



Durham County

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

Meeting Agenda Board of County Commissioners

Monday, May 9, 2022

7:00 PM

Commissioners' Chambers

Regular 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.

7:00 pm Regular Session

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

[22-0270](#) Announcements (5min)

Agenda Text:

1. **500 E. Main Street Mixed Use Project Construction to Impact traffic, sidewalks, parking** - Construction activities for the 500 E. Main St. Mixed Use Development will commence on Monday, June 6, 2022. The southern portion of the 500 E. Main St. parking lot will remain accessible to public vehicular traffic. During construction members of the public will have to utilize the new entrance on Elizabeth Street to access the parking lot. Because some of the sidewalks around the construction zone will be closed, pedestrians will be directed to the intersection of Dillard and Ramseur for street crossing from the parking lot and will be able to enter the Human Services Building using the Dillard St. entrance.
2. **DCo Public Health COVID-19 Vaccination Clinic Hours** - The COVID19 vaccination clinic at the Durham County Department of Public Health, 414 E. Main St., has the following hours to get your free vaccination:

Monday, Wednesday, Thursday & Friday: 9 a.m. to 4 p.m., and Tuesday: 9 a.m. to 5:30 p.m. Appointments and walk-ins welcome. All doses available. Please note, clinics are closed between 11:30 a.m.-1 p.m. daily. For more information, please visit www.dcopublichealth.org/COVIDVaccines [<http://www.dcopublichealth.org/COVIDVaccines>](http://www.dcopublichealth.org/COVIDVaccines) or call 919-560-9217.

3. **Vote in 2022 Primary and Election** - The Early Voting Period for the 2022 Primary and Election continues through Saturday, May 14, 2022. Election Day will be Tuesday, May 17th. For location of voting sites, hours of voting, sample ballots and more, be sure to visit the Durham County Board of Elections website at www.dcovotes.com [<http://www.dcovotes.com>](http://www.dcovotes.com). You can also call 919-560-0700 with questions.
4. **Roll Up and Enroll** - Join Durham's Partnership for Children and drop off your missing documents for Durham Early Head Start and Durham PreK! Staff will also be available to start the application process for either program and PreK providers will be onsite to answer questions about their facilities. For more information, please contact Grace Brown at grace@dpfc.net [<mailto:grace@dpfc.net>](mailto:grace@dpfc.net).
5. **Seed & Feed Event on May 21** - The Durham Cooperative Extension and the Food Bank of Eastern and Central North Carolina are happy to announce that they will be giving away 10,000 pounds of bagged seeds donated by Cherokee Seed Company at a Feed & Seed Event on Saturday, May 21 from 10 a.m. to 4 p.m. The event will be held at 2700 Angier Ave. We are asking for a donation of non-perishable food items for the Food Bank, but donations are NOT required to receive seeds. Sale of seeds strictly prohibited! Contact gvives@dkonc.gov [<mailto:gvives@dkonc.gov>](mailto:gvives@dkonc.gov) or 919-560-0526 for more information.
6. **Register of Deeds Temporary Closure** - The Durham County Register of Deeds office will close to the public on Friday, May 13, 2022, for the installation of a new operating system. This process will impact services for both internal and external users. During this period, the office will be unable to process requests for vital records, file documents, or allow online database access. The Register of Deeds will re-open at 8:30 a.m. on Monday, May 16. For questions, please call 919-560-0480.
7. **Innovate Durham Application Deadline Nears** - Local entrepreneurs seeking ways to develop and test their products and services with the local governments of both the City of Durham and Durham County are encouraged to apply for the 2022 Innovate Durham Program cohort. Applications are due by Monday, May 16 at 5 p.m. More information and the 2022 application

can be found at www.durhamnc.gov/3165/innovate-durham
<<http://www.durhamnc.gov/3165/innovate-durham>>.

8. **Budget Public Hearing on Monday, May 23** - The Durham Board of County Commissioners will hold a Public Hearing on the County Manager's 2022-2023 Recommended Budget during its Regular Session on Monday, May 23, 2022. Residents may sign up to comment on the budget at the meeting, submit comments to the Clerk to the Board's office at clerk@dconc.gov <<mailto:clerk@dconc.gov>> by 2 p.m. on Saturday, May 21, or submit comments on the FY 2022-23 Budget Portal for Citizen Comments here: <<https://dconc.jotform.com/200655932503047>>. The Manager's Recommended Budget for FY 2022-23 will be available to view following tonight's meeting on the Durham County website at: www.dconc.gov/budgetdocs <<http://www.dconc.gov/budgetdocs>>.
9. **DCo Veteran Services to Hold Memorial Day Remembrance Ceremony** - Durham County Veteran Services invites all county residents to a Memorial Day ceremony in remembrance of the county's veterans who died while serving their country. The in-person event will take place at 9 a.m. on Monday, May 30 on the steps of the Administration I Building (Old County Court House) at 200 E. Main St. Event is free and seating will be available. Guests may park on the street or in the municipal public garages. Call 919-560-8387 for more information.

