



Durham County

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

Meeting Agenda Board of County Commissioners

Michael D. Page, Chair
Brenda A. Howerton, Vice Chair
Fred Foster, Jr., Commissioner
Wendy Jacobs, Commissioner
Ellen W. Reckhow, Commissioner

Monday, June 22, 2015

7:00 PM

Commissioners' Chambers

"Public Charge"

The Board of Commissioners asks its members and citizens to conduct themselves in a respectful, courteous manner, both with the Board and fellow citizens. At any time, should any member of the Board or any citizen fail to observe this public charge, the Chairman will ask the offending person to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chairman will recess the meeting until such time that a genuine commitment to the public charge is observed.

As a courtesy to others, please turn off cell phones during the meeting.

7:00 pm Regular Session

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

[15-492](#) Announcements

Agenda Text:

- *The Durham County Department of Public Health invites the community to join us as two of our retirees, turned historians, take us back through the highlights of the past 100 years in Durham's Public Health.*

Public Health in Durham County - Then and Now
Saturday, July 25, 2015, at 1:30 p.m.
Durham County Library - Main Branch
Auditorium

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

4. Minutes (5 min)

[15-502](#)

Minutes

Attachments:

[Worksession - May 4, 2015.pdf](#)

[Budget Worksession - June 1, 2015.pdf](#)

[Regular Session - June 8, 2015.pdf](#)

5. Ceremonial Items

[15-495](#)

Recognition of Cathi Hines, RN, Public Health Nurse for Receiving a 2015 Communicable Disease Nurse Spirit Award and Jacqueline Melvin, Community Disease Control Specialist and HIV Counselor Who Was Honored at the NC Red Ribbon Community Awards Gala

Agenda Text:

The Board is requested to recognize Cathi Hines, RN, Senior Public Health Nurse, for receiving a 2015 Communicable Disease Nurse Spirit Award at the 6th annual Communicable Disease conference in Raleigh, NC on April 30, 2015. Ms. Hines was recognized for her excellent work in communicable disease investigation and reporting. Specifically, it was noted by the NC Communicable Disease Branch that “her outbreak and communicable disease reports are thorough and accurate, reflecting the time and attention she gives to these important public health investigations”.

The Board is also requested to recognize Jacqueline Melvin, Community Disease Control Specialist and HIV Counselor, who was honored at the NC Red Ribbon Community Awards Gala on May 30, 2015. The gala was sponsored by the Community AIDS Fund, a non-profit organization whose mission is to empower communities to lead the response to the HIV epidemic by increasing individual, community and statewide capacity to bring an end to HIV in North Carolina. Ms. Melvin, who has a long history of dedicated service in the community and the state as an advocate for persons living with HIV/AIDS, was recognized by the Community AIDS Fund by having an award named in her honor, the Jacquie Melvin “Client Voice: Changing Policy” Award. The award is now presented annually to a person who moves within and beyond his/her local community to change HIV/AIDS policies. At this year’s Gala, Ms. Melvin had the pleasure of presenting the award to this year’s recipient.

We are proud and pleased that the Communicable Disease Branch of the NC Division of Public Health and the NC Community AIDS Fund have publically recognized both Ms. Hines and Ms. Melvin for their excellent work, dedication, and commitment to these important public health issues.

The Board of Health has approved this amendment.

ALIGNMENT WITH STRATEGIC PLAN: Goal 2: Health and Well-being

for All. Ongoing communicable disease surveillance, control, and prevention efforts ensure rapid identification of emerging diseases, prompt response to outbreaks of disease, and thorough investigation and reporting of each case of reported disease, all of which keep the community healthy.

RESOURCE PERSONS: Gayle Harris, Public Health Director

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the Board recognize Cathi Hines, RN, Senior Public Health Nurse for receiving the 2015 Communicable Disease Nurse Spirit Award and Jacqueline Melvin, Community Disease Control Specialist and HIV Counselor, who was honored NC Red Ribbon Community Awards Gala.

[15-499](#)

Recognition of the Durham County Tax Department as the Winner of the 2015 Achievement Award for the Online Property Tax Appeal Management System Issued by the National Association of Counties

Agenda Text:

The County Manager recommends that the Board of County Commissioners recognize the Durham County Tax Department as the recipient of the National Association of Counties 2015 Achievement Award. The award is a result of their dedication and efforts in implementation of the first Online Appeal System in the State that allows citizens the ability to appeal online, track the status of their appeal, attach documents that are stored as history, review comparable sales that may be relevant in their case and attach all data as evidence. The program also improved the efficiency of the tax department as it relates to tracking the appeal, improved customer relations and provides a more transparent process.

ALIGNMENT WITH STRATEGIC PLAN: Goal 5: Accountable, Efficient and Visionary Government by providing collaborative leadership, exceptional customer service, innovation, transparency and fiscal responsibility.

RESOURCE PERSONS: Kimberly H Simpson, Tax Administrator

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the Board recognize the Tax Department staff for their efforts in being awarded the 2015 Achievement Award for the Online Property Tax Appeal Management System issued by the National Association of Counties.

