



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 27, 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.

Closed Session (To be held at: 5:00 pm)

16-1135 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; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.

County Manager's Recommendation: The County Manager recommends that the Board adjourn to Closed Session pursuant to G.S. 143-318.11(a)(5) to establish, or to instruct the public body's staff or negotiating agents concerning the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.

7:00 pm Regular Session

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

3. Announcements (5 min)

[16-1111](#)

Announcements

Agenda Text:

- 1) The Board of County Commissioners will only hold one meeting during the month of July. The meeting date will be July 11th at 7:00 pm. We will hear citizen comments during that meeting.
- 2) Please contact the Clerk's Office at 919-560-0025 or clerk@dconc.gov [<mailto:clerk@dconc.gov>](mailto:clerk@dconc.gov) to find out about opportunities to serve on one of our volunteer boards or commissions.
- 3) 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)

[16-1112](#)

Minutes

Attachments:

[Worksession - May 2, 2016](#)

[Regular Session - June 13, 2016](#)

5. Ceremonial Items

[16-1127](#)

Proclamation - Vulnerable and Elder Abuse Awareness Month

Agenda Text:

The Board is requested to proclaim June as Vulnerable and Elder Abuse Awareness Month. Although June 15th was recognized as World Elder Abuse Awareness Day, it is important that we recognize and protect our vulnerable and older adults who are susceptible to abuse, neglect, and exploitation.

The Durham County Adult Care Home Community Advisory Committee and the Nursing Home Community Advisory Committee serve as the link between residents in nursing homes and assisted living facilities and the community, and promote education and awareness of the needs of this population; while the Department of Social Services is charged with investigating the reports of abuse, neglect, and/or exploitation on our elders.

Alignment with Strategic Plan: Goal 3 - Safe and Secure Community

Resource Persons: Michael D. Page, Chair; Gwen Price, Co-Chair, Adult Care Home Community Advisory Committee; Delores McNair, Adult Care Home Community Advisory Committee

County Manager's Recommendation: The County Manager recommends that the Board proclaim June as Elder Abuse Awareness Month and commend its observance to all citizens.

Attachments:

[Proclamation - Elder Abuse Month 2016](#)

16-1144 Receive Merit Award from Triangle Chapter of American Institute of Architects for Human Services Complex**Agenda Text:**

The Board is requested to receive an award from the Triangle Chapter of the American Institute of Architects (AIA), represented by Mr. Phil Freelon, FAIA. During their Spring 2016 Design Awards Ceremony, the Triangle Chapter of AIA awarded the Durham County Human Services Complex with a Merit Award.

Alignment with Strategic Plan: Goal Area 4, Environmental Stewardship and Goal Area 5, Visionary Government

Resource Persons: Mr. Phil Freelon, FAIA, Perkins + Will; Jay Gibson, P.E., General Manager

County Manager's Recommendation: The County Manager recommends that the Board receive this Merit Award from the Triangle Chapter of AIA recognizing the Durham County Human Services Complex.

6. Consent Agenda (15 min)**16-1088** **Durham's Home and Community Care Block Grant (HCCBG) Funding Plan through the Department of Social Services****Agenda Text:**

The Board is requested to approve The Home and Community Care Block Grant Funding Plan. The Home and Community Care Block Care Grant (HCCBG), as authorized in G.S. 143B-181.1 (a) (11), is designed to improve the planning and coordination of in-home and community based services provided to North Carolina's older adults. It is also intended to promote the visibility of aging programs at the local level by giving counties increased flexibility with respect to funding aging services available through the Block Grant. The majority of funding comprising the HCCBG is authorized by the federal Older Americans Act. There are federal mandates and priorities established by the Older Americans Act. However, the legislation provides for state and local discretion in the funding of particular services and programs.

The Durham County Department of Social Services and the Durham Center for Senior Life are co-lead agencies for receiving the funds and administering the programs. The goal of services provided under this grant is to enable recipients to stay at home longer; receiving the care and services they need in their own homes, thus reducing the necessity for out of home placement. Services provided are Adult Day Care Services, Congregate Meals, Senior Center Operations, Information and Case Assistance, Transportation, Home Delivered Meals and In-Home Aide Services.

This funding has been incorporated into the FY2017 Budget.

Alignment With Strategic Plan: Goal 2: Health and Well-being for All which

decrease health disparities within the community.

Resource Persons: Margaret Keller and Joan Pelletier, Co-chairs, Durham Partnership for Seniors; Cathy Stallcup, Executive Director, Durham Center for Senior Life; and Bob Wallace, Program Manager of Adult Services, Durham County Department of Social Services

County Manager's Recommendation: The County Manager recommends that the Board approve the Home and Community Care Block Grant Funding Plan as presented. Funding for the Plan has been incorporated into the Manager's proposed FY2017 Budget.

