



Durham County

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

Meeting Agenda Board of County Commissioners

Monday, February 27, 2023

6:00 PM

Commissioners' Chambers

Regular Session

Closed Session (To be held at: 6:00 pm)

[23-0159](#)

Closed Session

Agenda Text:

The Board is requested to adjourn into Closed Session for the following:

- To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes (G.S.143-318.11(a)(1))
- To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body in the matter of case number 23 CVS 164, Felton & Guseral Woods vs. Sarah Bradshaw, which privilege is hereby acknowledged. (G.S.143-318.11(a)(3))

Alignment with Strategic Plan: This item aligns with Strategic Goal 5

Resource Persons: Alan Andrews, County Attorney

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

"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)****23-0145 Announcements (5mins)****Agenda Text:**

1. The US Department of Health and Human Services (HHS) announced this month that the federal Public Health Emergency (PHE) for COVID-19 will expire on May 11, 2023. COVID-19 remains a top public health priority, and we at DCoDPH will continue to provide vaccinations, monitor data, and provide other services to respond to the virus, but some changes can be expected as the federal government shifts from its PHE response operations. Below is more information about some of what will or will not be affected when the PHE expires in May.

What will not change:

1. COVID-19 vaccines will continue to be widely available, and we will continue to provide them here in our building (Note: Our clinic hours will change to be Mondays, Wednesdays, and Fridays only, 9:00AM-4:00PM, closed 12:00PM-1:00PM, beginning Wednesday, March 1)
2. Access to treatments, such as Paxlovid and Lagevrio, will be generally unaffected
3. Telehealth options covered by Medicare will remain in place through December 2024.

What may change:

1. Out-of-pocket expenses for COVID-19 vaccinations and treatments may change later this year, but vaccinations are expected to be covered by most private insurance plans without a co-pay. Medicaid will continue to cover vaccinations without a co-pay or cost sharing through September 2024 and will continue to cover all vaccines recommended by the Advisory Committee on Immunization Practices thereafter.
2. Some Medicare and Medicaid waivers provided during the pandemic will come to an end
3. Insurance companies will no longer be required to cover the cost of COVID-19 tests, but some providers may continue to cover it
4. Mandatory Medicaid coverage for COVID-19 testing will end September 30, 2024, after which coverage may vary by state.
5. HHS will no longer require lab test reporting for COVID-19, which may affect reporting of negative test results and impact the ability to calculate percent positivity for COVID-19 tests. Hospital data

reporting will continue through April 30, 2024. States are encouraged to continue sharing vaccination data.

2. **DCo Library Teen Book Festival** - The Durham County Library's Teen Librarians present the 8th Annual DCo Library Teen Book Festival on Wednesday, March 8 from 5:30-7:30 p.m. Join our panel discussions and author workshops at Main Library (300 N. Roxboro St.) as local Teen and Young Adult authors discuss books, writing inspirations, and life! Authors include Robin Talley, Haelee Moone, Serena Kaylor, and Phillip Locey. Register at <https://durhamcountylibrary.libcal.com/event/9696230>.
3. **Briggs Avenue Community Garden Wants You** - Come learn about gardening and growing your own food as a volunteer at the Briggs Avenue Community Garden. We teach families how to grow food for themselves! Extension staff meet on Friday and Saturday mornings beginning March 3 from 9 a.m. to 12 p.m. at 1314 S. Briggs Avenue. No RSVP needed. Just come ready to learn! More info at <https://durham.ces.ncsu.edu>.
4. **Changes for FNS** - Families enrolled in Food and Nutrition Services (FNS) have gotten extra benefits each month since March 2020 or after due to the COVID-19 public health emergency. February 2023 is the last month you will get these extra benefits, called emergency allotments or maximum supplements. This is due to a federal change that will end emergency allotments for all states as of March 2023. To find out more information on how this will impact you, visit <https://covid19.ncdhhs.gov/information/human-services/changes-food-and-nutrition-services>. Locally, residents may visit www.endhungerdurham.org to find food resources, including food pantries.
5. **2023-2024 - Durham Youth Leadership Fund** - Have an idea for a community-based project? The City of Durham Office on Youth is excited to announce the 2023-24 Durham Youth Leadership Fund (DYLF)! Young people (ages 13-24 years), community groups, and organizations are invited to apply for one-year grants ranging from \$500 - \$20,000! Apply by March 26, 2023 by visiting <https://www.durhamnc.gov/DocumentCenter/View/48889/DYLF2-Info-Sheet-ENG>
6. **Durham-Chapel Hill-Carrboro Metropolitan Planning Organization Seeking Feedback** - the DCHC MPO seeks comment on Draft FY24 Project Swap Recommendation within the State Transportation Improvement Program. Public comments are received through March 7th and can be

submitted directly to Kelly Fomenko at 919-560-4366 ext.36498 (kelly.formenko@dchcmo.org <<mailto:kelly.formenko@dchcmo.org>>) or via the online survey (<<https://forms.office.com/pages/responsepage.aspx?id=hZL3FJh7H0mY9K5Z8fOB-14SnER5kc1IszboNOUYhgXUNkFQRIRMMlpWNk1TN1hRRkM3QkNGTktGTi4u>>)

7. **The Battle in the Bull Career Expo** - Registration is now open for Durham's 2023 BATTLE in the BULL Career Expo to be held on Thursday, March 30th from 10am-3pm at the Durham Convention Center. This Career Expo will feature area employers actively recruiting job seekers from all over North Carolina and more. Please register online by visiting <<https://form.jotform.com/230303979514154>>, the deadline for registration is March 9th.

4. Minutes (5 min)

23-0146

Minutes (5min)

Attachments:

[Work Session - January 3, 2023](#)

[Regular Session - January 23, 2023](#)

[Work Session - February 6, 2023](#)

5. Ceremonial Items (60 min)

23-0149

Black History Month Recognitions (10min)

Agenda Text:

The Board is requested to receive presentations honoring "Black History Month" from two of Durham County's youth.

Black History Month is a national, annual observance, held in February, that celebrates and honors the achievements of our nation's African American citizens. The observance was created in 1926 by noted historian Carter G. Woodson and was first called "Negro History Week." Over the years the observance was expanded and became Black History Month.

Communities across the country host various special events and activities designed to pay tribute to the generations of African Americans who have contributed to the fabric of our nation in all areas including business, government, legal justice, cuisine, the arts, sports and more.

Corey Council, a 10th Grader from Riverside High School and Michael Torian, a 7th Grader at Brogden Middle School will share their personal reflections on Black History Month. These young men represent the Thomas Mentor Leadership Academy.

Alignment with Strategic Plan: This item aligns with all of Durham County's Strategic Goals.

Resource Persons: Chair Brenda Howerton, Durham Board of Commissioners

County Manager's Recommendation: The County Manager recommends that the Board receive the presentations and extend sincere congratulations to Corey Council and Michael Torian for sharing their selections honoring Black History Month.

23-0078

Proclamation - Layne Riggs Day 2023 (10min)

Agenda Text:

The Board is requested to proclaim March 3, 2023 as Layne Riggs Day in Durham County, NC.

Layne was born in Bahama, N.C., and is a lifetime resident of Durham County. This proclamation would acknowledge Layne's recent accomplishments as an up-and-coming talent in NASCAR. He is a second-generation race car driver; his father Scott Riggs (also from Bahama) had an accomplished career throughout the different series of NASCAR. Layne has similar aspirations to reach the highest level of NASCAR and is off to a promising start as he recently became the youngest National Champion in NASCAR Advance Auto Parts Weekly Series history at just 20 years old.

This proclamation would be shared during a community event at an Advance Auto Parts store in Durham County on March 3, 2023.

Alignment with Strategic Plan: This item aligns with Strategic Goal 1: Community Empowerment and Enrichment

Resource Persons: Reid Williams, Brand PR Specialist, Advance Auto Parts

County Manager's Recommendation: The County Manager recommends that the Board proclaim March 3, 2023 as Layne Riggs Day in Durham County, NC.

Attachments:

[Proclamation - Layne Riggs Day - Feb 2023](#)

23-0137

Proclamation - Women's History Month (10min)

Agenda Text:

The Board is requested to proclaim March 2023 as Women's History Month in Durham County.

Our Minds Our Voices will celebrate women leaders in our society as well as rising stars as Women to Watch and Woman of Distinction to receive the "Game Changer" Award. These outstanding women have and continue to make contributions to our country, life, culture and help fulfill the promises of Durham County.

Alignment with Strategic Plan: This item aligns with Strategic Goal 1

Resource Persons: Brenda Howerton, Chair

County Manager's Recommendation: The County Manager recommends that the Board proclaim March 2023 as Women's History Month in Durham County.

Attachments: [Proclamation - Women's Month Feb 2023](#)

23-0139

Resolution - Honoring the Retirement of former Acting County Attorney Willie S. Darby (10min)

Agenda Text: The Board is requested to approve a resolution honoring the extraordinary service of former Acting County Attorney Willie S. Darby, who retired effective January 1, 2023. Mr. Darby always demonstrated his professional reputation as a collaborator and problem solver. He will be celebrated for his exceptional legal acumen and his commitment to public service to make a difference for all.

Alignment with Strategic Plan: This item aligns with all of Durham County's Strategic Goals.

Resource Persons: Brenda Howerton, Chair, Board of County Commissioners

County Manager's Recommendation: The County Manager recommends that the Board approve the resolution and present it to Attorney Darby along with grateful appreciation for his service and sincere congratulations on his retirement.

Attachments: [Resolution - Willie Darby - 27Feb23](#)

23-0002

Retirement Resolution to Honor Bahama Volunteer Fire Chief Len Needham (10min)

Agenda Text: The Board is requested to approve a resolution honoring Len Needham, Chief of the Bahama Volunteer Fire Department (BVFD) who's retirement was effective on January 9, 2023. Len and his wife Cindy Lee Needham will eventually relocate to a new farm home in Kentucky where they will enjoy life together with their horses.

Chief Needham began his career with the Bahama VFD on January 14, 1980. He has held various position with Bahama as a firefighter, Captain, and has remained the Fire Chief since 1997. He has served the Bahama community admirably for approximately 43 years; however, his impact extends well beyond Bahama and Durham County. Chief Needham will be remembered as a mentor, fire safety advocate, and fire service leader throughout Durham County, the State of North Carolina, and the Southeast United States.