[15-516](#)

Recognition of Outgoing Deputy County Manager Lee Worsley

Agenda Text:

The Board is requested to recognize Deputy County Manager Lee Worsley as he leaves Durham County to become Executive Director of the Triangle J Council of Governments. Without question he has been a visionary public administrator during his three and a half years at Durham County Government.

Lee served a stint as interim County Manager and managed many key transitions in major County business practices. He is credited with bringing talented ICMA fellows into the organization and hiring three new Department

Heads during his outstanding tenure. Lee's professional skills and personal attributes that were so highly valued by Durham County are indeed the same ones that led the TJCOG Board of Directors to select him as their new Executive Director. He assumes the helm of that organization in July.

ALIGNMENT WITH STRATEGIC PLAN: Goal 5 Accountable, Efficient and Visionary Government

RESOURCE PERSONS: Chairman Michael D. Page

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the Board present this resolution of appreciation to Deputy County Manager Lee Worsley for his outstanding service to Durham County Government, and wish him well as he assumes the leadership of TJCOG next month.

Attachments: [Resolution - Lee Worsley.doc](#)

6. Other Business

[15-521](#) Adoption of the FY2015-2016 Budget Ordinance

Agenda Text: The Durham County Manager presents the FY2015-2016 Annual Budget Ordinance to the Durham County Board of Commissioners for approval. This submission is in accordance with the Local Government Budget & Fiscal Control Act which requires adoption of the annual budget, no later than July 1.

ALIGNMENT WITH STRATEGIC PLAN: Goal #5, Accountable, Efficient, and Visionary Government

RESOURCE PERSONS: Wendell Davis, Durham County Manager; Claudia Hager, Director, Budget & Management Services

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the Board approve the FY2015-2016 Budget Ordinance.

Attachments: [FY15-16 Budget Ordinance w seal and Attachment 1 fee schedule](#)

[15-456](#) Update on Durham-Orange Light Rail Project

Agenda Text: The Board is requested to receive an update from GoTriangle on the Durham-Orange Light Rail Project.

ALIGNMENT WITH STRATEGIC PLAN: The Light Rail Project aligns with Goal 4 (Environmental Stewardship) by encouraging the use of alternative modes of transportation.

RESOURCE PERSONS: Patrick McDonough, Manager of Planning and Transit-Oriented Development, GoTriangle

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the Board receive the update and direct staff as appropriate.

7. Consent Agenda (15 min)

[15-381](#) Approval to Amend Economic Development Agreement with Gentian Group, LLC

Agenda Text: The Board is requested to authorize the County Manager to execute a second amendment to the February 15, 2013 economic development agreement negotiated with Gentian Group, LLC to extend the construction completion date to July 31, 2015. The agreement was amended on March 24, 2014 to extend the construction completion date of the hotel located at 315 E. Chapel Hill Street in downtown Durham by one year to April 30, 2015 due to delays in connection with the closure of Holland Street. Gentian is requesting an additional extension to July 31, 2015 to complete construction due to unanticipated construction delays.

ALIGNMENT WITH STRATEGIC PLAN: This project aligns with Goal 1: Community and Family Prosperity and Enrichment by increasing the County's tax base and supporting the creation of new jobs.

RESOURCE PERSONS: Marqueta Welton, Deputy County Manager

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the Board authorize the County Manager to execute a second amendment to the February 15, 2013 economic development agreement with Gentian Group, LLC to extend the construction completion date to July 31, 2015.

Attachments: [ED - Gentian 2nd Amendment 04-8-15.doc](#)

[15-448](#) Budget Ordinance Amendment No. 15BCC000064 - Approve Amendment to the Benefits Plan Fund Budget of \$2,085,000

Agenda Text: In analyzing the Benefits Plan Fund and assessing where the County's costs for these benefits will be at fiscal year end, it is County staff's belief that expenditures will exceed the current amount budgeted for medical (health) costs. As such, The Board is requested to approve Budget Ordinance Amendment No. 15BCC000064 to increase the Benefits Plan Fund expenditure budget in the amount of \$2,085,000 for medical (health) self-insured costs and increase the Benefits Plan Fund funding sources of medical revenues (employee out-of-pocket contributions) in the amount of \$300,000, increase charges for services (for the Sewer Utility Fund employees) in the amount of \$10,000 and General Fund transfers into the Benefits Plan Fund (County contributions) in the amount of \$1,775,000. The General Fund will be amended as follows: Increase the transfer to health benefits \$1,775,000 and increase fund balance appropriated by \$1,775,000.

Please note that while County staff does estimate the need for additional budget for FY15 for the medical (health) costs, the requested budgetary increase is a conservative estimate. County staff does not anticipate the need for the entire amount; however, the Local Government Commission will not allow amendments to the budget after June 30th for the current fiscal year. Therefore, staff is requesting this conservative amount to ensure that we do not exceed budget appropriations. This amendment is consistent with action taken by the BOCC in June 2014, in the amount of \$1.5 million. Prior month spending trends projected additional funds were needed to support the FY 2013-14 benefits budget. However, of the \$1.5 million appropriated, only \$281,765 was actually spent.

ALIGNMENT WITH STRATEGIC PLAN: This request relates to the following elements of the Durham County Strategic Plan: the amendment aligns with Goal #5 (Accountable, Efficient, and Visionary Government).

