

**REVISED**

(Item Nos. 3, 5, 6b, and 6c; deleted Item No. 9)

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

**Monday, April 9, 2007**

**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.

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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.  

**Vice-Chairman Becky Heron has received the 2007 North Carolina Jaycees Outstanding Senior Citizen Award.**
4. **Minutes** 5 min.
  - a. May 8, 2006 Closed Session
  - b. May 22, 2006 Closed Session
  - c. June 13, 2006 Closed Session
  - d. June 26, 2006 Closed Session
  - e. July 24, 2006 Closed Session
  - f. December 11, 2006 Closed Session
  - g. March 19, 2007 CIP Tour
  - h. March 26, 2007 Regular Session
5. **Proclamation in Recognition of National Library Workers’ Day** 5 min.

Durham County recognizes the unique contributions of library workers who bring Durham a world of knowledge in person and online, as well as personal service and expert assistance in finding information and resources at convenient locations and times.

A proclamation has been prepared in recognition of National Library Workers' Day.

County Manager's Recommendation: The Manager recommends that April 9 **17** be recognized as National Library Workers' Day.

6. **Consent Agenda**

20 min.

- a. Budget Ordinance Amendment 07BCC000056—Return Salary Funds to Redwood Volunteer Fire Department (appropriate \$80,000 in the General Fund back to the Redwood Fire District Special Revenue Fund that was designated but unspent for two paid positions stationed at Redwood Volunteer Fire Department);
- b. Durham Public Schools—Approval of Construction Contract for Fayetteville Street Elementary School and **authorize the Manager to execute the contract associated therewith; approve** Capital Project Ordinance Amendment No. 07CPA000007 Increasing Fayetteville Street Elementary School Project and New “B” Elementary School Project by \$2,390,392 and \$1,822,305 respectively by moving funds from other school capital projects;
- c. Sheriff's Office—Sole Source GangNet Replication Software & Support (~~authorize the Manager to enter into a contract with SRA in the amount of \$355,536~~ **approve the SRA as the sole source provider for the GangNet software as described**);
- d. Receive the 2006 Annual Report of the Development Review Board;
- e. Approve the Lease Amendment for DACCA Offices at 1201 Briggs Avenue and direct the Manager to execute;
- f. Declaration of Surplus Personal Property and Approval of Resolution to Donate to Durham Technical Community College (declare the personal property as surplus, authorize the donation of the personal property to Durham Technical Community College on the condition that said property is used for a public purpose, and authorize the Manager to enter into an agreement);
- g. Budget Ordinance Amendment No. 07BCC000057—Approve the Appropriation of \$200,000 from the Designated for Risk Management Fund Balance;
- h. Accept the 2006 Annual Report of the Durham Planning Commission; and
- i. Approve The Durham Center's Local Business Plan for 2007-2010 for the period 2007-2010 as mandated by the NC Department of Health and Human Services and state law.

7. **Public Hearing to Receive Citizen Comments on the Draft FY 07-08 Annual Action Plan**

15 min.

The Citizen Participation Plan contained in the adopted 2005-2010 Consolidated Plan requires that two public hearings be held prior to the submission of the Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD). The purpose of the first public hearing was to receive citizen comments on housing and community development needs; it was held on January 22, 2007. The purpose of the second public hearing is to receive citizen comments on the City's Draft Annual Action Plan, which specifies the allocation of CDBG, HOME, and ESG funds.

As an entitlement city, Durham has been the recipient of CDBG funds since 1975 and HOME Consortium funds since 1992. CDBG funds have primarily been used for housing activities, public services, code enforcement, and public infrastructure. HOME Consortium funds have been used for affordable housing activities as required by HOME program regulations. Durham has also been a recipient of Emergency Shelter Grant (ESG) funds from HUD, which have been used to provide assistance to individuals and households who are homeless or at risk of becoming homeless.

The Annual Action Plan is Durham's application to the U.S. Department of Housing and Urban Development for the upcoming fiscal year's funding and outlines the actions Durham is taking with HUD-awarded funds to meet the goals as described in the 2005-2010 Five Year Consolidated Plan. HUD regulations require that the City submit the Council-approved Annual Action Plan by May 15. It is DCD's intent to ask Commissioners to approve the Annual Action Plan at the Board of County Commissioner's meeting on April 23, 2007.

Resource Person(s): Mike Barros, Director of the City of Durham Department of Community Development

County Manager's Recommendation: Hold a public hearing on April 9, 2007 to receive citizen comments on the draft 2007-2008 Annual Action Plan.

8. **Public Hearing—The Eastern Durham Open Space Plan**

25 min.

The Board is requested to conduct a public hearing and receive public comment on the *Eastern Durham Open Space Plan* and to adopt the Plan.

The *Eastern Durham Open Space Plan* covers the area generally between I-85, US 70 Bypass, US 70, and the Falls Lake. The *Eastern Durham Open Space Plan* is the third in a series of plans for the preservation of open spaces within the City and County. The Plan seeks to achieve multiple public objectives of providing recreation opportunities, preserving natural beauty, protecting wildlife habitat, preserving historic resources, and maintaining water quality. Implementing the Plan involves public actions in park development, trail construction, and open space acquisition.

Planning Department Recommendation: Approve the *Eastern Durham Open Space Plan*

DOST Recommendation: Approve, 15-0, December 13, 2006

Planning Commission: Approval, 12-0, February 13, 2007

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

County Manager's Recommendation: The Manager recommends that the Board conduct a public hearing on the *Eastern Durham Open Space Plan* and, if appropriate based on the comments received during the hearing, adopt the plan.

9. ~~**Unified Development Ordinance Text Amendment—Animated or Motion Signs (TC06-20)**~~

5 min.

~~The Board is requested to hold a Public Hearing and receive public comment on Unified Development Ordinance Text Amendment—Animated or Motion Signs (TC06-20), and~~

~~To adopt Unified Development Ordinance Text Amendment—Animated or Motion Signs (TC06-20).~~

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

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

10. **Regulation of Solicitation on the Streets and Highways of Durham County**

30 min.

The Board previously received information regarding the possible adoption of an ordinance regulating solicitation in the rights-of-way outside the municipal limits of cities in Durham County. An ordinance and a copy of a law review article from the Louisiana Law Review which discusses begging and panhandling as a part of the “broken windows” initiative are attached to the agenda action form. Additionally, attached is a copy of “Panhandling” from the U.S. Department of Justice, which was distributed as part of its “Problem-Specific Guides Series”.

Resource Person(s): Chuck Kitchen, County Attorney

County Manager's Recommendation: Adopt the Ordinance as presented.

11. **Closed Session**

15 min.

The Board is requested to adjourn to closed session to instruct the public staff concerning the possible lease back to the County of the Oakleigh Building at Durham Regional Hospital and to discuss a claim and preserve the attorney-client privilege pursuant to N.C. Gen. Stat. § 143-318.11(a)(3) & (5).

**2 hrs. 10 min.**