



Durham County

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

Meeting Agenda Board of County Commissioners

Monday, May 2, 2022

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)

[22-0265](#)

Citizen Comments (30min)

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 were asked to provide comments prior to the start of the meeting so that staff may reply to comments and/or questions. All speakers 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 W. Toomer, 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 Item (60 min)

[22-0266](#)

Opioid Settlement Funding Focus Discussion (60min)

Agenda Text:

The Board is requested to receive a presentation that was recently shared at the April 2022 North Carolina Association of County Commissioners (NCACC) - Funding Strategy Summit titled Opioid Settlement Funding Focus.

During this presentation, Kevin Leonard, Executive Director of the NCACC and team will share the actions and discussions that need to happen now in order to start saving lives and turn the tide of the epidemic. The Board will also receive an overview of the following:

- Direction on the action county governments need to take now in order to begin receiving settlement funds
- Evidence-based, high-impact strategies for treatment included in Option A of the Memorandum of Agreement (MOA)

Alignment With Strategic Plan: This item aligns with Strategic Goal 2 - Health and Well-Being for All

Resource Persons: Kevin Leonard, Executive Director of the NCACC and Steve Mange, Senior Policy & Strategy Council at the NC Department of Justice

County Manager's Recommendation: The County Manager recommends that the Board receive a presentation recently shared at the Funding Strategy Summit titled Opioid Settlement Funding Focus presented by the NCACC.

Attachments:

[North Carolina Opioid Presentation -May 2022 - Durham County - KLEONARD](#)

3. Consent Agenda (15 min)

22-0229 Interlocal Agreement with Durham Public Schools regarding participating in Duke Energy's Green Source Advantage Program to Meet Renewable Energy Goals

Agenda Text:

The Board is hereby requested to approve the Interlocal Agreement with Durham Public Schools (DPS) regarding participation in Duke Energy's Green Source Advantage program.

Duke Energy's Green Source Advantage program (GSA) allows participants to partner with a solar developer to build a project, agreeing to pay a set amount to offset their electricity purchases for up to 20 years. The Board approved Durham County's participation in the program in conjunction with the City of Durham in January 2021 and staff have continued to work towards this goal. Both entities together will account for 30.5 MW of solar electricity through the program. The project has to be at least 31.5 MW based on what was submitted to Duke Energy to get the project approved and has the capacity to generate a total of 34.4 MW. The GSA program has exactly 4.4 MW of capacity left. After that, it is unlikely that the program will continue to enroll public entities.

DPS Board of Education adopted a goal of increasing energy efficiency and

transitioning to renewable energy in November 2021. County staff approached DPS early this year to see if there was an interest in partnering on this project. Participation in GSA with the City and County would account for about 15% of DPS's annual electricity use.

Durham County provides funds for DPS to pay utility bills. Participation in GSA is expected to add approximately \$162,000 per year to the electric bills for DPS. The exact number will depend on (1) total kwh of electricity used by DPS, (2) total kwh of solar electricity produced by the program, and (3) avoided cost credits provided by Duke Energy.

Alignment with Strategic Plan: This request aligns with Strategic Plan Goal #4 (Environmental Stewardship and Community Prosperity) by providing renewable energy that will help the county meet its greenhouse gas emissions reduction goals; Goal 5 (Accountable, Efficient, and Visionary Government) by providing a cost-effective and efficient way to meet renewable energy goals.

Resource Persons: Tobin L. Freid, Sustainability Manager; Jay Gibson, P.E., Goal 4 General Manager; Peri Manns, ASLA, LEED GA, Deputy Director of Engineering and Environmental Services

County Manager's Recommendation: The County Manager recommends that the Board approve the Interlocal Agreement with Durham Public Schools regarding participation in Duke Energy's Green Source Advantage program.

Attachments: [FINAL County-DPS Interlocal Agreement GSA](#)

22-0232

City-County Planning Department FY23 Work Program

Agenda Text:

The Board is requested to approve the proposed FY23 Planning Department Work Program.

Summary. The Interlocal Cooperation Agreement between the City and County for merged planning functions charges the Planning Director with preparing and submitting to the Joint City-County Planning Committee, the Planning Commission and both Managers a work program and annual budget that must be forwarded to both governing bodies for approval. The proposed work program is structured on the Department receiving sufficient resources for 47 full-time employees and operational overhead. Staff resources have been fully allocated for the tasks reflected in the proposed work program with no capacity to take on additional tasks without either revising the work program to modify tasks by deleting existing tasks or changing expected outcomes and/or timelines.

Attachments:

Attachment 1: Proposed Work Program, FY22, Part A, Programs

Attachment 2: Proposed Work Program, FY22, Part B, Programs and Descriptions

Alignment with Strategic Plan: This request aligns with County Strategic Plan Goal Five, Accountable, Efficient and Visionary Government: An effective organization committed to the pursuit of excellence through collaborative leadership, exceptional customer service, innovations, transparency and fiscal responsibility

Resource Persons: Sara M. Young, AICP, Planning Director

County Manager's Recommendation: The County Manager recommends that the Board approve the Proposed FY23 Planning Department Work Program.