RESOURCE PERSONS: Cora Wilson, Human Resources Director; Claudia Hager, Budget Director; Susan Tezai, Deputy Chief Financial Officer; Diane Pearson, Benefits Manager

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends the Board approve Budget Ordinance Amendment No. 15BCC000064 to increase the Benefits Plan Fund expenditure budget in the amount of \$2,085,000 for medical (health) self-insured and increase the Benefits Plan Fund funding sources of medical revenues (employee out-of-pocket contributions) in the amount of \$300,000, increase charges for services (for the Sewer Utility Fund employees) in the amount of \$10,000 and General Fund transfers into the Benefits Plan Fund (County contributions) in the amount of \$1,775,000 and increase the General Fund transfer to health benefits \$1,775,000 and increase fund balance appropriated by \$1,775,000.

Attachments: [AAF-64 Legal Form Benefits Plan Fund Amendment](#)

[15-461](#)

Budget Ordinance Amendment No. 15BCC000067 for Social Services Recognizing Additional Child Care Funds

Agenda Text:

The Board is requested to approve the Department of Social Services request to recognize additional revenue subsequent to adoption of the FY2014-2015 Budget. The revenue represents a funding change in:

Child Care: Counties initially receive a projected child care allocation amount for the next State Fiscal Year in their annual budget estimates in February. DCDEE later issues a funding authorization to each county for funds allocated. The county may find that the allocation figure on the funding authorization is different from the budget estimates issued in February. The Department prepares a budget amendment when this occurs. DCDEE also administers the reallocation of funds throughout the year.

1. The Department has received a Child Care Funding Authorization for a Non Smart Start Direct Services Adjustment (provider payments) in the amount of \$403,449. The department recognizes \$403,449. Funds will be expended in compliance with all state laws, rules, policies and procedures. Attached is a copy of the funding authorization.

ALIGNMENT WITH STRATEGIC PLAN: Goal 2: Health and Well-being for All which decrease health disparities within the community and Goal 3: Safe and Secure Community to improve outcomes for vulnerable, children, youth and adults.

RESOURCE PERSONS: Michael Becketts, Director; Richard Stegenga, Business Officer; Rhonda Stevens, Assistant Director and Linda Bauer, Child Care Program Manager.

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the Board of County Commissioners approve Budget Ordinance No. 15BCC000067 for Child Care Direct Services (provider payments) Funds in the amount of \$403,449.

Attachments:

[Child Care AAF Backup \\$403,449](#)

[AAF-66 Legal Form DSS Recognize additional child care revenue](#)

[15-481](#)

Conservation Funding Agreement with City of Raleigh for the Santee Road property and Capital Project Amendment 15CPA000022 - Appropriation of \$300,000 of City of Raleigh Funds to the Open Space Land Acquisition Project (DC083)

Agenda Text:

The Board is requested to approve the attached conservation funding agreement with the City of Raleigh for the previously acquired Santee Road open space property and to approve Capital Project Amendment CPA15000022 appropriating \$300,000 of City of Raleigh funds to increase the Open Space Land Acquisition capital project (DC083) in order to support the land purchase. The acquisition of the 263-acre Santee Road property was approved by the Board of County Commissioners in 2013. The property was purchased for \$950,000 (\$3,612 per acre), with the City of Raleigh's Upper Neuse Clean Water Initiative (UNCWI) awarding \$300,000 towards the acquisition cost, lowering the county's final cost to \$650,000 (\$2,471 per acre).

The City of Raleigh Upper Neuse Clean Water Initiative (UNCWI) is a program to support the acquisition of open space lands that contribute to the preservation of the water quality for Falls Lake and its tributaries. In order to protect their partial investment in the property, the City of Raleigh requires that conservation restrictions be recorded that place limitations on the use of the land to ensure its long term use is compatible with water quality protection. The use restrictions in Attachment 2 are the UNCWI standard template with the specific details about the property provided by county staff. The proposed restrictions are

compatible with the county's long term plans for the property, which include low-impact recreation uses to be further determined. The conservation restrictions include 150 foot stream buffers, use for park and recreation purposes, and a limit on impervious surfaces.

Planning for use of the Santee Road site is anticipated to begin in summer 2016 after the Hollow Rock project is completed. The City of Durham has expressed some interest in potentially centralizing their adventure programs to this site in a city-county partnership. This popular outdoor program largely serves urban youth, and provides a unique outdoor experience different from standard recreation opportunities with challenge courses, kayaking and the like. The proposed conservation restrictions are compatible with this low-impact use for the site. The Board will be briefed at later date as plans for the site are ready to begin. There is no additional fiscal impact to the County of this agreement; the County benefits by receiving \$300,000 from the City of Raleigh when the conservation restrictions have been recorded.

ALIGNMENT WITH STRATEGIC PLAN: The funding support from the City of Raleigh supports Strategic Plan Goal 5 "Accountable, Efficient, and Visionary Government" by enabling the County to receive \$300,000 in funding from Raleigh towards open space protection; the project also directly implements Goal 4, Implementation Measure 4: "Number of total acres of open space protected by Durham County."

