

REVISED
(Addition—Item No. 5b
Revisions—Item No. 8 and Item No. 11)

THE BOARD OF COUNTY COMMISSIONERS
DURHAM, NORTH CAROLINA

Monday, December 11, 2006

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. **Announcement** 5 min.
 - The Durham County Sheriff's Office is recruiting for Detention Officers and Deputy Sheriffs. If you are 21 years old and seeking an exciting career in law enforcement, call the Sheriff's Training Center at 919-560-0930.
 - Durham Neighborhood College is seeking applicants for the spring term. Applications may be obtained from the Clerk to the Board's office or by visiting the Durham County website at www.durhamcountync.gov. The deadline is January 31, 2007.
 - In 2005, the Durham County Library spearheaded “Durham Reads Together”, a communitywide reading program whose mission is to strengthen the community through a celebration of reading the same book. The Last Shot: City Streets, Basketball Dreams, by Darcy Frey, is the book selected for 2007. Durham County Library and the title selection committee for Durham Reads Together encourage people from all walks of life, ages 13 and up, to read or listen to the book in preparation for programs and events, including a visit from the author, being planned for April and May of 2007.
4. **Minutes** 5 min.
November 27, 2006 Regular Session

5. **Introduction of Web Casting of Durham County Meetings by Granicus Inc.**

15 min.

Beginning with this meeting, Durham County Government enters a new era in communicating its meetings with the community.

Durham County has teamed with Granicus Inc., a provider of streaming media solutions to local government, to web cast Durham County Board of Commissioners' meetings and other meetings live and archived on the Internet. The web-streaming system provided by Granicus is designed specifically for cities and counties and meets specific public sector needs. Granicus provides local governments with the ability to deliver public meetings, service announcements, education content, and video training through the Internet, live or on-demand. The package includes BOCC minutes, reports, agendas, and more—all synchronized with the video/audio content.

A brief demonstration will be provided.

Resource Person(s): Deborah Craig-Ray, Assistant County Manager

County Manager's Recommendation: The Manager's recommendation is that the Board receive the brief overview of the new Granicus system.

5a. **Ben Ruffin Resolution**

5 min.

A resolution has been prepared in recognition of Benjamin S. "Ben" Ruffin, a Durham native, known for his roles as an educator, civic leader, and humanitarian.

Resource Person(s): Commissioner Michael D. Page

County Manager's Recommendation: The Manager recommends that the Commissioners pay tribute to Ben Ruffin for his outstanding contributions to Durham and to the state of North Carolina.

5b. **Bill of Rights Defense Resolution**

The Board is request to reaffirm its position supporting the civil rights and liberties contained in the Bill of Rights of the United States Constitution.

Resource Person(s): Ellen Reckhow, Chairman

County Manager's Recommendation: The County recommends that the Board approve the resolution as presented.

6. **Consent Agenda**

20 min.

- a. Public Health—Approve the Establishment of a \$20 User Fee for Lead in Water Sampling for Residents with Private Wells;

- b. Budget Ordinance Amendment No. 07BCC000034—Social Services—Additional Home and Community Care Block Grant Revenue (recognize \$83,987 in additional federal and state funds);
- c. Extension of the Listing Period for Business Personal Property (authorize the Tax Assessor to grant extensions until April 15, 2007 for taxpayers who request an extension and show good cause during the month of January 2007 and file by means of the counties electronic listing of business personal property; and for all other taxpayers until March 15, 2007 who request an extension and show good cause during the month of January 2007);
- d. Capital Project Amendment No. 07CPA000005—Durham Public Schools (DPS)—Applications to the Public School Building Capital Fund (approve \$400,000 to the Oak Grove Elementary paving project, \$240,000 to the Southwest Elementary asphalt project, \$360,000 to the Northern High asphalt project, \$200,000 to the Brogden Middle roofing project, and \$180,000 to the Smith Elementary plumbing project);
- e. Offer to Purchase County Surplus Properties (pursue the upset bid process for the sale of 300 East Main Street [Eligibility Building] and 306 East Main Street [vacant] as a package; the Board has the authority to accept or reject any offer at the conclusion of the upset bid process);
- f. Offer to Purchase County Surplus Properties (pursue the upset bid process for the sale of 2300 Fitzgerald Street, 800 Olive Branch Road, 2800 Sater Street, and 134 & 134½ Hillside Avenue; the Board has the authority to accept or reject any offer at the conclusion of the upset bid process);
- g. Acceptance of Donated Conservation Easement for Property Owned by Wade and Carolyn Penny (accept and direct the Manager to a prepare a resolution of appreciation to the Pennys for their conservation interest and support for the New Hope Creek corridor open space efforts);
- h. Acceptance of a Donated Conservation Easement for Impervious Surface Rights Transfer per Unified Development Ordinance Section 8.7.2.B.2 (accept the conservation easement from Philip Blalock to restrict impervious surfaces on Parcel #191579 on John Jones Road in the Little River watershed);
- i. left blank intentionally
- j. left blank intentionally
- k. Execution of Professional Service Agreement with O'Brien/Atkins Associates, P.A for the Jail Bed Needs Assessment Study at the Durham County Detention Facility (authorize the execution of a contract for \$58,600 plus additional services and reimbursable expenses estimated at \$1,500, for a combined total of \$60,100); and
- l. Approval of the Revised Memorandum of Agreement for the US 15-501 Transit Corridor.