Attachments: [HCCBG AAF Backup](#)

16-1097 **Facility Use Policy / Fee Increases for Security and Janitorial Services**

Agenda Text:

The Board is requested to approve a fee increase to the Facility Use Policy for security and janitorial services due to the rise in cost associated with these services. The proposed fee schedule increase and current facility use policy are attached for reference. The policy is designed to assure certain facilities owned and operated by Durham County are utilized in a manner that has a public purpose which meets the needs and interests of the community, as well as to set clear policies, procedures, regulations and fees regarding such uses. This policy will supersede all other County and Department policies concerning the use of County facilities as defined in this policy.

Alignment with Strategic Plan: The proposed policy aligns with Goal 5: Accountable, Efficient and Visionary Government objectives to harness community resources and foster informed public engagement.

Resource Persons: Motiryo Keambiroiro, Director of General Services

County Manager's Recommendation: The County Manager recommends the Board approve a fee increase to the Facility Use Policy for security and janitorial services to assure certain facilities owned and operated by Durham County are utilized in a manner that has a public purpose which meets the needs and interests of the community, as well as to set clear policies, procedures, regulations and fees regarding such uses.

Attachments: [Current Fee Schedule](#)

[Proposed Fee Schedule Increase](#)

[Current DCo Facility Use Policy \(Effective 11-6-14\)](#)

16-1098 **Approval of Economic Development Agreement with Premier Research International**

Agenda Text:

The Board is requested to authorize the County Manager to execute the economic development agreement negotiated with Premier Research International pursuant to an incentive awarded on December 14, 2015.

On December 14, 2015, the BOCC approved allocating \$26,000.00 in economic

investment funds to Premier Research International to encourage the company to invest \$4.1 million to expand its Research Triangle Park operations in Durham County and create 260 new full-time jobs. This agreement covers the terms agreed upon.

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, Economic Development Officer

County Manager's Recommendation: The County Manager recommends that the Board authorize the County Manager to execute the agreement with Premier Research International.

Attachments: [ED - Premier Research International Final Agreement 6-16-16.docx](#)

16-1099 **Interlocal Agreement with City of Durham for Continuation of the Gang Reduction Strategy**

Agenda Text: The Board is requested to approve the Interlocal Agreement with the City of Durham for Continuation of Durham's Gang Reduction Strategy (GRS) in fiscal year 2016-17.

Durham's Gang Reduction Strategy (GRS) was developed as a response to recommendations from the Comprehensive Gang Assessment that was completed and adopted by the City and County in November 2007. The Gang Assessment highlighted the need for a coordinated approach that includes prevention, intervention and suppression strategies to reduce criminal activity committed by gang members in Durham County. Since 2011, the City of Durham and Durham County have jointly lead this effort and funded the GRS Manager position and the Project Build Program.

For fiscal year 2016-2017, the City agrees to fund half of the GRS Manager position (1 FTE) in an amount not to exceed \$50,703.00 towards personnel, training and operating expense. Additionally, the City will pay for one outreach worker position (1 FTE) and 1/3 of a bilingual outreach worker (0.33 FTE) in Project Build in an amount not to exceed \$73,367, as well as \$20,000 towards the annual cost of Project Build. The County will be responsible for funding and supporting all additional costs associated with the GRS Manager position, as well as the Project Build Program including but not limited to salaries and benefits, operating expenditures, office space, administrative support and oversight. Future appropriations, if any, shall be approved by City Council and County Commissioners.

This interlocal agreement is a continuation of the FY15-16 agreement and has been reviewed by the County Attorney's Office.

Alignment With Strategic Plan: This agenda item supports the County's

Strategic Goal 3: Safe and Secure Community, as well as Strategic Goal 5: Efficient Government.

Resource Persons: Gudrun Parmer, Director, Criminal Justice Resource Center; Delphine Sellars, Director, Cooperative Extension

County Manager's Recommendation: The County Manager recommends that the Board approve the Interlocal Agreement with the City of Durham for Continuation of Durham's Gang Reduction Strategy (GRS) in fiscal year 2016-17.

Attachments: [GANG REDUCTION AGREEMENT CLEAN COPY.docx](#)

16-1100 **Public Health: Approval of Contract between Durham County and Correct Care Solutions (CCS) to Provide Health Care Services for Inmates in the Durham Detention Center and Residents of the Durham County Youth Home**

Agenda Text: The Board is requested to approve that the County enter into a contract with Correct Care Solutions (CCS) to provide health care services for Detention Center inmates and the residents of the Youth Home.