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

Resource Persons: Jim Groves, OES Director and Jason Shepherd, Chief Fire Marshal.

County Manager's Recommendation: The County Manager recommends that the Board approve the resolution, present it to Bahama VFD Chief Len Needham and wish him peace and happiness as he begins a well-deserved retirement.

Attachments: [Resolution for Chief Len Needham](#)

23-0155 **Resolution in Solidarity with Durham's LGBTQ+ Community and in Support of Students' Right to Informational Privacy (10min)**

Agenda Text: The Board is requested to approve the attached resolution which opposes Senate Bill 49 and House Bill 43 which have been recently introduced in the North Carolina General Assembly.

Senate Bill 49 "Parents Bill of Rights" prohibits instruction on gender identity, sexual activity or sexuality in grades K-4 and requires that parents be informed of any change to a student's name or preferred pronouns.

House Bill 43 "Prohibition of Certain Hormone/Surgery/Minors" would prohibit gender-affirming healthcare such as hormone treatments, puberty blockers, and surgery for people under 18.

Equality NC is asking for this Board's support to help defeat these two bills in the NC General Assembly

Alignment with Strategic Plan: This item aligns with all of Durham County's Strategic Goals

Resource Persons: Heidi Carter, County Commissioner; Natalie Watson, Interim Executive Director - LGBTQ Center of Durham

County Manager's Recommendation: The County Manager recommends that the Board approve the resolution and send copies to the leaders of the House and Senate in the North Carolina General Assembly and share copies with members of the Durham Legislative Delegation.

Attachments: [Resolution - Support of LGBTQ+ Students and Community and Opposed to HB](#)

6. Consent Agenda (15 min)

23-0001 **Capital Project Amendment No. 23PA00012 - Moving Existing Public School Building Capital Fund Lottery Funding Between Durham Public School Projects and Appropriating New Lottery Fund Funding to Various Existing and New Durham Public School Projects**

Agenda Text: The Board of County Commissioners is requested to approve Capital Project Amendment No.23CPA00012 closing five Durham Public School (DPS) capital projects, reallocating unspent lottery funds between existing projects, appropriating new lottery funds, and creating two new capital projects. Specifically, this action closes five completed DPS projects in the County's asset management system, reducing the budgets of three DPS capital projects, and transferring \$183,948.90 in available funding

from those projects to the K-5 School Replace Playground Equipment capital project (59105400SH305), while also appropriating \$946,000 of new lottery funding to the K-5 Schools Replace Playground Equipment capital project for a new total project budget of \$1,989,948.90. This project replaces unsafe playground equipment at multiple elementary schools.

This capital project amendment also appropriates \$600,000 of new lottery funding to the LF Little River ES Roof Replacement capital project (59105400SH289) to cover project cost increase; creates a Middle School Restroom Upfits project for Brogden and Githens Middle Schools (59105400SH315) and appropriates \$30,000 of approved new lottery funding to the new project for project design work. Finally, this capital project amendment creates a new Asphalt Repair project (59105400SH316) and appropriates \$2,480,000 in approved new lottery funding to the project.

The new Middle School Restroom Upfits project will replace both middle schools' current bathroom fixtures - toilets, lavatories and dispensers - with low-flow, high-efficiency, and touch-less equipment. The new Asphalt Repair project will use funding to replace and repair asphalt in the Northern and Southern Districts.

Name / Location of Project	Current Budget	Increase/Decrease	Revised Budget	Project Status
LF DSA Cooling Tower Replacement (309)	\$105,000.00	(\$1,441.63)	\$103,558.37	Closing
LF Safety System Upgrades - Multiple Sites (303)	\$67,000.00	(\$4,273.79)	\$62,726.21	Closing
LF Entrance Awning Upgrade (310)	\$10,000.00	(\$948.00)	\$9,052.00	Closing
LF Hot Water System Replacement (306)	\$45,000.00	(\$21,970.82)	\$23,029.18	Closing
LF Dish Machine Replacement (307)	\$120,000.00	(\$31,814.66)	\$88,185.34	Closing
LF Gate Repairs - Multiple Sites (301)	\$65,500.00	(\$65,500.00)	\$0.00	Amending
LF Flooring Upgrades (308)	\$48,000.00	(\$48,000.00)	\$0.00	Amending
LF Kitchen Upgrades (304)	\$10,000.00	(\$10,000.00)	\$0.00	Amending
LF K-5 Schools - Replace Playground Equipment (305)	\$860,000.00	\$1,129,948.90		Amending
LF Little River ES Roof Replacement (289)	\$1,840,631.32	\$600,000.00	\$2,440,632.22	Amending
Middle School Restroom Upfits - Brogden Middle School & Githens Middle (315)			\$0.00	
	\$30,000.00	\$30,000.00		NEW
Asphalt Repair Project (316)	\$0.00	\$2,480,000.00	\$2,480,000.00	NEW

Alignment with Strategic Plan: Goal 1-Community and Family Prosperity and Enrichment, through providing access to educational, vocational, economic and cultural opportunities and by providing support for educational opportunities that ensure high academic achievement.

Resource Persons: Fredrick Davis, Executive Director, Building Services, Durham Public Schools; S. Keith Lane Durham County Budget and Management Services Director

County Manager's Recommendation: The County Manager recommends that the Board approve Capital Project Amendment No.23CPA00012 closing five DPS capital projects, reallocating funds between existing projects, appropriating new lottery funds, and creating two new capital projects.

Attachments: [CPA-12 LEGAL FORM Appropriating Funding for DPS School Projects](#)
[NCDPI Approval for realignment](#)
[NCDPI Approval for Little River, etc](#)
[NCDI approval for Asphalt \\$2.4M](#)

23-0029 **Resolution Delegating Authority to Approve Refunds of Overpaid Excise Taxes**

Agenda Text: The Board is requested to adopt the resolution delegating to the County Manager and Chief Financial Officer the authority to approve refunds of overpaid excise taxes.

Occasionally, excise taxes on the conveyance of real property are overpaid, to the Register of Deeds. The majority of these are because the taxes were owed in another County, or they were paid twice. Per N.C.G.S. §105-228.37, refunds of these taxes require approval by the Board of County Commissioners. Last year that statute was amended by adding paragraph (a1) which permits the Board to delegate the authority to approve these refunds to either or both of the County Manager and the County Finance Officer (our Chief Financial Officer). The statute does not allow for delegation to any other positions. Should they not approve the refund the taxpayer can then file their refund request with the Board of County Commissioners.

Over the last three years, there have been 18 requests for refunds, all of which were approved on the consent agenda.

Since the requirements for justifying a refund are set forth in the statute, and the process of bringing them to the Board can delay their processing for several weeks due to internal administrative procedures, the delegation of this authority permits the prompt refund of clearly overpaid taxes.

Alignment with Strategic Plan: This process aligns with the Accountability, Efficient, and Visionary Government Goal of the Strategic Plan by providing a prompt process for the refund of overpaid excise taxes.

Resource Persons: Curtis Massey, Senior Assistant County Attorney, Sharon Davis, Register of Deeds, and Susan Tezai, Chief Financial Officer.

County Manager's Recommendation: The County Manager recommends that the Board adopt the resolution delegating to the County Manager and County Finance Officer the authority to approve refunds of overpaid excise taxes.

Attachments: [NCGS 105-228.37 as amended](#)
[Resolution-Delegation of Excise Tax Refund Authority](#)

23-0041 **Durham County Sheriff's Office Contract Amendment with Cornerstone Detention Products, Inc, in the Amount of \$160,077, and to Authorize the County Manager to Execute Any Other Amendments Not to Exceed a Project Cost of \$168,080.**

Agenda Text:

The Board is requested to approve and authorize the County Manager to execute a contract amendment with Cornerstone Detention Products, Inc. for the padded cell project inside the Durham County Detention Facility, in the amount of \$160,077.48, and to execute any other amendments including change orders, if necessary, not to exceed a project cost of \$168,080. This contract was previously approved for \$159,197. This not-to-exceed amendment amount of \$8,883 is included in current operating fund levels.

This amendment is needed to finalize the remaining work required to complete the padded cell project inside the detention facility. Padded cells are used in scenarios where detainees are going through a significant detox from alcohol or drugs, experiencing violent anger issues, displaying signs of a potential suicide attempt, or other behavior that poses a potential threat to the detainee or staff. Padded cells may also be known as safety cells, de-escalation rooms, cool down rooms, or seclusion rooms.

Alignment with Strategic Plan: This item aligns with Goal 3: Safe Community

Resource Persons: Sean Barnes, Major of Detention Services, Durham County Sheriff's Office; David LaBarre, Director of Planning & Development, Durham County Sheriff's Office; Johnny Hawkins, Chief of Detention Services, Durham County Sheriff's Office; Clarence Birkhead, Sheriff, Durham County Sheriff's Office.

County Manager's Recommendation: The County Manager recommends that the Board approve and authorize the County Manager to execute a contract amendment with Cornerstone Detention Products, Inc. for the padded cell project inside the Durham County Detention Facility, in the amount of \$160,077.48, and to execute any other amendments including change orders, if necessary, not to exceed a project cost of \$168,080.

Attachments:

[Cornerstone Supplemental](#)

[Cornerstone Proposed Change Order 1 Add Pecora Caulking](#)

[Cornerstone Contract Amendment #3 FY2023 - revised](#)

23-0043**Resolution in Support of Salary Increases for NC State Juvenile Facility Personnel****Agenda Text:**

The Board is requested to adopt a resolution supporting salary increases for staff working in North Carolina State Juvenile Facilities.

With a current vacancy rate of 50% in Direct Care Facilities in state juvenile facilities, the Division of Juvenile Justice and Delinquency Prevention has to reassign employees from Court Services to ensure the mandated level of care and oversight for juveniles in the facilities. State juvenile facility staff have been passed over for pay increases and compression salary increases for DJJDP facility staff were removed from the State's budget prior to adoption, while similar salary adjustments or increases were approved for Department of Public Safety staff in adult facilities.

The Durham Juvenile Crime Prevention Council discussed and endorsed this resolution at its January 25, 2023 meeting and asks the Board of County Commissioners to adopt the resolution. Adequate staffing in juvenile facilities is critical to assure the safety and well-being of residents, employees and the larger community.

