

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

October 13, 2003

7:00 P.M. Regular Session

**AGENDA**

1. **Opening of Regular Session** Pledge of Allegiance 5 min.

2. **Agenda Adjustments** 5 min.

3. **Minutes** 5 min.

a. September 8, 2003 Regular Session

b. August 25, 2003 BOCC/DPS

c. September 22, 2003 Regular Session

4. **Resolution Recognizing Alex Revelle, State 4-H Gold Medal Winner** 10 min.

Alex S. Revelle, a student at Durham School of the Arts, won first place and a gold medal for public speaking during the Annual State 4-H Congress held in Raleigh in late July. 4-H Congress is a program of NC Cooperative Extension and is the high point of the 4-H year, bringing hundreds of young people from across the state to NC State University campus for a week of activities. This year, more than 850 4-H members, volunteer leaders, and NC Cooperative Extension agents were in attendance.

Eleven-year-old Alex competed in a number of events in which 4-H members demonstrated their knowledge of particular subjects. He was the Junior Division winner with a presentation on "Respect", a topic that is one of nine character traits promoted and encouraged by Durham Public Schools. Alex received a \$75 savings bond from Carolina Farm Credit, the contest sponsor. His parents are Larry and Bernice Revelle.

Resource Person(s): Cheryl Lloyd, Cooperative Extension Director

County Manager's Recommendation: The County Manager recommends that the resolution be presented to Alex S. Revelle, along with congratulations for a job well done.

5. **Resolution Honoring Mrs. Adelaide Banks and "Read Seed" Program** 10 min.

A resolution has been prepared to recognize the work of Mrs. Adelaide Banks, Founder and Director of the "Read Seed" program. This grandmother shares her love of reading by purchasing and giving away free books to children in low-income families. Mrs. Banks wants to help all children build self-esteem and knowledge and an enjoyment of reading.

County Manager's Recommendation: The County Manager recommends that the Board approve the resolution and present it to Mrs. Adelaide Banks.

6. **Consent Agenda** 20 min.

- a. Budget Ordinance Amendment No. 04BCC000016?Mental Health?Funds Allocated at the State Level (approve the appropriation of \$543,379 [\$333,483 to increase community capacity to serve clients returning to the community as the result of closure of state hospital units; \$80,000 to Assertive Community Treatment Team to provide services to non-Medicaid clients; and, \$129,896 for substance abuse education for a structured child program]);
- b. Budget Ordinance Amendment No. 04BCC000017?Additional Revenue for Social Services (approve the appropriation of \$163,958 [Family to Family?\$83,333; Special Permanency Planning?\$10,867; and, Social Services Block Grant?\$69,758]);
- c. Budget Ordinance Amendment No. 04BCC000018?Public Health?Revenue of \$47,240for the Environmental Health Division to Support the Health Department?s Bioterrorism Response Efforts (approve the budget ordinance amendment from the Department of Health and Human Services);
- d. Budget Ordinance Amendment No. 04BCC000019?Public Health (Community Health Division and the Health Education Division)?\$33,328 to Establish a Part-Time Position for a Practical Nurse II in the Family Planning Clinic and to Provide Incentives for TEAS Participants, One of the Health Department?s Teen Pregnancy Prevention Programs (approve the budget ordinance amendment [continuation of the Part-Time Practical Nurse II position is contingent upon continued grant funding]);
- e. Budget Ordinance Amendment No. 04BCC000020?Public Health (General Health Clinic)?\$90,169 for Public Health Bioterrorism Preparedness (approve the budget ordinance amendment for the Public Health?s Regional Surveillance Team IV);
- f. Capital Project Ordinance Amendment No.04CPA000005?Revise Appropriation for American Tobacco Project (South Garage) (approve capital project amendment for \$498,000); and
- g. Reused Wastewater Grant Application (direct the County Attorney to draft an interlocal agreement and authorize the County Manager to execute an interlocal agreement associated with submittal of a joint grant application from Durham County, Wake County, and Cary to the Clean Water Management Trust Fund for the design of a regional reused wastewater project).

**7. MWBE Participation for the American Tobacco Project 20 min.**

Officials from Capitol Broadcasting Corporation (CBC) will provide a report about MWBE participation for the American Tobacco Project. The project represents a guaranteed minimum private investment of \$54 million. CBC?s agreement with the County requires compliance with the County?s MWBE Ordinance, including the provision of quarterly reports as the project progresses. Reports must include verifiable percentage goals, type and total dollar value of projects, minority business utilization by minority business category for each project, and the applicable good-faith guidelines or rules used to recruit MWBE participation.

