

**REVISED**

Additional Item?7a

Revision to Item No. 8

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

Monday, June 14, 2004

**AGENDA**

7:00 P.M. Regular Session

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

2. **Agenda Adjustments** 5 min.

3. **Minutes** 5 min.

a. May 24, 2004 BOCC/Durham Public Schools Board

b. May 24, 2004 Regular Session

4. **Resolution Honoring Mr. Anthony "Tony" Mulvihill**

5 min.

Mr. Tony Mulvihill, who recently lost his battle with cancer, was a respected community leader and tireless advocate for persons needing substance abuse treatment. This resolution recognizes Mr. Mulvihill's accomplishments and honors his memory.

Resource Person(s): Ellen Holliman, Interim Area Director, The Durham Center

County Manager's Recommendation: The Manager recommends that the Board approve the resolution and present it to the family of Mr. Mulvihill.

5. **Consent Agenda** 20 min.

a. Budget Amendment No. 04BCC000075 (eliminate the budgeted transfer of \$400,000 from the Cafeteria to the General Fund; appropriate \$400,000 in additional property tax revenues in the General Fund);

b. Budget Amendment No. 04BCC000076?State Grant for Mental Health?Housing for New Hope New Leaf Program and Duke Family Care Program (approve the appropriation of \$20,000);

c. Order for Impact Fee Hearing (adopt the proposed order denying the appeal of Mr. Brian Ruff);

d. To Set a Public Hearing to Close Flanders Street (SC03-13) (adopt the resolution and set the public hearing for June 28, 2004);

e. To Set a Public Hearing to Close Hillview Drive (SC03-14) (adopt the resolution and set the public hearing for June 28, 2004);

f. To Set a Public Hearing to Close Northwest Drive (SC03-15) (adopt the resolution and set the public hearing for June 28, 2004);

g. To Set a Public Hearing to Close Opal Street (SC03-16) (adopt the resolution and set the public hearing for June 28, 2004);

h. To Set a Public Hearing to Close Rondelay Drive (SC03-17) (adopt the resolution and set the public hearing for June 28, 2004);

i. To Set a Public Hearing to Close Wenham Court (SC03-18) (adopt the resolution and set the public hearing for June 28, 2004);

j. Board Appointments?The Durham Center Area Board (extend the current Area Board members? terms to four years [July 2004 to July 2008]);

k. Appointment?Downtown Durham Inc. (appoint Commissioner Jacobs to the Downtown Durham Inc. Board of Directors [term to end November 2004]);

l. Sheriff's Office?Purchase of Two Electronic Fingerprinting Systems?Live Scan (approve the exception to the formal bidding process to allow the Sheriff's Office to "piggyback" on the City of Durham's bid as allowed under state statute);

m. Living Wage Policy (adopt to require service contractors to pay a living wage); and

n. Resolutions in Support of Triangle Mobility Compact and High Occupancy Lanes along Interstate Highway 40 (approve both resolutions).

6. **Public Hearing on the 2004-05 Recommended Budget**

1 hr.

The Board of County Commissioners will conduct a public hearing to receive citizen input on the FY 2004-2005 recommended budget. To be able to hear from all interested citizens, the Commissioners usually set a time limit of three minutes for each speaker; however, the time limit may be adjusted at the discretion of Chairman Reckhow.

County Manager's Recommendation: The Manager recommends that the Board receive input from speakers and incorporate in the deliberations prior to finalization of next fiscal year's budget.

**7. Public Hearing/Zoning Ordinance Text Amendment/Common Signage Plans in the Mixed-Use and Downtown Design Overlay Districts (TC 04-01)**

15 min.

In developing the UDO, concern was raised that existing requirements for common signage plans were too restrictive for Downtown and mixed-use projects, where greater variety in signage could stimulate visual interest. Accordingly, the UDO draft permits the DDRT to approve variations in all elements of a common signage plan. Design considerations may include compatibility with historic character, relation to architectural proportions, views, durability, and conformance with the design guidelines for downtown. This Amendment incorporates those changes in the Zoning Ordinance. The Zoning Committee of the Durham Planning Commission reviewed the Amendment and voted to recommend Approval (6-0) at its April 14, 2004 meeting. The Durham City Council voted to approve (7-0) the amendment at its May 17, 2004 meeting.

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

County Manager's Recommendation: The Manager recommends that the Board hold a public hearing and, if appropriate, adopt the amendment to the Zoning Ordinance.

**7a. Sheriff's Office/Gang Activity Presentation**

15 min.

**Locally, Durham has over 3,000 confirmed gang members and there are still countless local gangs and gang members unaccounted. Statistically, local gangs are engaged in 84% of the drug trafficking and violent crimes. Although gang-related crimes are not as prevalent at this time in the unincorporated areas of Durham County as they are within City limits, they do heavily affect the safety in our Schools and our Detention facility. It is not against the law to belong to a gang. It is against the law to commit a crime and this gang-related violence has dramatically increased over the past few years.**

**Intelligence and education are the community and law enforcement's strongest weapon against gang activity. People are needed to gather intelligence and educate the public. Through a partnership between the Sheriff's Office and Durham Police Department, an intelligence software package has been purchased and is being implemented. Currently, the Sheriff's Office has no dedicated resources to respond to this community crisis. The department is asking the Commissioners to evaluate this priority in the Durham Community.**

**The Sheriff's Office has prepared a brief presentation on the extent and impact of gang activity in Durham.**

Resource Person(s): C.W. Crabtree, Lt. Don Ladd, Deputy Dodson

County Manager's Recommendation: The Manager's recommendation is that the Board receive the presentation and provide direction as appropriate.

**8. Major Site Plan/Hamlin Road Bus Parking (D04-085)**

15 min.

Coulter Jewell Thames, P.A., on behalf of Durham County and Durham Public Schools, has submitted a site plan for a school bus parking lot with 68 parking spaces and a 1,344-square-foot office trailer to be added along with an existing building and parking lots on a 10.61-acre site. The proposed project will be located at the northwest corner of Hamlin Road and Industrial Drive and is to be accessed by two existing driveway entrances off Hamlin Road and a new driveway entrance off Industrial Lane. Street Atlas Page 43, Block B-2. PIN 0843-01-29-5738.

**The site plan was denied by the Development Review Board due to the absence of a turn lane into the bus parking lot. The County is confronted with legal constraints that prohibit its ability to construct and pay for road improvements. A copy of General Statute 136-98 is included in the attachments. Approval of the site plan in its present configuration will allow staff to move forward with construction of the North Regional Library.**

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

County Manager's Recommendation:

**The Manager's recommendation is that the Board approve the site plan.**

**10. State Legislation to Phase Out North Carolina Counties Share of Medicaid**

20 min.

Statewide support is being sought to encourage sponsorship of legislation in the North Carolina General

Assembly to phase out counties share of Medicaid over a five-year period. Durham County's share of Medicaid for FY 2005 is estimated at over \$10 million.

Resource Person(s) Mike Ruffin, County Manager

County Manager's Recommendation: The Manager recommends that the Board endorse the proposed legislation and authorize the Chairman to notify Durham County's legislative delegation of the Board's action.

2¾ hrs.



**Last updated: July 23, 2006**

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