Attachments:

[WP FY23 Memo BOCC](#)

[Planning WP FY23 Part A](#)

[Planning WP FY23 Part B](#)

22-0234 **Approve Budget Ordinance Amendment No. 22BCC00088 Department of Social Services (DSS) to reallocate \$259,406.00 of DSS FY 2021-22 Funds Across Functional Areas to Purchase Seven (7) Toyota Highlanders for DSS Fleet**

Agenda Text:

The Board is requested to approve Budget Ordinance Amendment No. 22BCC00088 Department of Social Services (DSS) to reallocate \$259,406.00 of Durham County Social Services FY2021-222 Funds across Functional Areas to Purchase Seven (7) Toyota Highlanders for DSS Fleet

This purchase would have been a part of the upcoming FY 2022-23 budget, but to secure pricing and more timely delivery the request is being made to encumber this contract a few months prior to the next fiscal year. The Durham County Social Services (DSS) reached out to the vendor to inquire on the cost and delivery date of future replacement vehicles for our aging fleet. The vendor replied that due to sourcing/supply chain issues, costs have increased, and it has opened a small window to order quickly on certain units. The Department of Social Services deferred vehicle purchases in fiscal year 2021 due to budget restraints. Social Services has requested the purchase in our FY 2022-2323 budget, but due to additional allocations to some of our programs we have departmental savings that would allow us to purchase these vehicles in this current year. In return, it would decrease our request in the FY 23 budget. Vehicles in the General Fund are purchased in the Non-Departmental Business Area for consolidated tracking of assets; therefore, the expenditure will be budgeted in the General Government Functional Area.

Alignment with Strategic Plan: Goal 2: Health and Well-being for All which decrease health disparities within the community and Goal 3: Safe and Secure Community to improve outcomes for vulnerable, children, youth, and adults.

Resource Persons: William Rose, Director, Department of Social Services, Kelly Inman, Chief Operations Officer, Department of Social Services, Margaret Faircloth.

County Manager's Recommendation: The County Manager recommends that the Board of County Commissioners approve Budget Ordinance Amendment No. 22BCC00088 Department of Social Services (DSS) to reallocate \$259,406.00 of Durham County Social Services FY2021-222 Funds across Functional Areas to Purchase Seven (7) Toyota Highlanders for DSS Fleet

Attachments: [AAF-88 Legal Form](#)

22-0242 **Utilities Division Contract Amendment with Veolia Water Technologies Inc.**

Agenda Text: The Board is requested to authorize the County Manager to enter into a contract amendment to increase the existing Veolia Water Technologies, Inc. (dba Kruger) contract for rotors and gearboxes for Train 1 in the amount of \$16,027.04, bringing the total contract amount from \$611,229 to \$627,256.04 with a not to exceed amount of \$650,000.

The amendment is needed because one deliverable of the original order was for a Nord manufactured variable frequency drive but at the time of order, Nord notified Veolia Water Technologies, Inc. of an increased price and lead time of forty-weeks. Based on the unacceptable lead time, an alternative variable frequency drive package of equivalent technology was proposed and accepted. The Nord variable frequency drives will be replaced with Yaskawa and has a three-week lead time.

Alignment with Strategic Plan: This action is in accordance with Durham County Strategic Plan Goal 4: "Environmental Stewardship and Community Prosperity," as this will result compliance with NPDES permit NC0026051 and ensure permitted flow capacity can be treated.

Resource Persons: Jay Gibson PE, General Manager; Peri Manns ASLA, Assistant General Manager; Stephanie Brixey, Deputy Director of Engineering and Environmental Services; Wade Shaw, Utilities Superintendent

County Manager's Recommendation: The County Manager recommends the Board is requested to authorize the County Manager to enter into a contract amendment to increase the existing Veolia Water Technologies, Inc. (dba Kruger) contract for rotors and gearboxes for Train 1 in the amount of \$16,027.04, bringing the total contract amount from \$611,229 to \$627,256.04 with a not to exceed amount of \$650,000.

Attachments: [Veolia Supplemental form](#)
[Veolia FR22-969 Legistar Package](#)
[3-30-22 Durham County Changer Order #1](#)

22-0243 **Utility Locating Services Contract Amendment with Taylor, Wiseman & Taylor Inc.**

Agenda Text: The Board is requested to authorize the County Manager to enter into a service

contract amendment with Taylor, Wiseman & Taylor Inc. (FR# 22-328) to continue utility locating services to Durham County Utilities Division in an amount of \$42,000, bringing the total contract from \$60,000 to \$102,000.

Alignment with Strategic Plan: Goal 4, Environmental Stewardship: This contract ensures the timely locating of County owned utilities resulting in less infrastructure damage. This action is in accordance with the Durham County Strategic Plan Goal of Environmental Stewardship.

