

REVISED

(Item Nos. 7a and 8)

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

Monday, March 14, 2005

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 PM Regular Session

1. **Opening of Regular Session**?Pledge of Allegiance
2. **Agenda Adjustments**
3. **Minutes**
 - a. January 4, 2005 BOCC/Legislative Delegation
 - b. February 14, 2005 Annual Retreat
 - c. February 28, 2005 Regular Session
4. **Consent Agenda**
 - a. Social Services Budget Ordinance Amendment No. 05BCC000045 Recognizing Additional Revenue (approve a \$138,819 increase);
 - b. Budget Ordinance Amendment No. 05BCC000046 Transfer of Funds for Cleanup of Gas Leak in Northern Durham County (not to exceed \$100,000 over a two-year period);
 - c. Budget Ordinance Amendment No. 05BCC0000047?The Durham Center?Acceptance and Allocation of Funds From One \$5,000 Grant);
 - d. Transfer of Deed In Lieu of Taxes?1116 North Guthrie Avenue (accept the deed from Stout Land Investments, LLC in lieu of the payment of taxes);
 - e. Request to Approve Modification to Contract for Purchase of TCV (Total Containment Vessel) From DHS Part II Grant Program Funds (not to exceed \$90,000);
 - f. Request to Approve Sole Source Purchase of SEARCHCAM System for Rescue Teams Using 2004 Department of Homeland Security Grant Program Funds (authorize the County Manager to enter into a purchase of goods contract with Search Systems Inc. not to exceed \$18,500.00); and
 - g. Approval of Appointment of Permanent Area Director for The Durham Center (appointment of Ellen Holliman as Area Director for The Durham Center).
5. **Public Hearing to Approve the Proposed Amendments to the FY 2004-2005 Consolidated Annual Action Plan**

The City of Durham Department of Housing and Community Development requests that the Board of County Commissioners hold a public hearing to receive citizen comments regarding an amendment to the 2004-2005 Consolidated Action Plan. The purpose of the public hearing is to receive citizen comments on how City-County HOME Consortium funds can be used to address housing needs in Durham, and thereafter, approve the Proposed Amendments.

Mike Barros, Director of the City of Durham Department of Housing and Community Development, has reviewed this request. Barros, Director, will attend the meeting to answer questions.

Resource Person(s): Mike Barros, Director of Housing & Community Development, City of Durham; Katherine Simmons, Associate Director, Planning and Administration, Department of Housing and Community Development, City of Durham

County Manager?s Recommendation: The Manager?s recommendation is that the Board hold the public hearing to receive citizen comments, and thereafter, approve the Proposed Amendments to the FY 2004-2005 Consolidated Annual Action Plan.
6. **Conduct a Public Hearing to Consider the Transportation Improvement Program (TIP) for FY 2007-2013**

The Transportation Improvement Program (TIP) determines how state and federal transportation funds will be spent throughout Durham County and the State of North Carolina in upcoming years. The bi-annual TIP preparation begins with a process of setting of priorities by local jurisdictions. Each jurisdiction gives a priority recommendation for transportation projects which have not been funded or which are partially funded. In the past, the Board of County Commissioners has elected to hold a public hearing on the TIP. The public hearing allows for public comment. The proposed priority list will be advertised prior to the hearing. Following the public hearing, if appropriate, the TIP priorities should be adopted by the Board.

Attachments:

A. FY 2006-2012 TIP Priority Project List adopted by the Board of County Commissioners.

B. Proposed FY 2007-2013 TIP Project List

C. A Map of FY 2007-2013 Projects

D. A Resolution Endorsing Durham County Project Priority List for the FY 2007-2013 TIP

Resource Person(s): Felix Nwoko, Transportation Planning Manager, City Transportation Division

County Manager's Recommendation: The Manager's recommendation is that the Board conduct the public hearing and, if appropriate, adopt the resolution.

7. Principles for Establishing Adequate and Reliable Funding of Transportation in the Triangle and throughout the State

County Commission Chairmen from Durham, Orange, and Wake Counties recently met to focus on transportation issues in the region, particularly how to fund transportation needs in the Triangle region. After considerable discussion, the three Chairmen endorsed a set of principles that should be considered by Triangle area boards of county commissioners when considering possible solutions to regional transportation issues.

Resource Person(s): Ellen W. Reckhow, Chairman

COUNTY MANAGER'S RECOMMENDATION: THE MANAGER RECOMMENDS THAT THE BOARD ENDORSE THE PRINCIPLES AND AUTHORIZE THE CHAIRMAN TO EXECUTE THE DOCUMENT ON ITS BEHALF.

7A. Joint Public Hearing with Durham County Sheriff's Office and the City of Durham Police Department on the 2005 Edward Byrne Memorial Justice Grant (JAG)

Durham County and Durham City have jointly been given approval by their respective managers to submit a joint on-line application for funds from the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. JAG blends the previous Byrne Formula and Local Law Enforcement Block Grant (LLEBG) Programs to provide agencies with the flexibility to support a broad range of activities to prevent and control crime based on their own local needs and conditions.

An Interlocal Agreement **is presented for consideration, which appoints** the Sheriff's Office to serve as the applicant/fiscal agent for the joint funds and agrees to a fifty-fifty split of the funds **with the City.**

The Sheriff's Office funds will be used to train and equip first responder specialty units such as Hazardous Devices, Search and Recovery and K-9. This equipment and training will enable the Sheriff's Office to remain in the forefront of our ability to protect and serve the community. Funds will also be used to address various law enforcement initiatives such as an upgrade to the training range necessary to maintain compliance with state certification requirements; purchase of surveillance equipment and purchase of crime analysis tools that will enhance our abilities to address areas of concern within the community.

The Police Department funds will be used to support the five (5) district Partners Against Crime community groups; District Attorney's Gang Prosecution Program supporting the salary and fringe benefits of one assistant district attorney to work with local, state and federal law enforcement agencies to identify members of gang organizations and to work to eliminate these organizations and accordingly, direct participants to the appropriate community resource or prosecution venue; and police overtime to support supplemental patrol in high crime areas in Durham.

One of the conditions of this grant award is to conduct a public hearing to receive public comment as to the use of these funds. This public hearing has been advertised in the Herald-Sun newspaper on March 6, 2005 and March 13, 2005 to give proper notification.

No additional funding is required and no subsequent year budget impact is anticipated. The total award is \$258,476; the Sheriff's Office and Police Department will each receive \$129,238 from the grant award.

Resource Person(s): Marcia Margotta, Sheriff's Comptroller; Sheriff's Chief Deputy C. Wes Crabtree; and Lt. John Mozart, Durham Police Department

County Manager's Recommendation: Conduct the public hearing to receive citizen comments; congratulate the Sheriff and the Durham Police Department on applying for another grant award to support local law enforcement and criminal justice system activities; **approve the Interlocal Agreement; and authorize the Manager's signature.**

8. **Closed Session**

The Board is requested to adjourn to Closed Session **to instruct staff concerning the position to be taken on the terms of possible acquisition of property known as the Preserve at Erwin Trace, PIN # 0801-03-12-7186, owned by Duke University and** to consider the performance of a public officer or employee pursuant to G.S. § 143-318.11(a)**(5) & (6)**.