RESOURCE PERSONS: Jane Korest, Division Head for Open Space and Real Estate, and Jay Gibson, County Engineer

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the Board approve the attached conservation funding agreement with the City of Raleigh for the previously acquired Santee Road open space property and approve Capital Project Amendment CPA15000022 appropriating \$300,000 of City of Raleigh funds to increase the Open Space Land Acquisition capital project (DC083) in order to support the land purchase.

Attachments:

[Attach 1 Santee Road Property vicinity](#)

[Attach 2 UNCWI Cons Funding Agreement Durham Co 6-15-15](#)

[Attach 3 UNCWI Cons Funding Agreement Exhibits B-1 thru B-4](#)

[CPA-22 Legal Form City of Raleigh Funds Appropriated to Open Space Capital](#)

15-482

Lease Extension for 706 Rigsbee Avenue with Rainbow 66 Storehouse Incorporated

Agenda Text:

The Board is requested to approve a lease extension for 706 Rigsbee Avenue between Durham County and Rainbow 66 Storehouse Incorporated (Rainbow) for one year and to authorize the Manager to execute the lease extension. Since 2005, Rainbow has leased 706 Rigsbee dependent on a service agreement with Alliance Behavioral Health (Alliance) for the provision of services for

developmentally disabled adults. For FY15-16, Alliance will continue to have a service agreement with Rainbow. Rainbow is a non-profit organization that provides a day program of safe, supervised activities for approximately sixty developmentally disadvantaged adults which is referred to as the Lifeskills program. The Lifeskills program benefits both the client using the facility and the families that need assistance for these dependent family members, and 706 Rigsbee was purchased by Durham County in 1997 with a combination of state and local mental health funds to provide a location for the Lifeskills program.

The attached lease extension continues the provisions of the existing lease. If Rainbow's Service Agreement with Alliance for the Lifeskills program is terminated, the lease is also terminated. Under the lease, Rainbow continues to be responsible for all utilities, janitorial expenses, trash pick-up, and most maintenance responsibilities. The lease is for \$1 for the lease term, and Rainbow has previously provided a \$5,000 security deposit.

ALIGNMENT WITH STRATEGIC PLAN: The lease of 706 Rigsbee for the continued provision of the developmental disabilities day program aligns with the Strategic Plan Goal 2 "Health and Well-being for All" as it provides an essential community service for the families needing and benefitting from this program.

RESOURCE PERSONS: Jane Korest, Division Head for Open Space and Real Estate, and Jay Gibson, Director of Engineering and Environmental Services

COUNTY MANAGER'S RECOMMENDATION: The Board is requested to approve the lease extension for 706 Rigsbee Avenue between Durham County and Rainbow 66 Storehouse Incorporated for one year and to authorize the Manager to execute the lease extension

Attachments: [Attach 1 706 Rigsbee Ave Lease Summary](#)

[Attach 2 706 Rigsbee Lease Extension for FY15-16](#)

[15-485](#)

Property Tax Releases and Refunds for May, 2015

Agenda Text:

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 May, 2015.

Releases and Refunds for 2014 total equals \$42,406.84. Prior year's (2012-2013) releases and refunds for May, 2015 are in the amount of \$2,271.10. The current year and prior year's releases and refunds amount to \$44,677.94.

ALIGNMENT WITH STRATEGIC PLAN: Goal 5, Accountable, Efficient, Visionary Government. To ensure the County complies with North Carolina General Statutes ensures we are accountable to our citizens. The Board of E &

R ensures that we are accountable and efficient as tax revenues are impacted by the actions of this Board. The actions of the tax department and this Board impact all strategic goals due to the revenues needed.

RESOURCE PERSONS: Kimberly H. Simpson, Tax Administrator

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the Board accept the property tax release and refund report for May, 2015 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report.

Sponsors: Board of County Commissioners

Attachments: [BackUp-Releases & Refunds Details-May 2015-June 22, 2015](#)

[BackUp-Releases & Refunds-May 2015-June 22, 2015](#)

[NCVTS Tax Refund Interface BackUp-Releases & Refunds-May 2015-June 22](#)

15-490

Renewal of the Durham City-County Interlocal Cooperation Agreement for Inspections

Agenda Text: The Board is requested to approve the renewal of the Durham City-County Interlocal Cooperation Agreement for Inspections.

The Interlocal Cooperation Agreement between the City of Durham and the County of Durham provides for the coordination of comprehensive building plans review, building permit issuance, and building field inspections.

This basic agreement has been extended, through renewed and revised agreements, at periodic intervals since its original approval in June of 1993.

ALIGNMENT WITH STRATEGIC PLAN: The Durham City-County Inspections Department's services, which provide for the health and safety of the citizens of the City and County, align with the County's Strategic Plan of Accountable, Efficient, and Visionary Government.

RESOURCE PERSONS: William E. Bradham, Durham City-County Inspections Director

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the Board approve the renewal of the Durham City-County Interlocal Cooperation Agreement for Inspections.