Resource Persons: Jay Gibson PE, General Manager; Peri Manns ASLA, Assistant General Manager; Stephanie Brixey, Deputy Director of Engineering and Environmental Services; Vince Chirichella PE, Senior Project Manager

County Manager's Recommendation: The County Manager recommends the Board to authorize the County Manager to enter into a service contract amendment with Taylor, Wiseman & Taylor Inc. (FR# 22-328) to continue utility locating services to Durham County Utilities Division in an amount of \$42,000, bringing the total contract from \$60,000 to \$102,000.

Attachments: [FY22 AAF Supplemental Document TWT](#)
[TWT FR22-328 Legistar Pkg](#)

22-0253

Authorization for Execution of a CSX Transportation Encroachment Agreement

Agenda Text:

The Board is requested to authorize the County Manager to execute an encroachment agreement with CSX Transportation, Inc. for the installation of a gravity sanitary sewer main in Durham County. The sanitary sewer main is crossing under the CSX rail south of Ellis Road and east of Highway 147.

The executed encroachment agreement is part of the construction of the sanitary sewer outfall serving Windhaven Crossing Townhome Development and other future development(s). This pipe will connect to an existing Durham County sanitary sewer outfall which flows to the Triangle Wastewater Treatment Plant. This pipe will be accepted into the County Collection system by execution of the Standard Non-Reimbursable Utility Contract with the Developer prior to commencement of construction. The encroachment agreement has been reviewed and approved by the Durham County Attorney.

Alignment with Strategic Plan: This action is in accordance with Durham County Strategic Plan Goal 4: "Environmental Stewardship and Community Prosperity," by ensuring the County has accepted the responsibility of the gravity sanitary sewer main crossing under the railroad.

Resource Persons: Jay Gibson, P.E. General Manager; Stephanie Brixey, Deputy Director of E&ES; Vincent Chirichella, P.E., Sr. Project Manager

County Manager's Recommendation: The Board is requested to authorize the County Manager to execute an encroachment agreement with CSX Transportation,

Inc. for the installation of a gravity sanitary sewer main in Durham County.

Attachments:

[220420 AAF - Windhaven CSX Agreement](#)

[220420 Supplemental Doc - Windhaven CSX Agreement](#)

[HN-80 Pipeline Agreement 21049](#)

22-0254

Budget Amendment No.22BCC00087 and Capital Project Amendment No.22CPA00026 Appropriating \$250,000 of Debt Service Fund Fund Balance to expand the proposed 300 East Main St. Childcare Facility by Approximately 4,000 square feet to Add two Pre-K Classrooms and Expand Capacity from 58 children to 86 children; Transferring \$250,000 of Debt Service Fund Fund Balance to the PAYGO Fund, and using the PAYGO Funding to Increase the 300 E. Main St. Capital Project (4730DC150) Budget by \$250K to Cover Increased Construction Contingency Costs; as well as Authorize the Increase of the Owners Construction Contingency for the C, M @R contract to LeChase Construction by \$250,000 for a Total Construction Contract Not-To Exceed Amount of \$20,789,669 for the 300 E. Main St. Structured Parking Deck

Agenda Text:

The Board is requested to approve Budget Amendment No.22BCC00087 and Capital Project Amendment No.22CPA00026, appropriating \$250,000 of Debt Service Fund Fund Balance, transferring \$250,000 of Debt Service Fund Fund Balance to the PAYGO Fund, and using the PAYGO funding to increase the 300 E. Main St. Capital Project (4730DC150) budget by \$250K to cover the increased construction contingency costs; as well as authorize the increase of the owners construction contingency for the C,M@R contract to LeChase Construction by \$250,000 to execute any other related contracts, including change orders if necessary, for a total construction contract not-to exceed amount of \$20,789,669 for the 300 E. Main St. Structured Parking Deck. (See Attachment 1, Pages 1-3).

Project Name and Number	Current Budget	Increase / Decrease	Updated
Budget			
300 Block East Main (47302635DC150)	\$24,362,884.00	\$250,000.00	
	\$24,612,884.00		

The 300 East Main Street Parking Garage (Project) is being constructed as a 7 story +/- 753 space parking garage located on the 300 block of East Main Street in downtown Durham, NC. The garage will serve the residential wrapper co-located on the site, ground level retail, Childcare/Pre-K location and provide parking for various departments for Durham County. The garage is being designed as a post-tensioned poured in place concrete structure with shallow spread footings. The exterior of the deck along Queen Street will be brick with CMU back up and a light-weight metal panel screening "Public Art Wall". A wood framed residential wrapper is being designed that encloses the other 3 sides. The affordable housing project is being

constructed by Laurel Street (private developer).

For improved coordination, LeChase Construction/Right-Build, Inc. is acting as the Construction Manager at Risk (CMAR) for the both the deck and the affordable housing project as well. Construction activities associated with this contract remain on schedule as we intend to occupy the deck in September 2022. The affordable housing wrapper is slated to begin construction commencement in June 2022 with an anticipated 16 to 18 month construction duration.

