

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

Monday, April 11, 2011

7:00 P.M. Regular Session

MINUTES

Place: Commissioners' Room, second floor, Durham County Government Administrative Complex, 200 E. Main Street, Durham, NC

Present: Chairman Michael D. Page, Vice-Chairman Ellen W. Reckhow, and Commissioners Joe W. Bowser, Becky M. Heron, and Brenda A. Howerton

Absent: None

Presider: Chairman Page

Opening of Regular Session—Pledge of Allegiance

Announcements

Chairman Page made the following announcements:

- “In Touch with Durham County,” the Durham County Television show, airs on Cable TV Channel 8 at 8:30 a.m. and 12 noon daily, 4:00 p.m. on Mondays, and 6:30 p.m. Tuesday – Sundays. Our County Commissioners’ meetings are also rebroadcast on Thursdays at 2:00 p.m., Saturdays at 9:00 p.m., and Sundays at 9:00 p.m;
- On Thursday, April 15, Durham County will hold a “Topping Off Ceremony” for the new Durham County Courthouse. This is a ceremony that is traditionally performed once the final floor of a major project is reached. The event is set for 1:00pm on the construction site; and
- On Monday, April 18, both the Durham County Public Health Department and Veterans Services will officially open in their new offices in the new Human Services Building. The departments will close during this week to pack and actually move into the new facility.

Minutes

Commissioner Howerton moved, seconded by Vice-Chairman Reckhow, to approve as submitted the August 9, 2010, January 11, 2010, and October 6, 2009 Closed Session Minutes; March 28, 2011 Regular Session; March 28, 2011 Special Session; and March 14, 2011 Jail Tour Minutes of the Board.

The motion carried unanimously.

Resolution—Honoring Attorney B. B. Olive

Longtime Durham Attorney B. B. Olive was recognized recently for his accomplishments as a pioneer in intellectual property law in the state of North Carolina. He established the first intellectual property law firm serving the Research Triangle Park area in 1957 when he opened what is now Olive & Olive.

His firm made history when it hired female and African-American attorneys, making it the only integrated intellectual property law firm in North Carolina for many years. Over his career, he has worked with inventors on everything from biotechnology devices to advanced microprocessors

N. C. Secretary of State Elaine Marshall presented Mr. Olive with the state's highest civilian honor, "The Order of the Long Leaf Pine", as well as the first Lifetime Achievement Award of the Triangle Intellectual Property Law Association. Governor Beverly Perdue declared February 17 as "Intellectual Property Day in North Carolina" in his honor.

Chairman Page read the following resolution into the record in honor of Attorney B. B. Olive:

RESOLUTION

WHEREAS, Attorney B. B. Olive, a pioneer in intellectual property law in the state of North Carolina, began practicing law in NC in 1956 and established the practice now called Olive & Olive in 1957; and

WHEREAS, he graduated with honors from Duke University's Pratt School of Engineering and received his law degree from St. John's University; and

WHEREAS, in addition to practicing patent law, his career included a stint in academia, teaching at Duke's Pratt School of Engineering and N.C. State's School of Product Design; and

WHEREAS, Attorney Olive is noted for helping African Americans gain admission into the N.C. Bar Association and for employing female and African-American attorneys, making Olive & Olive the only integrated intellectual property firm in the state at the time; and

WHEREAS, throughout his career, he has been a contributing member of various professional, social, and civic organizations and has been the recipient of numerous awards including the first Lifetime Achievement Award of the Triangle Intellectual Property Law Association, the Order of the Long Leaf Pine, U. S. and French military honors, the Distinguished Alumnus Award from Duke University's Pratt School of Engineering, and the Charles Korstian Award from Duke's Nicholas School of Environment to name a few; and

WHEREAS, he has devoted his outstanding career to positively impacting the legal profession, academia, and the environment by providing committed visionary, innovative, and insightful leadership to improve the lives of others:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby resolve to pay tribute to

ATTORNEY B. B. OLIVE

a dynamic and phenomenal leader in this state and beyond. We call upon all citizens of Durham County to commend, applaud, and recognize the tremendous positive impact that he has made in service to others.