The term of this contract for services is July 1, 2016 to June 30, 2017 unless extended or sooner terminated. The parties may extend the term of the contract for four consecutive one-year periods. Public Health will continue to administer the contract.

This recommendation comes as a result of the review of three proposals submitted in response to RFP: 16-011 (Comprehensive Health Care Services for the Durham County Detention Facility and the Durham County Youth Home) and in person interviews with representatives of the three vendors. The proposal submitted by CCS provided more staff time (1,006 hours per week provided by 25.15 FTEs) and includes staff to provide oversight in the pod areas of inmates deemed to be medically fragile and/or to have complex health conditions. Additionally, this proposal caps the County's financial contribution for the agreed upon services. (Pharmacy services will continue to be provided by the Public Health pharmacy.)

The total amount of the year-one contract is \$3,090,566 to be applied as follows:

- Base amount: \$ 2,899,175 (divided into 11 payments of \$241,597.91 and 1 payment of \$241,597.99)
- Contingency for excess medical fees. (See explanation below): \$ 150,000
- 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 \$400,000 related to the cost of off-site care. If and when costs exceed \$400,000, Durham County will be responsible for 100% of the cost of care not to exceed \$150,000. In the event that medical fees do not reach the \$400,000 amount, 100% of the savings will be returned to the County. CCS will purchase a reinsurance policy to help mitigate the cost of off-site medical care.
- Excess population: Medical care for 495 inmates is included in the base charge. For any month that the Average Daily Population is greater than 495, the county will pay CCS \$1.89 per day per additional inmate. The budgeted amount of \$41,391 allows for fluctuations in the average daily population of up to an additional 60 inmates per day.

The Board of Health unanimously approved this recommendation.

In review of the MWBE participation for this comprehensive health care services project, Correct Care Solutions, LLC will be utilizing 7.35% Women Owned businesses to provide health care subcontracting on this project, and they have provided a responsive bid. Per discussion with Correct Care Solutions, LLC, they have been informed and have accepted the course of action to extend their efforts on MWBE participation on reaching Durham County's goals.

Alignment With Strategic Plan: Goal 2: health and wellbeing for all, in that the contract is to ensure optimal health outcomes for the Detention Center inmates and Youth Home residents.

Resource Persons: Gayle B. Harris, Health Director; Joanne Pierce, Deputy Health Director

County Manager's Recommendation: The County Manager recommends that the Board approve the County enter into a contract with Correct Care Solutions (CCS) to provide health care services for Detention Center inmates and the residents of the Youth Home.

Attachments: [Correct Care Solutions LLC](#)

16-1102 **Budget Ordinance No. 16BCC000063 Recognizing Adoption Promotion Funds in the Amount of \$60,000**

Agenda Text: The Board is requested to approve the Department of Social Services request to recognize revenue subsequent to the adoption of the FY15-16 budget. The North Carolina Department of Health and Human Services has awarded Durham County Department of Social Services \$60,000 in Adoption Promotion Funds. These funds enhance and expand adoption services to find permanent homes for hard-to-place children who are living or likely to be placed in foster homes or institutions and promotes public-private partnerships. Attached is a

copy of the Electronic Fund Transfer.

Alignment With Strategic Plan: Goal 3: Safe and Secure Community to improve outcomes for vulnerable, children, youth and adults.

Resource Persons: Michael A. Becketts, Director; Richard Stegenga, Assistant Director and Jovetta Whitfield, Assistant Director.

County Manager's Recommendation: The County Manager recommends that the Board approve Budget Ordinance No. 16BCC000063 recognizing Adoption Promotion Funds in the amount of \$60,000.

Attachments: [Adoption Promotion Fund AAF \\$60k Backup](#)
[AAF-63 Legal Form Adoption Promotion Funds](#)

16-1103 **Property Tax Releases and Refunds for May 2016**

Agenda Text: The Board is requested to approve the Releases & Refunds for the month of May 2016. 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 2016.

Releases and Refunds for 2015 total equals \$107,318.97 and 2016 equals \$112.21. Prior year's (2010-2014) releases and refunds for May 2016 are in the amount of \$13,458.78. The current year and prior year's releases and refunds amount to \$120,889.96.

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 2016 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report.