On December 14, 2020, the BOCC authorized the budget appropriations and the execution of the C, M @R “Guaranteed Maximum Price” contract with LeChase for the structured parking garage in the amount of \$20,136,930.00 (Bid Package B plus alternates 2, 3, 5, 6, 7, 8, 10, 11, 12 and allowances), and approve the owners construction contingency at (2%) in the amount of \$402,739.00 to execute any other related contracts including change orders if necessary not to exceed the available budget of \$20,539,669.00 for the project. The project encountered unforeseen conditions and scope increases typical of a project of this size and complexity. Unfortunately, the most significant increase to the project are the costs to expand the concrete podium, embeds and sleeves required to increase the footprint of the childcare/Pre-K space to accommodate previously 58 to now 86 students. The previously allocated contingency could accommodate half of these costs however, the contingency needs to be increased to fully cover the increases associated with the expanded podium footprint therefore, the additional \$250,000 is needed for the project.

Alignment with Strategic Plan: This project is in accordance with Strategic Plan Goal 4 - Environmental Stewardship and Community Prosperity particularly Strategy 4.2.C - Regional Planning: Participate in smart growth practices and support regional planning partnerships to promote a high quality of life for all.

Resource Persons: Peri Manns, ASLA, LEED GA, AGM/Deputy Director of Engineering and Environmental Services, Engineering Department; James Faress, P.E., Senior Project Manager; Marcus Tuttle, Project Executive, LeChase Construction Services and Karl Davis, President, Right-Build, Inc.

County Manager’s Recommendation: The County Manager recommends that the Board approve Budget Amendment No.22BCC00087 and Capital Project Amendment No.22CPA00026, appropriating \$250,000 of Debt Service Fund Fund Balance, transferring \$250,000 of Debt Service Fund Fund Balance to the PAYGO Fund, and using the PAYGO funding to increase the 300 E. Main St. Capital Project (4730DC150) budget by \$250K to cover the increased construction contingency costs; as well as authorize the increase of the owners construction contingency for the C,M@R contract to LeChase Construction by \$250,000 to execute any other related contracts, including change orders if necessary, for a total construction contract not-to exceed amount of \$20,789,669 for the 300 E. Main St. Structured Parking Deck.

Attachments: [CPA-26 & AAF-87 LEGAL FORM Appropriating \\$250,000 of Debt Service Fund](#)
[AAF-87 Legal Form.pdf](#)
[AAF - Supplemental Information - CPA and Budget Amendment for the Expand](#)

22-0257 **Sole Source Exemption for Purchase of Compactor at the Triangle Wastewater Treatment Plant**

Agenda Text: The Board is requested to provide approval for sole source exemption for the purchase of a compactor for the Triangle Wastewater Treatment Plant in the amount of \$29,363.29. Huber Technology is the sole source of sales, distribution, and service provider of this equipment. Attached is the sole source letter and quote.

This item has been reviewed by the Purchasing Division for compliance with the request for sole source exemption.

Alignment with Strategic Plan: This action is in accordance with Durham County Strategic Plan Goal 4: “Environmental Stewardship and Community Prosperity,” as this will result compliance with NPDES permit NC0026051.

Resource Persons: Jay Gibson PE, General Manager; Peri Manns ASLA, Assistant General Manager; Stephanie Brixey, Deputy Director-EES & POTW Director; Wade Shaw, Utilities Superintendent

County Manager’s Recommendation: The County Manager recommends the Board approve the sole source exemption for the purchase of a compactor for the Triangle Wastewater Treatment Plant in the amount of \$29,363.29.

Attachments: [AAF Supplemental Document for Compactor](#)
[Durham County \(73003750\) \(002\)](#)
[Step Screen Sole Source Letter](#)

22-0258 **Approving an increase of \$258,000.00 in the maximum construction limit for Resolute Building Company for the Administration Building Refurbishment Project (4730DC137)**

Agenda Text: The Board is requested to approve an increase of \$258,000.00 in the maximum construction limit with Resolute Building Company for the Administration Building Refurbishment Project, bringing the approved construction budget for the project to \$12,855,000.00.

The board approved an increase of \$250,000.00 in Resolute’s maximum construction limit at the August 9, 2021 meeting, increasing the new maximum construction limit to \$12,597,000.00. This allowed the project to accommodate additional required change orders while staying below the maximum authorized construction limit.

At that time, the project team also mentioned that a pending item to close out the project was the replacement of the HVAC system within the Subway Restaurant within the ground floor of the building. We indicated that further board action will be

requested in the future to address this portion of the project.

This request is to increase the Resolute construction limit by \$258,000.00, to a total limit of \$12,855,000.00. This limit will accommodate the change order for the Subway HVAC, including contingency amounts to allow the County Manager to execute any related contracts including change orders, if necessary, not to exceed the current construction budget of \$12,855,000.00.

Funding for all costs associated with the construction limit increase is available in the Administration Building Refurbishment Project capital account.

Alignment with Strategic Plan: This aligns with Goal 4: Environmental Stewardship - through the improvement of the environmental performance of County buildings to reduce energy use and greenhouse gas emissions from the built environment. The relocation of various departments into this facility also addresses Goal 5: by providing more efficient service delivery and better customer service.

