

## **REVISED**

Revisions to Item No. 5  
Addition—Item No. 7a

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

Monday, March 3, 2008

9:00 A.M. Worksession

### **AGENDA**

#### **1. Citizen Comments**

15 min.

Fred Foster Jr., 5718 Whippoorwill Street, Durham, NC 27704, has requested time on the agenda to speak to the Commissioners about the energy plan that Duke Power is proposing for the citizens of Durham.

Iris Wadsworth has requested time on the agenda to speak to the tax foreclosure on 110 Plantation Drive.

Rhonda Dotsey, President, Friends of Hill Forest, has requested to speak to the Commissioners about a situation of concern to residents of Hill Forest.

#### **2. Durham Workforce Development Board Annual Report**

20 min.

The Durham Workforce Development Board staff has requested to present its Program Year 2006 Annual Report to the Board of County Commissioners.

Resource Person(s): Kevin Dick, Workforce Development Administrator

County Manager's Recommendation: The Manager recommends that the Board receive the report.

#### **3. Downtown Master Plan: Seven Year Review and Updated Work Plan**

30 min.

The Downtown Durham Master Plan has guided the growth of Downtown since its adoption by the City Council and County Commission in 2000.

Once a community has developed a master plan, it is good public policy for the community to review that plan every 5 – 7 years. Revisiting the Master Plan is essential to ensure that downtown represents the citizens who live and work in Durham, that it encompasses the unique history and culture of the city, and that it develops our economic potential. The process was designed to include broad public participation.

The 2007 Downtown Durham Master Plan – Seven Year Review and Updated Work Plan, is the result of a year-long planning process. This new work plan assesses the

growth that Downtown Durham has experienced over the past seven years and, along with guidance from new market analysis and public participation, seeks to provide an updated series of strategies to continue to foster and direct development growth in Downtown over the next 2 - 7 years.

Bill Kalkhof, President of Downtown Durham Inc., will briefly review the Downtown Master Plan Update and will answer questions that the Commissioners might have related to the public process to update the Plan, the public reaction to the Plan, and the recommendations in the Plan. This item will be on the Board of County Commissioners' March 10 meeting consent agenda for adoption.

Resource Person(s): Bill Kalkhof, President of Downtown Durham, Inc.

County Manager's Recommendation: The County Manager recommends that the Board receive the review and updated work plan of the Downtown Master Plan and place it on the March 10 consent agenda for adoption.

4. **Presentation: Results from the 2007 Durham County Youth Risk Behavior Survey**

20 min.

The Fitness Leadership Council requests that the Board receive and review a presentation from the Partnership for a Healthy Durham and Durham Public Schools about results from the Durham County Youth Risk Behavior Survey (YRBS), a national school-based survey developed by the Centers for Disease Control and Prevention. The survey is used to monitor health risk behaviors that contribute to deaths, disability, and social problems among youth in the United States.

In the spring of 2007, the Obesity and Chronic Illness Committee of the Partnership for a Healthy Durham in collaboration with Durham Public Schools received funding through the Durham Results-Based Accountability mini-grant process to support the analysis of local YRBS data. The responses of 484 middle school students and 392 high school students were sent to The Richard L. Hoffman Center for Assessment and Research Alliances (CARA) at Mars Hill College for aggregation and preliminary analysis. This was the first year Durham conducted the YRBS.

The data from the YRBS, as noted by the researchers, will enable educators, program planners, and others in the community to:

- “Determine the prevalence of health risk behaviors;
- Create awareness about and action toward priority health risk behaviors and related health problems;
- Set program goals and objectives and monitor progress toward those goals; and
- Provide comparable national, state, and local data.”

The results of the 2007 survey provide baseline data for this community. Plans are to 1) use this data to begin a community dialogue about the disparities that are illuminated;

2) identify evidenced-based practices that have been used in other communities to address those issues; 3) recommend models to pilot/replicate in our community; and 4) continue to conduct the YRBS every two years expanding to include the charter and private schools.

Resource Person(s): Gayle B. Harris, Assistant Health Director, Pete Shankle, Wellness Coordinator, DPS

County Manager's Recommendation: The County Manager recommends that the Board receive and review the Durham County YRBS presentation from the Partnership for a Healthy Durham.

5. **Discussion of Interlocal Agreement to Share Contract Costs with City of Durham to Provide Public Access Programming**

30 min.

Due to recent changes in cable franchising law effective January 1, 2007, neither the City nor the County of Durham have agreements with Time Warner Cable to provide services beyond making channel space available for Public/Education/Government (PEG) use. Over the past several months, the two local governments have attempted to collaborate on broadcasting government programming on Channel 8; however, no provision has been made for public access programming. Following the January City/County Committee meeting, negotiations between Durham County, the City of Durham, access producers, and Time Warner Cable have been underway to develop a reasonable and cost-efficient arrangement for public access programming.

Most recently, to temporarily accommodate the access producers, the City received quotes to air public access programming. Based on quotes received, it was recommended that the City and the County contract with Time Warner through the end of the fiscal year June 30, 2008 at a 50/50 shared cost of \$12,065 monthly to ensure basic airing of completed shows.

