



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, April 11, 2016

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)

16-962

Announcements

Agenda Text:

- 1) The City of Durham Neighborhood Improvement Services Department, Durham Center for Senior Life and the Durham County Public Health Department will host Seniors' Bull City Play Streets, a free event designed for senior citizens to enjoy a day of play, on Saturday April 23rd from 10:00 am - 2:00 pm at the Durham Center for Senior Life Center, 406 Rigsbee Avenue.
- 2) The Housing Authority of the City of Durham opened its Site-Based Waiting List for the Public Housing Program on April 4, 2016. Applications will be accepted at individual site locations and will not be accepted at the Central Office location. Please visit the Housing Authority's website or the Board's webpage for additional information.

- 3) Saturday, April 16 from 8 am to noon is the grand opening of the Durham Roots Farmers Market at Northgate Mall outside of the Stadium 10 Theater. The Market was started by Durham County Farmers involved with the Durham County Farmland Preservation Board as a way to support Durham farmers, big and small. Northgate Mall has been a terrific community partner in this effort. For more information about the market, call 919-903-1570, email durhamrootsfm@gmail.com <<mailto:durhamrootsfm@gmail.com>>, or visit the website at www.durhamroots.org <<http://www.durhamroots.org>>.
- 4) The Chair will hold office hours for citizens on Wednesdays by appointment. Please call 919-949-4022 to schedule an appointment.
- 5) We invite you to tune in to Cable TV Channel 8 or 97-5 to see rebroadcasts of tonight's meeting as well as other Durham County programming that may be of interest to you. Please contact the Public Information Office at 919-560-0008 or our website www.dconc.gov <<http://www.dconc.gov>> for more information.
- 6) These 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)

16-969

Minutes

Attachments: [Regular Session - March 28, 2016](#)

5. Ceremonial Items

16-1003

Introduction of new Director of Human Resources

Agenda Text:

The Board is requested to congratulate Kathy Everett-Perry, the newly appointed director of the Durham County Human Resources Department. Her promotion to oversee the recruitment, development, support and retention of employees for Durham County Government began March 28, 2016.

She has served as interim director of the department for nearly nine months prior to her appointment.

Everett-Perry, employed with the County for ten and half years, has a legal background that includes more than twenty-one years of practice and considerable practical experience in the area of employment and labor law. Prior to her interim position, she was a senior assistant county attorney which included representation responsibilities of various employment issues for the County.

Her professional background includes litigation, investigation, legal advisory,

negotiation and training. In a memo to the Board of County Commissioners regarding her selection as interim last summer, the county's chief executive noted her experience with federal and state agencies, including but not limited to the Equal Employment Opportunity Commission, the Office of Administrative Hearing, the Department of Labor and the Employment Security Commission. Her legal knowledge that ties her to the area of human resources comprises being well-versed in the Americans with Disabilities Act, Family Medical Leave Act, Title VII, the Fair Labor Standards Act, wrongful discharge and other critical compliance legislation.

Alignment with Strategic Plan: The item aligns with Strategic Goal 5.

Resource Persons: County Manager Wendell Davis

County Manager's Recommendation: The County Manager recommends that the Board congratulate Mrs. Kathy Everett-Perry.

[16-990](#)

Resolution Condemning Passage of "Public Facilities Privacy & Security Act"

Agenda Text:

The Board is requested to review a resolution that has been prepared expressing strong opposition to and seeking repeal of the new state law entitled, "Public Facilities Privacy & Security Act" that was approved by the General Assembly and signed into law by Governor Pat McCrory during a hastily called special session on March 23, 2016. The bill is in fact viewed as an act of hate and attacks the dignity of the lesbian, gay, bisexual and transgender residents of our community and state. Negative reaction to this law has been swift, coming from Fortune 500 companies, national professional sports organizations, the White House and other elected officials. The legislation is described as a "threat to our state's economy."

The Board is asked to approve this resolution, joining other local governments across North Carolina and send copies to the leadership of the General Assembly, Governor Pat McCrory and Durham lawmakers urging its repeal.

