

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

Monday, August 9, 2010

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.

5:00 P.M. Closed Session

1. **Opening of Regular Session**

The Board is requested to adjourn to Closed Session pursuant to G. S. 143-318.11(a)(4) to discuss matters relating to the location or expansion of a business or industry.

7:00 P.M. Regular Session

2. **Pledge of Allegiance** 5 min.

3. **Agenda Adjustments** 5 min.

4. **Minutes** 5 min.

July 14, 2010 Special Session

5. **Recognition of Mollie Pathman** 5 min.

In late May 2010, Durham County joined Durham residents in celebrating Mollie Pathman's receipt of the 2009-2010 Gatorade National Girls Soccer Player of the Year award. The annual award recognizes a distinguished group of athletes each year for the athletic achievements, academic record and outstanding character. Mollie, a long-time citizen of

Durham County, was selected as winner of the Gatorade National Girls Soccer Player from a pool of 344,000 high school girls' soccer players nationwide.

The award-winning athlete is no stranger to high achievements. She graduated in June 2010 from Durham Academy with a 3.97 grade point average and finished her high school athletic career with 135 goals and 61 assists and many accolades including the 2009 National Soccer Coaches Association of America Scholar Athlete of the Year award.

Ms. Pathman has signed a National Letter of Intent to play soccer at Duke University in fall 2010 and plans to study sports medicine.

Mollie is the daughter of Durham citizens Dr. Don and Mrs. Beth Pathman.

Resource Persons: Ellen Reckhow, Vice Chair, Board of County Commissioners

County Manager's Recommendation: The Manager recommends that the Board congratulate Mollie Pathman for her recent national recognition and present her with a resolution in her honor.

6. **Consent Agenda**

20 min.

- a. Approve the Durham City-County Planning Department 2010-2011 Proposed Work Program;
- b. Authorize the County Manager to enter into a contract with the Durham Chamber of Commerce in the amount of \$137,934 to provide industrial development services for Durham County;
- c. Receive the Annual Report for the Durham Open Space and Trails Commission;
- d. Approve the Community Transportation Safety System Program Plan for submittal to NCDOT;
- e. Approve Budget Ordinance Amendment No. 11BCC000001 in the amount of \$50,000 to recognize funding from the NC Department of Health and Human Services;
- f. Approve Budget Ordinance Amendment 10BCC000088 appropriating \$1,622,101 of FY 2009-10 General Fund fund balance to transfer to the Capital Finance Plan fund to replace FY 2009-10 budgeted revenue from the sale of real property at the Lowe's Grove school site. The General Fund fund balance will be replenished in FY 2010-11 from the actual proceeds (\$1,622,101) from the sale of this real property.

7. **Public hearing on Coordinated Transportation: FY 2010-2011 Rural Operating Assistance Program (ROAP) Grant – Application Approval**

10 min.

The Cooperative Extension Service is requesting Board approval for the Rural Operating Assistance Program (ROAP) grant to be submitted to the North Carolina Department of Transportation (NCDOT).

The ROAP grant consolidates the Elderly and Disabled Transportation Assistance Program (EDTAP), Rural General Public Program and the Employment Program into a single

application package. EDTAP provides for assistance in the transportation of residents who are elderly or disabled. Work First/Employment Program is intended to provide transportation assistance for transportation disadvantaged residents. The Rural General Public funds will be used to serve rural residents of the county.

The total ROAP request for FY 2011 is \$265,254 including \$153,563 annual allocation and \$111,691 Supplemental.

Resource Person(s): Delphine Sellars, Cooperative Extension Director; Margaret Scully, Mobility Manager; and Johnny Ford, Administrative Assistant

County Manager's Recommendation: The Manager recommends that the Board conduct a public hearing and approve the ROAP application for submittal to NCDOT.

8. **Public Hearing – Text Amendment to the Unified Development Ordinance (UDO) – Bicycle Parking Requirements and Alternative Pedestrian Plans (TC1000001)**

10 min.

The Board is requested to conduct a public hearing and receive comments on the FY 10-11 Planning Department Fee Resolution; and

To adopt an resolution Modifying Fees and Surcharges Charged by the City-County Planning Department and Surcharges Charged by the City-County Inspections Department.

Resource Person(s): Steven L. Medlin, AICP, City-County Planning Director and Patrick O. Young, AICP, Assistant Planning Director

County Manager's Recommendation: The Manager recommends that the Board conduct a public hearing and approve this resolution.

9. **Public Hearing – Text Amendment to the Unified Development Ordinance (UDO) – Nonconforming Off-Premise Signs (Billboards) (TC1000002)**

120 min.

The Board is requested to receive public comments on Text Change – Nonconforming Off-Premise Signs (Billboards) (TC1000002) and adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 11, Sign Standards.

Resource Person(s): Steven L. Medlin, AICP, City-County Planning Director; Keith Luck, AICP, Assistant Planning Director; T.E. Austin, AICP, Planning Supervisor; Julia Mullen, Planner

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—751 Assemblage (Z0800003)**

90 min.

To approve a request for a zoning map change for a 166.8-acre site located at 9414 NC 751 Highway, on the west side of NC 751 Highway, south of Chancellor's Ridge Drive and opposite Fayetteville Road. Less than one acre of the site is on the east side of NC 751 Highway. Request: PDR 0.220 and RR; F/J-B (partial), F/J-A (partial) to MU(D) and RR(D); F/J-B (partial), F/J-A (partial).

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 accompanying 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 accompanying agenda materials.

Staff Recommendation: Staff recommends approval, based on consistency with the Comprehensive Plan, and considering the information provided in this report.

Planning Commission Recommendation and Vote: Denial with additional committed elements, 11-1 on April 13, 2010. The Planning Commission finds that the ordinance request is not consistent with the adopted *Comprehensive Plan*. The Commission believes the request is not reasonable nor in the public interest and recommends denial based on inadequate transportation infrastructure, inconsistency with neighboring land uses, concerns regarding impacts on the environment, and opposition from the community.

Resource Person(s): Steven L. Medlin, AICP, City-County Planning Director and Amy Wolff, Planner

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.

4 hrs. 30 min.