Attachments: [Interlocal Agreement \(2015\) Memo to County Manager.doc](#)

[Interlocal Inspections Agreement 2015 Final.doc](#)

15-491

Transitional Living Facility Contract

Agenda Text: The Board is requested to accept the staff recommendation to enter into a contract with Just A Clean House, Inc. (JACH, Inc) for Transitional Living Facility Provider as described in RFP #15-018. The amount of this contract is

\$98,808.84 for the Fiscal Year 2015-16 and can be renewed annually.

The Transitional Living Facility provides a short-term, structured and supervised environment for clients enrolled at the Criminal Justice Resource Center to enhance stabilization and improve their level of functioning. This is a 24-hour service intended to assist criminal justice involved individuals achieve the highest level of independent functioning and secure appropriate living arrangements in the community.

RFP No. 15-018 for Transitional Living Facility Provider was advertised on March 13, 2015 in the local newspaper and on the Durham County website. A total of two (2) proposals were received and carefully evaluated by an Evaluation Team. The team members determined that JACH, Inc offered the best combination of service, experience and cost.

This agenda item has been reviewed and approved by the Purchasing Division.

ALIGNMENT WITH STRATEGIC PLAN: This contract ad associated service supports Goal 3 - Safe and Secure Community to improve outcomes for vulnerable children, youth and adults.

RESOURCE PERSONS: Gudrun Parmer, Director, Criminal Justice Resource Center

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the Board accept the staff recommendation for Just A Clean House (JACH) and authorize the County Manager to execute a contract with JACH for Transitional Living Facility Provider in the amount of \$98,808.84 annually for one (1) year with an option to renew for four (4) additional years.

Attachments:

[JACH Service Contract, FY16](#)

[JACH Contract, Scope of Services, FY16](#)

[JACH, Contract MWBE](#)

15-496

Public Health: Approval of Contract Between Durham County and Correct Care Solutions (CCS) to Provide Medical Care to Inmates of the Durham Detention Center and Durham Youth Home

Agenda Text:

The Board is requested to approve the annual renewal contract between Durham County and Correct Care Solutions, to be administered by Durham County Department of Public Health (DCoDPH). The total amount of the contract is \$3,353,242 to be applied as follows:

- Base amount: \$ 3,171,851 (to be paid in twelve equal payments of \$264,320.92)
- Contingency for excess medical fees. (See explanation below): \$ 140,000

- Contingency for excess population. (See explanation below) \$ 41,391

Explanation of contingency amounts:

- Excess medical fees: CCS will have full financial responsibility for the first \$450,000 related to the cost of off-site care. If and when costs exceed \$450,000, Durham County will be responsible for 100% of the overage, not to exceed \$140,000. CCS will purchase a reinsurance policy to help mitigate the cost of off-site medical care. (In the event that medical fees do not reach the \$450,000 amount, savings will be returned to the County at the end of the Term.)
- Excess population: Medical care for 510 inmates is included in the base charge. For any month that the Average Daily Population is greater than 510, the county will pay CCS \$1.89 per day per additional inmate.

Durham County Department of Public Health (DCoDPH) will continue to provide medications for the Detention Center the DCoDPH Pharmacy. County funds in the amount of \$400,000 are allocated within the Department's budget to support this service. The terms and conditions of the contract for services will otherwise remain the same as FY 12 (original contract period).

ALIGNMENT WITH STRATEGIC PLAN: This initiative aligns with Goal 2 - Health and Well-being for all in that it assures a standard of healthcare for individuals confined in the Detention Center and the Youth Home.

RESOURCE PERSONS: Gayle B. Harris, Public Health Director

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the Board approve the annual renewal contract between Durham County and Correct Care Solutions, to be administered by Durham County Department of Public Health (DCoDPH).

Attachments: [Contract Amendment--Correct Care Solutions](#)

[15-508](#)

Approve the Sale of County Surplus Properties (3005 Ruth Street, 2400 Owen Street and 712 Kent Street)

Agenda Text:

The County Manager recommends that the Board approve the sale of the following surplus properties: 3005 Ruth Street to Briscoe Enterprises for \$4,897.22, 2400 Owen Street to Briscoe Enterprises for \$3,299.75 and 712 Kent Street to Joel Renteria for \$3,254.27. An initial offer to purchase 3005 Ruth Street (Parcel ID #160173) for \$700 was submitted by Briscoe Enterprises. According to the Tax Department's records, the County's investment totals \$737.87. Twelve successive 10 day "upset bid" time periods were held with a total of eighteen upset bids received. The final high bid was for \$4,897.22 and was submitted by Briscoe Enterprises, the original bidder.

An initial offer to purchase 2400 Owen Street (Parcel ID #114476) for \$1,500 was submitted by Briscoe Enterprises. According to the Tax Department's records, the County's investment totals \$4,462.01. Four successive 10 day "upset bid" time periods were held with a total of seven upset bids received. The final high bid was for \$3,299.75 and was submitted by Briscoe Enterprises, the original bidder.

An initial offer to purchase 712 Kent Street (PIN #0821-10-47-1407, Parcel ID #114048) for \$1,500 was submitted by India Dennis. According to the Tax Department's records, the County's investment totals \$1,938.35. Five successive 10 day "upset bid" time periods were held with a total of ten upset bids received. The final high bid was for \$3,254.27 and was submitted by Joel Renteria.

