

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

Monday, November 13, 2006

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. **Announcement** 5 min.
 - The Durham County Women's Commission will hold its Annual Fall Forum on Saturday, November 18, 2006, from 8:30 a.m. until 1:30 p.m. at The New School of Education Building on the campus of NCCU. The theme is "Durham County Women Against Societal Violence". The event is free and open to the public.
4. **Minutes** 5 min.
 - a. September 25, 2006 BOCC/DPS Board of Education
 - b. October 9, 2006 Regular Session
5. **November Anchor Award Winner—Nancy Mishue** 5 min.

Nancy Mishue of the Department of Social Services is the recipient of the November Anchor Award. Nancy is being recognized for superior work, and particularly for her unending dedication to the Department of Social Services' core values of respect, integrity, and partnership.

 - Nancy has worked at the Main Street DSS reception desk for 33 years. Her warm smile, patient demeanor, and positive attitude have meant that hundreds of thousands of individuals have been treated with kindness, courtesy, and respect when they have come to the agency in their time of need.

Chairman Ellen Reckhow will lead the presentation.

County Manager's Recommendation: The Manager recommends that the November Anchor Award be presented to Nancy Mishue, along with congratulations of the entire organization.

6. **Consent Agenda**

20 min.

- a. Receive the Annual Report of the Farmland Protection Program;
- b. Adopt the Durham Comprehensive Bicycle Transportation Plan;
- c. Approve the Durham Board of County Commissioners' 2007 Meeting Schedule;
- d. Declaration of Surplus Personal Property and Approval of Resolution to Donate to Nonprofit Corporations (declare the personal property as surplus, authorize the donation of the personal property to Freedom House Inc. and Rainbow 66 Storehouse Inc. on the condition that said property be used for a public purpose, and authorize the Manager to enter into an agreement which reflects the terms of the conveyance as set forth herein);
- e. Budget Ordinance Amendment No. 07BCC000022—Cooperative Extension (recognize \$30,853 in grant revenue from the US Health and Human Services, Administration for Children and Families, through the University of North Carolina School of Social Work to Establish 4 New Part-Time Positions and to Support the Strong Couples—Strong Children Project);
- f. Budget Ordinance Amendment No. 07BCC000023—Public Health—Recognize Grant Revenue in the amount of \$175,482 from US Health and Human Services, Administration for Children and Families, through the University of North Carolina School of Social Work to Establish 2.5 New Positions and to Support the Strong Couples-Strong Children);
- g. Budget Ordinance Amendment No. 07BCC000024—Public Health (recognize grant revenue in the amount of \$667 from the Durham-Orange Dental Society to Support the Healthy Smiles, Healthy Kids Dental/Nutrition Project);
- h. Budget Ordinance Amendment No. 07BCC000025—Public Health—Recognize Revenue from the North Carolina Community Foundation Inc. in the amount of \$5,000 for the Nutrition Division);
- i. Budget Ordinance Amendment No. 07BCC000026—Public Health (recognize grant revenue in the amount of \$20,000 from the N.C. Department of Health and Human Services, Office of Minority Health and Health Disparities for the Health Education Division to expand the Barber and Beautician HIV/STD Peer Educator program);
- j. Budget Ordinance Amendment No. 07BCC000027—Public Health (recognize grant revenue in the amount of \$35,223 in one-time Women's Health Service Funds and one-time Temporary Aid to Needy Families (TANF) Out-of-Wedlock Funds from the North Carolina Department of Health and Human Services, Women's and Children's Health Section, to support family planning services for low-income women not eligible for Medicaid);
- k. NCDOT Community Transportation Grant Approval Request (approve the resolution authorizing Durham County Cooperative Extension to submit the FY2006-2007 Community Transportation Program Grant to the North Carolina Department of Transportation; commit \$30,000 for inclusion in the County's FY2006-2007 budget to meet local match requirements);

- l. Budget Ordinance Amendment No. 07BCC000029—Payment of Collected School Impact Fees (recognize the payment of \$8,326,410 in School Impact Fees to the Court);
- m. NCDOT Community Transportation Grant Approval Request (approve the resolution authorizing Durham County Cooperative Extension to submit the FY2006-2007 Community Transportation Program Grant to the North Carolina Department of Transportation; commit \$30,000 for inclusion in the County's FY2006-2007 budget to meet local match requirements); and
- n. Board and Commission Stipends (authorize changes in stipends for members of the following boards and commissions:
 - Board of Education: \$900 per month for chairman; \$800 per month for other members, effective July 1, 2007;
 - ABC Board: \$250 per month for the chairman; \$200 per month for other members, effective January 1, 2007;
 - Board of Adjustment: \$50 per month for each member (pending JCCPC approval), effective July 1, 2007;
 - Planning Commission: \$50 per month for each member (pending JCCPC approval) effective July 1, 2007;
 - Jury Commission: \$25 per month for each member, effective January 1, 2007; and
 - Board of Equalization and Review: \$85 per diem for the chairman, \$75 per diem for other members, plus \$15 per hour after first three hours for each member, effective January 1, 2007).

7. **Public Hearing—Zoning Map Change—George King Road (Z05-23)**

30 min.

To approve a request for a zoning map change for 20.82-acre site located on the west side of George King Road, south of Ephesus Church Road and east of Kinsale Drive. PIN 0709-03-02-6187. Request: RS-20 to PDR 2.690

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.

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: Approval, including approval of a maximum of 16 lots within the TUA, based on consistency with the *Comprehensive Plan* and considering the information contained in this report.

Planning Commission Recommendation and Vote: Approval, 13-0 on September 12, 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.

8. **Public Hearing—Zoning Map Change—Claremont Acres (Z06-53)**

10 min.

To approve a request for a zoning map change for a 4.94 acre site located on the north side of Scott King Road, east of Herndon Road and both sides of Clausun Drive. PINs 0727-03-14-1006, -1400, -2352, -3169, -3077, 0727-03-13-1900, -3957. Request: RR; F/J-B to RS-20; F/J-B

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.

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

Planning Commission Recommendation and Vote: Approval 13-0 on September 12, 2006. The Planning Commission finds that the requested revision to the zoning districts of the UDO is consistent with the adopted *Comprehensive Plan*, and recommends approval considering 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.

9. **Public Hearing—Plan Amendment, 5200 Wake Forest Highway (A06-02)**

20 min.

To conduct a public hearing on a plan amendment for 5200 Wake Forest Highway (A06-02); and to approve the requested change to the land use designation on the Future Land

Use Map of the *Durham Comprehensive Plan* from Low Density Residential (4 DU/Ac. or less) to Commercial.

Planning Department Recommendation: Approval, based on the justification and meeting the criteria for plan amendments.

Planning Commission Recommendation: Denial, June 29, 2006 (9-4), based on possible commercial uses expanding to the east of the site.

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 and, if appropriate based on the comments received, approve Plan Amendment A06-02.

1¾ hrs.