

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

Tuesday, May 29, 2007

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. **Announcements** 5 min.
4. **Minutes** 5 min.
 - a. May 14, 2007 Regular Session
 - b. May 21, 2007 County Stadium Community Meeting
5. **Chancellor James H. Ammons Resolution** 5 min.

Since June 1, 2001, Dr. James H. Ammons has served as chancellor of North Carolina Central University (NCCU). Dr. Ammons, who became the ninth chief administrator of NCCU, served admirably for six years and will be leaving on July 2 to become president of Florida A&M University.

County Manager’s Recommendation: The Manager recommends that the Commissioners pay tribute to Dr. Ammons for his contributions to NCCU and the Durham community.
6. **Employee of the Year—Deputy Shane Fowler** 5 min.

During National County Government Week 2007 (April 22-28), Deputy Shane Fowler was selected as Durham County’s Employee of the Year. Deputy Fowler has been with the Sheriff’s Office for four years and is currently assigned to the “Bomb Squad”.

Deputy Fowler is held in high esteem for his work ethic and his diligence in dealing with thieves and stolen property.

He was nominated by Sergeant Will Oakley.

County Manager's Recommendation: The Manager recommends that Commissioners recognize Deputy Shane Fowler for his contributions to Durham County and its citizens.

7. **May Anchor Award Winner—James Osborn**

5 min.

James Osborn, from The Durham Center, has been selected to receive the May Anchor Award. Mr. Osborn is being recognized for excellent leadership and initiative shown in completing all tasks and assignments with efficiency.

Chairman Ellen Reckhow will lead the presentation.

County Manager's Recommendation: The Manager recommends that the May Anchor Award be presented to Mr. James Osborn, along with congratulations of the entire organization.

8. **Consent Agenda**

20 min.

- a. Property Tax Releases and Refunds for Fiscal Year 2006-2007 (accept the property tax release and refund report for April 2007 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- b. Budget Ordinance Amendment No. 07BCC000066—Approve Revenue Reclassification for The Durham Center for \$10,350,000 in revenues from “Charges for Services” and “Other Revenues” to “Intergovernmental”;
- c. Budget Ordinance Amendment No. 07BCC000067—Approve to Recognize \$13,366 in Additional Revenue from the Aid to Public Libraries Fund;
- d. Authorize the Execution of an Acoustical Design Contract Amendment with The Freelon Group, P.A. in the amount \$60,000 for the Proposed Durham County Human Services Complex. Project No.: DC070-48;
- e. Receive the Annual Report of the Durham City-County Appearance Commission;
- f. Receive the Annual Report of the Design District Review Team;
- g. Receive the Annual Report of the Durham Environmental Affairs Board;
- h. Approve the Cultural Master Plan Interlocal Agreement Extension;
- i. Authorize the Manager to Execute the Standard Non-Reimbursable Utility Contract with United Therapeutics Corporation for the Extension of the County Sanitary Sewer System;
- j. Approve the Sale of County Surplus Property—605 Holloway Street to Howard Goldsmith of Baldwin Estates LLC for \$20,000, 1103 Linwood Avenue to Howard Goldsmith of Baldwin Estates LLC for \$18,000, 0 Redwood Road to Sampson Harrell for \$3,500, and 924 Ramseur Street to Perry Black of PKM LLC for \$435; and
- k. Approve revision to the Work First Block Grant Plan for 2007-2009.

9. **Public Hearing—Unified Development Ordinance Text Amendment—Animated Or Motion Signs (TC06-20)**

5 min.

The Board requests that a public hearing be held to receive public comment on Unified Development Ordinance Text Amendment—Animated or Motion Signs (TC06-20), and to adopt Unified Development Ordinance Text Amendment—Animated or Motion Signs (TC06-20).

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

County Manager's Recommendation: The Manager recommends that the Board conduct a public hearing on the proposed UDO text change and, if appropriate based on the comments received during the hearing, approve the change.

10. **Public Hearing—Zoning Map Change—Treyburn Commons (Z06-37)**

20 min.