The Board has the authority to accept or reject any offer at the conclusion of the upset bid process.

ALIGNMENT WITH STRATEGIC PLAN: The sale of these surplus properties supports the Strategic Plan Goal 5: "Accountable, Efficient and Visionary Government" by moving these properties obtained in tax foreclosure back into private ownership and back on the tax rolls.

RESOURCE PERSONS: Jane Korest, Open Space and Real Estate Manager, Wendy Seddon, Real Estate Coordinator, and Jay Gibson, Director of Engineering and Environmental Services

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the Board approve the sale of 3005 Ruth Street to Briscoe Enterprises for \$4,897.22, 2400 Owen Street to Briscoe Enterprises for \$3,299.75 and 712 Kent Street to Joel Renteria for \$3,254.27.

Attachments: [Attach 1 - Surplus Real Property Sale Process](#)
[Attach 2 - 3005 Ruth Street Background](#)
[Attach 3 - 2400 Owen Street Background](#)
[Attach 4 - 712 Kent Street Background](#)

15-515

Approving FY 2015-2016 Contracts for Fire and Rescue Services

Agenda Text:

The Board is requested to authorize the Durham County Manager to annual contracts with Lebanon Volunteer Fire Department, Inc. and New Hope Fire Department of Orange County, Inc. to provide fire and rescue services in their respective districts within the County of Durham.

The Contract for Fire and Rescue Services is renewed annually, becoming effective July 1 each year, and is the instrument through which the County fire departments provide services and are funded through the collection of fire tax revenues. The contracts have not changed substantially from last year.

ALIGNMENT WITH STRATEGIC PLAN: The Contracts for Fire and Rescue Services provide for the ongoing provision of emergency services in alignment with Strategic Plan Goal 3: Safe and Secure Community.

RESOURCE PERSONS: Mark Schell, Interim Fire Marshal; Lee Worsley, Deputy County Manager

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the Board authorize the Manager to execute Contracts for Fire and Rescue Services with Lebanon Volunteer Fire Department, Inc. and New Hope Fire Department of Orange County, Inc.

Attachments: [Lebanon-Contract.pdf](#)
[NewHope-Contract.pdf](#)

15-517 Approval of Interlocal Cooperation Agreement with Alliance Behavioral Healthcare

Agenda Text: The Board is requested to approve the Interlocal Cooperation Agreement between Durham County and Alliance Behavioral Healthcare for mental health, intellectual/ developmental disabilities, and substance abuse (“MH/I-DD/SA”) services for Durham citizens for fiscal year 2016.

Since July 1, 2012, Alliance Behavioral Healthcare (“Alliance”) has managed the provision of high quality, cost-effective mental health, intellectual/ developmental disabilities, and substance abuse (“MH/I-DD/SA”) services to consumers in the Durham and Wake County catchment areas. This Agreement sets forth the parties’ rights and obligations for Alliance to manage publicly-funded MH/I-DD/SA services for residents of Durham County.

ALIGNMENT WITH STRATEGIC PLAN: This agreement supports Goal 2: Health and Well-being for All.

RESOURCE PERSONS: Rob Robinson, CEO Alliance Behavioral Healthcare; Marqueta Welton, Deputy County Manager

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the Board approve the Interlocal Cooperation Agreement between Durham County and Alliance Behavioral Healthcare for mental health, intellectual/ developmental disabilities, and substance abuse (“MH/I-DD/SA”) services for Durham citizens for fiscal year 2016.

Attachments: [ABH - FY16 INTERLOCAL COOPERATION AGREEMENT from DCo \(3\) \(2\).do](#)

15-518 Amendment to 2014-2015 Interlocal Agreement with Alliance Behavioral Healthcare

Agenda Text: The Board is requested to approve an amendment to the 2014-2015 Interlocal Cooperation Agreement between Durham County and Alliance Behavioral Healthcare (“Alliance”) for MI/I-DD/SA services to ensure that the agreement

reflects the correct accounting of unspent funds.

Alliance and the County entered into an Interlocal Agreement dated July 1, 2014 for managing publicly-funded Mental Health/Intellectual and Development Disabilities/Substance Abuse services. The parties desire to amend the original agreement to ensure that the agreement reflects the correct accounting of unspent funds. The agreement was amended on in September 2014 to reflect that the annual funding amount and funding for a youth initiative program need to be adjusted annually. This second amendment keeps all terms and conditions of the original agreement and first amendment not inconsistent with the terms and conditions of the second amendment in effect.

ALIGNMENT WITH STRATEGIC PLAN: This amendment aligns with Goal 5: Accountable, Efficient and Visionary Government.

RESOURCE PERSONS: George Quick, Chief Finance Officer

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the Board approve an amendment to the 2014 2015 Interlocal Cooperation Agreement between Durham County and Alliance Behavioral Healthcare for MI/I-DD/SA services to ensure that the agreement reflects the correct accounting of unspent funds.