Resource Person(s): Mike Hill, Capitol Broadcasting Corporation; Mike Ruffin, County Manager; Chuck Kitchen, County Attorney; Carol Hammett, Assistant County Attorney; George Quick, Finance Director; and Yolanda Moore-Gaddy, Business Development Manager

County Manager's Recommendation: The County Manager recommends that the Board receive the report and advise the staff if any additional information or action is required.

**8. Centex Homes, Applicant (Rezoning Case P02-25) 15 min.**

Centex Homes will present to the Board of County Commissioners a request to rezone 133.3 acres located on the west side of Grandale Drive, north of the Sedwick Road intersection (PIN 0727-01-36-7805 [TM 531-1-6]).

Request:RD (Rural District) to PDR 1.66; F/J-B (Planned Density Residential? 1.66 units/acre; Falls/Jordan Protected Area)

The original rezoning request for PDR 2.1 with 271 single-family lots was presented to the Board of County Commissioners on September 23, 2002. The Board continued the hearing, suggesting changes to the rezoning. A revised rezoning request and development plan for PDR 1.93 and 251 single-family lots returned to the Board for a public hearing on March 24, 2003, but was continued again. The applicant further modified the rezoning request to the current proposal. These modifications met the Ordinance thresholds requiring a new public hearing before the Zoning Committee.

At the September 22, 2003 meeting, the Board continued this request to October 13, 2003, voting 5-0 to delete the cul-de-sac on Hamilton Way.

The proposal is in general conformance with the small area plan. Staff recommends approval citing general adopted plan conformance. The Zoning Committee of the Durham Planning Commission conducted a public hearing on August 13, 2003 and voted 5-1 to recommend denial, citing flooding concerns and school overcrowding.

The public hearing for this request was re-advertised on September 5 and 12, 2003 in the Durham Herald-Sun.

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

County Manager's Recommendation: The Manager recommends that the Board review the revised development plan associated with the proposed rezoning and if appropriate, based on the comments received, approve the rezoning.

**9. Preliminary Plat?Stone Hill Estates Subdivision (Case D03-153) 10 min.**

R. L. Horvath Associates Inc., on behalf of Durham Land Associates, has submitted a preliminary plat for 132 clustered single-family residential lots on approximately 113.218 acres zoned R-20 and F/J-B. The property is located south of Freeman Road, west of Mineral Springs Road, east of Clayton Road, and north of N.C. Hwy. 98 (PIN 0851-01-26-0897, 0851-01-15-9118?County Atlas Page 61, Block A-1, B-1 and Page 70, Block A-4).

Planning staff recommends approval.

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

County Manager's Recommendation: The Manager's recommendation is that the Board approve the plat.

10. **Proposal for Cable Franchise Renewal Services** 15 min.

The Board of County Commissioners has authorized staff to move forward to procure the necessary technical assistance for renewal of the County's cable franchise agreement. Action Audits LLC, consultants, Triangle J Council of Governments Cable Regulatory Consortium, has submitted a proposal for a cable-related needs assessment and associated franchise renewal services to be completed over one year. Durham County receives a discounted price (\$37,258) due to its membership in the Consortium. This represents \$33,558 in professional services and \$3,700 in project expenses. The needs assessment and renewal services comprise eight elements: franchise compliance audit; four interviews; one statistically valid mail survey; one public hearing; a final report; updated cable standards ordinance; draft model cable franchise agreement; and technical assistance as needed for franchise negotiations.

Resource Person(s): Robert Sepe, President, Action Audits LLC; Chuck Kitchen, County Attorney; and Lowell Siler, Deputy County Attorney

County Manager's Recommendation: The County Manager recommends that the contract be approved in accordance with the terms and conditions as outlined in the proposal.

11. **Board and Commission Appointments** 10 min.

Garry E. Umstead, CMC, Clerk to the Board, will distribute ballots to make appointments to the following board and commissions:

- Adult Care Home Community Advisory Committee
- Community Child Protection Team/Child Fatality Prevention Team
- Criminal Justice Partnership Act Advisory Board
- Environmental Affairs Board
- Industrial Facilities and Pollution Control Financing Authority
- Nursing Home Community Advisory Committee
- Public Library Board
- Raleigh-Durham Airport Noise Abatement Committee
- Women's Commission

Resource Person(s): Garry E. Umstead

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

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2 hrs. 5 min.



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