7. **Public Hearing—Zoning Map Change—Fayetteville Road Assemblage (Z05-41)**

30 min.

The Board is requested to approve a zoning map change for a 144.72-acre site located on the east side of Fayetteville Road and north of Scott King Road. PINs 0717-02-55-7412, 0717-02-65-5887, 0717-02-66-8774, -6354, 0717-02-67-8912, -7189, 0717-02-75-4622, -1252, 0717-02-77-1635. Request: RR to PDR 2.000.

This item was continued from the November 27, 2006 Commissioner meeting to allow the applicant to meet with adjacent property owners to try to address their concerns. This case has a valid protest petition (validated November 7, 2006).

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the *Comprehensive Plan* and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

Alternatively, in the event that a motion to approve the item fails, the Commissioners adopt as support for their actions on the proposed zoning map change the determination that, notwithstanding its consistency with the *Comprehensive Plan*, the request is neither reasonable nor in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

Staff Recommendation: Approval, including approval of 90 lots within the TUA, based on consistency with the *Comprehensive Plan* and considering the information contained in this report.

Planning Commission Recommendation and Vote: Approval, 12-0 on September 12, 2006. The Planning Commission finds that the ordinance request is consistent with the adopted *Comprehensive Plan*. The Commission believes the request is reasonable and in the public interest and recommends approval based on the information in the staff report, comments received during the public hearing, and additional committed elements proffered by the applicant at the meeting.

Resource Person(s): Frank M. Duke, AICP, City-County Planning Director

County Manager's Recommendation: The Manager recommends that the Board continue the public hearing on the proposed zoning map change and approve it, if appropriate, based on the comments received.

8. **Public Hearing—Amend the 2002 CDBG Scattered Site Housing Program Grant and Approve Capital Project Ordinance Amendment No. 07CPA000006 to Increase the CDBG Housing Loan Project from \$400,000 to \$576,941**

10 min.

The Board is being requested to hold a public hearing and to approve an amendment to the 2002 CDBG Scattered Site Housing Program Grant in the amount of \$176,940.73. The purpose of the amendment is to close out the 2002 grant project.

The Board is requested to approve Capital Project Amendment No. 07CPA000006 to increase the CDBG Scattered Site Housing Program from \$400,000 to \$576,941.

County Manager's Recommendation: The Manager's recommendation is that the Board hold the public hearing, approve the amendment to the 2002 CDBG Scattered Site Housing Program, **and approve Capital Project Ordinance Amendment No. 07CPA000006.**

9. **2007 Durham County Legislative Agenda**

15 min.

On Monday, December 4, staff presented a draft listing of proposed legislative agenda items for the Board to review and consider for inclusion in its final 2007 Durham County Legislative Agenda. Following directions to staff, the agenda has been prepared for the Board's approval. The goal is to prepare a tight package of legislative items that can be aggressively supported by members of the Durham Delegation.

In addition, staff is finalizing a joint meeting with the Durham Delegation for early January. Once that meeting is set, the package will be transmitted to members of the Durham Delegation.

Resource Person(s): Ellen W. Reckhow, Chairman, Board of County Commissioners; Deborah Craig-Ray, Assistant County Manager; and Chuck Kitchen, County Attorney

County Manager's Recommendation: The Manager's recommendation is that the Board approve the proposed legislative agenda items.

10. **Board and Commission Appointments**

5 min.

Angela McIver, Staff Specialist, Clerk to the Board, will distribute ballots for the Commissioners to make appointments to the following boards and commissions:

- Animal Control Advisory Committee
- Bicycle & Pedestrian Advisory Board
- Boxing & Wrestling Commission
- Cable TV Advisory Board
- Criminal Justice Partnership Act Advisory Board
- Environmental Affairs Board
- Open Space & Trails Commission
- Public Health Board
- Raleigh-Durham Airport Authority

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

11. **Closed Session**

30 min.

The Board is requested to adjourn to Closed Session **to discuss matters relating to the location or expansion of business or industry pursuant to G. S. 143-318.11(a)(4) and** to consider the performance of a public officer or employee pursuant to G.S. § 143-318.11(a)(6).