Attachments: [ABH - FY15 Interlocal Amendment for approval.doc](#)

[15-519](#)

Consideration of Extension of Option to Purchase for Integral Development, LLC for the James A. Whitted School Property

Agenda Text:

On November 5, 2012, the Board of Commissioners authorized staff to begin negotiating with the development team of Integral Development LLC/Forty AM/Durham Public Schools (Integral Team) regarding the repurposing of the James A. Whitted School. The Integral Team was chosen as the preferred developer to acquire the historic James A. Whitted School from Durham County. The Integral Team has proposed to repurpose the school by developing affordable senior housing and partnering with the Durham Public School System for pre-kindergarten classrooms.

On January 7, 2013 the Board of County Commissioners authorized an option to purchase the James A Whitted School for Integral Development. On April 14, 2014, the Board authorized an extension to the option.

In early 2015, the Board of County Commissioners, the Durham City Council and the Durham Public Schools Board of Education authorized execution of a Public/Private Partnership agreement to guide the development deal associated with the project.

The Option to Purchase allows Integral the right to purchase the property for low-moderate income housing pursuant to N.C.G.S. 153A-376(b), through June

30, 2016. The purchase price will be \$100, with an additional \$100 down to secure the Option. The Closing shall only occur once the parties have successfully negotiated a Development Agreement. Restrictive Covenants will also be placed on the property prior to the sale to ensure that the use of the Property is limited to low-moderate income housing and a public school..

ALIGNMENT WITH STRATEGIC PLAN: This redevelopment of James A. Whitted School is an initiative within the Community and Family Prosperity and Enrichment goal area.

RESOURCE PERSONS: Lee Worsley, Deputy County Manager, and Kathy Everett-Perry, Senior Assistant County Attorney

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the Board approve the Option to Purchase with Integral Development LLC and authorize the County Manager to execute Option to Purchase.

Attachments: [June 22 Option Extension for Whitted](#)

15-523 Budget Ordinance Amendment No. 15BCC000069 - Appropriate \$297,000 (County Portion) of \$7 Vehicle Registration Tax Revenue and Distribute to GoTriangle

Agenda Text: The Board is requested to approve Budget Ordinance Amendment No. 15BCC000069 in the amount of \$297,000 which is the County's share of the \$7 vehicle registration taxes received by the County prior to the approved resolution authorizing the Division of Motor Vehicles (DMV) to distribute the \$7 vehicle registration tax on motor vehicles registered in Durham County directly to GoTriangle in a manner consistent with the Durham County Bus and Rail Investment Plan and Interlocal Implementation Agreement for the Durham County Bus and Rail Investment Plan.

Prior to approval of the resolution, 100% of the funds were distributed to the County which are then allocated per General Statutes', Article 52, County Vehicle Registration Tax, pro rata based on the most recent annual estimate of population certified by the State Budget Officer. The County's portion of the total amount collected to be distributed to GoTriangle is \$296,517.10. The County is to record the County's share of the amount collected to date in the general ledger as a pass thru (e.g., recognizing our share of the distribution as revenue and the distribution of our share to GoTriangle as an expenditure).

Please note that this amendment is needed so as not to exceed appropriations for a given functional area (e.g., transportation). Also, please note that the budget for both the revenues and expenditures are being increased with no effect on General Fund fund balance.

ALIGNMENT WITH STRATEGIC PLAN: Strategic Plan Goal 4,

Environmental Stewardship, as it reflects an increase in use of environmentally preferred transportation options; Strategic Plan Goal 5, Accountable, Efficient and Visionary Government as it ensures the proper accounting and budgetary treatment for the distribution to GoTriangle.

RESOURCE PERSONS: George K. Quick, Chief Financial Officer

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the Board approve Budget Ordinance Amendment No. 15BCC000069 appropriating \$297,000 of the County's share of the \$7 vehicle registration taxes received by the County prior to the approved resolution authorizing the DMV to distribute these taxes directly to GoTriangle, and distributing to those funds to GoTriangle.

Attachments: AAF-69 Legal Form \$7 Vehicle Registration Tax To GoTriangle (\$297,000).docx

8. Public Hearings

[15-488](#)

Public Hearing to Consider Approval of up to \$7,000,000 in Educational Facilities Revenue Bonds for the Benefit of The Montessori School of Raleigh, Inc.

Agenda Text:

The Board is requested to hold a public hearing and then to approve up to \$7,000,000 in Educational Facilities Revenue Bonds, to be issued by the Public Finance Authority, for the benefit of the Montessori School of Raleigh, Inc.

The Public Finance Authority (the "Authority") is a commission organized under and pursuant to the provisions of Sections 66.0301, 66.0303 and 66.0304 of the Wisconsin Statutes. The Authority is authorized to issue tax-exempt, taxable, and tax credit conduit bonds for public and private entities throughout all 50 states and is jointly sponsored by the National Association of Counties and National League of Cities, among others. Any issuance of bonds by the Authority is required to be approved by the "applicable elected representative" of a governmental unit having jurisdiction over the entire area in which the Facility is located, after a public hearing held following reasonable public notice (this hearing was advertised in the Durham Herald-Sun more than 14 days in advance of tonight). The Board of County Commissioners have approved bond issuances of this sort for two Durham charter schools (Voyager and RTHS) in the past three years.