Sponsors: Board of County Commissioners

Attachments: [Back Up Detail-Releases & Refunds-May 2016-June 27, 2016](#)
[BackUp-Releases & Refunds-May 2016-June 27, 2016](#)
[NCVTS April Refunds](#)

16-1115 **Service Contract with Animal Protection Society of Durham, Inc.**

Agenda Text: The Board is requested to approve the service contract with Animal Protection Society of Durham, Inc., ("APS") for the operation of the Durham County Animal Shelter, in the amount of \$618,631.15, a 4% increase over the FY16

contract. The proposed service contract and a request letter from the Shelter Manager are attached.

The services provided under the proposed service contract are similar to those currently provided by APS and include but are not limited to (i) caring for, at the shelter, all dogs, cats and other animals impounded by Animal Control and/or delivered to it by members of the general public; (ii) providing necessary veterinary care for animals impounded, housed, or surrendered to the shelter, and (iii) maintaining accurate records and providing monthly reports of all animals impounded, the disposition of all animals, amounts collected for board, redemption fees, and civil penalties by APS.

Alignment with Strategic Plan: Service and care for Durham County's animal population aligns with the County's strategic plan Goal 2: Health & Well-being for All and Goal 3: Safe and Secure Community.

Resource Persons: Major Adam Clayton, Kimberly Franklin, Finance Officer, Shafonda Davis, APS, Shelter Manager

County Manager's Recommendation: The County Manager recommends that the Board approve the Service Contract with Animal Protection Society of Durham, Inc., and the Sheriff for the operation of the Durham County Animal Shelter, in the amount of \$618,631.15 and authorize the Manager to execute the Agreement.

Attachments:

[APS Service Contract FY17](#)

[APS Budget Request Letter 2017](#)

[APS corrected budget 16 17 completed 1 29 16](#)

16-1117

Budget Ordinance Amendment No. 16BCC000064 - Hazardous Materials Emergency Planning Grant of \$9,989.00 from US Department of Transportation to Durham County Emergency Management

Agenda Text:

The Board is requested to approve Budget Ordinance Amendment No. 16BCC000064, recognizing and applying grant funds to Durham County Emergency Management.

The County of Durham has received a Hazardous Materials Emergency Planning (HMEP) grant in the amount of \$9,989 through the U.S. Department of Transportation (USDOT). The funds are for training equipment, trainers and planning scenario. The grant agreement is between the County of Durham and the State of North Carolina, Department of Public Safety, Division of Emergency Management, NC Emergency Response Commission. Durham County, through its Local Emergency Planning Committee (LEPC), will fully perform the approved hazardous materials emergency planning project as described in the agreement's scope of work.

This grant agreement becomes effective upon execution by all parties of the

agreement. The termination date is September 15, 2016, unless terminated earlier in accordance with the provisions of the agreement.

This is a reimbursable grant. Mr. J. David Marsee II, as the County's representative, is responsible for the administration of this agreement. He will ensure that the terms of the agreement are adhered to, including submittal of required reports to initiate reimbursement.

Alignment With Strategic Plan: The Hazard Mitigation Emergency Plan (HMEP) grant supports Durham County Strategic Goal #3 - Safe and Secure Community. The HMEP grant is designed to help offset the cost of conducting training and exercises for hazardous chemical companies and first responders to ensure the capability to respond to and recover from hazardous material spills. The grant provides opportunities for local government resources to interact with private partners and to enhance capacities to respond to such emergencies.

Resource Persons: J. David Marsee II, Emergency Management Coordinator, Chairman, Durham County LEPC; and James E. Groves, Fire Marshal/Emergency Management Director

County Manager's Recommendation: The County Manager recommends that the Board approve Budget Ordinance Amendment No. 16BCC000064, recognizing and applying grant funds in the amount of \$9,989 to Durham County Emergency Management.

Attachments:

[Completed HMEP 2016](#)

[AAF-64 Legal Form Recognition of HazMat Grant Funds](#)

16-1125

Interlocal Agreement with City of Durham for Recyclable Material Processing

Agenda Text:

The Board is requested to authorize the County Manager to enter into an Interlocal Agreement (ILA) with the City of Durham for them to provide recyclable material processing and transportation services. Specifically, the County's collected recycling materials will be delivered by Durham County's Recycling Contractor to the City's Transfer Station to be processed and hauled to Sonoco's Raleigh Materials Recovery Facility (MRF). The City of Durham has proposed to charge the County a recycling tipping fee of \$18.13 per ton to commence July 1, 2016 through June 30, 2017. The compensation paid to the City of Durham shall not exceed \$76,150.00 for FY17. The ILA shall automatically renew each year unless specifically terminated by either party, though annual budgets must still be approved by the City and the County elected boards. This request is due in large part to the downturn in China's economy and sinking oil prices which have dramatically impacted globally the commodity prices for household recyclables. These current market conditions have forced recycling processors, like Sonoco Recycling, to charge governments throughout the United States for processing recyclables that historically provided a source of revenue.

