

REVISED
(Addition—Item No 8a)

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

Monday, April 11, 2011

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.

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.
 - "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 "Turning Off Ceremony" for the new Durham County Courthouse. This is a ceremony that is traditionally performed on the final floor of a major project reached. The event is set for 1:00 p.m. on the construction site;
 - 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.
4. **Minutes** 5 min.

January 11, 2010 Closed Session
October 6, 2009 Closed Session
March 28, 2011 Regular Session
March 28, 2011 Special Session
March 14, 2011 Jail Tour

5. Resolution—Honoring Attorney B.B. Olive

10min.

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.

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.

6. Proclamation—Week of the Young Child

10min.

Every year in April, a week is celebrated nationally as the Week of the Young Child. Durham's Partnership for Children, a Smart Start Initiative, and Child Care Services Association, have 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.' The attached proclamation is hereby presented to the County Commissioners for their approval.

Resource Person(s) : Laura Benson, Executive Director, Durham's Partnership for Children; Sue Russell, President of Child Care Services Association

County Manager's Recommendation : The County Manager recommends that the Board approve the attached proclamation.

7. Proclamation—National Volunteer Week

10min

National Volunteer Week focuses on inspiring, recognizing and encouraging people to seek out innovative ways to give back to their communities. April 10-16, 2011,

Individuals, groups and organizations are challenged to answer the call to service and to renew their commitment to engaging the community.

Annually, National Volunteer Week enables people and communities to demonstrate that by working together, the vast challenges faced by our nation can be addressed and accomplished.

During National Volunteer Week, the nation is called upon to celebrate the countless numbers of people who give of themselves to achieve incredible things. While volunteers are recognized during this special week for their selflessness and fortitude, people of all ages and backgrounds are encouraged to share ideas, practices, and stories about how to make communities, the United States and world a better place to live through volunteerism.

Resource Persons : Delphine Sellars, Director for the Durham County Cooperative Extension and VonDelle Brown, Volunteer Coordinator for the Durham County Cooperative Extension Welcome Baby Program.

County Manager's Recommendation : The County Manager recommends that the Board proclaim April 10-16, 2011 as National Volunteer Week in Durham County.

8. **Resolution - Recognition of Retiring Raleigh Durham International Airport Director John C. Brantley**

10min.

The Board of County Commissioners is requested to recognize John C. Brantley, Airport Director of Raleigh-Durham International Airport as he prepares to retire from an outstanding, productive career. Mr. Brantley has devoted his skills, abilities and efforts in effectively directing the operation and development of the Raleigh-Durham International Airport over three decades. Mr. Brantley will always be recognized for creating a world-class airport which has provided many benefits to Durham County, the Research Triangle region and the State of North Carolina. A resolution for Mr. Brantley has been prepared for presentation at the Terminal 2 grand opening ceremony on May 11.

Resource Persons : Craigie Sanders and Tommy Hunt

County Manager's Recommendation : The County Manager recommends that the Board approve the resolution honoring John C. Brantley for his visionary leadership in the field of aviation management.

8a. **Resolution - Recognition of North Carolina School of Math and Science**

10min.

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.

A celebration to commemorate this achievement and recognize the sponsors and partners who made this event possible will be held on the NCSSM campus on Wednesday, April 13 at 3:45 p.m.

Resource Person : Michael D. Page, Chairman

County Manager's Recommendation : The County Manager recommends that the Board pay tribute to NCSSM for their outstanding achievement.

9. Consent Agenda

15min.

- 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 a 10% 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;
- 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;
- h. Approve the recommended changes to the Finance Policy; and
- 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.

10. Public Hearing – UDO Text Amendment – Tree Protection (TC1000003)

15min.

The Board is requested to 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.

Resource Person(s) : Steven L. Medlin, AICP, City-County Planning Director and Aaron Cain, AICP, Acting Planning Supervisor

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.

11. Public Hearing – Street Closing – Stone Road (S C100005)

10min.

The Board is requested to 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

To adopt an order permanently closing 257 linear feet of Stone Road.

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 hold a public hearing on the proposed street closing, and if appropriate based on the comments received during the hearing, approve the street closing.

12. Public Hearing – Triangle Flying Disc Association (TFDA) U Itiplex (A1000006)

30min.

The Board is requested to hold a public hearing on a plan amendment for TFDA Ultiplex (A1000006); and

To 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).

Resource Person : Steven L. Medlin, AICP, City-County Planning Director

County Manager's Recommendation : The Manager recommends that the Board conduct a public hearing on the proposed amendment to the Future Land Use Map of the *Durham Comprehensive Plan* and, if appropriate based on the comments received during the hearing, approve the change.

13. Public Hearing – Zoning Map Change – TFDA Ultiplex (Z1000006)

30min.

The Board is requested to 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.

Request: RS-20; F/J-B to RR(D); F/J-B

To adopt support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan, should the plan amendment be approved, 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 support for their actions on the proposed zoning map change the determination that, notwithstanding its consistency with the Comprehensive Plan, should the plan amendment be approved, 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 Determination: 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.

Planning Commission Recommendation and Vote: Denial with additional committed elements, 6-5 on February 8, 2011. The Planning Commission finds that the ordinance request is 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 believes the request is not reasonable nor in the public interest and recommends denial based on problems of traffic congestion and inadequate transportation infrastructure, inconsistency with neighboring land uses, 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.

14. Public Hearing – UDO Text Amendment – Riparian Buffers Technical Revision (TC1000007)

10min.

The Board is requested to conduct a public hearing and receive public comments on the Unified Development Ordinance (UDO) Text Change – Riparian Buffers Technical Revision (TC1000007); and

To adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 3, Applications and Permits; and Article 8, Environmental Protection.

Resource Person: Steven L. Medlin, 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.

15. RESERVED FOR ITEMS PULLED FROM CONSENT AGENDA

20min .