This the 11th day of April, 2011.

/s/ All Five Commissioners

Resource Person: Lowell L. Siler, County Attorney

County Manager's Recommendation: The County Manager recommends that the Board present the resolution and extend sincere congratulations to Attorney B. B. Olive for his historic career.

Proclamation—Week of the Young Child

Durham's Partnership for Children, a Smart Start Initiative, and Child Care Services Association, collaborated to present a proclamation to locally declare the week of April 10-16, 2011 the Week of the Young Child. This year's national theme is 'Early Years Are Learning Years.'

Chairman Page acknowledged Laura Benson, Executive Director, Durham's Partnership for Children, and Sue Russell, President of Child Care Services Association, who was not in attendance, for their diligent work. He reported that every year in April, a week is celebrated nationally as the Week of the Young Child.

Chairman Page read the following proclamation into the record:

PROCLAMATION

WHEREAS, early childhood—from birth to age 5—represents the most critical time in a child's development and is the foundation for later success in school and life; and

WHEREAS, Durham's Partnership for Children, a Smart Start Initiative, Child Care Services Association, and other local collaborating organizations are celebrating the Week of the Young Child under the national theme of "Early Years are Learning Years"; and

WHEREAS, making sure children are ready to learn is a community endeavor that involves parents, child care providers, policy makers, businesses, congregations, and community agencies; and

WHEREAS, high-quality early care is critical for Durham's future success in support of the current workforce of Durham families with young children who rely on child care to work, to reduce employee absenteeism and turnover, and to support the school readiness of our youngest children; and

WHEREAS, early care and education is an important economic development strategy that nurtures the beginning of the talent pipeline; and

WHEREAS, recognizing that transition to kindergarten must be a smooth, coordinated process that provides a proper start for young children and contributes greatly to the minimization of the achievement gap; and

WHEREAS, in order to support the stability and success of all families, comprehensive, bilingual, evidence-based family support, and literacy services are offered to young children and their families; and

WHEREAS, access to health care and early intervention are promoted by collaborative community and government initiatives to positively impact young children's health:

NOW, THEREFORE, BE IT RESOLVED that I, Michael D. Page, Chairman of the Durham County Board of Commissioners, do hereby proclaim April 10 - 16, 2011 as

THE WEEK OF THE YOUNG CHILD

in Durham County. I proudly recognize Durham's Partnership for Children and Child Care Services Association for their community-wide services to ensure that Durham County children are ready for success in school and in life.

This the 11th day of April, 2011.

/s/ Michael D. Page, Chairman

Ms. Benson thanked the Board for the proclamation and remarked on the importance of leading and supporting the youth. She invited the public to dine out at Bull City Burger and Brewery on Tuesdays, April 12, anytime during the day as a portion of the proceeds from each meal would be used to support Durham's Partnership for Children.

Chairman Page invited Ms. Benson forward to receive the proclamation.

Proclamation—National Volunteer Week

Chairman Page stated that National Volunteer Week focuses on inspiring, recognizing and encouraging people to seek out innovative ways to give back to their communities.

Vice-Chairman Reckhow spoke to the significance of National Volunteer Week and praised the work of volunteers who helped construct and open the Briggs Avenue Gardens on Saturday, April 9. She proceeded to read the follow proclamation into the record:

PROCLAMATION

WHEREAS, thousands of Durham County citizens utilize their time and talent to make a real difference in the lives of their fellow citizens; and

WHEREAS, during this week, all over the nation including Durham County, volunteers will be recognized for their compassion, understanding, and commitment to service; and

WHEREAS, the giving of oneself in service to others empowers the giver and the recipient alike; and