Alignment with Strategic Plan: Goal 1 Community and Family Prosperity and Enrichment

Resource Persons: Chairman Michael D. Page

County Manager's Recommendation: The County Manager recommends that the Board take action to approve and forward copies to: Governor Pat McCrory, House Speaker Tim Moore, President Pro Tempore Phil Berger and members of the Durham Delegation.

Attachments:

[Resolution - OPPOSING HB2](#)

[16-1001](#)

National Lineman Appreciation Day 2016

Agenda Text:

The Board is requested to recognize National Lineman Appreciation Day 2016 which spotlights the courageous men and women that risk their lives daily to

construct and maintain the energy infrastructure of the United States.

The day of appreciation sheds light on the imperative role of linemen and how they protect the public safety of the community daily.

Alignment with Strategic Plan: This item aligns with Goal 3 of the Strategic Plan.

Resource Persons: Emergency Management Director and Fire Marshal Jim Groves, and Deputy County Manager Jodi Miller

County Manager's Recommendation: The County Manager recommends that the Board approve this proclamation and present it to the listed resources.

Attachments: [Proclamation - National Lineman Appreciation Day](#)

16-948

Proclamation -- Child Abuse Prevention Awareness Month

Agenda Text:

The Board is requested to Proclaim April Child Abuse Prevention Month.

Each year Child Abuse Month is celebrated annually throughout the country in April. This month of acknowledgement increases the awareness, education and opportunities that members of our community can engage in order to support children who have been mistreated. This month also provides the opportunities to raise awareness and educate the community on the many ways to support families to prevent future abuse and neglect.

Alignment with Strategic Plan: This recognition is in line with the Safe and Secure Community County Strategic Plans.

Resource Persons: Sharon Hirsch, CEO of NC Prevent Child Abuse; Jovetta L. Whitfield, Assistant Director, Ann Granby, Program Manager and Rachael Galanter, Executive Director, Exchange Family Center

County Manager's Recommendation: The County Manager recommends that the Board Proclaim April as Child Abuse Prevention Awareness Month.

Attachments: [Proclamation - Child Abuse Prevention Awareness Month](#)

16-952

Proclamation - The Week of the Young Child 2016

Agenda Text:

The Board is requested to read **The Week of the Young Child 2016 Proclamation** on behalf of Durham's Partnership for Children, Child Care Services Association, and other local collaborating organizations during the April 11th BOCC meeting. This recognizes Durham County's commitment to children, birth to age 5, and the services being done through Durham's Partnership for Children and its partners.

Proclaiming this week the official Week of the Young Child 2016 helps to celebrate early childhood and recognizes the importance of investment in the Durham County by supporting the youngest population and their families.

Alignment with Strategic Plan: Goal 1 - Community and Family Prosperity and Enrichment

Resource Persons: Laura Benson, Executive Director, Durham's Partnership for Children

County Manager's Recommendation: The County Manager recommends that the Board present The Week of the Young Child 2016 Proclamation on behalf of Durham's Partnership for Children and its partners during the April 11th BOCC meeting.

Attachments: [Proclamation - 2016 Week of the Young Child](#)

16-967

Proclamation - April 10 - 16 as National Volunteer Week 2016

Agenda Text:

The Board is requested to proclaim April 10 - 16, 2016 as National Volunteer Week. The goals of National Volunteer Week are to inspire, recognize, and encourage residents to seek creative ways to volunteer and engage in their communities. Volunteers are a valuable resource, during FY 2014-2015 over 63,000 volunteer hours were devoted to Cooperative Extension Program areas of Welcome Baby, Project BUILD, Agriculture including Briggs Avenue Community Garden/Master Gardeners, Kids Voting, Durham County ACCESS Transportation, 4-H, Community Outreach Services and Family and Consumer Sciences, yielding a monetary impact in excess of \$1,293,317. Volunteerism is vital to our future as a caring and productive community.

Alignment with Strategic Plan: This proclamation aligns with Goal 3 of the Durham County Strategic Plan. Goal 3, the Safe and Secure Community goal increases resident engagement in communities.