Alignment with Strategic Plan: Strategic Plan Goal 3: Safe Community

Resource Persons: Angela Nunn, Youth Home Director and JCPC Parliamentarian; DeWarren Langley, JCPC Chair

County Manager's Recommendation: The County Manager recommends that the Board adopt a resolution supporting salary increases for staff working in North Carolina State Juvenile Facilities.

Attachments: [Resolution DJJDP Salary Increases, Feb 2023](#)

23-0047

Stormwater Operations Specialists, LLC Contract Amendment in the amount of \$13,050 increasing the total contract amount to \$112,150 for Sewer Easement Maintenance Services

Agenda Text:

The Board is requested to authorize the County Manager to enter into a service contract amendment with Stormwater Operations Specialists, LLC to provide sewer easement maintenance services (RFP 22-004) for the sewer collection system tributary to the Triangle Wastewater Treatment Plant (TWWTP) in an amount of \$13,050, bringing the total contract amount from \$99,100 to \$112,150. Stormwater Operations Specialist, LLC increased their pricing by twelve percent (12%) this fiscal year. The contract with Stormwater Operations Specialist, LLC will be funded from the Enterprise Fund.

Alignment with Strategic Plan: This action is in accordance with Durham County Strategic Plan Goal 4: "Environmental Stewardship and Community Prosperity," as this project will ensure easements are maintained providing ease of access in the event of a sanitary sewer spill and will provide the staff notification of potential defects within the collection system allowing repairs to be made in advance of a sewer spill or unwanted surface water from entering the collection system.

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

County Manager's Recommendation: The County Manager recommends the Board authorize the County Manager to enter into a service contract amendment with Stormwater Operations Specialists, LLC to provide sewer easement maintenance services (RFP 22-004) for the sewer collection system tributary to the Triangle Wastewater Treatment Plant (TWWTP) in an amount of \$13,050, bringing the total contract amount from \$99,100 to \$112,150.

Attachments: [Easement Maintenance Services - AAF Supplemental Document](#)
[SW Operations FY23 Rate Increase Legistar docs](#)

23-0050**Vision NC, LLC Contract Amendment increasing the contract by \$25,000 to a total current contract amount of \$141,600 for Sewer Line Cleaning, Video, and Pump and Haul Services for the Durham County Utilities Division****Agenda Text:**

The Board is requested to authorize the County Manager to enter into a service contract amendment with Vision NC, LLC for Sewer Line Cleaning, Closed Circuit Television Inspections, Grease Line Cleaning, and Pump and Haul Services (RFP 18-035) for the Utilities Division in an amount of \$25,000, bringing the contract amount from \$116,160 to \$141,160, and to execute any other related contract amendments not to exceed \$160,000. Vision NC, LLC has increased their pricing since last approval in 2019 and the service area has increased due to the growth in the area. The contract with Vision NC, LLC will be funded from the Enterprise Fund.

Alignment with Strategic Plan: This action is in accordance with Durham County Strategic Plan Goal 4: “Environmental Stewardship and Community Prosperity,” as these services are necessary to ensure continued reliable operation of Durham County’s wastewater collection system.

Resource Persons: Jay Gibson PE, General Manager; Peri Manns ASLA, Assistant General Manager; Stephanie Brixey, Deputy Director

County Manager’s Recommendation: The County Manager recommends the Board authorize the County Manager to enter into a service contract amendment with Vision NC, LLC for Sewer Line Cleaning, Closed Circuit Television Inspections, Grease Line Cleaning, and Pump and Haul Services (RFP 18-035) for the Utilities Division in an amount of \$25,000, bringing the contract amount from \$116,160 to \$141,160, and to execute any other related contract amendments not to exceed \$160,000.

Attachments:

[Supplemental Document](#)
[FR 23-172 VISION NC LLC](#)

23-0055**Request for Consent of Access to the North Carolina Department of Environmental Quality to allow its Division of Waste Management and Contractors Access to the 721 Foster Street Site****Agenda Text:**

The Board is requested to authorize the County Manager to execute the attached Off-site Property Access Consent Form granting access to the North Carolina Department of Environmental Quality (NCDEQ), its Division of Waste Management and its contractor’s access to the 721 Foster St. site. (See Attachment 1).

On January 12, 2023, Durham County Commissioners were notified by email of a request from AECOM (DEQ’s contractor), to replace a damaged monitoring well previously located at the subject property. (See Attachment 2). In April 2010, Durham County executed a Consent of Access form to NCDEQ for the purpose of monitoring potential groundwater contamination from a former Dry-Cleaning

operation north of the subject site. (See Attachment 3). As part of NCDEQ's Dry-Cleaning Solvent Cleanup Act (DCSA) Program which investigates releases of dry-cleaning solvents, the original damaged well needs to be properly abandoned and a new monitoring well installed adjacent to it as a replacement to allow continued monitoring.

The County Attorney's Office and Engineering Department have reviewed the request and recommend that the Board authorize the consent of access. It is important to note that the possible contamination poses no risk to the safety of the Cooperative Extension building and adjacent property occupants as all facilities in this area are supplied by Municipal water.

Alignment with Strategic Plan: This aligns with Goal 5 - Accountable, Efficient and Visionary Government - by allowing continued monitoring of the potential groundwater contamination.

Resource Persons: Michelle Freidman, Geologist IV, AECOM; Peri Manns, ASLA, Assistant General Manager/Deputy Director, Engineering & Environmental Services; Nathan McKinney, Senior Assistant County Attorney

County Manager's Recommendation: The County Manager recommends that the Board authorize the County Manager to execute the attached Off-site Property Access Consent Form to the NCDEQ and its contractors for assess to the 721 Foster St. Site to allow abandonment and replacement of the damaged monitoring well and continued monitoring of the groundwater in this area. (See Attachment 4).

Attachments:

[DC320011_721 Foster Street](#)

[Email - M. Friedman to Durham County - 1-12-23](#)

[DC320011_20100413_721 Foster Street MW install](#)

[721 Foster Street - Consent Form](#)

[Resolution-MW 16_Feb 2023](#)

23-0056

Approval to Renew the County's Annual Contract with NWN to Continue the Usage of Varonis Cloud and Security Analytics Licenses in the amount of \$174,222.36

Agenda Text:

The Board is requested to approve the renewal of the County's annual contract with NWN to continue the usage of Varonis Cloud and Security Analytics Licenses and Services. These licenses and services will be purchased through NWN, per the State Convenience Contract Omnia Partners 2018011-02. The amount of this contract is \$174,222.36 and will be funded from IS&T's current fiscal year, 2022-2023 operational budget.

This Cloud and Analytics application provides a proactive tool to address potential risks and vulnerabilities of data as Durham County has made a significant shift to remote work. This data governance solution gives IS&T modernized capabilities which ensure we are proactive in securing Durham County data as employees work

from remote locations.

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

Resource Persons: Greg Marrow, Chief Information Officer; Kimberly M. Cook, Senior Business Manager

County Manager's Recommendation: The County Manager recommends that the Board authorize the County Manager to approve the renewal of the County's annual contract with NWN to continue the usage of Varonis Cloud and Security Analytics licenses. The amount of this contract is \$174,222.36.

Attachments: [AAF Supplemental Document -Varonis 365 Licenses](#)

23-0057

Approval to Renew the County's Annual Enterprise Maintenance Contract with SAP in the amount of \$147,815.88 for the Continuation of SAP On-premises Licenses and Support Services

Agenda Text:

The Board is requested to approve the renewal of the County's annual maintenance agreement contract with SAP for the continuation of SAP licenses and services. The amount of this contract is \$147,815.88 and will be funded from IS&T's current fiscal year, 2022-2023 operational budget.

The licenses and services provided by the SAP annual maintenance agreement ensure best practices and ongoing maintenance and support from SAP while allowing County departments and employees usage of critical SAP productivity tools and applications. These SAP licenses and services will be purchased through SAP.

The Board is also requested to authorize the County Manager authority to execute subsequent maintenance renewals, amendments, and annual payments not to exceed the existing operational budget if the need arises. This authority will allow the flexibility to quickly respond to time-sensitive matters.

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

Resource Persons: Greg Marrow, Chief Information Officer; Kimberly M. Cook, Senior Business Manager

County Manager's Recommendation: The County Manager recommends that the Board authorize the County Manager to approve the renewal of the County's annual SAP maintenance agreement for the continuation of SAP licenses and services. The amount of the SAP agreement contract is \$147,815.88. The County Manager also recommends that the Board authorize the County Manager authority to execute subsequent maintenance renewals, amendments, and annual payments not to exceed the existing operational budget if the need arises.

Attachments: [SAP AAF SUPP 2023 v1 \(1\)](#)

23-0058 **Interlocal Agreement with the City of Durham for the Administration and Enforcement of Sediment and Erosion Control Requirements by Durham County within the City of Durham**

Agenda Text: The Board is requested to authorize the County Manager to sign an interlocal agreement with the City of Durham so that the City may continue to rely on Durham County's state-delegated sediment and erosion control program and maintain compliance with the City's National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permit.

The State of North Carolina regulates sediment runoff from construction sites under the Sedimentation Pollution Control Act (SPCA) of 1973. Under the SPCA, Durham County government is approved by the North Carolina Sedimentation Control Commission to administer an erosion and sedimentation control program. In September of 1984, the Durham County Board of Commissioners adopted a Sedimentation and Erosion Ordinance and agreed to enforce the ordinance within the City of Durham. Subsequently, in October of 1984, the Durham City Council adopted a resolution authorizing the enforcement of the Sedimentation and Erosion Ordinance within the City of Durham limits.

Durham County's Stormwater and Erosion Control Division currently administers and enforces the sediment and erosion control requirements in the City-County UDO. As a state-delegated local program, Durham County is authorized to inspect all privately funded land-disturbing activities of more than 12,000 square feet, which is approximately a quarter of an acre. The City of Durham's NPDES Municipal Stormwater Permit also requires that construction site runoff controls are enforced within the City's jurisdiction. The City of Durham relies on Durham County's sediment and erosion control program to comply with this required measure of the NPDES Municipal Stormwater Permit. Furthermore, having a county-wide erosion control program provides consistent application of the sediment and erosion control requirements in the City-County UDO.

The NC Department of Environmental Quality performs audits of the state-delegated local sediment and erosion control programs to ensure compliance with the SPCA. Durham County's sediment and erosion control program was previously audited in 2017 which resulted in the program continuing its state-delegated authority. In addition, Durham County's program received the Local Program Award for Excellence in Erosion and Sedimentation Control in 2018 and 2022 from the NC Department of Environmental Quality.