The Montessori School of Raleigh is a private school with campuses/locations both within Durham County (on Andrews Chapel Rd. off of Leesville Rd.) and in the City of Raleigh. A public hearing will also be held by the City of Raleigh. The proceeds of the Bonds will be loaned to the School to be used to refund an earlier debt and also to finance or refinance the acquisition, construction, equipping and furnishing of various improvements to the two campuses.

These Bonds do not constitute a debt of the State of North Carolina or any political subdivision or any agency thereof, including Durham County. They are

payable solely from the revenues and other funds provided for in a loan agreement between the Authority and the Borrower, and accordingly no County taxpayer funds will ever be involved, obligated, due, or paid as a result of the issuance of these bonds.

ALIGNMENT WITH STRATEGIC PLAN: Objective 1 of Goal 1 of the County Strategic Plan is to “provide support for educational opportunities that ensure high academic achievement.”

RESOURCE PERSONS: Jeff Poley (Parker Poe Adams & Bernstein LLP), bond counsel; Mary Nash Rusher (Hunter & Williams LLP), School’s Counsel; Kaley Mansour, Director of Business Operations (Raleigh Montessori); Krystin Knox, Board Treasurer (Raleigh Montessori)

COUNTY MANAGER’S RECOMMENDATION: The Board is requested to hold a public hearing and then to approve up to \$7,000,000 in Educational Facilities Revenue Bonds, to be issued by the Public Finance Authority, for the benefit of the Montessori School of Raleigh, Inc.

Attachments: [Resolution of the Board of Commissioners of the County of Durham](#)

[15-510](#)

Public Hearing - Unified Development Ordinance Text Amendment, Independent Living Facility (TC1400005)

Agenda Text:

The Board is requested to conduct a public hearing and receive public comments on the *Unified Development Ordinance* Text Amendment, Independent Living Facility (TC1400005); and

First Motion: To adopt the appropriate Statement of Consistency pursuant to NCGS §153A-341; and

Second Motion: To adopt an ordinance amending the *Unified Development Ordinance*, incorporating revisions to Article 5, Use Regulations; Article 10, Parking and Loading; and Article 16, Definitions.

Summary. *Unified Development Ordinance* (UDO) text amendment TC1400005 is a privately-initiated application to develop standards for a type of residential use called an “independent living facility.”

The draft text amendment ordinance provides the following for an “independent living facility”:

1. Establishes the use within Article 5, Use Regulations;
2. Clarifies references to other similar uses within Article 5, Use Regulations;
3. Establishes parking requirements in Article 10, Parking and Loading; and
4. Provides a definition for the use in Article 16, Definitions.

Attachments: Attachment A: Application by Morningstar Law Group

Attachment B: Parking Assessment (February 9, 2015) submitted by Morningstar Law Group

Attachment C: An Ordinance to Amend the *Unified Development Ordinance* Regarding Independent Living Facilities (TC1400005)

Attachment D: Statement of Consistency Pursuant to NCGS §153A-341

Attachment E: Planning Commission Comments

The Planning Commission recommended approval, 11-0, of the text amendment on April 14, 2015. The Planning Commission determined that the Ordinance request is consistent with the adopted *Comprehensive Plan* and that the request is reasonable and in the public interest based on comments received at the public hearing and the information in the staff report.

ALIGNMENT WITH STRATEGIC PLAN: The text amendment emphasizes Goal 1 by offering fair and reasonable regulations for the citizens and business community of Durham while adhering to Goal 5 by maintaining a transparent government and welcoming public input.

RESOURCE PERSONS: Michael Stock, AICP, Senior Planner, and Steven L. Medlin, AICP, City-County Planning Director

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:

[BOC6-22-15Memo TC1400005_final.pdf](#)

[Attachment A TC1400005_application.pdf](#)

[Attachment B Assisted Living Parking Study 2-9-2015.pdf](#)

[Attachment C BOC6-22-15 TC1400005_final.pdf](#)

[Attachment D TC1400005_BOC_Consistency_statement.pdf](#)

[Attachment E TC1400005 Planning Commission Written Comments.pdf](#)

9. Board and Commission Appointments (10 min)

[15-511](#)

Board and Commission Appointments

Agenda Text:

Michelle Parker-Evans, 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 Adjustment
- Citizen Advisory Committee
- Criminal Justice Advisory Committee

- Durham Planning Commission
- Durham Technical College Board of Trustees
- Environmental Affairs Board
- Juvenile Crime Prevention Council
- Memorial Stadium Authority
- Public Health Board

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: 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: V. Michelle Parker-Evans, County Clerk to the Board

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the Board of County Commissioners vote to appoint a member to the above-mentioned boards and commissions.

10. ITEMS PULLED FROM CONSENT AGENDA (20 min)

11. Closed Session

[15-520](#)

Closed Session

Agenda Text:

The Board is requested to adjourn to Closed Session pursuant to G. S. 143-318.11(a)(4) to discuss matters relating to the location or expansion of a business or industry.

ALIGNMENT WITH STRATEGIC PLAN: This item aligns with Goal 1: Community and Family Prosperity and Enrichment.

RESOURCE PERSONS: Marqueta Welton, Deputy County Manager

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the Board adjourn to Closed Session pursuant to G. S. 143-318.11(a)(4) to discuss matters relating to the location or expansion of a business or industry.

12. Adjournment