

REVISED
(Item No. 14 deleted)

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

Monday, September 12, 2005

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.

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.

August 22, 2005 Regular Session

4. **Resolution Regarding Hurricane Katrina**

5 min.

A resolution has been requested to recognize victims of Hurricane Katrina, one of our nation's most horrific natural disasters that struck Gulf Coast states of Louisiana, Mississippi, and Alabama last week. The goal is to encourage our citizens to offer support and assistance to those citizens in need of rebuilding.

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

5. **Resolution Honoring Architect Patricia E. Harris, AIA, NOMA, APA**

5 min.

A resolution has been requested to recognize architect Patricia E. Harris, AIA, NOMA, APA who has served on the Durham City/County Planning Commission for two terms and has recently closed her Durham office. A prolific architect, Ms. Harris is among the first African-American females to operate a successful practice in Durham County. A resolution has been prepared to recognize her outstanding career.

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

6. **Resolution Honoring Durham Rescue Mission's Good Samaritan Inn**

5 min.

A resolution has been requested to recognize the opening of Durham Rescue Mission's Good Samaritan Inn. Members of the Board of County Commissioners and the County Manager will serve the evening meal on September 14 at 4:30 p.m. Rev. Ernie Mills and Mrs. Gail Mills will comment on this valuable community resource.

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

7. **Proclamation Observing September 26, 2005 as "Family Day/A Day to Eat Dinner With Your Children"**

5 min.

The National Center on Addiction and Substance Abuse is observing "Family Day" A Day to Eat Dinner With Your Children? on September 26, 2005. This initiative is observed annually on the 4th Monday in September and promotes the benefits of parental influence in reducing the risk of drug and alcohol abuse among our youth. Last year, President Bush and more than 200 cities and counties recognized this day across the country.

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

8. **Proclamation in Recognition of 2005 Fall Litter Sweep**

5 min.

A proclamation has been prepared in recognition of 2005 Fall Litter Sweep, which is the Department of Transportation's annual roadside cleanup.

County Manager's Recommendation: The Manager recommends that the proclamation be presented and citizens be encouraged to participate.

9. **Consent Agenda**

20 min.

- a. Budget Ordinance Amendment No. 06BCC000012?Revenue Category Reclassification for Cooperative Extension (approve to change revenue categories for \$8,000 from Intergovernmental to Charges for Services);
- b. Sheriff's Office?Budget Ordinance Amendment No. 06BCC000013?2005 G.R.E.A.T. Grant for Gang Resistance Education (appropriation of funds will not exceed the amount of the \$43,695.00 grant award);
- c. Budget Ordinance Amendment No. 06BCC000014?Fire Marshal/Emergency Management?State Homeland Security Grant Program?Re-Appropriate Unspent Grant Balances of \$388,768 received through the NC Department of Crime Control and Public Safety;
- d. Budget Ordinance Amendment No. 06BCC000015?Public Health?Recognize a \$250 Award and Acknowledge Durham's Innovative Nutrition Education (DINE) for Lasting Improvements in Fitness and Eating (LIFE) Program as the 1st Place Winner in the NC 5 A Day State Excellence Awards Community/Civic Group Division;
- e. Budget Ordinance Amendment No. 06BCC000016?Public Health?Recognize Grant Funds in the Amount of \$42,205 from Duke University to Establish and Hire the Position of Social Worker II for the Maternity Care Coordination Services (to be funded for one year only as continuation is contingent upon further funding);
- f. Budget Ordinance Amendment No. 06BCC000017?FY 2005-2006 Encumbrances (the unrestricted fund balance will not be affected by this amendment);
- g. Approve Amendments to the Parking Ordinance;
- h. Sanitary Sewer Easement to the City of Durham?2005 Hillock Place (approve the conveyance over and across the County property at no cost to the City);

- i. Adopt the new Audit Policy, Audit Charter, By-Laws for the Audit Oversight Committee, and a Resolution Establishing the Audit Oversight Committee;
- j. Approve the Revised Legal Written Description of the Five-Mile Parkwood Fire Insurance District; and
- k. Ambulance Franchise?Tri-Star Medical Transport Inc. (deny the request for a non-emergency ambulance franchise).