In June of 2021, the City's Public Works Department hired a consultant team led by WK Dickson & Co, Inc. to review the City's NPDES Municipal Stormwater Permit program and make recommendations to enhance the program. The program review

also assisted the City of Durham in preparing for an audit by the NC Department of Environmental Quality. For the Construction Site Runoff Controls (i.e., Sediment and Erosion Control) section of the NPDES Permit, the consultant recommended that the City revise and update the 1984 sediment and erosion control agreement between the City of Durham and Durham County.

Therefore, the City of Durham and Durham County are seeking to enter into an interlocal agreement so that the City of Durham may continue to rely on Durham County's administration and enforcement of sediment and erosion control requirements within the City of Durham and areas that will be annexed by the City. This interlocal agreement will be in effect for fifteen years following the date of the signed agreement. A new interlocal agreement or amendments to the agreement may be proposed by either party at any time during this period.

Alignment with Strategic Plan: This agenda item supports Goal 4: Environmental Stewardship and Community Prosperity and Goal 5: Accountable, Efficient and Visionary Government

Resource Persons: Ryan D. Eaves, PE, Stormwater and Erosion Control Division Manager; Jonathan McNeill, CFM, Erosion Control Supervisor; Jay Gibson, PE, General Manager

County Manager's Recommendation: The County Manager recommends that the Board authorize the Manager to sign the interlocal agreement with the City of Durham.

Attachments: [Durham SEC Interlocal Agreement FINAL 2022.12.21](#)

23-0065

Amendment of two Chemical Purchase Contracts for the Triangle Wastewater Treatment Plant

Agenda Text:

The Board is requested to authorize the County Manager to enter into purchase of goods contract amendments for the following chemicals for the Triangle Wastewater Treatment Plant:

1. Southern Ionics, Inc. (FR#23-109) for sodium aluminate in the amount of \$17,000, bringing the total contract amount from \$137,600 to \$154,600 and to execute any other related contract amendments not to exceed \$170,100; and
2. Amerochem Corp. (FR#23-097) for sodium hypochlorite in the amount of \$32,500, bringing the total contract amount from \$35,000 to \$67,500 and to execute any other related contract amendments not to exceed \$76,000.

These chemicals are needed as part of the daily operational process at the treatment plant and aid in ensuring compliance with NPDES Permit NC0026051 and Reclaimed Water Permit WQ0032821. Both contracts will be funded from the Enterprise Fund.

Alignment with Strategic Plan: This action is in accordance with Durham County Strategic Plan Goal 4: Environmental Stewardship and Community Prosperity. As these chemicals are necessary for the Triangle Wastewater Treatment Plant to meet all permit limitations as specified in the facility's National Pollutant Discharge Elimination Systems permit.

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

County Manager's Recommendation: The County Manager recommends the Board authorize the County Manager to enter into purchase of goods contract amendments for the following chemicals for the Triangle Wastewater Treatment Plant:

1. Southern Ionics, Inc. (FR#23-109) for sodium aluminate in the amount of \$17,000, bringing the total contract amount from \$137,600 to \$154,600 and to execute any other related contract amendments not to exceed \$170,100; and
2. Amerochem Corp. (FR#23-097) for sodium hypochlorite in the amount of \$32,500, bringing the total contract amount from \$35,000 to \$67,500 and to execute any other related contract amendments not to exceed \$76,000.

Attachments: [Supplemental Document](#)
[Southern Ionics FR23-109 Amend 1](#)
[Amerochem FR23-097 Amend 1 Docs](#)

23-0066

Meritech Inc. Contract Amendment in the amount of \$7,600 to a total current contract amount of \$109,500 for Laboratory Services for the Durham County Utilities Division

Agenda Text: The Board is requested to authorize the County Manager to enter into a contract amendment to increase the existing service contract with Meritech, Inc. (FR# 23-248 and RFP 19-025) to provide laboratory services for the Triangle Wastewater Treatment Plant (TWWTP) in the amount of \$7,600, bringing the total contract amount from \$95,000 to \$109,600 and to execute any other related contract amendments not to exceed \$120,000. This contract is funded by the Enterprise Fund.

Alignment with Strategic Plan: This action is in accordance with Durham County Strategic Plan Goal 4: "Environmental Stewardship and Community Prosperity," as this project will ensure sampling compliance with current permits and results will confirm we are operating in a manner that is protecting the environment.

Resource Persons: Jay Gibson PE, General Manager; Peri Manns ASLA, Assistant General Manager; Stephanie Brixey, Deputy Director

County Manager's Recommendation: The County Manager recommends the Board to authorize the County Manager to enter into a contract amendment to increase the existing service contract with Meritech, Inc. (FR# 23-248 and RFP 19-025) to provide laboratory services for the Triangle Wastewater Treatment Plant (TWWTP) in the amount of \$7,600, bringing the total contract amount from \$95,000 to \$109,600 and to execute any other related contract amendments not to exceed \$120,000.

Attachments: [AAF Supplemental Document - Meritech Inc. Contract Amendment](#)
[Meritech FR23-248 Amend 1](#)

23-0069 **Additional Funding for Contract with Teague Campbell Dennis & Gorham LLP**

Agenda Text: The Board is requested to approve an increase in the contract with Teague Campbell Dennis & Gorham LLP in an amount up to \$202,900 for legal services.

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

Resource Persons: Alan A. Andrews, County Attorney

County Manager's Recommendation: The County Manager recommends that the Board approve the contract for execution by staff.

23-0071 **Durham County Matching Grants Program - Approval of FY 2022-23 Grant Cycle**

Agenda Text: The Board is requested to approve the funding requests for the current cycle of the Durham County Matching Grants Program for three projects totaling \$100,000. The Durham County Matching Grants Program for Open Space and Recreation Projects, now in its 32nd year, provides matching funding for local non-profits to pursue projects that protect open space or provide recreational opportunities for citizens of Durham County. The projects must be open to the public. The program is annually funded from the County's operating budget, which for FY22-23 totaled \$100,000. The program requires a 50% match from applicants, which can include a cash match as well the value of volunteer labor towards producing the project. Over the life of the program, the Durham County Matching Grants program has supported 125 wide ranging community projects with a total value of over 6.2 million dollars using just over \$2 million in county matching funds.

The 2022-23 cycle of the Matching Grants Program includes three applications for projects that totaled \$100,000. The Durham Open Space and Trails Commission (DOST) recommended approval of the projects at their meeting on January 18, 2023. The groups and amounts are as follows: Christus Victor Lutheran Church - \$35,200, Urban Community AgriNomics (UCAN) -\$40,000, and Ellerbe Creek Watershed Association - \$24,800. The projects are further described in the attached supplemental document with locations shown on the attached map.

Alignment with Strategic Plan: This program supports Goal 2 of the strategic plan, “Health and Well-being for All” by increasing the quality of life in Durham County, as well as Goal 4: Environmental Stewardship and Community Prosperity”.

Resource Persons: Brendan Moore, Open Space Land Manager; Annette Montgomery, Chair, Matching Grants Committee of DOST; Jane Korest, Open Space and Real Estate Manager

County Manager’s Recommendation: The County Manager recommends that the Board receive the attached Matching Grants Project recommendations and approve funding for the proposed projects totaling \$100,000.

Attachments: [AAF Supplemental Document - Non-contract Matching Grants Summary 2022](#);

[Attachment 1 Matching Grant Project Summary Sheet FY22-23](#)

[Attach 2 FY22-23 Matching Grants Project Locations](#)

23-0075

Capital Project Amendment No. 23CPA00016 Appropriating \$3,500,000 of PAYGO Funding to Create both the Board of Elections S. Roxboro Renovation Project (47302645DC155) and the Shoppes of Hope Valley Roofing and HVAC project (47302645DC156), as well as Authorize the County Manager to Execute a Contract for Architectural Design Services with RND Architects for both Projects

Agenda Text:

The Board is requested to approve Capital Project Amendment No.23CPA00016 appropriating \$3,500,000 of County PAYGO funding and to create a new Board of Elections (BOE) S. Roxboro Renovation capital project (4730DC155) and a Shoppes of Hope Valley (SHV) Roofing and HVAC capital project (4730DC156), and authorize the County Manager to execute a contract with RND Architects to provide architectural services for both the Board of Elections S. Roxboro Renovations capital project and the SHV Roofing & HVAC capital project, located at 3825 S. Roxboro Street, for a fee not to exceed \$2,528,960. The total including architectural fees, reimbursables and contingency fees are not to exceed the budget of \$3,500,000 (BOE-\$3.1M & SHV-\$400,000). (See Attachment 2, Pages 1-7).

The initial design funding for these projects is coming from already approved Board authorized PAYGO funds approved as part of the FY 2022-23 annual budget.

Project	Current	Increase	Revised
BOE S. Roxboro Renovation Project (4730DC155) <i>NEW</i>	\$0.00	\$ 3,100,000.00	\$ 3,100,000.00
Shoppes of Hope Valley Roofing and HVAC Project (4730DC156) <i>NEW</i>	\$ 400,00.00	\$ 0.00	\$ 400,00.00

TOTAL \$0.00 \$ 3,500,000.00 \$ 3,500,000.00

The goal of the Board of Election's project is to renovate approximately 58,000 square feet of space at the SHV - formerly used as a Kroger grocery store - to house Durham County Board of Elections. The new facility will consolidate all of the Board of Election's operations within a single facility. The scope of work includes interior renovations, exterior façade improvements, roofing replacement, and full building system replacements for the designated space.

In addition, a second project includes roof replacement and the rooftop HVAC unit replacement for the remainder of the strip shopping center located at 3825 South Roxboro Street. The project will be designed and constructed in three phases to accommodate the desired move-in date, site planning approvals, and the availability of funding for Phase 2:

Phase 1a: BOE Basic Services plus; Interior Renovations, MEP Systems, and Roof Replacement (everything associated getting the BOE portion of the project up and running in December 2023.) Basic Services plus; Coordination of 3rd Party Commissioning, Photo Voltaic Study and System Design, and design of Furniture Fixtures and Equipment

Phase 1b: BOE Basic Services plus: Exterior Improvements; Building Façade/Site Improvements (this scope requires Site Plan Approval and, therefore, will begin construction after phase 1A. Basic Services plus Site Due Diligence / Site Assessment, Surveying and Site Plan Approval

Phase 2: Shopping Center roofing and rooftop HVAC.