Alignment With Strategic Plan: The Solid Waste Management Division within the General Services Department is responsible for properly managing and disposing of the solid waste and recyclable materials generated in the unincorporated areas of Durham and disposed of at its four solid waste and recycling convenience sites in a safe, efficient and cost-effective manner. These responsibilities align with Strategic Plan Goal 4 - Environmental Stewardship and Goal 5 - Accountable, Efficient and Visionary Government.

Resource Persons: Motiryo Keambiroiro, Director General Service; Brian S. Haynesworth, Solid Waste Program Manager and Chrissie Koroivui, Waste Reduction Supervisor

County Manager's Recommendation: The County Manager recommends that the Board authorize the County Manager to enter into an Interlocal Agreement (ILA) with the City of Durham for them to provide recyclable material processing and transportation services. Specifically, the County's collected recycling materials will be delivered by Durham County's Recycling Contractor to the City's Transfer Station to be processed and hauled to Sonoco's Raleigh Materials Recovery Facility (MRF). The City of Durham has proposed to charge the County a recycling tipping fee of \$18.13 per ton to commence July 1, 2016 through June 30, 2017. The compensation paid to the City of Durham shall not exceed \$76,150.00 for FY17. The ILA shall automatically renew each year unless specifically terminated by either party.

Attachments: [RECYCLING PROCESSING COUNTY OF DURHAM DRAFT 05-10-16 - WDF € 11166 AGREEMENT RECYCLING PROCESSING COUN 390012 698083](#)
[11166 MEMO INTERLOCAL AGREEMENT FOR 390010 698082](#)

16-1133 **Approve Closing of the Special Butner Special Revenue Fund (2002250000) and Budget Ordinance Amendment No. 16BCC000065 Transferring the Balance of Funds (\$21,350) to the General Fund - Restricted for Special Butner**

Agenda Text: The Board is requested to approve closing the Special Butner Special Revenue Fund (2002250000) and approving Budget Ordinance Amendment No. 16BCC000065 transferring the balance of funds (\$21,350) to the General Fund to be restricted for Special Butner.

The Special Butner Special Revenue Fund was established to account for and report the proceeds of the special district established through Special Legislation for the police and fire protection for Camp Butner State Preservation. There is no longer a tax being assessed for the Special Butner District. As such, the Special Butner Special Revenue Fund no longer has revenues being generated from an external source, and therefore, no longer meets the requirements to be a special revenue fund per GASB Statement No. 54. To adhere to GASB, the County needs to close this fund. In doing so, the balance of funds will be transferred to the General Fund where by law they will be restricted for the Special Butner District. The current amount in the fund is \$21,322.07. The estimated amount at the time of closing is \$21,350 which is the amount of the

budget amendment.

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: Kim Simpson, Tax Administrator; Susan Tezai, Deputy Chief Financial Officer

County Manager's Recommendation: The County Manager recommends that the Board approve closing the Special Butner Special Revenue Fund (2002250000) and Budget Ordinance Amendment No. 16BCC000065 transferring the balance of funds (\$21,350) to the General Fund to be restricted for Special Butner.

Attachments: [AAF-65 Legal Form Closing Special Butner District Fund \(200225\) and Transfer](#)

16-1134

Acceptance of Franchise Application to Provide Ambulance Service in Durham County

Agenda Text:

The Board is requested to approve an ambulance franchise for North State Medical Transport to provide the following services within Durham County: non-emergency and inter-facility transportation at the advance life support level; back-up emergency ambulance service at the request of the County; and special events coverage at the request of the County. North State Medical Transport has fulfilled the requirements for an ambulance franchise set forth in Chapter 12, Article 2, Division 2 of the Durham County Code Ordinances, concerning the franchise of ambulance service.

This action requires a public hearing.

Application is attached

Alignment With Strategic Plan: These requests align with Strategic Goal #2: Health and Well-being for All; Strategic Goal #3, Safe and Secure Communities; and Strategic Goal #5, Accountable, Efficient, and Visionary Government

Resource Persons: Skip Kirkwood, Director of EMS

County Manager's Recommendation: The County Manager recommends that the Board accept the application from North State Medical Transport and schedule the required hearing for public comment in July 2016.

Attachments: [SKMBT_C284e16061416500](#)

16-1137

Adoption of the FY 2016-2017 Budget Ordinance

Agenda Text:

The Durham County Manager presents the FY 2016-2017 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, General Manager, Financial Affairs, Process Improvement and Government Efficiency; Keith Lane, Director, Budget & Management Services

County Manager's Recommendation: The County Manager recommends that the Board approve the FY 2016-2017 Budget Ordinance.

