



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, February 8, 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)

16-879

Announcements

Agenda Text:

- 1) The Board of County Commissioners will not hold its Regular meeting on February 22nd. The next Regular meeting of the Board will be held Monday, March 7, 2016 at 9:00 am.
- 2) Please contact the Clerk's Office at 919-560-0025 or clerk@dconc.gov [<mailto:clerk@dconc.gov>](mailto:clerk@dconc.gov) to find out about opportunities to serve on one of our volunteer boards or commissions.
- 3) We invite you to tune in to Cable TV Channel 8 or 97-5 to see rebroadcasts of tonight's meeting as well as other Durham County programming that may be of interest to you. Please contact the Public Information Office at 919-560-0008 or our website www.dconc.gov [<http://www.dconc.gov>](http://www.dconc.gov) for more information.

- 4) These announcements may also be found on the County's website or you may call the Clerk's Office at 919-560-0025.

4. Ceremonial Items

16-872

Recognition of Durham Soil and Water Conservation District Receiving a \$100,000 Grant from Duke Energy Foundation to Benefit the Cape Fear Waterways

Agenda Text:

The Board is requested to recognize that the Durham Soil and Water Conservation District received a \$100,000 Water Resources Fund grant from Duke Energy Foundation on December 2, 2015 to continue its commitment to protecting and enhancing regional waterways and the environment. The grant will be used for the implementation of the Durham and Wake County Community Conservation Assistance Program (CCAP) for BMP installation in the Jordan Lake Watershed, specifically in the Upper New Hope Creek subwatersheds. CCAP is a voluntary, incentive-based program designed to improve water quality through the installation of various best management practices (BMPs) on urban, suburban and rural lands not directly involved with agriculture production. Eligible landowners may include homeowners, businesses, schools, parks and publicly owned lands. CCAP educates landowners on water quality, stormwater management and retrofit practices to treat stormwater runoff. Interested landowners can apply for financial and technical assistance for the installation of BMPs to protect water quality. The Water Resources Fund is a \$10 million commitment from Duke Energy to improve water quality, quantity and conservation in the Carolinas and neighboring regions.

Alignment with Strategic Plan: This request is aligned with Goal 4 Environmental Stewardship by improving water quality, changing behaviors to achieve environmental quality.

Resource Persons: Indira Everett, Duke Energy District Manager of Government and Community Relations; Danielle Adams, Vice Chairman Durham Soil and Water Conservation District Board; Eddie Culberson, Director Durham Soil and Water and Mike Dupree Agribusiness & Environmental Services Manager.

County Manager's Recommendation: The County Manager recommends that the Board recognize that the Durham Soil and Water Conservation District received a \$100,000 Water Resources Fund grant from Duke Energy Foundation on December 2, 2015 to continue its commitment to protecting and enhancing regional waterways and the environment.

16-887

Resolution Thanking Assistant County Manager Drew Cummings

Agenda Text:

The Board is requested to accept and present a resolution honoring Drew Cummings for serving as interim deputy county manager, from July 2015

through February 2016, until the position was filled by current Deputy County Manager Jodi Miller. Appreciation is being shown for his outstanding work to ensure needs of the deputy county manager role were seamlessly completed while the position was vacant.

Alignment with Strategic Plan: Goal 5

Resource Persons: County Manager Wendell Davis

County Manager's Recommendation: The County Manager recommends that the Board accept and present a resolution honoring Drew Cummings for serving as interim deputy county manager, from July 2015 through February 2016.

Attachments: [Resolution - Drew Cummings](#)

16-888

Introduction of new Deputy County Manager

Agenda Text:

The Board is requested to welcome Ms. Jodi Miller, Deputy County Manager. Ms. Jodi Miller has been appointed Deputy County Manager and began her tenure on February 1. Ms. Miller has more 15 years of experience in local government in the areas of strategic planning, budget preparation and management, performance management, economic and community development, and public safety and emergency management. From 2000-2014, she served as Assistant City Manager in the City of Williamsburg Virginia. Prior to joining Durham County, Jodi was the Deputy City Manager in the City of Williamsburg, Virginia.