The request for qualifications (RFQ No.23-009) for the BOE S Roxboro Street Renovation was advertised on October 14, 2022, three (3) responses were received on November 15, 2022. The responses were reviewed by representatives from Engineering, General Services and Board of Elections. RND was selected as the appropriate firm for these projects. RND will be utilizing 57.7% MWBE certified Woman-Owned businesses for MWBE subcontracting participation.

Alignment with Strategic Plan: This agenda item supports Goal 5: Accountable, Efficient and Visionary Government.

Resource Persons: Peri Manns, Asst. General Manager/Deputy Director of Engineering and Environmental Services. Brenda Hayes-Bright, Assoc. AIA, CDT, MPM, Project Manager, S. Keith Lane, Director of Budget and Management Services, Charles Nicholson, AIA, RND Architects.

County Manager's Recommendation: The Board is requested to approve Capital Project Amendment No.23CPA00016 appropriating \$3,500,000 of County

PAYGO funding to create a new Board of Elections S. Roxboro Renovation capital project (4730DC155) and a Shoppes of Hope Valley Roofing and HVAC capital project (4730DC156), as well as authorize the County Manager to execute a contract with RND Architects to provide architectural services for both the Board of Elections S. Roxboro Renovations capital project and the SHV Roofing & HVAC capital project, located at 3825 S. Roxboro Street, for a fee not to exceed \$2,528,960. The total including architectural fees, reimbursables and contingency fees are not to exceed the budget of \$3,500,000 (BOE, \$3.1M & SHV, \$400,000) (See Attachment 2, Pages 1-7).

Attachments:

[AAF Attachment 2 RND BOE S Roxboro St Reno01252023](#)

[CPA-16 LEGAL FORM Appropriating \\$3.5M of PAYGO to Create BOE Renovat](#)

[AAF Supplemental Document RND Contract BOE Reno012523](#)

[MWBE Compliance Review Form-AAF for 23-009 RFQ Phases 12 020323](#)

23-0080

Budget Amendment No.23BCC0064 and Capital Project Amendment No.23CPA00015 appropriating \$2,079,600 of Sewer Utility Fund Fund Balance to the New Supervisory Control & Data Acquisition System (SCADA) Upgrade Capital Project (SE061); Budget Amendment No.23BCC000065 Appropriating \$15,000 of General Fund Fund Balance to the Rougemont Fund Center to Cover the Cost of Upgrading the Rougemont Supervisory Control and Data Acquisition System (SCADA); as well as Authorize the County Manager to Execute a Contract with CITI, Inc. for the Installation of the SCADA Upgrade Project in the amount of \$1,745,500 and Execute Any Related Contract Amendments Not to Exceed a Total Project Budget of \$2,094,600

Agenda Text:

The Board is requested to approve Budget Amendment No.23BCC0064 and Capital Project Amendment No.23CPA00015 appropriating \$2,079,600 of Sewer Utility Fund Fund Balance to the new Supervisory Control & Data Acquisition System (SCADA) Upgrade Capital Project (SE061); Budget Amendment No.23BCC000065 appropriating \$15,000 of General Fund Fund Balance to the Rougemont Fund Center to cover the cost of upgrading the Rougemont Supervisory Control and Data Acquisition System (SCADA); as well as authorize the County Manager to execute a contract with CITI, Inc. for the installation of the SCADA Upgrade Capital Project in the amount of \$1,745,500 and execute any related contract amendments not to exceed a total project budget of \$2,094,600.

Name / Location of Project	Current Budget	Increase/Decrease	Revised Budget	Project Status
SCADA Upgrade (SE061)	\$0.00	\$2,079,600.00	\$2,079,600.00	NEW

Project details:

The purpose and intent of the Request for Proposals (RFP) was to solicit proposals

from qualified firms to provide materials and services to upgrade the existing Supervisory Control and Data Acquisition System (SCADA). This includes updating the current SCADA, PLCs, Fiber Optic Cables and adding thirteen (13) Lift Stations, one (1) chlorine monitoring station and one (1) water treatment well station to the system. The system will utilize Ignition SCADA Software and Allen Bradley PLCs.

Currently SCADA is only available at the Triangle Wastewater Treatment Plant which was installed twenty years ago and is no longer capable of handling any additional equipment. The pump stations have simple telemetry only that can call out for a few emergencies such as high wet well and power failure alarms. SCADA provides instant access to information that allows operational staff to make decisions, analyze data, and an opportunity to see problems in real time. SCADA helps detect inconsistencies in day-to-day operations and aids in advance problem solving allowing more energy-efficient operations. SCADA allows several benefits to a utility such as proactive maintenance by identifying causes of failure, quick responses to issues, automated controls, customized alerts, detailed reporting, integration with current equipment, and network security.

Durham County issued a Requests for Proposal (RFP 23-007) on September 18, 2022. RFP 23-007 was advertised in local newspapers and on the Durham County website. Additionally, the requirements were emailed to multiple contractors. Only one bid was received on October 20, 2022. The bid tabulation is attached. In review of the MWBE Compliance for RFP 23-007 Supervisory Control & Data Acquisition System (SCADA) Upgrade for TWWTP, CITI, Inc. is an MWBE Certified Hispanic American business and will be utilizing 100% of their own MWBE workforce to perform this work on the project.

A twenty percent contingency (\$1,745,500 contract award amount x 20% contingency = \$349,100 contingency = total project budget \$2,094,600) has been added as the not to exceed amount for the project to cover any unexpected expenses that may arise. However, none are anticipated at this time.

The separation of the Enterprise Fund and General Fund (Rougemont) portion of this project is to recognize that Enterprise Funds are only expended on items related to the system and its specific fee base. The Rougemont system has been a General Fund expense in recent years and is separated to ensure Enterprise fees are not used to cover that expense.

Alignment with Strategic Plan: Goal 4: Environmental Stewardship and Community Prosperity; Goal 5: Accountable, Efficient and Visionary Government

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; Susan Tezai, Chief Financial Officer.

County Manager's Recommendation: The County Manager recommends that the Board approve Budget Amendment No.23BCC0064 and Capital Project Amendment No.23CPA00015 appropriating \$2,079,600 of Sewer Utility Fund Fund Balance to the new Supervisory Control & Data Acquisition System (SCADA) Upgrade Capital Project (SE061); Budget Amendment No.23BCC000065 appropriating \$15,000 of General Fund Fund Balance to the Rougemont Fund Center to cover the cost of upgrading the Rougemont Supervisory Control and Data Acquisition System (SCADA); as well as authorize the County Manager to execute a contract with CITI, Inc. for the installation of the SCADA Upgrade Capital Project in the amount of \$1,745,500 and execute any related contract amendments not to exceed a total project budget of \$2,094,600.

Attachments:

[AAF Supplemental Doc SCADA](#)

[MWBE Compliance Review Form-AAF for 23-007 RFP 110422](#)

[Evals and Disclosure](#)

[RFP No. 23-007 Evaluation Summary](#)

[RFP 23-007 Proposal Tab-Supervisory Control & Data Acquisition System Upgr](#)

[RFP 23-007-Supervisory Control & Data Acquisition System Upgrade -DCo TW](#)

[RFP 23-007 Adden 1-Supervisory Control & Data Acquisition Sys Upgrade](#)

[BCC-65 LEGAL FORM Appropriating General Fund Fund Balance to Rougemont](#)

[BCC-64 and CPA-15 LEGAL FORM Appropriating Sewer Utility Fund Fund Bal](#)

[CPA-15 and BCC-64 LEGAL FORM Appropriating \\$2,079,600 for SCADA proje](#)

23-0081

Budget Amendment No.23BCC000063 and Capital Project Amendment No.23CPA00014 Appropriating \$590,436 of Sewer Utility Enterprise Fund Fund Balance and Transferring Those Funds to the New Triangle Wastewater Treatment Plant Access Control and Video Management System Capital Project (SE060); Awarding the Request for Proposal (RFP 23-006) Contract to Brady Integrated Security, Inc.; as well as Authorizing the County Manager to execute the contract in the amount of \$536,760 and execute any related contract amendments not to exceed a total project budget of \$590,436.

Agenda Text:

The Board is requested to approve Budget Amendment No.23BCC000063 and Capital Project Amendment No.23CPA00014 appropriating \$590,436 of Sewer Utility Enterprise Fund Fund Balance and creating the new Triangle Wastewater Treatment Plant Access Control and Video Management System Capital Project (SE060) in the amount of \$590,436. The Board is also requested to award the contract to Brady Integrated Security, Inc. for the installation of security (S-2) access control and video management system at the Triangle Wastewater Treatment Plant

(RFP 23-006) in the amount of \$536,760 and authorize the County Manager to execute the contract and any related contract amendments not to exceed a total project budget of \$590,436.

Name / Location of Project	Current Budget	Increase/Decrease	Revised Budget	Project Status
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Triangle Wastewater Treatment Plant Access Control and Video Management System Project				
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(SE060)	\$0.00	\$590,436	\$590,436	NEW
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Background/Justification

The Utilities Division desires to replace its existing analog camera system that is obsolete and add badging access control to follow security measures as in other County facilities.

Durham County issued a Request for Proposal (RFP 23-006) on September 11, 2022. RFP 23-006 was advertised in local newspapers and on the Durham County website. Additionally, the requirements were emailed to multiple contractors. Only one bid was received on October 11, 2022. Brady Integrated Security was deemed as a qualified firm for the project, based on an evaluation committee's review. Brady Integrated Security, Inc. has completed this type of work for the County previously at other facilities. A bid tabulation and evaluation summary are attached.

In review of the MWBE Compliance for RFP 23-006 Access Control and Video Management System, there were no participation goals achieved on this project. Brady Integrated Security, Inc. will be utilizing their own workforce to perform this particular service on the project.

In review of the MWBE compliance with IFB 18-040R1 Aeration System Improvements for the TWWTP, English Construction Company, Inc. will be utilizing a total of 37.04 percent MWBE certified Women-Owned businesses.

Alignment with Strategic Plan: This action is in accordance with Durham County Strategic Plan Goal 4: "Environmental Stewardship and Community Prosperity," as this will ensure the protection of the Utility Division facility, staff, and contractors.