Resource Persons: Delphine Sellars, County Extension Director and Mae McLendon, Volunteer Services Coordinator

County Manager's Recommendation: The County Manager recommends that the Board read and present the proclamation, adopting April 10-16, 2016 as National Volunteer Week and urge fellow citizens to volunteer in their respective neighborhoods.

Attachments: [Proclamation - National Volunteer Week](#)

16-1002

National County Government Month 2016

Agenda Text:

The Board is requested to approve the National County Government Month proclamation.

Each year, Durham County Government joins counties nationwide for NCGM, a celebration raising awareness of the roles and responsibilities of counties. NCGM, led by the National Association of Counties (NACo), has been celebrated since 1991 by 3,069 county governments across the country.

Alignment with Strategic Plan: Recognizing the roles and responsibilities of county government impacts Goals 1-5 of the Strategic Plan.

Resource Persons: Assistant County Manager Deborah Craig-Ray and Sr. Public Information Specialist Dawn Dudley

County Manager's Recommendation: The County Manager recommends that the Board approve the National County Government Month 2016 proclamation and present it to the listed resource persons.

Attachments: [Proclamation - National County Government Month](#)

6. Consent Agenda (15 min)

16-955

Roof Replacement at the Durham County Detention Center

Agenda Text:

The Board is requested to authorize the County Manager to execute a contract for \$1,340,544.00 with Owens Roofing Inc. for the replacement of the roof at the Durham County Detention Center.

The detention center roof has outlived its useful life. The County issued an RFQ and evaluated responses to identify a vendor to replace the roof. Owens Roofing Inc. submitted the lowest bid of five bids for a total of \$1,340,544.00, including alternates one and two. Alternate one increase the polystyrene insulation to 2" and alternate two accommodates flashing through the brick wall.

The anticipated budget for the project was \$1,408,252.00 which allowed for a \$66,000.00 contingency for unexpected conditions. The design engineer, Rooftop Systems Engineers has reviewed the bids submitted on January 7, 2016 and recommends that Owens Roofing Inc. be awarded the contract. The Engineer's Certified Tab Sheet and recommendation are attached.

Alignment with Strategic Plan: The roof replacement aligns with Goal 3, Safe and Secure Community: Partner with the community to prevent and address unsafe conditions, protect life and property and respond to emergencies.

Resource Persons: Motiryo Keambiroiro, Director of General Services; Charles King, Project Facilitator, General Services

County Manager's Recommendation: The County Manager recommends that the Board authorize the execution of the Contract for General Construction with Owens Roofing Inc. for the replacement of the roof on the Durham County Detention Center in the amount of \$1,340,544 inclusive of Alternates 1&2.

Attachments:

[15-003-054-Award Letter](#)

[Owens Roofing Contract](#)

[IFB 16-008 Roof Replacement Detention Center Certified Bid Tab Sheet](#)

16-970

Durham Public Schools - Right of First Refusal for a Portion of 4521 South Alston Avenue

Agenda Text:

The Board is requested to decline to purchase 3734 square feet of land at 4521

South Alston Avenue from the Durham Public Schools (parcel ID # 211477). The land is needed for intersection improvements for the new Fed Ex facility planned in this area. Durham public schools has a stormwater retention pond on this property, but the sale of this strip of future right-of way does not impact the pond. The sale was approved by the Board of Education on March 23, 2016 for \$8,000. Pursuant to N.C. Gen. Stat. 115C-518, the Board of County Commissioners is afforded a right of first refusal on the land. The Board may purchase the property at fair market value or a negotiated price, or waive its right.

The Manager does not recommend purchasing this strip since the area is needed for the road improvements at the NC54 and South Alston Avenue intersection as part of the new Fed Ex facility. A map of the right-of-way dedication is attached.

Alignment with Strategic Plan: Sale of this portion of land owned by DPS to support needed road improvements aligns with Strategic Goal 5 “Accountable, Efficient and Visionary Government”

Resource Persons: Hugh Osteen, Chief Operations Officer

County Manager’s Recommendation: The Manager recommends that the Board decline to purchase 3734 square feet of land at 4521 South Alston Avenue from the Durham Public Schools.

