DPS Capital Projects](#)
[2007 Bond Transfers Backup notes \(CPA#8\).pdf](#)
[DPS Capital Projects](#)

16-824

Budget Ordinance Amendment No. 16BCC000034 to Transfer \$254,140 from Functional Area Environmental Protection (solid waste) to Functional Area General Government in the General Services Budget

Agenda Text:

The Durham County Solid Waste Program is administered by the Department of General Services' Division of Solid Waste Management, which has four site locations and a headquarters located at 4527 Hillsborough Road. This program

consists of the maintenance and operation of four solid waste and recycling convenience sites (Parkwood, Bahama, Redwood, and Rougemont); maintenance of the closed Durham County Landfill located on Redwood Road; County-wide roadside recycling collection; County-wide litter control and enforcement; beauty enhancement programs; and the utilization of court-appointed community service workers for roadside cleanups and office moves. The Division is also responsible for the County surplus and storage facility. Staff consists of a total of 17 FTEs.

The Board is requested to approve the transfer of \$254,140 from the environmental protection (solid waste) functional area to the general government functional area within the General Services budget for staff (2 FTEs) and operating expenses for a retroactive effective date of July 1, 2015. These staff (2 FTEs) perform general government functions in the areas of County surplus, the warehouse storage facility and office moves. This is a technical change only.

Alignment with Strategic Plan: This request relates to the following elements of the Durham County Strategic Plan: the effort aligns with Goal #5 (Accountable, Efficient, and Visionary Government).

Resource Persons: Motiryo Keambiroiro, Director of General Services

County Manager's Recommendation: The County Manager recommends that the Board approve Budget Ordinance Amendment No. 16BCC000034 to transfer \$254,140 from functional area environmental protection (solid waste) to functional area general government within the General Services budget.

Attachments:

[GS transfer detail](#)

[AAF-34 Legal Form GS Transfer environmental protection \(solid waste\) to gene](#)

16-825

Approve Payment to Bahama Volunteer Fire Department (VFD) in the Amount of \$63,820 for Settlement of Deficit in Temporarily Restricted Net Assets Due to EMS Paramedic Services' Expenses in Excess of County Funding Provided for EMS Paramedic Services, and Budget Ordinance Amendment No. 16BCC000029 Transferring Budgeted Contingency Funds to VFD Paramedic Services to Support This Payment

Agenda Text:

The Board is requested to approve payment to Bahama VFD in the amount of \$63,820 for the settlement of a deficit in their temporarily restricted net assets reported in their audited financial statements (e.g., Statement of Financial Position) due to EMS paramedic services expenses in excess of County funding provided for EMS paramedic services. In addition, the Board is requested to approve Budget Ordinance Amendment No. 16BCC000029 transferring \$63,820 from budgeted Contingency in the General Government functional area to VFD Paramedic Services within the Public Safety functional area, both within the General Fund.

Effective beginning for FY11, the County began requiring all VFDs have an annual audit. The audit was initiated for several reasons; to monitor financial

stability, internal controls, etc. However, another reason was to show the financial activity for both Fire and EMS services (e.g., annual resources compared to annual expenses). Funding provided for fire services is restricted for fire and 1st responder only and is funded by the County with a special district tax while EMS paramedic services provided by VFDs was funded with distributions from the County's general fund. Bahama was proactive and had audits performed beginning in FY10 rather than FY11. From FY10 until Bahama ceased providing paramedic services, they experienced an overall cumulative loss in the amount of \$63,820 (e.g., expenses exceeded funding provided by the County). See Note 8 in the notes to the financial statements (page 10) of their most recent completed audit (FY14) which is included with this request.

This deficit in the amount of \$63,820 has remained on Bahama's financial statements and will continue to remain there until resolved. The fire tax funding cannot be used to fund this deficit. As such, County management is in agreement that the County should issue payment to Bahama in the amount of \$63,820 to reimburse them for the lack of funding for EMS paramedic services that occurred during this time.

Alignment with Strategic Plan: Strategic Plan Goal 2, Health and Well-being for All; Strategic Plan Goal 3, Safe and Secure Community; Strategic Plan Goal 5, Accountable, Efficient and Visionary Government

Resource Persons: George K. Quick, Chief Financial Officer; James E. Groves, Fire Marshal/Emergency Management Director

County Manager's Recommendation: The County Manager recommends that the Board approve payment to the Bahama VFD in the amount of \$63,820 for the settlement of a deficit in the temporarily restricted net assets due to EMS paramedic services expenses in excess of County funding provided for EMS paramedic services, and approve Budget Ordinance Amendment No. 16BCC000029 transferring \$63,820 from budgeted Contingency in the General Government functional area to VFD Paramedic Services within the Public Safety functional area, both within the General Fund to account for the financial transaction.

Attachments: [Bahama VFD Report](#)
[AAF-29 Legal Form](#)

16-836

Refund of Overpayment of Revenue Stamps/tax pursuant to N.C. General Statute 105-228.37

Agenda Text:

The Board is requested to refund the overpayment of Revenue/Tax Stamps pursuant to N.C. General Statute 105-228.37. The statute states: "(a) A Taxpayer who pays more tax than is due under this Article may request a refund of the overpayment by filing a written request for a refund with the Board of County commissioners of the county where the tax was paid(see attached

request). The request must be filed within six months after the date the tax was paid and must explain why the taxpayer believes a refund is due.

On October 21, 2015, the Law offices of Hatch, Little & Bunn L.L.P. recorded a North Carolina Special Warrant Deed in Durham County in error. The deed should have been recorded in Guilford County. Revenue stamps in the amount of \$2,680.00 was paid to Durham County and that amount should be refunded to Hatch, Little & Bunn, L.L.P. (See attached documents)

Therefore the Hatch Law firm respectfully request that the overpayment of the revenue stamps in the amount of \$2680.00 be refunded.

Alignment with Strategic Plan: Goal 5 Accountable, Efficient, Visionary Government-In compliance with the aforementioned statute, we must be accountable and return those funds as requested by the statute when an overpayment occurs.

Resource Persons: Sharon A. Davis, Chief Assistant, Register of Deeds

County Manager's Recommendation: The County Manager recommends that the Board approve the refund in the amount of \$2680.00.

Attachments: [SKM C284e15123016020 \(003hatch](#)

7. ITEMS PULLED FROM CONSENT AGENDA (20 min)

8. Closed Session

16-838

Closed Session

Agenda Text:

- 1) The Board is requested to adjourn to Closed Session pursuant to G. S. 143-318.11(a)(4) to discuss matters relating to the location or expansion of a business or industry.
- 2) The Board is requested to adjourn into closed session pursuant to G.S. 143-318.11(a)(5) to instruct staff on the position to be taken concerning real property acquisition for the acquisition of conservation easements on two farms located at 12259 Hampton Road owned by Alston Glenn, and 5315 Isham Chambers Road owned by Samantha Gasson and Scott R. Stirrup.

Alignment with Strategic Plan: This discussion aligns with Goal 1: Community and Family Prosperity and Enrichment, and Goal 4: Environmental Stewardship

County Manager's Recommendation: The County Manager recommends that the Board adjourn to Closed Session pursuant the above mentioned statutes and direct staff accordingly.

9. Adjournment