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 that the Board approve Budget Amendment No.23BCC000063 and Capital Project Amendment No.23CPA00014 appropriating \$590,436 of Sewer Utility Enterprise Fund Fund Balance and creating the new Triangle Wastewater Treatment Plant Access Control and Video Management System Capital Project (SE060) in the amount of \$590,436. The Board is also requested to award the contract to Brady Integrated Security, Inc. for the installation of security (S-2) access control and video

management system at the Triangle Wastewater Treatment Plant (RFP 23-006) in the amount of \$536,760 and authorize the County Manager to execute the contract and any related contract amendments not to exceed a total project budget of \$590,436.

Attachments:[Supplemental Document Security System](#)[CPA Legal Form Security System Project](#)[MWBE Compliance Review Form-AAF for 23-006 RFP 102722](#)[Bid Proposal from Brady](#)[Security Package Grading & Disclosure Statements](#)[RFP 22-006 Proposal Tab-Security Access Control & Video Mgmt Systems-TW](#)[CPA-14 and BCC-63 LEGAL FORM Appropriating Sewer Utility Enterprise Func](#)[BCC-63 and CPA-14 LEGAL FORM Appropriating Sewer Utility Enterprise Func](#)**23-0083****Interlocal Cooperation Agreement for the Division of Sales Tax Between the County of Durham and the City of Durham July 1, 2023 to June 30, 2024****Agenda Text:**

The Board is requested to approve a one-year interlocal cooperation agreement for the division of sales tax between the County of Durham and the City of Durham for the period July 1, 2023 through June 30, 2024. This interlocal pertains to Sales Tax Articles 39, 40, & 42. City administration has agreed to extending the current interlocal agreement per established guidelines for an additional year. The new interlocal agreement would exist for one fiscal year, from July 1, 2023 to June 30, 2024.

The current agreement, renewed annually, since July 1st, 2020, splits all collected sales tax for both the City and County, with the County receiving 56% of the total amount and the City 44%. Per state statute the County Commissioners have the authority to set the distribution method for Sales Tax Articles. This agreement continues the use of the Per Capita Distribution method which is best for both local governments due to the nuances of the Ad Valorem method.

The proposed interlocal agreement would continue to split all collected sales tax for both the City and County, with the County receiving 56% of the total amount and the City 44% and extend the terms of the ILA through June 30, 2024.

The Durham City Council is set to approve this annual interlocal cooperation agreement at an upcoming City Council meeting for the next fiscal year (FY 2023-24).

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

Resource Persons: S. Keith Lane, Budget & Management Services Director

County Manager's Recommendation: The County Manager recommends that the Board approve a one-year interlocal cooperation agreement for the division of sales tax between the County of Durham and the City of Durham for the period July 1, 2023 through June 30, 2024 and authorize the County Manager to sign of this agreement.

Attachments: [FY 2023-24 Sales Tax ILA](#)

23-0091

Approval of Interlocal Agreement with the City of Durham to Support the Bull City United Program

Agenda Text: The Board is requested to review and approve the Durham City-County interlocal agreement to continue support of the expanded Bull City United anti-gun violence program.

In 2021, Durham City Council partnered with Durham County Government approving funding to expand the Bull City United program to census tracts 11.00, 13.04, 17.09, and 23.00. An interlocal agreement with Durham County was developed that established eighteen full-time positions at a cost not to exceed \$935,488 annually to support the four additional census tracts. The eighteen new City-funded positions are one Supervisor, five Outreach Workers, and twelve Violence Interrupters.

Alignment with Strategic Plan: Goal 2: Community Health and Well-being

Resource Persons: Krystal Harris, Director - Community and Intervention Support Director and Joanne Pierce, General Manager

County Manager's Recommendation: The County Manager recommends that the Board approve the interlocal agreement.

Attachments: [Agreement - BCU Interlocal - FY2023](#)

23-0092

Budget Ordinance Amendment No. 23BCC00067 to Increase Expenditure and Revenue in the General Fund by \$150,000 and Approval of a Short Term Property Management Agreement with The Wood Group, LLC for the Shoppes of Hope Valley located at 3825 S. Roxboro St. Durham, NC 27707

Agenda Text: The Board is requested to approve Budget Ordinance Amendment No. 23BCC00067 increasing expenditure and revenues by \$150,000 in the General Fund and approve the attached Service Contract between Durham County and The Wood Group, LLC for the management of the inline portion of the Shoppes of Hope Valley, located at 3825 S. Roxboro St. Durham, NC 27707 for a fee of \$6000 per month for a period of up to six (6) months beginning on the date of the purchase of the shopping center by Durham County.

Durham County is in the process of purchasing the Shoppes of Hope Valley Shopping Center, a purchase that was approved by the Board of County Commissioners on August 8, 2022. The property includes two distinct sections - the former Kroger grocery store, and the inline retail suites. This Service Contract applies strictly to the inline portion of the property. There are currently 19 retail tenants under lease, and seven (7) vacant suites. Durham County requires the services of a Property Management firm to manage the property and tenants on a temporary basis while a long-term agreement is executed with Property Management Firm selected through a competitive selection process. A Request for Proposals will be advertised, and a selection process will commence in March 2023.

The Wood Group, LLC is the current Property Manager for the shopping center under the current owner, BC Wood Properties. The principals of The Wood Group have agreed to maintain their role under the County's ownership for a period not to exceed six (6) months following the purchase of the property. They have agreed that they will not respond to the Request for Proposals, as their role as property manager is generally limited to properties owned by the investment firm BC Wood Properties.

The services to be performed by The Wood Group under this Service Contract are as follows:

1. Property Manager will employ at its expense all personnel and facilities necessary and appropriate to enable it to perform the services required of it hereunder.
2. Property Manager shall oversee the maintenance and upkeep of the Property as may be necessary or appropriate from time to time along with the engagement of such vendors as may be necessary to maintain the Property in good order. Provided however, that the cost of such vendors shall be for the account of Owner and Property Manager shall pay any such invoices directly to any such vendor. For any repair that is anticipated to exceed \$1,000 Property Manager shall obtain written approval from Owner before engaging any vendor to complete the repair.
3. All accounting duties, including the keeping of proper and complete books of account for the Owner shall be kept by or under the supervision of the Property Manager. The Owner shall assist in providing any information in its possession necessary or helpful for the accounting function.
4. All rental payments shall be paid to Property Manager for the benefit of Owner and shall be kept in a segregated account, and a full accounting of all income and expenses shall be delivered by the Property Manager to the Owner on a monthly basis.
5. Property Manager shall serve as the leasing agent for the Property, though Property Manager shall not enter into any new leases, amendments, or terminations on behalf of Owner without Owner's consent. In consideration of the

leasing services to be provided by the Property Manager, Owner shall pay the Property Manager leasing commissions as set forth on Exhibit A attached hereto. A complete leasing report shall be delivered by the Property Manager to the Owner on a monthly basis.

This increase of expenditure and revenue of \$150,000 will allow for the management of the property (management fees, utilities, and maintenance needs) through the end of FY 2022-23 as well as provide capacity to capture the appropriate lease payments from clients external to the County. Budgets for these expenses and revenue are being prepared and will be presented as a part of the Manager Recommended Budget for FY 2023-24.

Alignment with Strategic Plan: This agenda item supports Goal 5: Accountable, Efficient and Visionary Government.

Resource Persons: Nancy Mitchell, Sr. Real Estate Officer, Peri Manns, Asst. General Manager/Deputy Director of Engineering and Environmental Services.

County Manager's Recommendation: The County Manager recommends that the Board approve Budget Ordinance Amendment No. 23BCC00067 increasing expenditure and revenues by \$150,000 in the General Fund and approve the attached Service Contract between Durham County and The Wood Group, LLC for the management of the inline portion of the Shoppes of Hope Valley, located at 3825 S. Roxboro St. Durham, NC 27707 for a fee of \$6000 per month for a period of up to six (6) months beginning on the date of the purchase of the shopping center by Durham County.

Attachments:

[Service Contract - Property Management](#)

[Attachment 1 - Scope of Services Property Management Agreement](#)

[Commission Schedule](#)

[AAF-067 Legal Form Increase GF Expense and Revenue \\$150,000 for Shoppe:](#)

23-0104

Juvenile Crime Prevention Council Appointment

Agenda Text:

The Board is requested to appoint Shannon Trapp, Durham County Chief of Staff, to the Juvenile Crime Prevention Council in the "County Manager or Designee" seat-a designated position on the JCPC.

The Juvenile Crime Prevention Council (JCPC) reviews the needs of Durham juveniles who are at risk of delinquency or who have been adjudicated, undisciplined, or delinquent, review and evaluate the resources available to address those needs, develop and implement a request for proposals process, and submit a written plan of action for the expenditure of juvenile sanction and prevention funds to the Durham Board of County Commissioners for its approval.

Alignment with Strategic Plan: This appointment aligns with the strategic plan goal of safe and secure community.

Resource Persons: Gudrun Parmer, Director, Criminal Justice Resource Center

County Manager's Recommendation: The County Manager recommends that the Board appoint Shannon Trapp, Durham County Chief of Staff, to the Juvenile Crime Prevention Council in the "County Manager or Designee" seat.

Attachments: [JCPC App - Shannon Trapp](#)

23-0118

2022 Board of Adjustment Annual Report

Agenda Text:

The Board is requested to receive the 2022 Board of Adjustment Annual Report.

Attachment A: 2022 Board of Adjustment Annual Report Memo

Attachment B: 2022 Cases Heard by the Board of Adjustment

Attachment C: 2022 Board of Adjustment Attendance

Alignment with Strategic Plan: Staff finds the request to align with Goal Five, “Accountable, Efficient and Visionary Government”, of the strategic plan.

Resource Persons: Jessica P. Dockery, AICP, CZO, Planning Manager, and Sara M. Young, AICP, Planning Director.

County Manager’s Recommendation: The County Manager recommends that the Board receive the 2022 Board of Adjustment Annual Report.

Attachments: [BOCC cover memo 2022 BOA report](#)

[Attachment A - 2022 Board of Adjustment Annual Report Memo](#)

[Attachment B - 2022 Cases Heard by the Board of Adjustment](#)

[Attachment C - 2022 Board of Adjustment Attendance](#)

23-0120

2022 Durham City-County Appearance Commission Annual Report

Agenda Text:

The Board is requested to receive the 2022 Durham City-County Appearance Commission Annual Report.

