



Durham County

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Durham, NC 27701
(919) 560-0025

Meeting Agenda Board of County Commissioners

Wendy Jacobs, Chair
James Hill, Vice Chair
Heidi Carter, Commissioner
Brenda A. Howerton, Commissioner
Ellen W. Reckhow, Commissioner

Monday, October 2, 2017

9:00 AM

Commissioners' Chambers

Worksession

"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 Worksession Agenda

1. Citizen Comments (30 min)

17-0446 Citizen Comments - 30 min

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 (3) 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: V. Michelle Parker-Evans, County 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. Discussion Items:

17-0417

Research Triangle Park Updates - 45 min

Agenda Text:

The Board is requested to receive the updates and ask any questions they wish.

The purpose of this item is to give the Board of County Commissioners the opportunity to meet Scott Levitan, the new CEO of the Research Triangle Foundation, and to receive an update on the Park Center project in RTP.

Alignment with Strategic Plan: The strong bearing of RTP policies, practices, and development on job creation and economic development in Durham County give this item a strong relationship to Goals 1 and 4 of the Durham County Strategic Plan.

Resource Persons: Wendell Davis, County Manager

County Manager's Recommendation: The County Manager recommends that the Board receive the updates and ask any questions they wish.

Attachments:

[Park Center executed incentive agreement](#)

[AAF supplement for 10-2-2017 Park Center Update](#)

17-0431

Light Rail Update - 45 min

Agenda Text:

The Board is requested to receive this update from GoTriangle staff on the status of the Durham Orange Light Rail Transit (DOLRT) project.

Progress is moving quickly with the DOLRT project, and GoTriangle staff have agreed to continue bringing the Durham County Board of County Commissioners regular updates on the progress of this important community project. There will also be a brief discussion of the form in which and timing with which the Cost Sharing MOA for the Commuter Rail Portion of the Major Investment Study will be brought back to the County Commissioners for Approval.

Alignment With Strategic Plan: With its impacts on housing, economic development, and the sustainability of our community, the DOLRT project touches particularly strongly with Goals 1 and 4 of our Durham County Strategic Plan.

Resource Persons: Danny Rogers, DOLRT Project Manager (GoTriangle)

County Manager's Recommendation: The County Manager recommends that the Board receive this update from GoTriangle staff on the status of the Durham Orange Light Rail (DOLRT) project.

Attachments: [GoTriangle presentation Oct 2 2017](#)
[Supplemental Document](#)
[DOLRT Design Change Memos 9-19-17](#)
[MLK Jr Parkway Map](#)
[Patterson Place Map](#)

17-0453 **Revised Board of Health Rule: Regulation of Smoking in Prescribed Public Areas - 20 min**

Agenda Text: The Board is requested to receive a presentation regarding changes made to the Board of Health Rule: Regulation of Smoking in Prescribed Public Areas following recommendations from a Capstone Team from the UNC Gillings School of Public Health.

After receiving the recommendations from the team on April 14, 2016, the Board of Health appointed a committee to review the recommendations and bring forth recommended changes to revise the existing Rule. During the May 11, 2017 Board of Health meeting, a draft of the proposed revisions was presented to the Board of Health.

The intent to revise the rule and to hold a public comment period during the June 8, 2017 meeting was advertised in the Herald Sun newspaper. There were no public comments regarding the proposed changes to the Rule during the Board of Health meeting. The Board unanimously approved the recommended changes to the Board of Health Rule: Regulation of Smoking in Prescribed Public Areas.

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

Resource Persons: Gayle B. Harris, Public Health Director and Bryan Wardell, Attorney

County Manager's Recommendation: The County Manager recommends that the Board receive the presentation from the Board of Health representatives and direct staff to place the item on the agenda of its next regular meeting in order for the BOCC to approve the revised Rule by Ordinance.

Attachments: [Durham County Smoke free Rule Revised \(5-4-17\) Redlined](#)
[Durham County Smoke free Rule Revised \(5-4-17\) Clean Copy](#)
[AAF Supplemental Document - Non-contract Revised BOH Rule](#)

17-0288 **Discuss Possible TEFRA Policy - 20 min**

Agenda Text: The Board is requested to discuss Durham County's TEFRA Policy.

Alignment With Strategic Plan: This item is in alignment with Strategic Goal #5: Accountable, Efficient and Visionary Government.

Resource Persons: Lowell Siler, County Attorney

County Manager's Recommendation: The County Manager recommends that the Board discuss the outstanding questions, and decide if additional action is required.