WHEREAS, experience teaches us that government by itself cannot solve all of our social problems; and

WHEREAS, citizen participation is essential for good government; and

WHEREAS, the health and wellbeing of Durham County is enhanced by neighbors helping neighbors and that this spirit of volunteerism is especially important in these challenging economic times; and

WHEREAS, Durham County's volunteer force is a great treasure; and

WHEREAS, volunteers are vital to our future as a caring and productive community; and

WHEREAS, Durham County recognizes the value of its volunteers and proudly joins other North Carolina counties and our nation in celebrating National Volunteer Week:

NOW, THEREFORE, BE IT RESOLVED that I, Michael D. Page, Chairman of the Durham County Board of Commissioners, do hereby proclaim April 10-16, 2011 as

NATIONAL VOLUNTEER WEEK

in Durham. I encourage all Durham County officials, employees, and citizens to work to continue to make positive change in their communities with their actions, big and small, and recognize and participate in its observance. Furthermore, all are encouraged to recognize the valuable services provided by caring and committed volunteers of all ages throughout every area of life in Durham County.

This the 11th day of April, 2011.

/s/ Michael D. Page, Chairman

VonDelle Brown, Volunteer Coordinator for the Durham County Cooperative Extension Welcome Baby Program, elaborated on the work and need of volunteers within the community.

Delphine Sellars, Director for the Durham County Cooperative Extension, mentioned Cooperative Extension's dependency on volunteers. She expressed thanks for their dedication and hard work they provide in communities within Durham and across the nation.

Commissioner Howerton echoed Vice-Chairman Reckhow's comments regarding the abundance of citizens who volunteered at Briggs Avenue Gardens.

Chairman Page asked volunteers in attendance to stand and be recognized.

Resolution—Recognition of Retiring Raleigh Durham International Airport Director John C. Brantley

Chairman Page recognized John C. Brantley, Airport Director of Raleigh-Durham (RDU) International Airport, as he prepares to retire from an outstanding, productive career. Mr. Brantley devoted his skills, abilities, and efforts in effectively directing the operation and development of the RDU International Airport over three decades.

Craigie Sanders, Raleigh-Durham (RDU) International Airport Authority Board of Directors, explained that the resolution was requested to honor Mr. Brantley and his 29 years of service to the Airport. He invited the Board to attend the Terminal 2 grand opening ceremony on May 11 at 11:30 a.m. where the resolution would be presented to Mr. Brantley. Mr. Sanders thanked the Board for the resolution.

Tommy Hunt, RDU International Airport Authority Board of Directors, commended the works of Mr. Brantley he performed for the betterment of the Airport. He encouraged the Board to attend the ceremony on May 11.

Chairman Page read the resolution as follows:

RESOLUTION

WHEREAS, John C. Brantley joined the Raleigh-Durham Airport Authority in 1977 and has served as Airport Director of the Raleigh-Durham International Airport since October 1982; and

WHEREAS, Mr. Brantley has devoted his skills, abilities, and efforts in effectively directing the operation and development of the Raleigh-Durham International Airport throughout three decades; and

WHEREAS, during Mr. Brantley's tenure, annual passenger activity has grown from 1.4 million to 9.1 million; the annual enplaned cargo having increased from 6,954 tons in 1977 to 44,727 tons in 2010; and the number of daily scheduled flight departures from 62 to 205 in 2010; and

WHEREAS, Mr. Brantley successfully led many initiatives which enabled the Airport to better serve air travelers and visitors to the region including a Master Plan for Airport development in

1980, secured the 1982 approval of a \$50 million general obligation bond referendum in Durham and Wake counties to finance construction of a 10,000-foot long primary air carrier runway and associated facilities; and