Attachments:

Attachment A: 2022 Appearance Commission Annual Report

Attachment B: 2022 Appearance Commission Attendance Report

Alignment with Strategic Plan: This item supports Goal 4, Environmental Stewardship and Environmental Prosperity, by promoting community beautification and appearance efforts.

Resource Persons: Kayla Seibel, AICP, Senior Planner, and Sara Young, AICP, Planning Director

County Manager’s Recommendation: The County Manager recommends that the Board receives the 2022 Durham City-County Appearance Commission Annual Report.

Attachments: [01 DCCAC 2022 Annual Report - Staff Memo](#)

[02 2022 Durham City-County Appearance Commission Annual Report -Attachment A](#)

[03 DCCAC 2022 Annual Report - Attachment B - Attendance Report](#)

23-0121**2022 Durham Open Space and Trails Commission Annual Report****Agenda Text:**

The Board is requested to receive the 2022 Durham Open Space and Trails Commission Annual Report.

Attachments:

Attachment A: 2022 DOST Annual Report

Attachment B: 2022 DOST Attendance Report

Alignment with Strategic Plan: This item supports Goal 4, Environmental Stewardship and Environmental Prosperity, by promoting community beautification and appearance efforts.

Resource Persons: Carl Kolosna, AICP, Senior Planner, and Sara Young, AICP, Planning Director

County Manager's Recommendation: The County Manager recommends that the Board receives the 2022 Durham Open Space and Trails Commission Annual Report.

Attachments:

[01 DOST 2022 Annual Report - Staff Memo](#)

[Attachment A 2022 DOST Annual Report](#)

[Attachment B 2022 DOST Attendance](#)

23-0122**2022 Historic Preservation Commission Annual Report****Agenda Text:**

To receive and accept the 2022 Historic Preservation Commission Annual Report.

Summary.

The 2022 Historic Preservation Commission Annual report summarizes cases acted upon and attendance record for the year.

Attachments:

- A. Letter from Matthew Bouchard, HPC Chair
- B. 2022 Historic Preservation Commission CLG Annual Report
- C. 2022 Historic Preservation Annual Attendance Report

Alignment with Strategic Plan: This item adheres to Goal 5 (Accountable, Efficient, and Visionary Government) by maintaining a transparent government.

Resource Persons: Scott Whiteman, AICP, Planning Manager, and Sara Young, AICP, Planning Director

County Manager's Recommendation: The County Manager recommends that the Board receive the annual report.

Attachments: [BOCC 2022 HPC Annual Report - Staff Memo](#)
[Attachment A- Letter from HPC Chair](#)
[Attachment B -CLG Annual Report](#)
[Attachment C- HPC Attendance](#)

23-0124 **2022 Planning Commission Annual Report**

Agenda Text: To receive the 2022 Planning Commission Annual Report.

Summary.

The 2022 Annual Planning Commission Annual report summarizes cases heard and acted upon by the Commission from January 1, 2022 through December 31, 2022, and includes their attendance record for the year.

Attachments:

- A. 2022 Planning Commission Annual Report
- B. 2022 Planning Commission Cases
- C. 2022 Planning Commission Attendance Report

Alignment with Strategic Plan: This item adheres to Goal 5 (Accountable, Efficient, and Visionary Government) by maintaining a transparent government.

Resource Persons: Alexander Cahill, Senior Planning Manager, and Sara Young, AICP, Planning Director

County Manager's Recommendation: The County Manager recommends that the Board receive the annual report.

Attachments: [Attachment 000 - BoCC Memo](#)
[Attachment A - Chair's Report](#)
[Attachment B - 2022 Case Report Table](#)
[Attachment C - Attendance Report](#)

23-0140 **Property Tax Releases and Refunds for January 2023**

Agenda Text: The Board is requested to approve the Releases & Refunds for the month of January 2023, which includes adjustments to the current year levy as well as prior years' levies. Due to property valuation adjustments for over assessments, listing discrepancies, duplicate listings, and clerical errors, etc. the attached report details releases and refunds for the month of January 2023.

This month's report includes releases for several 2023 (fiscal year 23-24) property tax bills that were created in January 2023, and those 2023 property tax bill releases total \$285,543.97. Releases and refunds for tax year 2022 (fiscal year 22-23) this month total \$806,674.91, and releases and refunds for prior years (2016-2021) total \$62,871.91 for this month. Total request for all years of releases and refunds on this month's report is \$1,155,090.79.

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

Resource Persons: T. Dwane Brinson, Tax Administrator

County Manager's Recommendation: The County Manager recommends that the Board accept the property tax release and refund report for January 2023 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report.

Attachments: [Releases and Refunds Backup Detail-Jan 2023-February 27, 2023](#)
[Backup-Tax Releases-Jan 2023- Feb 27, 2023](#)
[Backup-Tax Refunds-Jan 2023-February 27, 2023](#)
[NCVTS December Refunds](#)

23-0153

Capital Project Amendment No. 23CPA00018 - Appropriating \$193,921,011 in 2022 General Obligation Bond Funds for Multiple Durham Public School Capital Projects

Agenda Text:

The Board of County Commissioners is requested to approve Capital Project Amendment No.23CPA00018 appropriating \$193,921,011 of 2022 General Obligation Bond Funds to support the design and construction of eight Durham Public Schools Capital Projects, as well as fund a contract with a project management firm that will oversee the DPS Capital Improvement Plan. The Board of Education approved the budget at the February 23, 2023 meeting.

The following school projects will receive increased budget through budget amendments: SH292 (Murray-Massenburg (Elem F) New School), SH299 (DSA New School), SH293 (Glenn Elem Renovation), SH294 (Holt Elem Renovation), SH295 (Bethesda Elem Renovation), SH296 (Club Blvd Elem Renovation), SH297 (Morehead Elem Renovation), and SH298 (Mangum Elem Renovation). The amendment also appropriates \$13,914,538 for a contract with Cate Services, a project management firm that will oversee the Capital Improvement Program for the Durham Public schools (New DPS Capital Project SH317).

Please note that the first General Obligation (GO) Bond Anticipation Notes (BANs) draw program for the 2022 GO Bond Referendum voter approved in November 2022 for funding of these projects is not currently in place. As such, the County will expend funds for any costs incurred and due until this GO BANs draw program is in place. At that time, the County will reimburse itself for all expenditures related to these capital projects to date from the proceeds of the GO BANs.

Narrative for the requested projects are below:

Durham School of the Arts: A new 2,000-student capacity school to support a performing and visual arts middle and high school curriculum. The project is currently in the schematic design phase. DPS anticipates an early-site package deliverable in early Fall 2023 with an anticipated completion date of December 2025.

Glenn, Holt, Bethesda, Club, Morehead, and Mangum: The six elementary school projects have been funded through the design phases and include an increase in building capacity for new Pre-K and exceptional children's programs. The projects will address overcrowding and support the district's strategic student assignment boundary plan, also known as the "Growing Together" initiative. Full building system replacements and new additional support spaces such as cafeteria, gym/auditorium and media center are also included in the scopes.

Of the six elementary school projects, **Glenn** is currently scheduled to publicly bid in April 2023. DPS anticipates construction to start in the Fall of 2023. Each project will undergo renovation and addition while each facility is occupied. The construction timeline of Glenn Elementary is anticipated to be a total of 24 months. Of the remaining elementary school projects, DPS administration will proceed in priority order based on a 2019 Facility Condition Assessment. **Holt, Bethesda, Club, Morehead, and Mangum** are currently in the construction documentation phase. DPS will proceed with the construction of these schools in priority order as it continues to monitor the construction market and management of the 2022 Bond referendum program.

Construction Services and Administration: As a part of the 2022 Bond, DPS has engaged in contracted services with Cate Services. Cate Services is a project management firm that will deliver quality projects of the Capital Improvement Program within the established budgets and schedules in a safe and effective manner. The scope of the projects will remain within the parameters set forth by DPS, and proper procedures will be always followed. The objective of this partnership with Durham Public Schools will be to recognize the quality and professionalism of the current staff and to enhance their capability and capacity to perform with the workload provided by the 2022 bond referendum. As a part of the services and administration, DPS will provide timely updates and transparency to the public regarding the 2022 Bond Referendum.

The table below indicates funds reconciled by DPS and the County that are available for transfer:

Project	Current Revised Increase/Decrease			Project Status	
	Budget	Budget	Budget		
Murray-Massenburg ES (292)	\$10,128,805		\$72,996,220.00	\$83,125,025.00	Amended
DSA New School (299)	\$7,793,773	\$46,626,954.00		\$54,420,727.00	Amended
Glenn Elementary Renovation (293)		\$2,053,855.98		\$57,421,327.00	\$59,475,183.00
		Amended			
Holt Elementary Renovation (294)		\$2,635,219.08		\$947,929.96	\$3,583,149.04
		Amended			
Bethesda Elementary Renovation (295)		\$1,748,138.50		\$720,732.50	\$2,468,871.00
		Amended			
Club Blvd Elementary Renovation (296)		\$1,149,062.98		\$401,687.02	\$1,550,750.00

	Amended			
Morehead Elementary Renovation (297)	\$997,130.68	\$822,419.62	\$1,819,550.30	
	Amended			
Mangum Elementary Renovation (298)	\$736,978.38	\$69,202.62	\$806,181.00	
	Amended			
Construction Services and Administration (317)	\$0	\$13,914,538.00	\$13,914,538.00	New
TOTAL \$27,242,963.60\$193,921,010.72\$221,163,974.34				

Alignment with Strategic Plan:

DPS Strategic plan goal is to have adequate, appropriate classroom space for 100% of our Elementary Schools. DPS' plan is to also improve the physical environment to enhance student learning and ensure safety.

Resource Persons: Fredrick Davis, DPS Executive Director, Building Services Durham Public Schools; S. Keith Lane Durham County Budget and Management Services Director

County Manager's Recommendation: The County Manager recommends that the Board approve Capital Project Amendment No.23CPA00018 appropriating \$193,921,011 of 2022 General Obligation Bond Funds to support the design and construction of eight Durham Public Schools Capital Projects, as well as fund a contract with a project management firm that will oversee the DPS Capital Improvement Plan. The following school projects will receive increased budget through budget amendments: SH292 (Murray-Massenburg (Elem F) New School), SH299 (DSA New School), SH293 (Glenn Elem Renovation), SH294 (Holt Elem Renovation), SH295 (Bethesda Elem Renovation), SH296 (Club Blvd Elem Renovation), SH297 (Morehead Elem Renovation), and SH298 (Mangum Elem Renovation). The amendment also appropriates \$13,914,538 for a contract with Cate Services, a project management firm that will oversee the Capital Improvement Program for the Durham Public schools (New DPS Capital Project SH317).