Ms. Miller is a graduate of Virginia Polytechnic Institute and State University where she earned her Bachelor of Arts degree in Political Science and a Master of Public Administration from the University's Center for Public Administration and Policy. She is a member of the International City/County Management Association (ICMA) where she achieved the status of Credentialed Manager. Ms. Miller is also a graduate of the Williamsburg Leadership Institute, the Gettysburg Leadership Institute and a Senior Executive Institute graduate of the Weldon Cooper Center for Public Service at the University of Virginia.

As Deputy County Manager, Jodi serves on the County Manager's executive leadership team. She will manage the day-to-day operations of the following departments: Fire Marshal; Emergency Management; Emergency Medical Services; Youth Detention Facility; Criminal Justice Resource Center; Engineering; Forestry and Soil and Water Conservation. Jodi will be responsible for overseeing County interactions with the joint City/County departments of Planning, Building Inspections and 911 Communications. Ms. Miller will also serve as manager working with the Sheriff's Office on day-to-day issues.

Alignment with Strategic Plan: This item aligns with Strategic Goals 3, 4: Safe and Secure Community and Environmental Stewardship

Resource Persons: Wendell Davis, County Manager

County Manager's Recommendation: The County Manager recommends that

the Board welcome Ms. Jodi Miller.

5. Consent Agenda (15 min)

16-843 Budget Ordinance Amendment No. 16BCC000041 to Recognize \$12,500 from Capital Broadcasting Company, Inc. to Durham Cooperative Extension in Support of Durham County Promise Zone Application

Agenda Text: The Board is requested to recognize \$12,500 from Capital Broadcasting Company, Inc. to the Durham Cooperative Extension budget in support of Durham County Promise Zone Application.

The funds will be used to acquire the services of Community Grants Associates, Inc. in the completion of the application for the third and final round of the Obama Administration Promise Zone Designation. Services to be provided are outlined in a contract entered into between Durham Extension and Community Grants Associates, Inc. In addition to the actual services outlined in the Scope of Work, available funds will be used to cover any costs associated with the submission of the application.

Alignment with Strategic Plan: This funding aligns with Goal 5: Accountable, Efficient and Visionary Government. Extension is committed to the pursuit of excellence through: collaborative leadership, exceptional customer service, innovation, transparency and fiscal responsibility.

Resource Persons: Delphine Sellars, County Extension Director

County Manager's Recommendation: The County Manager recommends that the Board approve Budget Ordinance Amendment No. 16BCC000041 to recognize revenue in the amount of \$12,500 from Capital Broadcasting Company, Inc. to the Durham Cooperative Extension budget in support of Durham County Promise Zone Application.

Attachments: [AAF Supporting Documents for PZ SKM_224e16010809260.pdf](#)
[AAF-41 Legal Form CES Donation from Capital Broadcasting](#)

16-860 Approval of Water and Sewer Ordinance Amendment, Budget Ordinance Amendment No. 16BCC000040 for \$10,250, Interfund Loan, Water Fee Schedule Adoption, and Water Service Agreements

Agenda Text: The Board is requested to approve the amendment of the water and sewer ordinance, to approve an Interfund Loan of \$30,000 from the General Fund to the Rougemont Community Water System (RCWS) Fund - an enterprise fund, to approve a 2016 fiscal year budget amendment for the RCWS Fund, to approve a Schedule of Water Fees, and to authorize the execution by the County Manager of thirty-three (33) water service agreements.

The ordinance is primarily focused on water system regulations, and provides regulations for connections, maintenance, right-of-entry, damage, wasting water,

cross connection control, payment, water main extensions, and enforcement. The ordinance also provides sewer connection regulations which are not currently provided in the County ordinance. These ordinance amendments are substantially equivalent to the City of Durham ordinances with the exception that the County is not establishing a delegated water main extension program. Future extensions of the Durham County RCWS will require approval of the State.