Attachments: [Attach 1 DPS Right of First Refusal NC54 and Alston](#)

16-971

Durham Public Schools - Right of First Refusal for 216 Dacian Avenue

Agenda Text:

The Board is requested to decline to purchase 216 Dacian owned by Durham Public Schools. The property was declared surplus by the Board of Education on March 7, 2016. The Board of Education also accepted an offer to purchase the property at the March 7th meeting for \$65,000. Pursuant to N.C. Gen. Stat. 115C-518, the Board of County Commissioners is afforded a right of first refusal on the property. The Board may purchase the property at fair market value or a negotiated price, or waive its right. If declined, the Board of Education may dispose of the properties according to applicable law.

The Manager does not recommend purchasing 216 Dacian Avenue as the County has no foreseeable need for the property. A map of the property is attached.

Alignment with Strategic Plan: Sale of this portion of land owned by DPS but not needed for any county function aligns with Strategic Goal 5 “Accountable, Efficient and Visionary Government”

Resource Persons: Hugh Osteen, Durham Public Schools Chief Operations Officer

County Manager's Recommendation: The Manager recommends that the Board decline to purchase 216 Dacian Avenue from the Durham Public Schools.

Attachments: [Attachment DPS right of first refusal 216 Dacian](#)

16-975 **Approval of Closed Session Minutes**

Agenda Text: The Board is requested to approve Closed Session Minutes that the County Attorney has determined that public inspection would no longer frustrate the purpose of a closed session. The minutes have been sent to the Board under separate cover.

Alignment with Strategic Plan: Goal 5

Resource Persons: V. Michelle Parker-Evans, County Clerk; Lowell L. Siler, County Attorney

County Manager's Recommendation: The County Manager recommends that the Board approve the Closed Session minutes as submitted under separate cover.

16-1004 Budget Ordinance Amendment NO. 16BCC000056 - Appropriation in the Debt Service Fund for the Approved Issuance of \$78,227,000 of General Obligation Bonds and COPS for the Refunding of 2008 General Obligation Bonds and 2009A COPS

Agenda Text: The Board is requested to approve Budget Ordinance Amendment No. 16BCC000056 for the appropriation of the Board approved issuance of General Obligation Bonds for the refinancing of 2008 General Obligation Bonds and LOBS for the refinancing of 2009A COPS. In April of 2015, the Board approved the issuance of up to \$35,158,000 General Obligation Refinancing Bonds, and in March of 2016 \$43,069,000 of LOBS refinancing. The requested Budget Amendment, although merely technical, is necessary to accurately reflect the transaction on the County's books. As such, the request to approve the recognition of the appropriation to the Debt Service Fund budget is being made at this time. Please note that the complete transactions (e.g., the recognition of the refinancing proceeds and the retirement/refunding and debt issuance costs expenditures) are accounted for in the Debt Service Fund, accordingly. The budgetary appropriation amounts for the July 2015 refinancing and the April 2016 refinancing of \$78.227 million are:

Debt Service Fund (Refinancing of 2008 GO Bonds and 2009A COPS):

<u>Other Financing Sources</u>	<u>Increase</u>
Refunding bond proceeds	\$78,227,000

<u>Expenditures</u>	
Debt issuance costs	\$ 759,000

<u>Other Financing Uses</u>	
Refunding debt payment	\$77,468,000

Alignment with Strategic Plan: This request aligns with Goal 5 of the Strategic Plan, Accountable, Efficient and Visionary Government. By embracing new and efficient ways of using capital, County dollars can do more for its citizens.

Resource Persons: George K. Quick, Chief Financial Officer

County Manager's Recommendation: The County Manager recommends that the Board approve Budget Ordinance Amendment No. 16BCC000056 recognizing the appropriation of the July 2015 approved refinancing General Obligation bond issuance for 2008 issued General Obligation Bonds and the April 2016 approved refinancing of 2009A COPS.