The City of Durham was to have voted on the proposal at its February 18 meeting and upon approval, the item was to come to the Board of County Commissioners on February 25.

City Council did not approve the proposal and deferred the item to its February 21 Worksession. Out of that worksession, came a discussion of extending the contracting period through the calendar year and the city, county, and cable access producers continuing to share Channel 8 with an agreed-upon programming schedule.

City Council and the Board of County Commissioners are being asked to share costs through the end of the calendar year to facilitate public access programming. Durham County's share will be ½ of the \$12,065 or \$6,032.50. The City Council is set to vote on the agreement at its March 3 meeting. **The duration is March 1 through December 31.**

**Also included in this item is an interlocal agreement between the City and County which clarifies the utilization of the City's broadcast facilities (Durham Government TV) and personnel to air the County's television shows and the replays of the Durham County Board of Commissioners' meetings. This arrangement will terminate when the County has established its own broadcast operation.**

In the meantime, County Attorney Chuck Kitchen is seeking a dedicated channel for Durham County's use from Time Warner Cable as is prescribed in the new cable franchising law. An update on that request will be provided at the meeting.

Resource Person(s): Deborah Craig-Ray, Assistant County Manager

County Manager's Recommendation: The County Manager's recommendation is to hear the update and suspend the rules to allow him to enter into the contract with the City of Durham and Time Warner Cable to provide public access programming until December 31, 2008. **The Board is also requested to suspend the rules to authorize the Manager to approve the Interlocal Cooperation Agreement for Durham Government TV.**

6. **BOCC Chambers Technology Upgrades—Project Update**

30 min.

The Board is requested to receive updates on the Design Development (DD) phase for the Board of County Commissioners (BOCC) Chambers Technology Upgrades project. The purpose of this project is to upgrade the audiovisual capabilities and selected architectural enhancements in the Durham County Commissioners' Chambers located on the second floor of the Durham County Administrative Building at 200 East Main Street, Durham.

The BOCC received a similar presentation on the planning/schematic design phase of the project on March 29, 2007. Since, efforts have progressed on the design development, incorporating revisions that respond to BOCC comments. The intent of today's update is to receive the Board's input on the design development phase, which will allow the project to advance to the construction document phase.

Resource Person(s): Glen Whisler, P.E., County Engineer; James Faress, P.E., Project Manager; Ademola Shobande, Assoc., AIA, Sr. Project Manager, Engineering Dept; John Thompson, AIA, DTW Architects & Planners, Ltd.

County Manager's Recommendation: The County Manager recommends that the Board receive the presentations and provide direction to staff as appropriate.

7. **Discussion of Issues for Legislative Agenda**

30 min.

The 2007 North Carolina General Assembly will convene the Short Session at Noon on May 13 in Raleigh. An initial listing of legislative priorities has been prepared by staff for a general discussion by the Board. Following that conversation and with input from the Board, a more complete listing will be developed for final approval prior to the start of the legislative session.

According to the adjournment resolution, Budget Bills must be submitted no later than 4:00 p.m. on Friday, May 16, to bill drafting. Local Bills must be submitted to bill drafting by 4:00 p.m. on Wednesday, May 21 and filed in the House or Senate by May 28.

In addition, staff will poll the Board and members of the Durham Legislative Delegation for a suitable time to meet and discuss the approved initiatives.

Resource Person(s): Deborah Craig-Ray, Assistant County Manager

County Manager's Recommendation: The Manager's recommendation is that the Board receive the proposed agenda and direct staff.

7a. **Sales Tax Interlocal Agreement**

20 min.

**The current interlocal agreement with the City of Durham expires on June 30, 2008. The agreed-upon formula by which the two governments share taxes is two-fold:**

- 1. The County agreed in 2003 to maintain a per capita distribution. This means the state distributes the sales tax back to the local governments with 53.50% going to the County and 46.50% going to the City. However, the interlocal agreement then requires that the City and County divide the proceeds with the County receiving 56.82% and the City receiving 43.18%. The agreed-upon formula means that the City must pay the County part of its per capita distribution.**
- 2. The City has agreed to pay to the County 50% its Article 44 Sales Tax proceeds with the County if and when it receives in excess of \$3.8 million. This increases the percentage of total sales taxes that the County receives from 56.82% to 58.87%; the City's total share of the sales taxes decreases from 43.18% to 41.13%.**

**The Manager originally proposed a split of 59%/41%. However, discussions with the City have indicated an interest in a different split. It is believed that a 58%/42% split may be acceptable.**

**Resource Person(s): Mike Ruffin, County Manager; Chuck Kitchen, County Attorney; Pam Meyer, Director of Budget and Management Services; Keith Lane, Senior Budget Analyst.**

**The Manager recommends that the Board suspend the rules and vote to propose to the City of Durham that a five-year interlocal agreement for dividing sales tax receipts between the two jurisdictions be developed and approved by both jurisdictions on or before March 31, 2008 as follows: 58% of collected taxes would be paid to Durham County and 42% of collected taxes would be paid to the City of Durham.**

8. **Closed Session**

45 min.

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).

~~—3 hrs. 40 min.~~  
**4 hrs.**