The Durham County RCWS will serve the properties in and near the contaminated areas in Rougemont with potable water. The construction of the water system is scheduled to be complete in April 2016, with operation starting soon afterwards. A budget for the operation and maintenance of the system from April to June 2016 is necessary. This budget covers water quality sampling of the well and the distribution system, operation and maintenance with existing Utility Division staff (one quarter of a full-time equivalent maintenance person), vehicle usage expense, corrosion control and disinfection chemicals, electricity, and billing expenses. Expenses are estimated to be \$10,250 for this four month period and revenues are expected to be substantially less due to time delays in billing and payment and intensive initial sampling costs. To ensure sufficient funds are available in the RCWS Fund, an interfund loan of \$30,000 from the General Fund to the RCWS Fund is requested to provide initial funding and will be repaid after the system becomes financially solvent. Funds from this loan will be used for the 2016 and 2017 fiscal year operations.

The schedule of fees for the water system are based upon the usage charge rate of small water systems operated by Aqua North Carolina, Inc.; however, a tiered rate schedule is proposed with escalated charge rates for excessive water use. Other non-monthly charges in the schedule include a new account refundable deposit charge, and fees for connection, meter installation, service initiation, backflow preventer inspection, requested inspection, and capital recovery. Due to the Community Development Block Grant funding participation in this water system, the non-monthly fees will be waived once for the initial user set.

Lastly, thirty-three (33) property owners in the service area have requested to be connected as part of the RCWS Project through signature of water service agreements. These agreements provide temporary construction easements necessary for installation of the water services, provide access for water sampling at the user's residence, and agreement for payment of fees. It is requested that the County Manager be authorized to execute the water service agreements.

Alignment with Strategic Plan: These actions are necessary to provide a safe and reliable source of potable water to the facilities in the near vicinity of the contamination plumes in the Rougemont area and is in accordance with the Durham County Strategic Plan goal of Health and Well-being for All.

Resource Persons: Drew Cummings, Assistant County Manager; Jay Gibson, PE, Engineering and Environmental Services Director; Joe Pearce, PE, Utility Division Manager; Susan Tezai, Deputy Chief Financial Officer; Bryan Wardell, Senior Assistant County Attorney; and Kim Connally, Budget and Management Analyst

County Manager's Recommendation: The County Manager recommends that the Board approve the amendment to the water and sewer ordinance, Budget Ordinance Amendment No. 16BCC000040 of \$10,250 for the RCWS Fund, Interfund Loan in the amount of \$30,000 from the General Fund to the RCWS Fund and the Schedule of Water Fees, and authorize the execution by the County Manager of thirty-three (33) water service agreements.

Attachments: [Rougemont Water Fee Schedule 151221.doc](#)

[AAF-40 Legal Form Establish the Rougemont Community Water System Fund](#)

[DCo Water Ordinance 160205](#)

16-869

Advertising of Tax Liens-2015

Agenda Text:

The Board is requested to authorize the Tax Administrator to provide public notice and advertise the 2015 delinquent tax liens. N.C.G.S. 105-369 states the advertisement of tax liens shall be made during the period March 1st through June 30th.

Alignment with Strategic Plan: Goal 5, Accountable, Efficient, Visionary Government. To ensure the County complies with North Carolina General Statutes ensures we are accountable to our citizens. The Board of E & R ensures that we are accountable and efficient as tax revenues are impacted by the actions of this Board. The actions of the tax department and this Board impact all strategic goals due to the revenues needed.

Resource Persons: Kimberly H. Simpson, Tax Administrator

County Manager's Recommendation: The County Manager recommends that the Board approve the Tax Administrator's request to begin advertising the 2015 tax liens in the month of March.

Sponsors: Board of County Commissioners

Attachments: [Advertisement of 2015 Tax Liens](#)

16-877

Extension of the 2016 Listing Period for Business Personal Property

Agenda Text:

The Board is requested to give the Assessor authority to grant extensions, for the listing of business personal property upon written request showing good cause that an extension is to be granted. The format would be to extend until April 15, 2016.