Attachments: [Wake County Tax Exempt Private Activity Bonds Ppapproval Policy](#)
[Durham County TEFRA Policy - Draft](#)

3. Lunch Break - 30 min

4. Consent Agenda (Discussion)

17-0387 **Approve Contract to Purchase Three (3) Fire Apparatus for Durham County Fire Rescue (DCFR) and Budget Ordinance Amendment No. 18BCC000011 Appropriating Durham County Fire and Rescue Tax District Fund Fund Balance and Appropriating Loan Proceeds to the General Fund to Support the Purchase**

Agenda Text: The Board is requested to approve the purchase of two (2) identical Fire Pumpers/Engines and one (1) Fire Tanker for Durham County Fire Rescue (DCFR) totaling \$1,422,703. These vehicles will replace outdated models that are over 25 years old that are currently in use as front line apparatus. The existing DCFR vehicles that these will replace are experiencing an increased out of service rate and are costly to maintain. The National Fire Protection Association (NFPA 1901 Annex D) recommends that apparatus be placed out of service if they are more than 25 years old.

The proposed apparatus were designed by a team from DCFR and Durham Fire Department firefighters to ensure appropriate responses in both urban and rural environments. The Board is also requested to approve Budget Ordinance Amendment No. 18BCC000011 appropriating \$398,873 of Durham County Fire and Rescue Tax District Fund fund balance and appropriating loan proceeds of \$1,023,830 to the General Fund to support the purchase.

The two Engines and Tanker are quoted through the Houston-Galveston Area Council (HGAC), which is a Government-to-Government procurement service available nationwide. All contracts available to members of HGACBuy have been awarded by virtue of a public competitive procurement process compliant with state statutes. The City of Durham currently purchases their fire apparatus through HGAC. Once an order for new apparatus is submitted, it takes approximately eight months before it is delivered and can be put into service. The proposed contract has been reviewed and approved by the County's Legal Department.

DCFR Service District Fund Balance will be appropriated for the purchase of the Tanker in the amount of \$398,873 and transferred to the County's General Fund. The County will finance the remainder of the purchase of the two engines in the amount of \$1,023,830 with the debt to be paid over a 10-year period. DCFR

Service Tax District funds will be the funding source for the servicing of the debt through annual budgeted transfers of the debt payment amount to the County's Debt Service Fund.

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

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

County Manager's Recommendation: The County Manager recommends that the Board approve and the purchase of the two (2) Fire Engines and one (1) Tanker in the amount of \$1,422,703 and approve Budget Ordinance Amendment No. 18BCC000011 appropriating \$398,873 of Durham County Fire and Rescue Tax District Fund fund balance and appropriating loan proceeds of \$1,023,830 to the General Fund to support the purchase. Further, it is recommended that the Board authorize the County Manager to execute the contract.

Attachments:

[AAF Supplemental DCFR Vehicles 9-2017](#)

[AAF-11 Legal Form DCFR 3 Truck purchase - Debt Issuance and Fund Balance](#)

[County CIP update.pdf](#)

[NFPA 1901](#)

[General-ILC-Form-Rev-12-10-15a complete](#)

[HGAC Engine and Tanker](#)

17-0441

Vision Internet Contract Amendment Requested Will Increase Current Contract from \$39,700 to \$78,730. Phase II of the Project Will Deliver a Fully Hosted Economic Development Themed Website to Durham County

Agenda Text:

The Board is requested to authorize the County Manager to amend the contract for Vision Internet from 39,700 to 78,730 to deliver a fully hosted Economic Development themed website to Durham County as this will be phase II of the project

This is a request to continue work on the Economic Development website which has been contracted into 2 phases. Phase one is underway with the County Manager approval. Phase 2 is the completion of the project and requires board approval due to the additional amount of funds needed. The end result will be the deployment of a full website for the Economic Development division.

The County had a need for a full website that delivers all relevant economic development facts, guidance for businesses, and demographic information. The County also needed a way to showcase our current businesses, accomplishments, and future plans.

There should be no impact to the proposed action on the current or future year because the funding will come from current operating FY18 funding.

Alignment with Strategic Plan: Efficient and effective operations of business applications supporting citizens across our County departments aligns with Goal 5 (Accountable, Efficient and Visionary Government) of the Strategic Plan.

Resource Persons: Greg Marrow, Chief Information Officer

County Manager's Recommendation: The County Manager recommends that the Board authorize the County Manager to execute a contract with Vision Internet for \$78,730. This purchase will deliver a fully hosted Economic Development-themed website to the County.

Attachments: [AAF Econ development](#)

[VISION TECHNOLOGY SOLUTIONS - ECONOMIC DEVELOPMENT WEBSITE](#)

17-0448

Capital Project Amendment No. 18CPA000005 - Appropriate \$403,216 Collection System Rehabilitation Fund fund balance and appropriate the funds to the Slater Road Pump Station Improvement Capital Project SE053 and Award of the Slater Road Pump Station Improvements (IFB 18-002) contract to Carolina Civil Works, Inc.

