

REVISED
(Consent Agenda Item No. 7[j] and
Addition to the Closed Session)
THE BOARD OF COUNTY COMMISSIONERS
DURHAM, NORTH CAROLINA
Monday, January 24, 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 P.M. Regular Session

1. **Opening of Regular Session**?Pledge of Allegiance

2. **Agenda Adjustments**

3. **Minutes**

a. December 6, 2004 Worksession

b. December 13, 2004 Regular Session

4. **Recognition of Eagle Scouts Who Contributed to Completion of Little River Regional Park**

Members of two local Eagle Scout Troops assisted with various projects related to the successful completion and early December 2004 opening of the 391-acre Little River Regional Park and Natural Area. (Durham and Orange Counties developed the Park jointly in partnership with several other groups.) The Troops' innumerable hours of work on a variety of park projects was vital in helping the young men become Eagle Scouts. The Board is asked to recognize the following Eagle Scouts and their efforts:

- Dan Porter of Troop 400 constructed a wooded bridge and one bench along the South Loop hiking trail.
- Max Elkins of Troop 400 constructed the information kiosk and two benches at the main trailhead for all hiking trails.
- Will Alexander of Troop 400 constructed two benches and planted over 30 trees along the 1.4-mile handicap accessible trail at the beginning of the trail system.
- Joe Simpson of Troop 400 constructed and installed 30 bluebird boxes around the open field at the park entrance.
- Phillip Grubaugh of Troop 822 constructed two information kiosks at the South Loop trailhead and at the Summer Lane neighborhood entrance.

These young men have been invited to attend the meeting to receive the Board's appreciation.

Resource Person(s): Commission Chairman Ellen Reckhow and Durham County Open Space Land Manager Mike Giles

County Manager's Recommendation: The Manager recommends that the Commissioners congratulate members of Eagle Scout Troops 400 and 822 for their invaluable assistance with Little River Regional Park.

5. **Resolution for "Dr. John Hope Franklin"**

Dr. John Hope Franklin, a pioneer African-American historian and a highly respected scholar, author, and educator, celebrated his 90th birthday on January 2, 2005.

Dr. Franklin is the James B. Duke Professor Emeritus of History at Duke University and has taught at North Carolina Central University, as well as many other American institutions.

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

6. **Recognition of Government Finance Officers' Association (GFOA) Distinguished Budget Presentation Award for FY2004-2005 Durham County Budget Document**

In August 2004, the Budget & Management Services Department submitted Durham County's FY2004-2005 Budget Document for consideration to GFOA for its Distinguished Budget Presentation Award. To receive the award, a governmental unit must publish a budget document that meets program criteria as a policy document, as an operations guide, as a financial plan, and as a communications device. Durham County received notification at the end of December that a panel of independent reviewers had completed its examination of Durham County's budget document and voted to award to Durham County the GFOA Distinguished Budget Presentation Award. This is the first time since the mid-1990s that Durham County has applied for and received this award.

Congratulations to the entire Budget & Management Services staff which included: Kimberly Cook, Kevin Etheridge, Keith Lane, Pam Meyer, Trevor Minor, and Bill Renfrow.

Resource Person(s): Mike Ruffin, County Manager

County Manager's Recommendation: The Manager recommends that the Commissioners acknowledge the receipt of the GFOA Distinguished Budget Presentation Award for the current Fiscal Year 2004-2005.

7. Consent Agenda

- a. Property Tax Releases and Refunds for Fiscal Year 2004-05 (accept the property tax release and refund report for December 2004 and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- b. Revocable License to Duke Energy Corporation for Use of Stadium Parking Lot (approve and authorize execution by the Manager);
- c. Bahama and Parkwood Volunteer Fire Department EMS Contract Modification (approve contract modifications);
- d. Budget Ordinance Amendment No. 05BCC000027 "Criminal Justice Resource Center??A New Day" Juvenile Day Reporting Center (approve the \$1,000 anonymous donation);
- e. Budget Ordinance Amendment No. 05BCC000028 "Social Services?Maureen Joy Charter School (approve a Social Worker II position to provide home/school coordination services);
- f. Budget Ordinance Amendment No. 05BCC000029 "Cooperative Extension?Mary Reynolds Babcock Community Problem Solving Grant (\$50,000) (approve to develop the Strengthening Families Parent and Family Advocacy Leadership Program);
- g. Request from Emergency Management to Approve Sole Source Purchase of a Bomb Response Truck Using 2003 Department of Homeland Security Part II Grant Program Funds (approve the purchase and authorize the Manager to enter into a \$113,233 purchase of goods contract with NABCO Inc.);
- h. Standard Non-Reimbursable Utility Contract for the Extension of the County Sanitary Sewer System (authorize the Manager to execute the contract for this addition to the System);
- i. Set Advance Public Hearing on the FY2005-2006 Budget (set Monday, February 14, 2005 as the date);
- j. **Renewal of Ambulance Franchise for Johnston Ambulance Service**; and
- k. Capital Project Amendment No. 05CPA0000009 for the Criminal Justice Resource Center (CJRC) Renovation Project (approve \$70,946 to increase the project budget for \$501,946).