Attachments: [FY16-17 Budget Ordinance w seal Final and Attachment 1 fee schedule](#)

16-1141 **Budget Ordinance Amendment No. 16BCC000066 to Recognize \$25,000 from SHIFT-NC to Implement the Maternal Child Health Initiative and All Together Now**

Agenda Text: The Board is requested to approve Budget Ordinance Amendment No. 16BCC000066 to recognize funds in the amount of \$25,000 from SHIFT-NC to implement activities for the Maternal Child Health (MCH) Initiative and All Together Now. This initiative will lead to improved birth outcomes, improved overall health status of children ages 0 to 5, and a lowering of the infant mortality rate and teen pregnancy rate in the Durham community.

The Board of Health has approved this amendment.

Please note that this amendment requires no additional County funds.

Alignment with Strategic Plan: This grant aligns with Strategic Goal 2: Health and Well-being for All. Birth outcomes and the infant mortality rate is a marker of the overall health of a community.

Resource Persons: Gayle B. Harris, MPH, Health Director

County Manager's Recommendation: The County Manager recommends that the Board of County Commissioners approve Budget Ordinance Amendment No. 16BCC000066 to recognize funds in the amount of \$25,000 from SHIFT-NC to implement activities for the Maternal Child Health (MCH) Initiative and All Together Now.

Attachments: [AAF-66 Legal Form Public Health SHIFT-NC Funds for Maternal Child Health In](#)

16-1142 Approval of Budget Ordinance Amendment No. 16BCC000068 Transferring Firefighters' Relief Funds (\$255,000) from the Parkwood Fire Tax Fund and the Bethesda Service Tax Fund to the Durham Fire & Rescue Fund

Agenda Text: The Board is requested to approve Budget Ordinance Amendment No. 16BCC000068 transferring \$255,000 of Firefighters' Relief Funds (FRFs) from the Parkwood Fire Tax Fund and the Bethesda Service Tax Fund to the Durham Fire & Rescue Fund.

The FRFs are restricted by General Statutes 58-84-1 through 58-84-60 for the benefit of firefighters. A local Firefighters' Relief Fund Board of Trustees is elected/appointed to control the local funds. One of the five board members is chosen to serve as Treasurer. The state provides a bond to cover Treasurers of FRFs. The general statutes only allow these funds to be used for certain expenses that relate to the firefighters (e.g., financially assist firefighters injured while servicing their community, benefits for NCSFA member line of duty death or injury, member destitution, approved supplemental retirement payments, etc.) Therefore, these funds are restricted for FRFs purposes in the County's general ledger. Because these services are no longer being provided by the Parkwood Volunteer Fire Department (VFD) and the Bethesda Service Tax District firefighters but rather by the Durham Fire & Rescue (D F & R) firefighters within the D F & R Service District, these funds need to be transferred into the D F & R Service Tax District. The estimated amount being transferred from the Bethesda Service Tax District Fund and the Parkwood Fire Tax District Fund is \$135,000 and \$120,000, respectively, for an estimated total amount of \$255,000 being transferred into the D F & R Service Tax District Fund.

Please note that because these are restricted by state statute and are being accounted for in the County's general ledger as restricted cash and cash equivalents as well as restricted fund balance.

Also please note that the attached Budget Legal Form will show an increase of \$510,000 due to accounting standards which count the funds moving between funds within the same Fund group twice.

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: Susan F. Tezai, Deputy Chief Financial Officer, Claudia Hager, General Manager, Jodi Miller, General Manager

County Manager's Recommendation: The County Manager recommends that the Board approve Budget Ordinance Amendment No. 16BCC000068 transferring FRFs (\$255,000) from the Parkwood Fire Tax Fund and the Bethesda Service Tax Fund to the Durham Fire & Rescue Service Tax Fund.

Attachments: AAF-68 Legal Form Transferring funds from the Bethesda Service District and F

16-1146 Approval of Budget Ordinance Amendment No. 16BCC000067 Transferring \$56,124.52 from the Bahama, Lebanon and Redwood Fire Tax District Funds and Durham Fire & Rescue Service Tax Fund to the General Fund for Reimbursement of Radio Maintenance Fees

Agenda Text: The Board is requested to approve Budget Ordinance Amendment No. 16BCC000067 transferring 56,124.52 from the Bahama, Lebanon and Redwood Fire Tax District Funds and Durham Fire & Rescue Service Tax Fund to

reimburse the General Fund for radio maintenance fees paid on behalf of these districts.