Attachments: [CPA-18 LEGAL FORM DPS Appropriation of 2022 GO Bonds to 9 Projects \(\\$193,921,010.72\)](#)
[CPA-18 DPS Appropriation of 2022 GO Bonds to 8 Projects \(\\$193,921,010.72\)](#)

7. Public Hearings (65 min)

23-0119 Public Hearing to Consider Awarding Funds to Kempower Inc. for Project Fast (20min)

Agenda Text: The Board is requested to hold a public hearing to consider awarding a total of \$290,000 to Kempower Inc. for Project Fast and to authorize the County Manager to negotiate and execute a performance agreement with Kempower Inc. for Project Fast. The project will establish an advanced manufacturing and distribution facility in Durham County, creating 601 jobs and investing \$41,250,000 over five years.

Kempower Inc. is a leading direct current (DC) charging technology provider headquartered in Finland. It manufactures and distributes a wide variety of electric vehicle charging infrastructure and technology. The company has grown rapidly in Europe and is now expanding to the United States in part because of the 2021 Bipartisan Infrastructure Law signed into law by President Biden in November 2021. The law invests \$7.5 billion to build out a national network of 500,000 electric vehicle chargers across the United States by 2030. The new facility in Durham County will be the company's first presence in the United States.

Kempower Inc.'s Project Fast is being facilitated by a Job Development Investment Grant (JDIG) approved by the State of North Carolina's Economic Investment Committee on February 7, 2023. All JDIG awards require a local contribution, which in this case, is proposed at \$290,000.

The project's 601 jobs will pay an average wage of \$71,181. Of note is that 362 of the project's jobs (approximately 60%) will likely require only a high school diploma or associate degree, paying an average wage of \$50,000 plus benefits, including healthcare, a daycare subsidy, and paid parental leave. To help fill these positions, and create a training and hiring pipeline in electrical-related training, the company has agreed to develop a partnership and Memorandum of Understanding (MOU) with Durham Technical Community College.

In addition, with approval of this award, the company has committed to participate in additional hiring, workforce, and training partnerships with North Carolina Central University, Duke University, Durham Technical Community College, the NC Works Center Durham, and similar local organizations. Examples include, but are not limited to, participating in job fairs, offering paid internships, serving as an advisor to Durham Public Schools on career pathways, and hosting Durham Public Schools teachers for externships. The Company will also commit to an overall MWBE participation aspirational goal of 25% (totaling \$3.75M) for services, goods, and construction, and will utilize sustainable practices and design in their new facility. Please find additional project details in the briefing sheet attached to the agenda item.

All payments for the project will adhere to the Durham County Economic Development Incentive Policy and will only occur following annual performance verification that the Company has met its job creation, investment, and community partnership targets. This includes maintaining that property taxes paid annually are at a minimum twice the scheduled payment amount, for a maximum award amount of \$290,000.

Staff recommends approval of this award. This public hearing has been advertised as required by law.

Alignment with Strategic Plan: This item aligns with Goal 4: Environmental Stewardship and Community Prosperity to promote and support the community and economic vitality for all residents.

Resource Persons: Matthew Filter, Economic Development Manager; Andrew Miracle, Economic Development Director; Maurice Jones, Deputy County Manager External Affairs

County Manager's Recommendation: The County Manager recommends that the Board hold a public hearing to consider awarding a total of \$290,000 to Project Fast and authorize the County Manager to negotiate and execute a performance agreement for Project Fast.

Attachments: [LEGISTAR ATTACHMENT - Project Fast](#)

23-0127

Public Hearing - A Request to Permanently Close a 954 Linear Foot Portion of Hinesley Drive, a 957 Linear Foot Portion of Meridian Street, and a 960 Linear Foot Portion of Pollard Avenue (15min)

Agenda Text:

The Board is requested to conduct a public hearing and receive public comments on the request

to approve the permanent closing of a 954 linear foot portion of Hinesley Drive, a 957 linear foot portion of Meridian Street, and a 960 linear foot portion of Pollard Avenue, which are not maintained by the North Carolina Department of Transportation; and

First Motion: To approve the Order to permanently close a 954 linear foot portion of Hinesley Drive, a 957 linear foot portion of Meridian Street, and a 960 linear foot portion of Pollard Avenue.

Attachments:

Attachment A - Context Map

Attachment B - Aerial Map

Attachment C - Street Closing Application

Attachment D - Street Closing Plat

Attachment E - Street Closing Order

Alignment with Strategic Plan: (brief statement and relevant goal) The street closing emphasizes Goal 3, Safe Community. Closure of a portion of these paper streets will allow development of the adjacent parcels that will include constructed streets connecting US Hwy. 70 and Angier Avenue, allowing for better emergency response time.

Resource Persons: Leigha Larkins, Planner, and Sara M. Young, AICP, Planning Director

County Manager's Recommendation: The County Manager recommends that the Board approve the request to permanently close a 954 linear foot portion of Hinesley Drive, a 957 linear foot portion of Meridian Street, and a 960 foot portion of Pollard Avenue, if appropriate, based on the discussion to approve that request.

Attachments: [Staff Report SC2200006 Copper Run Street Closing](#)
[Attachment A Context Map](#)
[Attachment B Aerial Map](#)
[Attachment C SC2200006 Street Closing Application](#)
[Attachment D SC2200006 Street Closing Plat](#)
[Attachment E SR1988 NCDOT Maintenance Letter](#)
[Attachment F Street Closing Order](#)

23-0129

Public Hearing - Unified Development Ordinance Text Amendment, Sedimentation and Erosion Control (TC22000005) (30min)

Agenda Text: The Board is requested to conduct a public hearing and receive public comments on the *Unified Development Ordinance* Text Amendment, Sedimentation and Erosion Control (TC22000005); and

First Motion: To adopt an ordinance amending the *Unified Development Ordinance*, incorporating revisions to Article 12, Infrastructure and Public Improvements; and Article 15, Enforcement; and

Second Motion: To adopt the appropriate Statement of Consistency pursuant to NCGS §160D-605.

Summary.

Text amendment TC22000005 proposes revisions to the Sedimentation and Erosion Control standards (Section 12.10) and Enforcement and Penalties (Section 15.5) within the *Unified Development Ordinance* (UDO) in order to:

- Address ongoing concerns regarding soil erosion during the development of larger sites, and
- Increase design and implementation requirements in areas with Triassic soils.
- Provide additional tools for enforcement.

Attachments:

Attachment A: An Ordinance to Amend Sedimentation and Erosion Control Provisions of the *Unified Development Ordinance* (TC22000005)

Attachment B: Consistency Statement per NCGS § 160D-605

Attachment C: Planning Commission comments

Alignment with Strategic Plan: The text amendment emphasizes Goal 4 (Community Prosperity) by offering fair and reasonable regulations for the citizens and business community of Durham while adhering to Goal 5 (Accountable, Efficient, and Visionary Government) by maintaining a transparent government and welcoming

public input.

Resource Persons: Sara Young, AICP, Planning Director and Ryan D. Eaves, PE, Durham County Stormwater and Erosion Control Division Manager

County Manager's Recommendation: The County Manager recommends that the Board conduct a public hearing on the proposed *Unified Development Ordinance* text amendment and, if appropriate based on the comments received during the hearing, adopt the appropriate Statement of Consistency and approve the amendment.

Attachments: [BOC TC2200005 - Erosion Control Memo final](#)
[Attachment A TC2200005 BOC final](#)
[Attachment B TC2200005 BOC Consistency statement](#)
[Attachment C Planning Commission Comments TC2200005](#)

8. Other Business (15 min)

23-0117 Adoption of Initial Resolution related to Not to Exceed \$235,000,000 Limited Obligation Bonds, Series 2023A & 2023B and Calling a Public Hearing thereon (15min)

Agenda Text: The Board is requested to adopt the attached resolution (the "Initial Resolution") which authorizes the negotiation of an amendment to an installment financing contract in connection with the execution and delivery of a not to exceed \$235,000,000 Limited Obligation Bonds (the "Bonds"). The resolution makes certain findings of fact, directs the Chief Financial Officer to make application to the North Carolina Local Government Commission (LGC), hires a financing team and calls a public hearing on the delivery of a contract amendment and the related projects to be financed and refinanced thereby. The resolution directs the publication of a notice of public hearing and a public hearing to be held on March 13, 2023.

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

Resource Persons: Susan F. Tezai, Chief Financial Officer

County Manager's Recommendation: The County Manager recommends that the Board adopt the attached resolution, hire the financing team as identified in the resolution and call a public hearing for March 13, 2023.

Attachments: [Initial Resolution - Durham County 2023 LOBs](#)
[AAF Supplemental Item - Initial Resolution - Durham County 2023 LOBs](#)

9. Board and Commission Appointments (10 min)

23-0150 Board and Commission Appointments (10min)

Agenda Text: Monica Wallace, Clerk to the Board, will distribute ballots to the Board to make

appointments to the following boards:

- Adult Care Home Community Advisory Committee
- Board of Health
- City-County Appearance Commission
- Durham Open Space and Trails Commission
- Historic Preservation Commission
- Juvenile Crime Prevention Council
- Library Board of Trustees

The Board of Commissioners recognizes the need to have a representative sample of the citizens of Durham County serve on boards, commissions, committees, and authorities. No citizen may serve more than four consecutive terms for 2-year term boards; three consecutive terms for 3-year term boards; two consecutive terms for 4-year term boards; and one consecutive term for 5 and 6-year term boards in any one position, unless otherwise stated by statute; or there are no other applicants who meet the eligibility requirements. The Equalization and Review Board shall be exempt from these term limits.

Alignment with Strategic Plan: This item aligns with Goal 5 Accountable, Efficient and Visionary Government. When citizens are engaged and partners on our Boards and Commissions, the vision of our Strategic Plan is achieved - a thriving, vibrant diverse community with abundant opportunity for all residents to live, work, learn, play and grow.

Resource Persons: Monica Wallace, Clerk to the Board

County Manager's Recommendation: The County Manager recommends that the Board of County Commissioners vote to appoint members to the aforementioned Boards and Commissions.

Attachments: [Legistar Attmt - 2.27.2023](#)

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

11. Adjournment