8. Public Hearing to Implement a Community Needs Assessment

Time Warner Cable has asked for its cable franchise to be renewed for another 10-15-year period. As part of the County's franchise renewal evaluation, the County is required by Federal Law to implement a community cable-related needs assessment. Part of that assessment includes a public hearing to obtain feedback from County residents regarding the adequacy of the service provided by Time Warner. The County is seeking feedback regarding service availability, cost, adequacy of customer service, and other technological operational improvements. Specifically, the County seeks feedback on any changes or improvements residents believe necessary to accommodate future service needs and interests, such as high-definition TV, public access television, high capacity (40 Mb) symmetrical broadband service to the home, and any other issues.

Resource Person(s): Bob Sepe and Catharine Rice, Action Audits, LLC

County Manager's Recommendation: The Manager recommends that the Board accept citizens' comments.

9. Public Hearing?Zoning Map Change?Long Beverage Parking (Case P04-60)

To approve a request for a zoning map change for a 3.35-acre site from RD to I-2(D), located on the east side of Page Road, south of World Trade Boulevard, and north of Airport Road. PIN 0758-03-31-7293. Request: RD to I-2(D)

Staff recommends approval if the plan amendment is approved. The Planning Commission conducted a public hearing on December 14, 2004 and recommended approval by a vote of 12-0.

The public hearing for this request was advertised on January 7 and 14, 2005 in the *Durham Herald-Sun*.

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

County Manager's Recommendation: The Manager recommends that the Board conduct a public hearing on the proposed rezoning and approve, if appropriate, based on the comments received.

10. Five-Year Consolidated Plan "Needs" Public Hearing

The City of Durham Department of Housing and Community Development requests that the Board of County Commissioners hold a Five-Year Consolidated Action Plan (FY 2005-2010) "Needs" public hearing. The purpose of this public hearing is to receive citizen comments on how City-County HOME Consortium funds can be used to address housing needs in Durham during the next five fiscal years.

Durham anticipates receiving approximately \$1,300,000 annually in HOME Consortium funds from HUD. In previous years, HOME Consortium funds have been used primarily for housing activities in Durham with special focus in target neighborhoods, including existing homeowner rehabilitation and new homebuyer rehabilitation activities. Approximately \$275,000 in nonfederal funds will be needed annually from the HOME Consortium for the matching funds requirement of the HOME program.

Mike Barros, Director, City of Durham Department of Housing and Community Development, has reviewed this request.

Resource Person(s): Constance Stancil, Assistant Director

County Manager's Recommendation: The Manager recommends that the Commissioners hold the FY 2005-2010 Consolidated Plan Needs public hearing to receive citizen comments.

11. Time Warner Cable?Raleigh/Durham Division?Cable Television Rate Report

A Review of Time Warner Cable's 2005 FCC1240, FCC1235 & FCC1205 Rate Filing Seeking Approval to Set New Rates for Regulated Cable Services in Durham County.

On September 30, 2004, Time Warner Cable (TWC) submitted a form FCC1240-Basic Cable Service Tier to set a new regulated rate for basic cable service. It requested to continue the rate set in its initial Federal Communications Commission (FCC) form 1235-Abbreviated Cost of Service Network Upgrade Charge filed five years ago. TWC also submitted a form 1205-Equipment and Installation Charges to set new regulated rates for equipment rental and installation services. These documents were submitted to the County for approval.

The proposed Basic Service, Equipment and Installation rates comply with the FCC's rate rules; however, the form 1235 "add-on" rate submitted by Time Warner does not comply with the rules and should be rejected.

Resource Person(s): Bob Sepe, and Catharine Rice, Action Audits, LLC

County Manager's Recommendation: The Manager recommends that the Commissioners adopt the report and approve the rate order.

12. Durham County 2005 Legislative Agenda

At the January 3 Worksession, staff and the Board reviewed a number of legislative items for possible inclusion in the Durham County 2005 Legislative Agenda. That discussion included a presentation on Court Legislative Initiatives, City of Durham Legislative Initiatives, and proposed Legislative Goals of the North Carolina Association of County Commissioners. Staff has made changes as requested by the Board and is bringing forward a package for approval.

Once adopted by this Board, the package will be presented to the Durham Legislative Delegation for discussion. The breakfast meeting is set for February 4 at 8:00 am in the Board's Conference Room.

Resource Person(s): Deborah Craig-Ray, Public Information/Governmental Affairs Director and Chuck Kitchen, County Attorney

County Manager's Recommendation: The Manager recommends that the Board approve the final version of the Durham County 2005 Legislative Agenda.

13. **Resignation of Clerk to the Board of County Commissioners**

On January 17, 2005, Clerk to the Board Garry E. Umstead formally announced that he would retire from Durham County Government effective April 1, 2005, after 32 years of service.

County Manager's Recommendation: The Manager's recommendation is that the Commissioners accept Mr. Umstead's resignation with regrets.

14. **Closed Session**

Pursuant to G.S. § 143-318.11(a)(3)(5) & **(6)**, the Board is requested to adjourn to Closed Session to instruct the staff concerning the position to be taken on the terms of possible acquisition of 247 S. Mangum Street owned by U-Haul Real Estate Company and 306 S. Roxboro Street owned by Scarborough and Hargett Funeral Home; to consult with an attorney and preserve the attorney-client privilege to discuss *Durham Land Owners vs. County of Durham 03CVS5500*; and **to consider the performance of an individual public officer or employee.**