To approve a request for a zoning map change for a 16.927 acre site located at 308 Orange Factory Road at the intersection of Orange Factory Road and North Roxboro Road. PIN 0836-03-02-4349 (partial). Request: PDR 2.240 to CC(D)

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the *Comprehensive Plan* and is reasonable and in the public interest in light of information presented in the public hearing and in the agenda materials; or

Alternatively, in the event that a motion to approve the item fails, the Commissioners adopt as support for their actions on the proposed zoning map change the determination that, notwithstanding its consistency with the *Comprehensive Plan*, the request is neither reasonable nor in the public interest in light of information presented in the public hearing and in the agenda materials.

Staff Recommendation: Approval, based on consistency with the *Comprehensive Plan* and considering the information contained in this report.

Planning Commission Recommendation and Vote: Approval, 8-4 on February 13, 2006. The Planning Commission finds that the ordinance request is consistent with the adopted *Comprehensive Plan*. The Commission believes the request is reasonable and in the public interest and recommends approval based on the information in the staff report and comments received during the public hearing.

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

County Manager's Recommendation: The Manager recommends that the Board conduct a public hearing on the proposed zoning map change and approve it, if appropriate, based on the comments received.

11. **Capital Improvements Program (CIP)**

15 min.

Final biennial revisions to the County's ten-year Capital Improvement Program (CIP) were completed by the Board of Commissioners during its May 21, 2007 Worksession. The CIP provides a spending plan to facilitate the construction of and renovations to facilities in which County-sponsored programs and services are provided. The ten-year CIP includes 31 projects from 2008 through 2017 at a projected cost of \$901 million, and includes projects such as a new courthouse, human services building, new schools and renovations to existing schools, and improvements at the campuses of Durham Technical Community College and the Museum of Life and Science. In order to support the proposed spending plan, the CIP includes three bond referenda—2007, 2009, and 2113.

Resource Person(s): Mike Ruffin, County Manager; Pamela Meyer, Budget and Management Services Director; Keith Lane, Senior Budget Analyst; Glen Whisler, County Engineer; and George Quick, Finance Director

County Manager's Recommendation: The Manager recommends that the Board approve the CIP as presented.

12. **Major Site Plan—Becton Dickinson Expansion (D06-858)**

10 min.

Approve a major site plan for "Becton Dickinson Expansion" submitted by HadenStanziale Associates PLLC, on behalf of Becton Dickinson Corporation, for a 53,000 square foot expansion to an existing 188,000 square foot manufacturing facility for a total of 241,000 square feet on a 114.97-acre site, zoned IL and F/J-A. The site plan utilizes the high density option within the critical area of a watershed overlay, which requires approval of the Board of Commissioners under Section 8.7.4 of the Unified Development Ordinance. [The property is located west of International Drive, north of Old Oxford Highway within the Treyburn Corporate Park. PIN 0845-03-33-8356]

The Development Review Board recommended approval on March 2, 2007 by a vote of 7-3.

Staff recommends approval.

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

County Manager's Recommendation: The Manager recommends approval.

13. **Major Site Plan and Preliminary Plat—Blenheim Woods (D06-958)**

5 min.

Approve a major site plan and preliminary plat for "Blenheim Woods" submitted by The John R. McAdams Company Inc., on behalf of Meadowmont Farms LLC, for 56 single-family lots on a 20.82-acre site, zoned PDR 2.690 and F/J-B. [The property is

located on the west side of George King Road, north of N.C.54 and south of Ephesus Church Road. PIN 0709-03-02-6159]

The Development Review Board recommended approval on April 27, 2007 by a vote of 9-0.

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

County Manager's Recommendation: The Manager recommends approval.

14. **Board and Commission Appointments**

5 min.

Vonda Sessoms, Clerk to the Board, will distribute ballots to the Board to vote on appointments to the following boards and commissions:

- Civic Center Authority
- Criminal Justice Partnership Advisory Board
- Industrial Facilities & Control Pollution Authority
- Nursing Home Community Advisory Committee
- Open Space & Trails

Resource Person(s): Vonda Sessoms

County Manager's Recommendation: The Manager recommends that the Board of County Commissioners vote to appoint members to the above-mentioned boards/commissions.

15. **Closed Session**

15 min.

The Board of Commissioners is requested to adjourn to closed session to instruct the staff concerning the position to be taken in negotiating the terms for the potential acquisition of real properties pursuant to G.S. § 143-318.11(a)(5). The properties and owners are: James and Robert E. Lee, owner of 0 Johnson Mill Road; Mishew and Alton B Smith Jr., owner of 8211 Johnson Mill Road.

2¼ hrs.