

**THE BOARD OF COUNTY COMMISSIONERS
DURHAM, NORTH CAROLINA**

Monday, September 23, 2013

County Commissioners' Chambers
200 East Main Street, Durham, North Carolina

AGENDA

"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 P.M. Regular Session

1. **Opening of Regular Session** - Pledge of Allegiance (5 min)
2. **Agenda Adjustments** (5 min)
3. **Announcements** (5 min)
 - 1) "In Touch with Durham County," the Durham County Television show, airs daily on Cable TV Channel 8 at 10 a.m., 3:30 p.m. and 6:30 p.m. Our County Commissioners' meetings are also rebroadcast on Thursdays at 2:00 p.m., Saturdays at 9:00 p.m., and Sundays at 9:00 p.m.
 - 2) Durham County needs you! If you have a few hours to commit, Durham County has a number of boards and commissions that can benefit from your participation. We invite you to make a difference in our community. Contact the Clerk's Office at 919-560-0025, visit the County's website, or email Clerk@dconc.gov for more information. Please note that all City and County taxes must be current at the time of application.
 - 3) The FY2013-2014 Matching Grant Program of the Durham Open Space and Trails Commission application process began on September 3, 2013. The grants are to assist nonprofit organizations in preserving open space lands and promoting new or improved recreational opportunities for citizens. All Durham community nonprofits interested in applying for FY2013-14 Matching Grant funds must submit an application by November 4, 2013. The Matching Grant Program application and FY 2013-14 Program Guidelines are available on the County's website. For additional information, please

contact the Matching Grants Administrator, Bo Gattis, in the Budget and Management Services department at 560-0012.

4. Minutes (5 min)

- a. August 26, 2013 Regular Session
- b. September 9, 2013 Regular Session

5. American Cancer Society Presentation (10 min)

- 1) The Board is requested to hear a presentation regarding a cancer prevention study in Durham and Orange counties. The Durham/Orange County CPS 3 enrollment will take place September 24-26th and the goal is to enroll 350 participants in the American Cancer Society's new research study called the Cancer Prevention Study-3 (CPS-3). This study will help researchers better understand the genetic, environmental and lifestyle factors that cause or prevent cancer, which will ultimately save lives.
- 2) The study is open to anyone who:
 - Is between 30 and 65 years old;
 - Has never been diagnosed with cancer (not including basal or squamous cell skin cancer);
 - Is willing to make a long-term commitment to the study, which involves completing periodic follow-up surveys at home for the next 20-30 years.

Resource Persons: Eric Heydorn, American Cancer Society

County Manager's Recommendation: The County Manager recommends that the Board hear a presentation regarding a cancer prevention study in Durham and Orange counties.

6. Consent Agenda (15 min)

- a. Approve the Amendment to the Merger Agreement between Alliance Behavioral Healthcare and Cumberland County;
- b. Approve Budget Ordinance Amendment 14BCC000015 accepting the \$147,796 JAG award to be shared equally with the City of Durham;
- c. Authorize the Manager to execute the contract with Concord Greenberg Durham Hotel, LLC in an amount not to exceed \$400,000.00;
- d. Approve Budget Ordinance Amendment 14BCC000016 accepting the \$150,000 of City of Durham funds to support the cost and implementation of the MWBE Disparity study;
- e. Approve Budget Ordinance Amendment No. 14BCC000017 to recognize \$6,893 from the NC Division of Public Health, Nutrition Services Branch for the Environmental Health Division;
- f. Approve Capital Project Amendment No. 14CPA000005 creating an ongoing capital project (\$615,775) for planned replacement of aged HVAC systems in County

buildings. General Fund dollars will fund purchases made before Limited Obligation Bonds are available through an interfund loan of that amount and will be reimbursed/repaid once the loan funds become available;

- g. Accept the property tax release and refund report for August, 2013 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report.