10. **Public Hearing?Plan Amendment, Amending the Plan Text (A05-06)**

20 min.

The Board is requested to hold a public hearing to receive public comment on a Plan Amendment for Amending the Plan Text (A05-06) amending the *Durham Comprehensive Plan* and adopt a resolution amending the Plan.

Planning Department Recommendation?Approval
Planning Commission Recommendation?Approval, August 9, 2005, 12-0

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

County Manager?s Recommendation: The Manager recommends that the Board conduct a public hearing and, if appropriate based on the comments received, approve Plan Amendment A05-06.

11. **Major Site Plan?Coley Road Substation (D05-219)**

10 min.

Davis-Martin-Powell & Associates Inc., on behalf of Progress Energy, has submitted a major site plan for a public utility facility on an 89.84-acre site, zoned RD and F/J-B.

(The property is located at 3014 Coley Road, on the west side of Coley Road between Kemp and Carpenter Pond Roads. PIN 0870-03-41-4757)

Planning staff recommends approval.

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

County Manager?s Recommendation: The County Manager recommends approval.

12. **Major Site Plan?Lot 10 Wolfpack Lane (D04-579)**

10 min.

Brunssen Engineering Services, PA, on behalf of Brad Fry, has submitted a major site plan for a 12,000-square-foot warehouse and a 500-square-foot office on 1.6 acres, zoned I-2 and F/J-B. The applicant is requesting a 50-percent buffer reduction to 40 feet along the southeastern property line.

(The property is located on the south side of Wolfpack Lane and west of Old Oxford Highway. PIN 0833-02-78-4563)

Planning staff recommends approval of the site plan and the buffer reduction requested by the applicant.

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

County Manager's Recommendation: The County Manager recommends approval.

13. **Request Approval of Revised Legal Written Description of the Five-Mile Lebanon Fire Insurance District**

10 min.

Due to numerous annexations around the area of Milton Road, the Lebanon Volunteer Fire Department moved its complete fire operation from Milton Road to its fire station located on Russell Road.

With its relocation of fire operations to Russell Road, the present Board of County Commissioners' approved legal written description of the five-mile Insurance District must be revised to reflect the relocation of the fire station to meet the requirements of the North Carolina Department of Insurance pursuant to N.C.G.S. § 153A-233. This written description is used by the Department of Insurance to set ratings within fire districts.

Resource Person(s): Jeffrey L. Batten, Fire Marshal/Emergency Management Director

County Manager's Recommendation: The Manager recommends that the Durham Board of County Commissioners approve the revised legal written description of the five-mile Lebanon Fire Insurance District.

14. **Request to Establish Two Fire Insurance Rating Districts and Response District**

10 min.

The relocation of Lebanon Fire Department to its Russell Road location has caused parts of the former Lebanon Insurance District to be outside the required five-mile district. Therefore, to meet the requirements of the North Carolina Department of Insurance pursuant to N.C.G.S. § 153A-233 for a five-mile Insurance District, it is requested that Durham County establish two Durham County Fire Insurance Rating Districts. The districts would be known as Durham County East Fire Insurance District and Durham County West Fire Insurance District.

~~It is also requested that the County enter into a contract with the Durham Fire Department to provide primary fire protection to this area. Revenue for the contract would come from the fire tax money that Lebanon formerly received. This type of arrangement for fire protection is consistent with the manner in which Durham County contracts for fire protection with the volunteer departments.~~

~~Resource Person(s): Jeffrey L. Batten, Fire Marshal/Emergency Management Director~~

~~County Manager's Recommendation: The Manager recommends that approval be given to establish the two Durham County Fire Insurance Rating Districts and to initiate a contract between the County of Durham and Durham Fire Department for provision of primary fire protection to this area.~~

15. **Closed Session**

15 min.

The Board is requested to adjourn to Closed Session to consult with an attorney and to preserve the attorney-client privilege pursuant to G.S. § 143-318.11(a)(3).

2¼ hrs.