Resource Persons: Peri Manns, ASLA, LEED GA, Deputy Director, James Faress, P.E., Senior Project Manager, Engineering and Environmental Services; Robert Sotolongo, AIA, DTW Architects & Planners, Ltd.

County Manager's Recommendation: The County Manager recommends that the Board approve an increase of \$258,000.00 in the maximum construction limit with Resolute Building Company for the Administration Building Refurbishment Project, bringing the approved construction budget for the project to \$12,855,000.00.

Attachments: [AAF Supplemental Document - 258k Construction Limit Increase - Resolute Bui](#)

22-0259

Execution of an Amendment to the Architectural Design Service Contract with DTW Architects and Planners, Ltd. for the Administration Building Renovations Project No.: DC 137

Agenda Text:

The Board is requested to authorize the County Manager to amend the Contract for Architectural Design Services with DTW Architects and Planners, Ltd. of Durham to provide additional architectural services for additional reimbursables including Leadership in Energy and Environmental Design (LEED) Design Review Fee and shelving dividers for the Durham County Administration Building, located at 200 East Main Street, Durham, in the amount of \$7,000, thus totaling a not to exceed amount of \$840,000 (See Attachment 1, Page 1 of 1).

The \$3,330.00 LEED Design Review fee to the U.S. Green Building Council was omitted from the original design proposal due to oversight. DTW contributed the cost of shelf dividers for the Clerk's Archive Room shelving. The project is covering the cost of shipping and taxes of the dividers at \$202.00. This amendment includes the reimbursable expenses to cover these charges and includes additional amounts for printing reimbursables and a contingency allowance for unforeseen reimbursable

expenses.

It is recommended that the County proceed with all work described in the proposal dated April 19, 2022. Funding for this architectural design amendment is available in the Administration Building Renovation Capital Project Account.

Alignment with Strategic Plan: This aligns with Goal 5: Accountable, Efficient and Visionary Government - by providing more efficient service delivery and better customer service.

Resource Persons: Jay Gibson, P.E., General Manager; Peri Manns, ASLA, LEED GA, Deputy Director of Engineering; James Faress, P.E., Senior Project Manager; and Robert Sotolongo, AIA, DTW Architects & Planners, Ltd.

County Manager's Recommendation: The County Manager recommends that the Board authorize the County Manager to amend the Contract for Architectural Design Services with DTW Architects and Planners, Ltd. of Durham to provide additional architectural services for additional reimbursables including Leadership in Energy and Environmental Design (LEED) Design Review Fee and shelving dividers for the Durham County Administration Building, located at 200 East Main Street, Durham, in the amount of \$7,000, thus totaling a not to exceed amount of \$840,000 (See Attachment 1, Page 1 of 1).

Attachments:

[Attachment 1 - DTW Fee Proposal](#)

[AAF Supplemental Document - DTW Contract Amendment - Administration f](#)

22-0263

Replacement of HVAC Package Unit at General Service's Warehouse using Existing CIP Funds

Agenda Text:

The Board is requested to approve a contract with Comfort Mechanical Contractors in the amount of \$79,890.00 to replace a 40-ton HVAC package unit at Durham County General Services Warehouse. Comfort Mechanical Contractors was selected to provide installation services through RFP No. 22-026 Replacement of HVAC Package Unit at General Services Warehouse. The current HVAC package is at the end of its serviceable life and needs to be replaced.

The replacement HVAC package will be funded using existing CIP dollars.

Alignment with Strategic Plan: This project aligns with Goal 5- Accountable, Efficient and Visionary Government.

Resource Persons: Motiryo Keambiroiro, Director General Services, Shawn Swiatocha, Assistant Director General Services, Claude Eubanks, HVAC Supervisor General Services, Eli McCutcheon, Quality Control/ Contract Specialist.

County Manager's Recommendation: The County Manager recommends that the Board authorize the County Manager to execute the proposed contract with Comfort Mechanical Contractors in the amount of \$79,890.00 to replace a HVAC Package Unit at General Service's Warehouse as well as authorize the County

Manager to execute future contract amendments for the project if needed.

Attachments:

[AAF Supplemental Document - Comfort Mechanical Contractors](#)

[Service Contract HVAC Package Unit Replacement at General Service's Wareh](#)

[Proposal Form RFP 22-026 HVAC Package Unit Replacement](#)

[Bid Tabulation RFP 22-026 HVAC Package Unit at General Services Warehous](#)

22-0264

Budget Ordinance Amendment No 22BCC00090 Appropriating \$80,000 of General Fund Fund Balance for the Durham Youth Home to Offset Higher Than Expected Use of Out-of-County Facilities

Agenda Text:

The Board is requested to approve Budget Ordinance Amendment No. 22BCC00090 appropriating \$80,000 in General Fund fund balance to the Youth Home to pay for Durham's juveniles who are detained in out-of-county juvenile detention facilities. For the current fiscal year, there are several factors which impacted the ability of the Youth Home to house juveniles. As a result, a greater number of youth were transferred to other facilities than was originally anticipated.