Agenda Text:

The Board is requested to approve Capital Project Amendment No. 18CPA000005 appropriating \$403,216 of Collection System Rehabilitation Fund fund balance and appropriate the funds to the Slater Road Pump Station Improvement Capital Project SE053. The Board is also requested to award a construction contract to Carolina Civil Works, Inc. for construction of the Slater Road Pump Station Improvements in the amount of \$366,560 and to authorize the County Manager to execute the contract and to authorize the County Manager to execute any related contract amendments, not to exceed a total project budget of \$403,216.

Slater Road Pump Station Improvement (SE053)

Current Budget: \$0.00

Increase/Decrease: \$403,216.00

Revised Budget: \$403,216.00

The Slater Road Pump Station Improvements include the installation of two new pumps, valves and appurtenances in the existing underground dry-pit station, installation of new level instrumentation, an emergency bypass pump connection, and installation of new electric panels, automatic transfer switch, and conduits. A ten percent contingency is recommended for this project to cover unexpected expenses associated with the underground bypass work.

Durham County issued an Invitation for Bid (IFB 18-002) on August 2, 2017. IFB 18-002 was advertised in local newspapers and on the Durham County website. Additionally, the requirements were emailed to eleven contractors. Three bids were received on August 31, 2017. The bid tabulation is attached.

In review of the MWBE compliance for IFB 18-002 Slater Road Pump Station

Improvements, Carolina Civils Works, Inc. will be utilizing 15.07% MWBE certified Hispanic-American business to be used as subcontracting MWBE participation on this project. The MWBE Compliance Review form is provided as Attachment B.

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; Kyle Manning PE, Senior Project Manager; Kim Connally, Budget Analyst

County Manager’s Recommendation: The County Manager recommends the Board approve Capital Project Amendment No. 18CPA000005 appropriating \$403,216 of Collection System Rehabilitation Fund fund balance and appropriate the funds to the Slater Road Pump Station Improvement Capital Project SE053 and to authorize the County Manager to execute the contract and to authorize the County Manager to execute any related contract amendments, not to exceed a total project budget of \$403,216.

Attachments:

[CPA-05 Supplement Form SE053](#)

[Slater Road Bid Tab](#)

[MWBE Compliance Review Form-AAF for IFB 18-002 091417](#)

[Met Labs Report for Slater](#)

[CPA-05 Legal Form Slater Road Pump Station Improvement \(\\$403,216\)](#)

17-0449

Budget Ordinance Amendment No. 18BCC000012 to Recognize \$1,046.50 in Donations to Support Project BUILD

Agenda Text:

The Board is requested to approve Budget Ordinance Amendment No. 18BCC000012 to recognize funds in the amount of \$1,046.50 in donations for Project BUILD.

Donations will be used to support program services and to meet the needs of youth that include purchasing equipment that will allow them to participate in sports and clothing for work.

The Board of Health has approved this amendment.

Please note that this amendment requires no additional County funds.

Alignment with Strategic Plan: This amendment aligns with Goal 2 - Health and Well-being for All and Goal 3 - Safe Community.

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

County Manager’s Recommendation: The County Manager recommends that the Board of County Commissioners approve Budget Ordinance Amendment No.

18BCC000012 to recognize funds in the amount of \$1,046.50 in donations for Project BUILD.

Attachments: [AAF Supplemental Document - Noncontract-Proj Bld Donations revised.docx](#)
[AAF-12 Legal Form Public Health Donations to Support Project BUILD \(\\$1,046.](#)

17-0456

Request for Matching Funds for the NCDOT Apprentice Program Grant

Agenda Text:

The Board is requested to approve matching funds in the amount of \$3,740 for Durham County ACCESS to submit a grant proposal for an Apprentice administered by the North Carolina Department of Public Transportation - Public Transportation Division (NCDOT-PTD). Confirmation of the local match is required as a part of the application. Durham County ACCESS will submit the grant application for one Apprentice by November 3, 2017.

Durham County ACCESS is seeking Board approval for the matching funds to engage an Apprentice. NCDOT provides 90% of the cost-- \$37,498 and a 10% local match of \$3,740 is required. This amount is inclusive of salary, benefits and travel allowance. Durham County ACCESS is requesting the County Board approve a budget of \$3,740 for the local share.

If granted, this will be the second Apprentice Durham County has received. The Apprentice Program is a year-long staff position intended to encourage college graduates to serve as an “apprentice” and ultimately pursue a career in public transportation. The Apprentice will fully participate in daily work tasks associated with administrative, financial management, customer service, database and technology tasks, related to running a demand response transportation system. This includes participation in grant preparation and financial management, customer service, marketing and training activities. As part of the Apprenticeship, a special project that will encompass community outreach, marketing and transportation advocacy in the community will be developed and implemented.