Under G.S. 105-307, the period during which property is to be listed for taxation each year shall begin on the first business day of the month of January and, unless extended as herein provided shall continue through the month of

January. The Board of Commissioners shall grant individual extensions of time for the listing of personal property upon written request and for good cause shown. The request may be filed with the Assessor no later than the ending date of the regular listing period. The Board may delegate the authority to grant extensions to the Assessor.

Alignment with Strategic Plan: Goal 5, Accountable, Efficient, Visionary Government. To ensure the county complies with North Carolina General Statutes ensures we are accountable to our citizens. The Board of E&R ensures that we are accountable and efficient as tax reviews are impacted by the actions of this Board. The actions of the tax department and this Board impact all strategic goals due to the revenues needed.

Resource Persons: Kimberly H. Simpson, Tax Administrator

County Manager's Recommendation: The County Manager recommends that the Board give the Tax Assessor authority to grant extensions for taxpayers, required by North Carolina General Statutes to list business personal property, who request an extension and show good cause during the month of January until April 15, 2016.

16-878

Durham Open Space and Trails (DOST) Commission Matching Grants Funding Recommendation for FY 2015-2016

Agenda Text:

The Board is requested to approve the Durham Open Space and Trails (DOST) Commission Matching Grants funding recommendation for FY 2015-2016.

The DOST Commission received eight applications for the Matching Grants Program to assist nonprofit community organizations with recreational and open space projects. The Matching Grants committee of the DOST Commission and county staff examined the proposed projects to ensure compliance with the program's goals and guidelines. The DOST Commission approved these eight projects and funding recommendation at its meeting on January 20, 2016: The recommendation to allocate \$62,906 of county funds represents a gain to the County of \$91,595 in matching funds as more than half the projects' proposed value of \$154,501. The Matching Grants program budget was approved in the FY 2015-2016 Budget.

A detailed list of projects recommended for funding is attached as well as a list of projects that the Matching Grants program has funded for the past 25 years, pending approval of the recommended FY 2015-2016 projects by the Board of County Commissioners.

Alignment with Strategic Plan: Goal 2: Health and Well-being for All which promotes physical activities for County residents and staff and Goal 4: Environment to protect open space and preserve rural character.

Resource Persons: Annette Montgomery, Matching Grants Committee Chair

County Manager's Recommendation: The County Manager recommends that

the Board approve the Durham Open Space and Trails Commission Matching Grants funding recommendation for FY 2015-16.

Attachments: [2015-16 Matching Grants Funding Recommendations](#)
[DOST Matching Grants Projects 1991-2016](#)

16-882 **Resolution in Support of SunCap Property Group Application to North Carolina Department of Transportation to Assist with Offsite Road Improvements**

Agenda Text: The Board is requested to approve the attached resolution in support of a SunCap Property Group (SunCap) application to the North Carolina Department of Transportation (NCDOT) for assistance with offsite road improvements through the NCDOT Economic Development Fund and the Small Project Fund.

Durham County is in contention for a new economic development project with SunCap Property Group. SunCap proposes to build a new logistics facility at 78 T.W. Alexander Drive. SunCap estimates it will invest approximately \$39,000,000 and create between 300 and 350 new jobs.

Alignment with Strategic Plan: This action aligns with Goal 1: Community and Family Prosperity and Enrichment by supporting a project that will bring a \$39M capital investment in and create approximately 300 to 350 new jobs in the community.

Resource Persons: Marqueta Welton, Deputy County Manager

County Manager's Recommendation: The County Manager recommends that the Board approve the attached resolution in support of SunCap's application to the North Carolina Department of Transportation (NCDOT) for assistance with offsite road improvements through the NCDOT Economic Development Fund and the Small Project Fund.