On December 1, 2019, "Raise the Age" legislation was passed which now allows 16- and 17-year old's to be placed in juvenile detention rather than local jail. In addition, on August 1, 2020, HB 593 became effective, which removed all minors from jail and clarified that they must be held in a juvenile detention center. These laws affect the capacity for the youth home to maintain all its youth at the current 14 bed facility. As a result, a capital improvement project is underway which includes construction of a larger 36 bed facility.

During the current fiscal year, the youth home population was reduced to a seventy percent capacity rate to maintain a safe environment for staff and juveniles. This reduced population was necessary to maintain an appropriate staff-to-juvenile ratio due to staff shortages related to covid-19 quarantines, FMLA absences, and vacancies. Operating at this capacity will be maintained until the youth home can meet the appropriate staffing levels. Additionally, most juveniles who are being detained have serious charges and are being held for longer periods of time. Currently, there are twelve Durham juveniles detained out of county, of which three whose cases were transferred to Superior court (adult court) and are awaiting trial.

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

Resource Persons: Angela G. Nunn, Youth Home Director, Gudrun Parmer, Interim General Manager, David Ades, Assistant Director, Budget and Management Services.

County Manager's Recommendation: The County Manager recommends that the Board of County Commissioners approve Budget Ordinance Amendment No. 22BC00090 appropriating \$80,000 in General Fund fund balance to the Youth

Home to pay for Durham juveniles who are detained in out-of-county juvenile detention facilities.

Attachments: [AAF Supplemental May 2022 Out-of County Beds](#)
[AAF-90 LEGAL FORM Appropriating \\$80K in GF to Youth Home](#)

4. Discussion Items (220 min)

22-0246 **Transit Plan Governance Study Update (60min)**

Agenda Text: The Board is requested to receive a presentation on the Transit Plan Governance Study and provide comments.

In 2011, Durham County approved a county-wide transit plan, which included the development of the Durham-Orange Light Rail Transit (DO LRT) project. In 2013, an interlocal agreement (ILA) was developed and approved by the Board of Commissioners, DCHC MPO Board, and GoTriangle Board of Trustees. Upon the discontinuation of the DO LRT project, a new governance framework is necessary to guide the implementation of future county transit plans in Durham and Orange counties.

Project goals include:

- Creation of a clear, operationally efficient governance structure that ensures that Durham County priorities are funded and implemented with the County transit taxes and fees.
- Formation of new levels of accountability, which includes development of an equitable set of processes, seeking to gain further community trust.

In the fall of 2021, members of the Board, as well as members of the GoTriangle Board of Trustees and DCHC MPO Board and staff, participated in initial small group interviews. From those interviews, the team learned about overall needs. The study process continued to allow for a facilitated workshop with elected officials from each of the transit plan governing boards in November 2021. These needs were defined through five overall elements to be incorporated into a new governance framework: Representative, Equitable, Collaborative, Transparent, and Accessible.

Staff from all three parties to the existing governance framework and municipal transit operators in Durham and Orange counties attended a joint workshop in March 2022. This workshop focused on critical elements that inform the foundation of a new ILA. Discussion focused on multiple alternatives of critical elements that comprise the following four areas: Membership, Voting Structures, Financial Planning, and Program & Plan Development.

During the spring of 2022, staff and agency management will be reviewing draft governance framework alternatives through an updated Interlocal Agreement between the County, DCHC MPO, and GoTriangle, as well as draft supportive policies and

procedures (updated Staff Working Group Bylaws, Financial Policies, incorporating plan implementation administration/management elements throughout). County staff expect that draft alternatives will be formed into a final ILA in partnership with cooperating agencies and will come before the Board of Commissioners in fall 2022 for approval.

Alignment with Strategic Plan: Transportation affects many of Durham County's goals including environmental stewardship and community prosperity, access to education, jobs, healthcare, and opportunities, quality of life, etc. The Transit Plan Governance Study also supports Goal 5 by establishing an accountability structure to monitor progress towards implementation and ensure that Durham County taxpayers receive good value for the taxes and fees supporting the plan.

Resource Persons: Ellen Beckmann, Durham County Transportation Manager; Adam Howell, AICP, Atkins

County Manager's Recommendation: The County Manager recommends that the Board receive a presentation on the Transit Plan Governance Study and provide comments.

Attachments:

[Memo Durham-Orange Transit Plan Governance Study - Atkins](#)

[DCo BOCC Interim Update - 05022022](#)

22-0248

Presentation of Material Changes to the 2017 Durham County Transit Plan and Draft Durham FY23 Annual Transit Work Program (30min)

Agenda Text:

The Board is requested to receive a presentation on the Draft Durham FY23 Annual Transit Work Program and proposed material changes to the current Durham Transit Plan.

As part of the appropriations process for the Durham County Transit Plan (Transit Plan), an annual Work Program is developed which produces a budget for the upcoming fiscal year. During the development of the FY23 Durham County Transit Plan, several items that are to be incorporated into the preferred scenario are proposed to be incorporated into the Durham FY23 Annual Transit Work Program. Per the interlocal agreement (ILA) that governs the Transit Plan, and/or per the request of the Durham Staff Working Group (SWG), the following items are considered "material changes" and must be approved by all three governing boards of the ILA in order to be incorporated into the FY23 Work Program.