7. Public Hearing for the FY14 Rural Operating Assistance Program Grant Application (15 min)

- 1) The Board is requested to hold a public hearing on the FY14 Rural Operating Assistance Program (ROAP) Grant. The Community Transportation Program within Cooperative Extension is applying for the full allocation of the ROAP grant for Durham County. This amounts to the following:

Elderly and Disabled Transportation Assistance Program (EDTAP):	\$ 130,668
Employment Transportation Assistance Program (EMPL):	\$ 31,674
Rural General Public Program (RGP):	\$ 80,307
Total ROAP Grant:	\$ 242,649

- 2) EDTAP funds require no local match and will be used to provide services to the general public as well as participants of the following agencies: Department of Social Services/Adult Services, Durham Exchange Club Industries, Durham Center for Senior Life, the ARC of Durham, and NC Services for the Blind. Additional agencies may be added during the fiscal year.
- 3) EMPL funds require no local match and will be used to provide work-related transportation to transportation-disadvantaged residents of the County.
- 4) RGP funds will be used to provide transportation to residents of the County. RGP requires a 10% local match which is typically collected through fares for the service.

Resource Persons: Margaret Scully, Transportation Program Manager and Delphine Sellars, County Extension Director, Cooperative Extension

County Manager's Recommendation: The County Manager recommends that the Board hold a public hearing on the ROAP grant and approve the submission of the application to the NC Department of Transportation.

8. ITEM REMOVED.

9. Allocation of Federal 179D Deduction for Energy Efficient Commercial Building (5 min)

- 1) The Board is requested to approve allocation of the federal 179D tax deduction to the Architect/Engineering Firm, Sud and Associates, P.A., for their design of the chiller replacement and lighting projects for the Durham County Administrative Complex.

- 2) In order to foster the construction of energy efficient commercial buildings, the Federal Government under the Energy Policy Act of 2005 established a tax deduction under section 179D of the Internal Revenue Code (IRC). The deduction is of no value to Durham County Government because the county does not pay federal income tax. The Act allows the deduction to be passed to the designer of the building if the designer can satisfy the requirements of this section. This transfer can be made if the owner is a government entity. Attached is a request from Sud Associates, P.A., who is the designer of the Durham County Administrative Complex “chiller replacement and lighting projects,” for allocation of the tax deduction.
- 3) The process will not result in any cost to the County. Sud and Associates will bear the cost of determining if the project qualifies and of any analysis and paperwork that is required to obtain the deduction. The deduction cannot be sold by the owner and is available only to the designer for the taxable year the building system went into service. Calculation of the amount of the deduction is determined by a third party at the expense of the designer. As owner, the county will be required to reduce the basis of the new energy efficiency building by the amount of the 179D deduction allocated.

Resource Persons: Motiryo Keambiroiro, General Services Director; and Quincy D. Purvis, Assistant Director of Operations

County Manager’s Recommendation: The County Manager recommends that the Board approve allocating the IRC §179D tax deduction to Sud Associates, P.A. for their design of the chiller replacement and lighting for the Durham County Administrative Complex.

10. Citizen Board Appointments (15 min)

- 1) Michelle Parker-Evans, Clerk to the Board, will distribute ballots to the Board to make appointments to the following boards and commissions:
 - a. Adult Care Home Community Advisory Committee
 - b. Boxing and Wrestling Commission
 - c. Durham Tourism Development Authority
 - d. Industrial Facilities/Pollution Control Financing Authority
 - e. Jury Commission
 - f. Juvenile Crime Prevention Council
 - g. Nursing Home Community Advisory Committee
 - h. Women’s Commission
 - i. Library Board of Trustees

Resource Person(s): Michelle Parker-Evans, Clerk to the Board

County Manager’s Recommendation: The County Manager recommends that the Board of County Commissioners vote to appoint members to the above-mentioned boards/commissions.

11. RESERVED FOR ITEMS PULLED FROM CONSENT AGENDA (20 min)

12. Closed Session (20 min)

- 1) The Board is requested to adjourn to Closed Session pursuant to G.S. 143-318.11(a)(3) to consult with an attorney in order to preserve the attorney-client privilege and to discuss the case in the matter of Geraldine Robinson v. Joe Bowser et al.

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