4. Minutes (5 min)

[22-0271](#) Minutes (5mins)

Attachments: [Regular Session - April 25, 2022](#)

5. Ceremonial Items

[22-0236](#) Proclamation - National Emergency Medical Services Week in Durham County (10mins)

Agenda Text: The Board is requested to proclaim the week of May 15-21, 2022, as Emergency Medical Services Week in Durham County.

In 1974, President Gerald Ford authorized EMS Week to celebrate EMS practitioners and the important work they do in our nation's communities. The theme for EMS Week 2022 is RISING TO THE CHALLENGE. The theme of 'Rising to the Challenge' is particularly meaningful as it reminds our community that EMS professionals are faced with so many challenges and yet they consistently rise above them. Through it all, the Durham County EMS team continues to respond, support and care for the needs of our community.

Alignment with Strategic Plan: This aligns with the County's Strategic Plan Goal #3: Safe Community.

Resource Persons: Jim Groves, OES Director and Mark Lockhart, EMS Chief Paramedic

County Manager's Recommendation: The County Manager recommends that the Board proclaim the week of May 15-21, 2022, as Emergency Medical Services Week in Durham County, and recognize the Durham County EMS team that rises to the challenge each and every day.

Attachments: [Proclamation - Emergency Medical Services Week - 9May22](#)

22-0247

Proclamation - Children's Mental Health Awareness Month (10min)

Agenda Text: The Board is requested to proclaim May 2022 as Children's Mental Health Awareness Month.

Children's Mental Health Awareness Month is recognized on a national level. Many components of the Durham County Government Strategic Plan speak to how Durham values the well-being of the citizens living with mental health and their families. The Proclamation is a method created to support Durham's vision and belief that every citizen is welcome and should feel valued. Our mission will always be to bring a voice of the voiceless and to bring light to the many partnerships which has been developed because of recognizing mental health.

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

Resource Persons: Teka Dempson, Lead Family Partner Coordinator with Alliance Health

County Manager's Recommendation: The County Manager recommends that the Board proclaims May 2022 as Children's Mental Health Awareness Month.

Attachments: [Proclamation - Childrens Mental Health Awareness Month - 9May22](#)

22-0240

Proclamation - Older Americans Month Proclamation 2022 (10mins)

Agenda Text: The Board is requested to proclaim May 2022 Older Americans Month.

Alignment with Strategic Plan: This item aligns with Strategic Goals 2, 3

Resource Persons: William Ben Rose, Director, Department of Social Services, Janeen Gordon, Assistant Director, Aging & Adult Services, Department of Social Services.

County Manager's Recommendation: The County Manager recommends that the Board declare May 2022 Older Americans Month in Durham, North Carolina.

Attachments: [Proclamation - Older American Month - 9May22](#)

22-0267**Proclamation - National Foster Care Month (10mins)****Agenda Text:**

The Board is requested to proclaim May National Foster Care Month.

Each year Foster Care Month is celebrated annually throughout the country in May. This month of acknowledgement increases the awareness, education, and opportunities that members of our community can engage to support children and families engaged in foster care services. This month also provides the opportunities to raise awareness and educate the community on the many ways to support meaningful connections with families, including relatives, in the cause of foster care.

The theme for 2022 is “Relative and Kin Connections: Keeping Families Strong.”

Alignment with Strategic Plan: This item aligns with Strategic Goal 2 - Health and Well-Being and Goal 3 - Safe Community

Resource Persons: William “Ben” Rose, Director of Social Services

County Manager’s Recommendation: The County Manager recommends that the Board proclaims May as National Foster Care Month.

Attachments:

[Proclamation - National Foster Care Month - 9May22](#)

6. Other Business (45min)**22-0262****FY2022-2023 Manager’s Recommended Budget Presentation (45min)****Agenda Text:**

Durham County Manager Dr. Kimberly J. Sowell will formally present the Recommended Budget for FY 2022-2023 to the Durham County Board of Commissioners. This is in accordance with N.C.G.S. 159-12 of the Local Government Budget and Fiscal Control Act.

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

Resource Persons: Dr. Kimberly J. Sowell, Durham County Manager

County Manager’s Recommendation: The County Manager recommends that the Board receive the presentation of the FY2022-2023 Recommended Budget.

7. 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) Hybrid 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) Hybrid Toyota Highlanders for DSS Fleet. The Toyota Highlander Hybrid has a higher fuel economy rating and only requires regular unleaded gas.

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) Hybrid 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](#)

22-0256

Award Contract with GFL Environmental for Curbside Recycling Services to Households in Unincorporated Durham County

Agenda Text:

The Board is requested to authorize the County Manager to enter into a contract with GFL Environmental beginning July 1, 2022 through June 30, 2023 to provide Curbside Recycling Services to Households in Unincorporated Durham County. The compensation paid to GFL Environmental for FY 22-23 shall not exceed \$493,920.00. The contract may be renewed for four (4) successive one (1) year periods under the same terms and conditions. If successfully renewed, the contract may be adjusted annually based on the Consumer Price Index (CPI), not to exceed an increase of 2% per year. This contract is an annual cost that is built into the FY 2022-23 Recommended Budget. No additional funds are being requested to fulfill this contract.