The projects that are deemed to be material changes are:

- North Durham Improvements on the GoDurham Route 9/9A/9B and new crosstown service;
- Durham Station Improvements;
- Increased funding for Durham Bus Stop Improvements; and
- New Paratransit Maintenance Facility.

The Durham County Board of Commissioners will review this item at its May 2 work session and consider a vote on the item on May 23. The DCHC MPO Board will

review this request on May 11, and consider a vote on June 8. The GoTriangle Board of Trustees will review this request as part of its consideration of the FY23 Work Program when it votes on the budget at its June 22 meeting.

While the material changes to the Durham Transit Plan must be approved by the Boards of all three parties to the ILA, per the ILA, only the GoTriangle Board of Trustees has the authority to approve the annual Work Program. The Durham Board of County Commissioners is requested to provide input on the draft FY23 Work Program on May 9.

Alignment with Strategic Plan: Transportation affects many of Durham County's goals including environmental stewardship and community prosperity, access to education, jobs, healthcare, opportunities, and quality of life.

Resource Persons: Ellen Beckmann, Durham County Transportation Manager; Aaron Cain, DCHC MPO Planning Manager and Staff Working Group Administrator

County Manager's Recommendation: The County Manager recommends that the Board receive a presentation on the Draft Durham FY23 Annual Transit Work Program and proposed material change to the current Durham Transit Plan.

Attachments:

[DCHC MPO Memo to BOCC 5-2-22](#)

[Durham Draft for Public Comment 4-19-22](#)

[Material Change and FY23 Work Program Presentation to BOCC - 5-2-22](#)

[Material Change Project Sheets for BOCC Work Session](#)

[Material Change Resolution - Durham BOCC 5-23-22](#)

[AAF - Durham County - FY23 DTP Work Program and Material Change - 2022-](#)

*** LUNCH ***

22-0241

Durham-Orange Light Rail Transit Project Expenses (30min)

Agenda Text:

The Board is requested to receive a presentation from GoTriangle on the Durham-Orange Light Rail Transit Project Expenses.

The Durham-Orange Light Rail Transit project was an element of the Durham County Transit Plan from 2011 until the project was discontinued in 2019. GoTriangle led the planning, design, and engineering effort. The presentation provides an overview of the history of the project, the Federal Transit Administration funding process, and a detailed report of the total project expenses and contracts.

Alignment with Strategic Plan: Better public transit can help support many of the Strategic Plan goals including environmental stewardship and community prosperity, access to education, jobs, healthcare, and opportunities, quality of life, etc. This report can help support Goal 5 by informing efforts to for increased accountability and the efficient use of Durham County taxes and fees for public transit.

Resource Persons: Chuck Lattuca, GoTriangle President and Chief Executive Officer; Katharine Eggleston, GoTriangle Chief Development Officer; Sandra Freeman, GoTriangle Chief Financial Officer

County Manager's Recommendation: The County Manager recommends that the Board receive a presentation from GoTriangle on the Durham-Orange Light Rail Transit Project Expenses.

Attachments: [REF_DOLRT-Project-Expenses](#)

22-0193

Update on the Upper Neuse River Basin Association Efforts on Falls Lake Rules Readoption Process (30min)

Agenda Text:

The Board is requested to receive an update from Forrest Westall, Executive Director of the Upper River Basin Association (UNRBA) on the Rules Readoption Process for the Falls Lake Rules. The UNRBA was formed in 1996 to provide an ongoing forum for cooperation on water quality protection and water resource planning and management within the 770-square-mile Falls Lake watershed. Since 2011, the UNRBA has focused on finding more productive ways to protect and improve the quality of the water in Falls Lake by controlling the amount of nitrogen and phosphorous that flow into it. This has included significant investment in water quality monitoring and modeling to better inform a reexamination of the Falls Rules. This update will detail some of the results of that reexamination and discuss the next steps in the Falls Rules readoption process.

Alignment with Strategic Plan: This agenda item supports Strategic Plan Goal 4: Environmental Stewardship and Community Prosperity. More specifically it supports the objective of improving water quality.

Resource Persons: Ryan D. Eaves, PE, Stormwater and Erosion Control Division Manager; Forrest Westall, PE, Executive Director of Upper Neuse River Basin Association; Jay Gibson, PE, General Manager

County Manager's Recommendation: The County Manager recommends that the Board receive the update on the activities of the Upper Neuse River Basin Association.

County Manager: _____

Attachments: [UNRBA-Infographic](#)
[UNRBA](#)

22-0260

Interlocal Agreement Renewal for Durham City-County Strategic Youth Initiatives (25min)

Agenda Text:

The Board is requested to receive recommendations regarding the renewal of the City-County Strategic Youth Initiatives Interlocal Agreement, and to authorize the County Manager to enter into an Interlocal Agreement with the City of Durham to

support the renewal of City-County Strategic Youth Initiatives.