WHEREAS, Mr. Brantley oversaw the development of Terminal A opening in January 1982, construction of primary Runway 5L-23R opening April 1, 1986, passenger Terminal C and related American Airlines East Coast “hub” facilities opening June 15, 1987, the North Cargo Complex completed October 1993, the Airport’s Long-Range Master Plan January 1995, the Aviation Parkway/Airport Boulevard/Terminal Boulevard interchange and roadway realignment completed in 1995, Terminal A North concourse extension July 1998, the RDU Center administration building September 1998, Parking Deck 3 April 2000, Terminal A South Concourse extension June 2001, the Authority maintenance facility June 2002, the expanded I-40/Aviation Parkway Interchange June 2003, Parking Deck 4 November 2003, the General Aviation Terminal and associated area redevelopment December 2003, Taxiway J April 2004, the Airport Operations Center November 2005, the \$570 million, 900,000-square-foot replacement of Terminal C, with the new Terminal 2 completed in January 2011; and

WHEREAS, Mr. Brantley’s strong, effective leadership and vision has created a world-class Airport providing many benefits to Durham County, the Research Triangle region and the State of North Carolina.

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby extend appreciation to

JOHN C. BRANTLEY

for exemplary service as RDU Airport Director from October 1, 1982 to July 31, 2011.

BE IT FURTHER RESOLVED that we wish him continued health, happiness, and success as he begins a new journey in his life.

This the 11th day of April, 2011.

/s/ All Five Commissioners

Chairman Page asked Mr. Sanders and Mr. Hunt to convey the Board’s appreciation for his hard work.

Commissioner Heron relayed her son’s praise for the changes made at RDU.

Chairman Page presented the resolution to Mr. Sanders and Mr. Hunt.

Resolution—Recognition of North Carolina School of Math and Science

Chairman Page reported that the North Carolina School of Science and Mathematics, a statewide residential magnet school for students with a strong aptitude and interest in math and science,

broke the Guinness World Records for the “Largest Food Drive in 24 hours at a Single location by a Non-Charitable Organization,” when they collected 559,885 pounds of non-perishable items during a food drive on Wednesday, March 5, 2011. During the 2009-2010 academic year, NCSSM students donated approximately 22,000 hours to the state of North Carolina. That same year, NCSSM collected nearly 320,000 pounds of food during their first food drive.

Chairman Page read the following resolution:

RESOLUTION

WHEREAS, the North Carolina School of Science and Mathematics is known for their outstanding academic achievements and commitment to community service; and

WHEREAS, NCSSM collected a record-breaking 559,885 pounds of non-perishable items during their food drive on Wednesday, March 5, 2011; and

WHEREAS, during this food drive, NCSSM broke the Guinness World Records for the “Largest Food Drive in 24 hours at a Single location by a Non-Charitable Organization”; and

WHEREAS, one in every seven North Carolinians faces food insecurity and has the potential of going to bed hungry tonight; and

WHEREAS, food collected during the 2011 food drive was donated to the Food Bank of Central and Eastern North Carolina, which serves 34 counties within in the state; and

WHEREAS, more than 700 volunteers helped to make the food drive a great success; and

WHEREAS, in 2010 NCSSM collected nearly 320,000 pounds of food during their first food drive; and

WHEREAS, Durham County Government recognizes NCSSM’s spirit of volunteerism:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby resolve to pay tribute to

THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS

for their extraordinary achievement of breaking a worldwide record and demonstrating how working together for the greater good can yield incredible results. Furthermore, all are encouraged to recognize the valuable contribution of the NCSSM to the community and state and for making a difference in our world.

This the 11th day of April, 2011.

/s/ All Five Commissioners

Commissioner Heron expressed appreciation to the students for their efforts.

Commissioner Howerton congratulated the students and thanked them for their contribution to the community.

Vice-Chairman Reckhow commended NCSSM, stating that it's a stellar program—one that is modeled across the state, and that she was pleased to see students who demonstrate such exemplary behavior.

Commissioner Bowser thanked the students for their contributions and expressed desire to see younger children follow in their path.