The County paid radio maintenance fees for fiscal year 2015-16 that included radios servicing the Bahama, Lebanon, Redwood and Durham Fire & Rescue Districts. As such, staff is requesting that the Board approve transfers from these funds to reimburse the General Fund. The amounts to transfer from Bahama, Lebanon and Redwood Fire Tax District Funds are \$13,916.43, \$13,304.72 and \$5,199.55, respectively, and the Durham Fire and Rescue Service Tax Fund of \$23,703.82 for a total amount to be transferred to the General Fund of \$56,124.52.

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: Susan F. Tezai, Deputy Chief Financial Officer; Claudia Hager, General Manager

County Manager's Recommendation: The County Manager recommends that the Board approve Budget Ordinance Amendment No. 16BCC000067 transferring 56,124.52 from Bahama, Lebanon and Redwood Fire Tax District Funds and Durham Fire & Rescue Service Tax Fund to reimburse the General Fund for radio maintenance fees.

Attachments: AAF-67 Legal Form Transferring funds from the Bahama, Lebanon, Redwood, &

7. Public Hearings

[16-1123](#) Public Hearing - Trinity School of Durham and Chapel Hill Inc.

Agenda Text: The Board is requested to hold a public hearing and receive comments on educational facilities of Trinity School of Durham and Chapel Hill, Inc. to be refinanced with proceeds from the issuance of tax-exempt bonds by the Public Finance Authority.

At the conclusion of the public hearing, the Board is requested to adopt the attached resolution entitled: RESOLUTION APPROVING THE ISSUANCE OF NOT TO EXCEED \$5,000,000 OF THE PUBLIC FINANCE AUTHORITY EDUCATIONAL FACILITIES REVENUE REFUNDING BOND (Trinity School) SERIES 2016 TO REFINANCE CERTAIN COSTS OF VARIOUS PROJECTS ON BEHALF OF TRINITY SCHOOL OF DURHAM AND CHAPEL HILL, INC.

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

Resource Persons: Brandon Lofton, Attorney, Robinson, Bradshaw, Hinson

County Manager's Recommendation: The County Manager recommends that

the Board hold the public hearing and adopt the attached resolution.

Attachments: [8736728_v4_TEFRA Notice \(Durham\)-Trinity School 2016 PFA Bond](#)
[8785119_v2_TEFRA Resolution \(Durham\)-Trinity 2016 Bond](#)

16-1128

Public Hearing - Unified Development Ordinance Text Amendment, Technical Updates-Graphics (TC1500002)

Agenda Text: The Board is requested to conduct a public hearing and receive public comments on the *Unified Development Ordinance* Text Amendment, Technical Updates-Graphics (TC1500002); 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 6, District Intensity Standards; Article 9, Landscaping and Buffering; Article 10, Parking and Loading; and Article 16, Definitions.

Summary. Text amendment TC1500002 primarily provides new graphics, or revisions to existing graphics, for current standards within the *Unified Development Ordinance* (UDO). Minor technical text amendments are also proposed. The following amendments are proposed within the attached Ordinance (Attachment A):

- New graphics for infill standards in Sec. 6.8, Infill Development in Residential Districts.
- Revised graphics for “yard” definitions in Sec. 16.3, Defined Terms.
- New graphic for fences and walls in Sec. 9.9, Fences and Walls.
- New graphics for bicycle parking standards in paragraph 10.4.4, Design Standards for Bicycle Parking.
- Amendments to text for technical correction or clarifications related to graphics.

Attachments:

Attachment A: An Ordinance to Amend the Unified Development Ordinance to Add or Revise Graphics (TC1500002)

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

Attachment C: Planning Commission Comments

The Planning Commission recommended approval, 13-0, of the text amendment on April 12, 2016. 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. The recommendation also included some additional clarifying amendments.

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:

[Attachment A TC150002Ord BOCC final](#)

[Attachment B TC1500002 BOC Consistency statement](#)

[Attachment C TC1500002 Planning Commission Written Comments](#)

[BOCC6-27-16MemoTC1500002-final](#)

16-1129

Public Hearing - Unified Development Ordinance Text Amendment, Reasonable Accommodation (TC1500006)

Agenda Text:

The Board is requested to conduct a public hearing and receive public comments on the *Unified Development Ordinance* Text Amendment, Reasonable Accommodation (TC1500006); 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 2, Review Authority; Article 3, Applications and Permits; and Article 16, Definitions.