A copy of the grant documentation and Apprentice Program are attached for your review.

Alignment With Strategic Plan: This project aligns with Goal 1: Community and Family Prosperity and Enrichment. Durham County is a partner in creating a job and enhancing the economic position of a recent college graduate. Through the hands on work experience, the position allows for an environment to enrich knowledge and provide substantive work experience geared toward launching a stable career in the field of public transportation.

Resource Persons: Linda Thomas, Transportation Program Manager, Durham County ACCESS

County Manager’s Recommendation: The County Manager recommends that

the Board approve the request for the local match of \$3,740 for the Apprentice program grant.

Attachments: [FY 18-19 Apprenticeship Project Budget and Financing Form](#)
[FY18-19 Apprentice Project Proposal Form](#)
[1. Sponsorship Application - Apprentice 2018-2019](#)

17-0460 **Approve FY2017-18 Contract with Greater Durham Chamber of
Commerce**

Agenda Text: The Board is requested to authorize the County Manager to execute the attached contract with the Greater Durham Chamber of Commerce (Chamber) for services related to industrial recruitment and economic development. The proposed compensation for this contract is in the amount of \$265,000.00. A proposed budget is attached regarding how the Chamber proposes to utilize these funds in pursuit of the specified tasks and outcomes on behalf of the County. Funds were approved in the FY18 budget for this work and in the required amount.

As discussed with the BOCC during the recent budget process, staff will be working with Chamber staff through Fall 2017 and into Winter/Spring 2018 to develop more robust, outcome-based metrics for these services to better align this dimension of County Economic Development efforts with the recently-adopted DCo Strategic Plan goals and Managing For Results (MFR) processes. Additionally, we will be working towards a goal of a multi-year contract with the Chamber to provide a more streamlined approach towards these new goals. These elements will be further discussed with the BOCC as we move through the FY19 Budget process and deliberations.

Alignment with Strategic Plan:

The proposed contract with the Chamber supports elements of Goal 1, Goal 4, and Goal 5 by working to increase economic development and thus, community and family prosperity for the community.

Resource Persons: Jay Gibson, P.E., General Manager, Geoff Durham, CEO, Greater Durham Chamber of Commerce

County Manager's Recommendation: The County Manager recommends that the Board authorize the Manager to execute the proposed contract with the Greater Durham Chamber of Commerce in the amount of \$265,000.00 for services related to industrial recruitment and economic development-related services.

Attachments: [County Budget Financials Request 2017.18](#)
[AAF Backup Chamber 17 0460 Oct 2017](#)
[Chamber of Commerce Service Contract FY 2017-18](#)
[Att 1 Chamber of Commerce FY 2017-2018 - Scope of Services](#)

17-0462 **Approve Contract with Downtown Durham, Inc. for Certain**

Downtown Economic Development and Business Support Services**Agenda Text:**

The Board is requested to authorize the County Manager to execute the agreement in the amount of \$150,000.00 with DDI for services relating to downtown area business support and economic development. The agreement and attendant Scope of Services (attached) will continue the positive relationship between DDI and the County that has assisted in the ongoing redevelopment of downtown Durham and concurrent tax base growth. Funds for this agreement were provided in full as part of the adopted FY18 County budget.

Alignment with Strategic Plan: The proposed agreement supports Goal Areas 1, 4, and 5 by continuing economic growth for all businesses in downtown Durham, providing additional tax base growth to support community needs/goals and also providing additional job and entrepreneurial opportunities.

Resource Persons: Jay Gibson, P.E., General Manager; Nicole Thompson, CEO, DDI

County Manager's Recommendation: The County Manager recommends that the Board authorize the Manager to execute the contract with DDI.

Attachments:

[Downtown Durham Inc -Scope of Services FY 2017-18 Att 1](#)

[Downtown Durham Inc Service Contract FY 2017-18](#)

[AAF Backup_DDI_17_0462_Oct 2017](#)

17-0457**Commissioner Comments - 15 min****Agenda Text:**

The Board is requested to allow each Commissioner three minutes to report on conferences or make comments regarding issues that may be of interest or concern to the Board.

Alignment with Strategic Plan: Goal 5

Resource Persons: Board of County Commissioners

County Manager's Recommendation: The County Manager recommends that the Board allow comments from each commissioner and direct staff accordingly.

5. Closed Session**17-0463****Closed Session****Agenda Text:**

The Board is requested to adjourn to closed session pursuant to G.S. 143.318.11 (a) (3) 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.

Alignment with Strategic Plan: Goal 5 - Accountable, Efficient and Visionary Government

Resource Persons: Lowell L. Siler, County Attorney

County Manager's Recommendation: The County Manager recommends that the Board adjourn to closed session and direct staff as appropriate.

6. Adjournment