A NCSSM representation elaborated on the March 5 food drive. She thanked Durham County for allowing the school to exist and to be a part of the community.

Chairman Page recognized Dr. Barber, Vice Chancellor for Student Life, and Dr. J. Todd Roberts, Chancellor, NCSSM.

Chairman Page informed the students that he would be in attendance at their celebration to commemorate their achievement and recognize the sponsors and partners who made the event possible. It would be held on the NCSSM campus on Wednesday, April 13, at 3:45 p.m.

The students accepted the resolution from the Board.

Consent Agenda

Commissioner Howerton moved, seconded by Commissioner Bowser, to approve the following consent agenda items:

- a. Approve the 3-year ambulance franchise renewal request for Bahama VFD, Bethesda VFD, Parkwood VFD and Redwood VFD;
- *b. Approve Budget Ordinance No. 11BOCC000061 with an increase of \$756.00 to assist low-income Progress Energy customers in a heating or cooling related crisis;
- c. Approve repurposing of funds to install additional security cameras within the Detention Facility;
- d. Approve the revised Interlocal Cooperation Agreement for the Historic Preservation Commission;
- *e. Approve Budget Ordinance Amendment No. 11BCC000062 from the March of Dimes in the amount of \$37,064 for the Maternity and Nutrition Programs;
- f. Approve the ABC Board Travel Policy;
- h. Approve the recommended changes to the Finance Policy; and

The motion carried unanimously.

*Document(s) related to this item follow:

Consent Agenda Item No. b. Approve Budget Ordinance No. 11BOCC000061 with an increase of \$756.00 to assist low-income Progress Energy customers in a heating or cooling related crisis.

DURHAM COUNTY, NORTH CAROLINA
FY 2010-11 Budget Ordinance
Amendment No. 11BCC000061

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2010-11 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u> Contributions & Donations	\$1,130,856	\$756	\$1,131,612

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u> Human Services	\$114,883,628	\$756	\$114,884,384

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 11th day of April, 2011.

Consent Agenda Item No. e. Approve Budget Ordinance Amendment No. 11BCC000062 from the March of Dimes in the amount of \$37,064 for the Maternity and Nutrition Programs.

DURHAM COUNTY, NORTH CAROLINA
FY 2010-11 Budget Ordinance
Amendment No. 11BCC000062

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2010-11 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u> Intergovernmental	\$81,114,353	\$37,064	\$81,151,417

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u> Human Services	\$114,884,384	\$37,064	\$114,921,448

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 11th day of April, 2011.

Items Removed from the Consent Agenda for Discussion

Consent Agenda Item No. g. Approve the transfer of funds from the BOCC Contingency Fund to the County Manager's budget in the amount not to exceed \$54,604 for contracted services with Zelos Consultants for Strategic Planning services.

Commissioner Heron requested that staff revisit the contract for strategic planning to reconsider the cost. She suggested that the UNC School of Government (SOG) be utilized for such services to save on cost.

The Board briefly discussed the cost for hiring Zelos Consultants, which was at a discounted rate.

Vice-Chairman Reckhow mentioned that a SOG representative stated during the Board's worksession that it would cost approximately \$1,000 per day for its service.

County Manager Ruffin recommended approval.

County Manager Ruffin addressed Commissioner Heron's request, stating that staff did not obtain a quote from the SOG; therefore, costs were not compared.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve Consent Agenda Item No. g.

The motion carried with the following vote:

Ayes: Bowser, Howerton, Page, and Reckow

Noes: Heron

Consent Agenda Item No. i. Approve the Resolution regarding Installment Purchase Contract for Computer Equipment between DPS and Apple Inc. for the purchase of certain computer hardware, software, and related equipment to be used for instructional purpose.

Vice-Chairman Reckhow inquired about the lack of discount provided for purchasing iPad 2s in bulk and questioned the purpose for purchasing 32GB iPad 2s as opposed to 16GB.