Summary. Text amendment TC1500006 proposes revisions to the Unified Development Ordinance (UDO) to allow reasonable accommodations to UDO requirements. Staff has developed regulations and a procedure to seek reasonable accommodations. The following amendments are proposed within the attached Ordinance (Attachment A):

- Amendments to Sec. 2.4.5.A. Powers and Duties
- Amendments to Sec 3.2.1. Applicability
- Amendments to Sec 3.2.5.A. Summary of Notice Required
- Amendments to Sec 3.2.5.E. Required Hearing
- Amendments to Sec 3.24 Reasonable Accommodation

- Amendments to Sec 16.3 Defined Terms

Attachments:

Attachment A: An Ordinance to Amend the Unified Development Ordinance to Add Reasonable Accommodation (TC1500006)

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

Attachment C: Planning Commission Comments

The Planning Commission recommended approval, 12-1, of the text amendment on April 12, 2016. 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. The recommendation also included some additional clarifying amendments.

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: Supriya Chewle, 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:

[Attachment A TC1500006 BOCC6-27-16](#)

[Attachment B TC150006 BOCC Consistency statement](#)

[Attachment C TC1500006 Planning Commission Written Comments](#)

[TC150006 BOCC Memo - Reasonable Accommodation](#)

16-1130

Public Hearing - Unified Development Ordinance Text Amendment, Technical Updates due to State Legislation and Case Law (TC1500007)

Agenda Text:

The Board is requested to conduct a public hearing and receive public comments on the *Unified Development Ordinance* Text Amendment, Technical Updates due to State Legislation and Case Law (TC1500007); 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 3, Applications and Permits; Article 4, Zoning Districts; Article 5, Use Regulations; Article 6, District

Intensity Standards; Article 7, Design Standards; Article 8, Environmental Protection; Article 9, Landscaping and Buffering; Article 12, Infrastructure and Public Improvements; and Article 16, Definitions.

Summary. Numerous statutory changes involving planning and environmental regulation were passed by the North Carolina General Assembly, and signed into law by the governor, during this past legislative session. In addition, the North Carolina Supreme Court (NCSC) has recently held that uses not listed within a zoning ordinance (or in Durham's case, a Unified Development Ordinance (UDO)) cannot be prohibited because they are not listed within the ordinance. The attached draft ordinance (Attachment A) proposes changes based upon the following legislation (session laws) and judicial decision, with a hyperlink provided for each session law:

- [SL2015-1](#)
<<http://www.ncga.state.nc.us/EnactedLegislation/SessionLaws/HTML/2015-2016/SL2015-1.html>>, Environmental Laws; [SL2015-241](#)
<<http://www.ncga.state.nc.us/EnactedLegislation/SessionLaws/HTML/2015-2016/SL2015-241.html>>, Current Operations and Capital Improvements Appropriations Act of 2015
- [SL2015-86](#)
<<http://www.ncga.state.nc.us/EnactedLegislation/SessionLaws/HTML/2015-2016/SL2015-86.html>>, Zoning/Design and Aesthetic Controls
- [SL2015-149](#)
<<http://www.ncga.state.nc.us/EnactedLegislation/SessionLaws/HTML/2015-2016/SL2015-149.html>>, Stormwater/Built-upon Area
- [SL2015-160](#)
<<http://www.ncga.state.nc.us/EnactedLegislation/SessionLaws/HTML/2015-2016/SL2015-160.html>>, Zoning Changes/Citizen Input
- [SL2015-246](#)
<<http://www.ncga.state.nc.us/EnactedLegislation/SessionLaws/HTML/2015-2016/SL2015-246.html>>, Local Government Regulatory Reform of 2015
- *Byrd v. Franklin County* (issued November 6, 2015)

Attachments:

Attachment A: An Ordinance to Amend Various Provisions of the Unified Development Ordinance Due to State Legislation and Case Law (TC1500007)

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

Attachment C: Planning Commission Comments

The Planning Commission recommended approval, 13-0, of the text amendment

on April 12, 2016. 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:

[BOCC6-27-16_TC1500007_Memo_final](#)

[Attachment A_TC1500007_BOCC_Ord_final](#)

[Attachment B_TC1500007_BOC_Consistency_statement](#)

[Attachment C_TC1500007_Planning_Commission_Written_Comments](#)

8. Board and Commission Appointments (10 min)

16-1131

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
- Bicycle and Pedestrian Advisory Commission
- Board of Adjustment
- Citizens Advisory Committee
- Criminal Justice Advisory Board
- Durham Technical Community College Board of Trustees
- Firefighter's Relief Fund Board of Trustees
- Homeless Services Advisory Committee
- Juvenile Crime Prevention Council
- Planning Commission
- Women's Commission

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.

9. ITEMS PULLED FROM CONSENT AGENDA (20 min)

10. Adjournment