

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

Monday, October 25, 2004

**AGENDA**

7:00 P.M. Regular Session

1. **Opening of Regular Session**?Pledge of Allegiance
2. **Agenda Adjustments**
3. **Minutes**
  - a. September 13, 2004 Special Session
  - b. October 11, 2004 Regular Session
4. **Proclamation?Operation Breakthrough**

Operation Breakthrough Inc., the local Community Action Program, has been serving Durham County residents since 1964. The Chairman of the Board of County Commissioners has been asked to proclaim November 18 as Operation Breakthrough?s 40<sup>th</sup> Anniversary Celebration in Durham County.

County Manager?s Recommendation: The Manager recommends that the proclamation be presented to Frank Johnson, Interim Executive Director, Operation Breakthrough.
5. **Proclamation for Grief Awareness Week, November 2-8, 2003**

November 2-8 is Grief Awareness Week. Representatives of the Duke Community Bereavement Services requests that the attached proclamation be issued. Helen Poole, Director of Major Gifts, Marketing and Development for Duke Health Community Care, will accept the proclamation on behalf of the organization.

County Manager?s Recommendation: The Manager recommends that the Board approve the proclamation and present to Ms. Poole.
6. **Proclamation for Animal Shelter Appreciation Week**

The week of November 7- 13 is National Animal Shelter Appreciation Week. The Chairman of the Board of County Commissioners has been asked proclaim the week as Animal Appreciation Week in Durham County.

County Manager?s Recommendation: The Manager recommends that the Board approve the proclamation and present to staff.
7. **Proclamation for Home and Hospice Care Month**

November is National Home Care and Hospice Month. Helen Poole, Director of Major Gifts, Marketing and Development for Duke Health Community Care has requested that the Chairman of the Board of County Commissioners proclaim the month of November as Home and Hospice Care Month in Durham County. Ms. Poole will accept the proclamation.

County Manager?s Recommendation: The Manager recommends that the Board approve the proclamation and present to Ms. Poole.
8. **Consent Agenda**
  - a. Property Tax Releases and Refunds for Fiscal Year 2004-05 (August);
  - b. Contract with Tax Management Associates Inc. (to conduct audits; amount not to exceed \$200,000);
  - c. Change in Durham County Fixed (Capital) Asset Policy (approve the amendments as recommended by the Finance Department);
  - d. Interlocal Agreement?City-County Appearance Commission;
  - e. Budget Ordinance Amendment No. 05BCC000015?Sheriff's Office?Reconsideration of 2004 G.R.E.A.T. Grant for Gang Resistance Education (not to exceed amount of the grant award, \$43,695);
  - f. left blank intentionally;
  - g. Budget Ordinance Amendment No. 05BCC000017?Fire Marshal/Emergency Management?FY 2004 State Homeland Security Grant Program Funding (\$438,522 received through the NC Department of Crime Control and Public Safety for expenditure in FY 2004-2005);
  - h. Budget Ordinance Amendment No. 05BCC000018?Public Health (recognize revenue from Duke University Medical Center for \$102,497.00 to establish and hire Nutritionist III andHealth Education Specialist);
  - i. Work First Block Grant Plan for 2005-2007; and
  - j. Modification to the Copier Management Service Contract (authorize the Manager to modify the

contract with Commercial Equipment Inc. (CEI) to a five-year contract with no renewal options and authorize contract modification based on usage within budget appropriations).

9. **Tolling and Accounting Order to Extend the Review Period for Time Warner Cable's 2004 FCC-1240, 1235, 1205 Rate Filing Through January 2005**

On October 1, 2004, Time Warner Cable submitted an FCC-1240 Updating Maximum Permitted Rates filing, FCC-1205 Determining Regulated Equipment and Installation costs, and FCC-1235 cost of Service Filing for Cable Network Upgrades for Regulated Cable Service with the County of Durham, Time Warner Cable's filing includes actual and estimated costs it may incur during the projected period January -December 2005, along with previous expenses from the "true up" period October 2003 - September 2004.

The Federal Communications Commission has promulgated ratemaking procedures that allow cable operators to estimate future external costs, and costs associated with system upgrades, and recover those projected costs utilizing the FCC-1240 filing process, performed annually.

The County of Durham is certified with the FCC to regulate basic cable service, equipment and installation rates, and services within Durham County.

The FCC-\$76.933 grants franchise authorities the ability to toll the time in which to review rate filings submitted by cable operators, extending the period of review from the initial 30 days, to an additional 90 days (120 days total) past the original date of receipt by the franchise authority.

Durham County's Cable Consultant, Bob Sepe, Action Audits, LLC has suggested that the Board toll the period for review.

The time period in which Durham County will have to review Time Warner Cable's FCC-1240 rate filing will be tolled 90 days past the original 30 days (120 days total) allowed by the FCC, extending the total review period deadline.

Resource Person(s): Bob Sepe, Action Audits, LLC and Lowell L. Siler, Deputy County Attorney

County Manager's Recommendation: The Interim County Manager recommends that the Board review the FCC-1240 rate filing and extend the total review period deadline.

10. **Major Site Plan-CCB-Bethesda (D04-278)**

Duane K. Stewart and Associates, on behalf of Central Carolina Bank and Trust Company, has submitted a major site plan for additions totaling 834 square feet to an existing bank on a 1.305-acre site, zoned GC and F/J-B, including a landscape modification for street trees greater than 25 feet from the right of way and more than 100 feet apart along U.S. Hwy. 70, due to the dedication of a sanitary sewer easement. The property is located at the northwest corner of U.S. Hwy. 70 and Mineral Springs Road. (PIN 0840-04-80-0930)

Planning staff recommends approval.

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

County Manager's Recommendation: The Manager's recommendation is that the Board receive the presentation and approve the site plan, if appropriate, based on compliance with the ordinance.

11. **Board and Commission Appointments**

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

- Adult Care Home Community Advisory Committee
- Alcoholic Beverage Control Board
- Cable TV Advisory Board
- Community Child Protection Team/Child Fatality Prevention Team
- Criminal Justice Partnership Act Advisory Board
- Durham Board of Adjustment
- Durham Library Board of Trustees
- Durham Workforce Development Board
- Historic Preservation Commission
- Industrial Facilities and Pollution Control Financing Authority
- Juvenile Crime Prevention Council
- Open Space and Trails Commission
- 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.

12. **Closed Session**

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 an individual public officer or employee pursuant to G.S. 143.318.11(a)(6).



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