Dr. Eric J. Becoats, Superintendent of Durham Public Schools, responded to Vice-Chairman Reckhow's questions.

Commissioner Bowser asked for further clarification of Paragraph 4 in the Resolution—"Whereas, the Board of Education is currently negotiating certain non-price terms in the proposed contract and anticipates approving the contract in its final form during the month of

March 2011.”, and the last line of the resolution—“Said funds shall be a part of, and not in addition to, regular appropriations made to the Durham Public Schools Board of Education.”

Dr. Becoats and Robert Kennedy, Attorney, Tharrington Smith LLP, responded to Commissioner Bowser.

Commissioner Heron inquired about methods that would be implemented to ensure the protection of the iPads while in students’ care.

Dr. Becoats mentioned that the iPads would only be used in the classrooms.

Dr. Becoats informed Commissioner Howerton that the funds to be used are ‘Race to the Top’ funds.

Vice-Chairman Reckhow requested an update in two years in regards to the storage capacity of the iPads.

Due to a concern raised by Commissioner Bowser, Mr. Kennedy recommended that the “Whereas” clause in Paragraph 4 of the Resolution be removed as it is not needed.

Commissioner Bowser moved, seconded by Commissioner Howerton, to approve Consent Agenda Item No. i.

The motion carried unanimously.

Public Hearing—UDO Text Amendment—Tree Protection (TC1000003)

Patrick Young, AICP, Assistant Planning Director, all public hearing items have been properly advertised and affidavits are on file in the Planning Department. He requested that the Board conduct a public hearing and receive public comments on the Unified Development Ordinance (UDO) Text Change—Tree Protection (TC1000003) and to adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 8, Environmental Protection; Article 9, Landscaping and Buffering; Article 12, Infrastructure and Public Improvements; Article 15, Enforcement; and Article 16, Definitions. The Durham Planning Commission voted unanimously to recommend approval at its November 9, 2010 meeting. The City Council voted unanimously to adopt the amendment at its March 21, 2011n meeting.

Vice-Chairman Reckhow noted that many of the amendments were recommended by the development community, which resulted in a “win-win”.

Commissioner Heron expressed a concern with the numerous bulldozers disturbing the sod.

Chairman Page opened the public hearing that was properly advertised and called Paul J. Reden, 107 Berwilk Place, Hillsborough 27278, forward for comments.

Mr. Reden inquired about fencing to protect the root structures as well as the trees.

Vice-Chairman Reckhow moved, seconded by Commissioner Howerton, to approve UDO Text Amendment—Tree Protection (TC1000003).

The motion carried unanimously.

Public Hearing—Street Closing—Stone Road (SC1000005)

Patrick Young, AICP, Assistant Planning Director, requested that the Board conduct a public hearing on the permanent closing of a 257-linear foot portion of the Stone Road public right-of-way. The right-of-way is located at the northern terminus of Stone Road at its intersection with Stone Park Court and Wrenn Road; and

Chairman Page opened the public hearing that was properly advertised. As no one signed up to speak, he closed the public hearing and referred the matter back to the Board.

Commissioner Howerton moved, seconded by Vice-Chairman Reckhow, to approve Street Closing—Stone Road (SC1000005).

The motion carried unanimously.

Public Hearing—Triangle Flying Disc Association (TFDA) Ultiplex (A1000006) and Public Hearing—Zoning Map Change—TFDA Ultiplex (Z1000006)

In the essence of time, County Manager Ruffin suggested that the Board combine the TFDA public hearings but vote on them separately.

The Board consented to the County Manager's suggestion.

Patrick Young, AICP, Assistant Planning Director, requested that the Board hold a public hearing on a plan amendment for TFDA Ultiplex (A1000006) and approve the requested change to the land use designation on the Future Land Use Map of the *Durham Comprehensive Plan* from Low-Medium Density Residential (4-8 DU/Ac.) to Low Density Residential (4 DU/Ac. or Less).