Sponsors: Lane

Attachments: AAF-56 Legal Form (April 11 BOCC Meeting) Refinancing of GO Bonds and CC

7. Public Hearings

[16-997](#)

Public Hearing to Consider Allocating Economic Development Investment Funds to Aurobindo Pharma USA Inc

Agenda Text:

The Board is requested to hold a public hearing to consider allocating \$200,000.00 in economic development investment funds to Aurobindo Pharma USA Inc. Aurobindo is the 5th largest pharmaceutical company in India and the 14th largest in the United States, with U.S. headquarters in Dayton, NJ. The company manufactures specialty products for COPD, asthma and other advanced pharmaceuticals. The company has plans to create new service lines and will grow the R&D business to develop new inhalation and dermatological products.

The company operates two facilities in central New Jersey with approximately 300,000sf of lab, manufacturing, distributions and administrative space. It also has a small temporary presence in Raleigh (800sf) that is operating for a trial period. The company is considering locating a pharmaceutical manufacturing plant and R&D center in the Durham or expanding on the 90 acres it owns at its current U.S. headquarters in New Jersey. The company's expansion in Durham would mean a \$31,700,000.00 capital investment and the creation of 200 new full-time jobs. The job opportunities cover a cross-section of skills with salaries ranging from \$40,000 to \$120,000 a year, including 113 operator positions at \$40,000 each.

The State of North Carolina through the Economic Development Partnership of North Carolina is considering a Job Development Investment Grant (JDIG) as an incentive for the company to locate in North Carolina. House Bill 117 requires that the local government participate in offered JDIG incentives in a manner appropriate to the project. The City of Durham will consider an incentive of equal value to the County's with similar conditions.

Staff is recommending that the county provide up to \$200,000 in economic development incentives. \$100,000 would be tied to the \$31.7 million capital

investment. Aurobindo could earn additional incentives of \$1,000 training reimbursements for each Durham resident hired in this proposed expansion, up to a maximum of \$100,000. Funds would be paid from the general fund and furnished over a five (5) year period through an economic development incentive fund performance contract.

This public hearing was advertised on April 1, 2015 as required by law.

Alignment with Strategic Plan: This project aligns with Goal 1: Community and Family Prosperity and Enrichment by supporting the retention of existing jobs and the creation of new jobs for a net job gain.

Resource Persons: Marqueta Welton, Deputy County Manager

County Manager's Recommendation: The County Manager recommends that the Board conduct the public hearing and, if appropriate, approve the proposed incentive for Aurobindo Pharma USA Inc. in an amount of up to \$200,000.00.

8. Other Business

[16-1000](#)

Request for \$62,500 in Support for Free Community Programming at Moogfest

Agenda Text:

The Board is requested to consider allocating \$62,500 to support free community programming at the inaugural Durham Moogfest taking place in May of this year.

The 2016 Moogfest, the first time this four-day event has been held in Durham, will be a wide-ranging cultural and musical event with a great deal of free community programming. The total cost of free community programming is \$275,000, of which the City and County are requested to contribute \$62,500 each. City Council approved their contribution on Monday, April 4th.

The event is estimated to produce nearly \$7 million in direct and indirect economic impact as well as nearly \$200,000 in local taxes.

Alignment With Strategic Plan: The sizeable economic impact Moogfest will have on Durham, as well as the cultural impact of the free programming, are aligned with Goal 1 of the County's strategic plan, which includes the goals of economic prosperity but culture and arts as well.

Resource Persons: Casey Steinbacher, Founder and CEO of Casey's Company

County Manager's Recommendation: The County Manager recommends that the Board consider allocating \$62,500 to support free community programming at the inaugural Durham Moogfest taking place in May of this year.

Attachments:

[NewDurham City-County Presentation deck \(9\) compressed \(1\)](#)

9. ITEMS PULLED FROM CONSENT AGENDA (20 min)**10. Closed Session****16-991 Closed Session****Agenda Text:**

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

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

11. Adjournment