In 2017, Durham County entered a 5-year Interlocal Agreement (ILA) with the City of Durham to offer partial funding support for a joint Youth Initiatives Manager position, which is housed at the City of Durham Office on Youth (OOY). The position is leading the work of the Strategic Youth Initiative and directing all OOO operations. The ILA will expire on Jun 30, 2022.

Following numerous conversations with stakeholders, and internal discussion based on the finding of the Durham Youth Listening Project, the OOO is recommending a renewal of the ILA and an amendment to the current scope of work. A list of proposed amendments is provided below, and a longer summary is included in the attached supplemental document.

- Agreement Name: The renewed ILA will be named, “City-County Strategic Youth Initiatives”, instead of “City-County Youth Initiatives Manager Position to reflect a broader scope of work.
- Scope of Work: The renewed scope of work will encompass three primary goals related to: Youth Engagement; Enhancement of Youth Services; and Celebrating Young People.
- Focus area-Ages: To maximize the initiatives resources and to have a more focused scope of work that allows for greater attention to issues such as jobs and violence prevention, the ILA will prioritize ages 13-24 years.
- Focus area-Agencies: Executive coordination with youth serving providers in City and County departments and community organizations will be a key focus.
- Funding: The ILA renewal will include City and County contributions for the Youth Initiatives Manager position (\$70,000); Changes by Youth Ambassador program (\$21,000); and community grant funding programs (\$165,900). Some items are currently being reviewed as budget requests for FY23. In addition to the ILA, other contributions that support youth goals are provided by the City and include OOO personnel and operations expenses. If all City and County FY budget requests are approved, the County’s contribution to the total budget would increase from 30.0% currently to 39.0% which includes one-time funding for a community grants funding program.

The total request for Durham County funding in FY 2023-23 is \$256,900. \$165,900 of the FY 2022-23 request is one time funding for focus-area agencies. The net increase of this proposal is \$128,820 because the funds for the Youth Initiative Manager position and (\$70,000) and awards from the Nonprofit Funding Program (\$58,080) were included in the FY 2021-22 budget.

- Reporting Schedule: Current schedule will remain in effect.

- Duration: The renewed ILA will begin on July 1, 2022 and will auto-renew with a built in check in after 3 years for potential amendments.

This presentation will include a summary of accomplishments and impact over the last four years and detail the aforementioned recommendations for the ILA renewal. Specific strategies related to each of the three recommended ILA goals will be highlighted. A similar presentation will follow for City Council.

Alignment with Strategic Plan: This item aligns with Goals 1, 2 and 3 of the Strategic Plan.

Resource Persons: Lara Khalil, Director (City of Durham Office on Youth) and Deborah Craig-Ray, General Manager Goal 1.

County Manager's Recommendation: The County Manager recommends that the Board receive the presentation and direct staff.

Attachments:

[2021 Office on Youth Highlights](#)

[2021-2022 Durham Youth Leadership Fund Grantees](#)

[2022-05-02 Youth Initiatives ILA renewal for BOCC WS](#)

[Proposed ILA for City-County Strategic Youth Initiatives 2022-04-21](#)

[Original ILA for City-County Youth Initiatives Manager Position](#)

[Supplemental Document - Youth Initiatives ILA renewal FINAL](#)

22-0143

American Rescue Plan Act Update (45min)

Agenda Text:

The Board is requested to receive an update on the American Rescue Plan Act funds. The American Rescue Plan will deliver \$350 billion for state, local, territorial, and Tribal governments to respond to the COVID-19 emergency. Funding will also focus on infrastructure issues that face communities including efforts to bring back jobs. Durham County will receive \$62,445,275.

ARPA funds can support several priorities including a public health response due to COVID-19, address negative economic impacts, replace public sector revenue loss, and fund premium pay for essential workers. The federal dollars can also address water, sewer, and broadband infrastructure. Funding must be encumbered by 2024 with all invoices paid by 2026. Staff will present the framework for ARPA allocation to occur over the next two years. The update will include the proposed RFP timeline to ensure that fund allocations align with US Treasury guidelines. Staff is requesting the Board to suspend the rules to vote on the proposed ARPA allocation plan. Based on fund use, the allocation will be revised based on spending patterns and other resources that may become available to support priorities.

Alignment with Strategic Plan: Goal 1: Community Empowerment and Enrichment; Goal 2: Health and Well Being for All; Goal 3: Safe Community; Goal 4: Environmental Stewardship & Community Prosperity; Goal 5, Accountable, Efficient

and Visionary Government.

Resource Persons: Claudia Hager, General Manager and Deborah Craig-Ray, General Manager

County Manager's Recommendation: The County Manager recommends that the Board receives the update on the proposed ARPA funding. Its further recommended that the Board suspend the rules and vote on the ARPA plan to allow for a time-sensitive RFP process to occur with funding priorities.

Attachments:

[NACo ARPA Final Rule Overview 3](#)

[DRAFT - ARPA Allocation Framework - May 2, 2022](#)

5. Adjournment