Mr. Young also requested that the Board approve a request for a zoning map change for a 22.58-acre site located at 207 Riley Drive, located on the west side of Riley Drive south of Hamlin Road.

Mr. Young noted that a protest petition was submitted for the item and was deemed valid by the Planning Director; therefore, four affirmative votes for approval would be required for the item to move forward. He stated that should the plan amendment be approved, staff determines that this request would be consistent with the Comprehensive Plan and other adopted policies and ordinances as presented in the staff report. The Durham Planning Commission recommended and voted 6-5 for denial with additional committed elements on February 8, 2011. The Planning Commission found that the ordinance request was not consistent with the adopted Comprehensive Plan. However, should the plan amendment be approved, the request would be

consistent with the Comprehensive Plan. The Commission believed the request was not reasonable nor in the public interest and recommended denial based on problems of traffic congestion and inadequate transportation infrastructure, inconsistency with neighboring land uses, and opposition from the community.

Mr. Young and staff addressed questions and concerns raised by the Board regarding the following:

- Validity of a protest petition
- Simultaneous actions for changing a zone and applying a use
- Proper notification to residents
- Zoning map change—would it apply to the site or the entire community?
- Commitment items
- Lighting
- Adequate parking
- Tree save buffers

Chairman Page opened the public hearing and called signed speakers forward for comments.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to allow one representative of the proponents and one representative of the opponents to be granted 10 minutes each to present their comments and three minutes each for remaining speakers.

The motion carried unanimously.

Lewis Cheek, representing the applicant, Triangle Flying Disc Association (TFDA), and proponent representative

Christian Schwoerke, representing TFDA

Troy Revell, representing TFDA

Wendy Jacobs, representing the applicant

Leila Tunnell, representing TFDA

Caroline Guthrie, representing TFDA

Mick Styers, representing TFDA

Allison McClure, representing Duke University

Jarroed Edens, representing TFDA

Craigie Sanders, representing the applicant

Samuel Linnarte, representing TFDA

Jeff Danford, representing the community and opponent representative

Terrence Mitchell, representing TFDA

Gregory Jones, representing TFDA

The Board and Planning staff continued discussions pertaining to elements of the development plan.

Mr. Cheek suggested that the Board continue the public hearing for two cycles to allow the developers to amend the plan based on Commissioners' comments and requests.

Directives

1. Applicant to meet with Mr. Danford and residents to revisit and resolve their concerns.
2. Applicant to work with the County Manager and Superintendent of Durham Public Schools to create a plan that would work in an area other than an established neighborhood. If not feasible, then continue to work with the residents in that area.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to continue the public hearing for Triangle Flying Disc Association (TFDA) Utiptex (A1000006) and Zoning Map Change—TFDA Utiptex (Z1000006) to the May 9 Regular Session and that the Triangle Flying Disc Association work with the residents to address their concerns and concerns of the Commissioners.

Commissioner Heron asked Mr. Cheek to research properties off of Hamlin Road as potential sites for the facility.

The motion carried unanimously.

Public Hearing—UDO Text Amendment—Riparian Buffers Technical Revision (TC1000007)

Patrick Young, AICP, Assistant Planning Director, requested that the Board conduct a public hearing and receive public comments on the Unified Development Ordinance (UDO) Text Change—Riparian Buffers Technical Revision (TC1000007), and adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 3, Applications and Permits; and Article 8, Environmental Protection.

Chairman Page opened the public hearing that was properly advertised. As no one signed up to speak, he closed the public hearing and referred the matter back to the Board.

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to approve UDO Text Amendment—Riparian Buffers Technical Revision (TC1000007).

The motion carried unanimously.

Adjournment

There being no further business, Chairman Page adjourned the meeting at 10:25 p.m.

Respectfully Submitted,



Yvonne R. Jones
Deputy Clerk to the Board