Attachments: [ED - SunCap RESOLUTION IN SUPPORT.doc](#)

16-883 **Request Authorization and Approval of this Resolution for Durham County Cooperative Extension Service to Serve as Lead Agent for a U.S. Department of Housing and Urban Development (HUD) Promise Zone Designation Application**

Agenda Text: The Board is requested to approve the attached resolution to authorize Durham County Cooperative Extension Service (CES) to serve as lead agent for preparation and submission of a US Department of Housing and Urban Development (HUD) Promise Zone Designation application.

CES will take the appropriate actions to: prepare documents, convene meetings, develop partnerships and undertake other efforts as determined to meet the requirements of the application process, and if selected to administer the Promise Zone Initiative.

Alignment with Strategic Plan: This request is directly in line with Goal 5:

Accountable, Efficient and Visionary Government. However receipt of the Promise Zone Designation will directly affect each of the 5 Goals of Durham County Government Strategic Plan.

Resource Persons: Delphine Sellars, County Extension Director

County Manager's Recommendation: The County Manager recommends that the Board approve the attached resolution to authorize Durham County Cooperative Extension Service (CES) to serve as lead agent for preparation and submission of a US Department of Housing and Urban Development (HUD) Promise Zone Designation application.

Attachments: [Resolution - Promise Zone](#)

16-889 Approval of Durham Sports Commission Interlocal Agreement With City of Durham and DCVB

Agenda Text: The Board is requested to approve the attached interlocal agreement between Durham County, the City of Durham, and the Durham Convention and Visitor's Bureau creating the Durham Sports Commission.

The Board of County Commissioners has been updated numerous times over the course of the development of this concept and this agreement. The agreement runs from the time of execution through the end of FY18-19. The Durham Sports Commission will be housed at the Durham Convention and Visitor's Bureau. County funding for the Commission will be pegged to new occupancy taxes received over and above the FY14-15 baseline year. An amount equal to one-third of those new revenues will be dedicated to certain activities (including sponsorships and bid fees) of the Sports Commission which the DCVB cannot statutorily pay for. The City will also dedicate one-third of its new revenues over that same period, and the DCVB will dedicate a full half of its new revenues to Sports Commission activities during this initial 3+ year period.

Alignment With Strategic Plan: The activities of the Durham Sports Commission should benefit family and community prosperity (Goal 1) and also, by increasing athletic opportunities for local residents, community health and well-being (Goal 2).

Resource Persons: Drew Cummings, Assistant County Manager

County Manager's Recommendation: The County Manager recommends that the Board approve the attached interlocal agreement between Durham County, the City of Durham, and the Durham Convention and Visitor's Bureau creating the Durham Sports Commission.

Attachments: DURHAM SPORTS COMMISSION-DCVB REVISIONS 2-4-16

6. Public Hearings

16-866**Public Hearing - Refunding Bonds, Series 2016****Agenda Text:**

The Board is requested to hold a Public Hearing in connection with the refunding of 2009A LOB's. The refunding of these bonds in an amount not to exceed \$42,000,000 is expected to produce a 7% plus savings (\$2,700,000). PNC Capital Markets LLC. Will serve as Senior Manager, Wells Fargo Securities will serve as Co-Manager and DEC Associates Inc. will serve as Financial Advisor to the County. Once the documentation is finalized a resolution for BOCC approval will be prepared for the March 14, 2016 BOCC meeting. The Sale is scheduled for March 23, 2016.

The bonds were first issued to finance the construction of the Health and Human Services Complex.

Alignment with Strategic Plan: Goal 5: Efficient and visionary Government

Resource Persons: George K. Quick, Chief Financial Officer; Jessica Brown-Linton, Assistant Chief Financial Officer

County Manager's Recommendation: The County Manager recommends that the Board hold the Public Hearing and approve the attached resolution.

Attachments:

[8310620_v1_Durham County N C Proceedings of Board of Commissioners on](#)

7. ITEMS PULLED FROM CONSENT AGENDA (20 min)**8. Closed Session****16-881****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 to Closed Session pursuant to G.S. 143-318.11(a)(6) 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.

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

9. Adjournment