

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

Monday, January 14, 2008

County Commissioners' Chambers  
200 East Main Street, Durham, North Carolina

**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.
  - Durham Neighborhood College is seeking applicants for the 2008 spring term. Applications may be obtained from the Clerk to the Board's office or by visiting the Durham County website at [www.durhamcountync.gov](http://www.durhamcountync.gov). The deadline is January 18, 2008.
  - An informational workshop will be held for the proposed SR 1978 (Hopson Road) grade separation and the North Carolina Railroad/Norfolk Southern track realignment on Tuesday, January 29, 2008, between 4:30 p.m. and 7:00 p.m. at The Solution Center in the Asheville Room, 1101 Slater Road—Suite 200, Brighton Hall, Durham.
4. **Minutes** 5 min.
  - a. December 3, 2007 Worksession
  - b. December 10, 2007 Regular Session
5. **Resolution Supporting 2008 Events Honoring Dr. Martin Luther King Jr.** 5 min.

The local Martin Luther King Jr. Steering Committee has requested that a resolution be prepared honoring Dr. Martin Luther King's life and legacy and that related activities in Durham County be acknowledged and supported by the entire community. The resolution will be presented at the MLK Annual Religious Celebration on January 21 at Union Baptist Church at 6:00 p.m.

Resource Person(s): Michael D. Page, Vice Chairman

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

6. **Consent Agenda**

20 min.

- a. Donation of Library Storage Shed by Friends of the Durham Library Inc. (accept the donation of a storage shed to be located at the Main Library);
- b. 2008 Medicare Part D Prescription Drug Plan Employer List Bill (authorize the execution of the 2008 Medicare Part D Prescription Drug Plan Employer List Bill for the 12-month period beginning January 1, 2008 through December 31, 2009);
- c. Budget Ordinance Amendment No. 08BCC000049—Cooperative Extension—Juvenile Crime Prevention Council (authorize the appropriation of fund balance in the amount of \$19,556 for reimbursement to the North Carolina Department of Juvenile Justice and Delinquency Prevention);
- d. Budget Ordinance Amendment No. 08BCC000050—Recognize Library Gift Fund Revenue from the Durham County Library Foundation (recognize gift funds for a total amount of \$23,016 and recognize the revenue in the library general fund budget by that amount; the Foundation pledges this money for the purpose of purchasing needed technology items throughout the entire system);
- e. Library Meeting Room Fee Revision (approve the recommendation of the Durham County Library Board of Trustees to eliminate meeting room fees for nonprofit organizations, while reinstating a \$25 fee for groups serving refreshments and \$100 fee for commercial, for-profit groups);
- f. Social Services Shell Positions (approve the establishment of 10 provisional shell positions funded through lapsed salaries);
- g. Approve the County's new Minority and Women Business Enterprise (M/WBE) Ordinance which shall become effective January 14, 2008; and
- h. Durham Public Schools—Approval of Petition to Annex Property at New Elementary B (approve and submit the annexation petition).

7. **Resolution Adopting Economic Development Policy**

30 min.

Amendments to the "Resolution Adopting Economic Development Policy" were finalized by the Board of County Commissioners during its January 7, 2008 Worksession. The Board directed that the proposed policy be placed on the January 14, 2008 agenda in order to receive public comment.

Resource Person(s): Mike Ruffin, County Manager; Chuck Kitchen, County Attorney; and Carolyn Titus, Deputy County Manager

County Manager's Recommendation: The County Manager recommends that the Board receive public comment and approve the resolution, if appropriate.

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

20 min.

After receiving information regarding the possible adoption of an ordinance regulating solicitation in the rights-of-way outside the municipal limits of cities in Durham County, the Board passed (on April 9, 2007) an ordinance regulating solicitation on a 3-1 vote. As the ordinance was not passed by a unanimous vote of the Board, it was required to be passed on a second vote. However, due to the length of time since the first vote, the ordinance was considered again by the Board on July 23, 2007. Following a discussion, the Board deferred the consideration of the Ordinance until the meeting on October 8, 2007. At that meeting, the ordinance was referred to the City-County Committee. The City-County Committee met on January 8, and the item is being referred to both the City Council and the Board of Commissioners.

Resource Person(s): Chuck Kitchen, County Attorney

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

9. **Quasi-Judicial Hearing: Transportation Special Use Permit—Sierra (T07-02)**

15 min.

To hold a quasi-judicial public hearing to consider a Transportation Special Use Permit for traffic impact in association with consideration of a major site plan for a residential development on parcels located on the east side of Doc Nichols Road, north of Leesville Road and southwest of Olive Branch Road, within the PDR 3.000 zoning district and F/J-B overlay. PINs 0860-03-33-3314, 0860-01-20-8767, 0769-01-28-5772, -27-6679

To direct the Planning Director to prepare an order for adoption, for 1) approval, 2) approval with conditions, or 3) denial, or to continue the hearing to a specified later meeting. (A draft order for approval with staff-recommended conditions will be available at the meeting.)

Request: Transportation Special Use Permit (TSUP)

Staff Recommendation: Approval, based on the technical conformance with Ordinance requirements. Staff will make a final recommendation following the public hearing.

Resource Person(s): Steven L. Medlin, AICP, Interim City-County Planning Director, and William E. Judge, PE, City Transportation Division

County Manager's Recommendation: The Manager recommends that the Board conduct a quasi-judicial hearing on the proposed Transportation Special Use Permit and approve it, if appropriate, based on the testimony received.

10. **Major Site Plan and Preliminary Plat—Sierra (D06-283)**

15 min.

If the Transportation Special Use Permit is approved, then approve a Major Site Plan and Preliminary Plat for “Sierra” submitted by Horvath Associates, PA, on behalf of MacGregor Development Company, to develop 369 single family and 130 town-home lots with a pool, clubhouse, and tennis courts, on 176.36 acres of a 422.60 acre site zoned Planned Development Residential 3.000 (PDR 3.000) and Falls/Jordan Protected Area (F/J-B). The site is located east of Doc Nichols Road, north of Leesville Road, and southwest of Olive Branch Road. PIN 0860-03-33-3314, 0860-01-20-8767, 0860-01-28-5772, 0860-01-27-6679

The Development Review Board recommended approval of the site plan on October 5, 2007 by a vote of 6-3.

Resource Person(s): Steven L. Medlin, AICP, Interim City-County Planning Director

County Manager’s Recommendation: The Manager recommends approval of the site plan and preliminary plat.

11. **Durham Open Space and Trails (DOST) Commission Matching Grants Funding Recommendation**

15 min.

The Durham Open Space and Trails Commission (DOST) received six applications for the Matching Grants Program to assist nonprofit community organizations with recreational and open space projects. The Matching Grants Committee of the DOST and county staff examined the proposed projects to ensure compliance with the program’s goals and guidelines. DOST approved the project and funding recommendation below at its December 19, 2007 meeting:

The recommendation to allocate \$66,946 of county funds represents a gain to the County of \$66,946 in matching funds as half the projects’ proposed value of \$133,892. The Matching Grants program budget was approved in the FY2007-2008 Budget.

Resource Person(s): Annette Montgomery, Matching Grants Committee Chair, and Kevin Etheridge, Budget Analyst/Matching Grants Administrator

County Manager’s Recommendation: The Manager recommends the BOCC approve the funding requests from Asbury Methodist Preschool, Central Park School, Durham-Orange Recreational Disc Golf Association, and Keep Durham Beautiful and the allocation of \$66,946 of the budgeted Matching Grants funds to these projects.

2 hrs. 20 min.