On February 13, 2022, a Request for Proposal (RFP #22-021) for Durham County Curbside Recycling Collection Services was advertised to potential proposers. A Pre-Proposal Conference was conducted on February 22, 2022. One proposer, GFL Environmental responded on March 22, 2022.

The current curbside recycling service provider, GFL Environmental, completes the 5th year of the previous public bid and annual contract on June 30, 2022.

Alignment with Strategic Plan: Durham County Government is responsible for properly managing and disposing of the solid waste and recyclable materials generated in the unincorporated areas of Durham County. These responsibilities align with Strategic Plan Goal 4: Environmental Stewardship and Goal 5: Accountable, Efficient and Visionary Government.

Resource Persons: Motiryo Keambiroiro, General Services Director and Chrissie

Koroivui, Solid Waste Program Manager

County Manager's Recommendation: The County Manager recommends that the Board authorize the County Manager to enter into a service contract with GFL Environmental beginning July 1, 2022 through June 30, 2023. The compensation paid to GFL Environmental in FY 22-23 shall not exceed \$493,920.00. If successfully renewed, starting in FY 23-24, the amended contract costs for each successful successive term will be adjusted based on the Consumer Price Index, not to exceed an increase of 2% increase per year.

Attachments: [AAF Supplemental Document - GFL curbside](#)
[MWBE Compliance Review Form-AAF for 22-021 RFP 041122](#)
[RFP - 22-021 Durham County Curbside Recycling Collection Services](#)
[Service Contract FY2023 GFL](#)
[Proposal form](#)

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](#)

22-0260

Interlocal Agreement Renewal for Durham City-County Strategic Youth Initiatives

Agenda Text:

The Board received recommendations regarding the renewal of the City-County Strategic Youth Initiatives Interlocal Agreement at the May 2nd Work Session. It has been requested 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.

This item will be presented to City Council at the May 16, 2022 meeting where unanimous support is expected.

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.

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 authorizes the County Manager to enter into an Interlocal Agreement with the City of Durham to support the renewal of City-County Strategic Youth Initiatives.

Attachments: [Proposed ILA for City-County Strategic Youth Initiatives FINAL](#)
[Supplemental Document - Youth Initiatives ILA renewal FINAL](#)

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](#)

22-0268

Durham County Sheriff's Office contract approval with West Chatham Warning Devices in the amount of \$247,586.88 for Emergency Equipment of the FY21-22 Fleet

Agenda Text:

The Board is requested to approve and authorize the County Manager to execute the

contract with West Chatham Warning Devices in the amount of \$247,586.88 for emergency equipment for the Durham County Sheriff's Office approved FY21-22 Fleet.

Funding for this equipment was approved in the FY21-22 adopted budget. An Invitation For Bid (IFB) was conducted by the Sheriff's Office and awarded to West Chatham Warning Devices (IFB No. 22-025). The purchase and installation of this equipment will complete the FY21-22 Fleet and allow vehicles to be assigned to personnel.

Alignment with Strategic Plan: This request aligns with the County's Goal 3: Safe Community

Resource Persons: David LaBarre, Director of Planning & Development, Durham County Sheriff's Office; Clarence Birkhead, Sheriff of Durham County.

County Manager's Recommendation: The County Manager recommends that the Board approve and authorize the County Manager to execute the contract with West Chatham Warning Devices in the amount of \$247,586.88 for emergency equipment for the Durham County Sheriff's Office approved FY21-22 Fleet.

Attachments:

[AAF Supplemental Document - Contract Approval DCSO West Chatham](#)

[Attachment 1 - West Chatham Warning Devices Scope of Services Form FY20](#)

[Attachment 1A West Chatham quote](#)

[Attachment 1B MWBE Compliance Review Form-AAF for 22-025 IFB 042922](#)

[West Chatham Purchase of Goods Contract FY2022](#)

8. Other Business (30min)

22-0249

Draft Durham FY23 Annual Transit Work Program (30min)

Agenda Text:

The Board is requested to approve comments on the Draft Durham FY23 Annual Transit Work Program.

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 approve comments on the Draft Durham FY23 Annual Transit Work Program.

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](#)

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

[Durham County Comments on FY23 Transit Work Program - 2022-05-09.docx](#)

9. Items Pulled from the Consent Agenda (20 min)

10. Closed Session

22-0279

Closed Session

Agenda Text:

The Board is requested to adjourn into Closed Session to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee; pursuant to G. S. 143-318.11(a)(6)

Alignment with Strategic Plan: This item aligns with Strategic Goals 4 and 5

Resource Persons: Monica W. Wallace, Clerk to the Board

County Manager's Recommendation: The County Manager recommends that the Board meet in Closed Session and provide direction to staff.

11. Adjournment