

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

Monday, November 13, 2006

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 Ellen W. Reckhow, Vice-Chairman Becky M. Heron, and Commissioners Lewis A. Cheek and Philip R. Cousin Jr.

Absent: Commissioner Michael D. Page

Presider: Chairman Reckhow

Opening of Regular Session

Chairman Reckhow welcomed everyone to the Monday, November 13, 2006 Regular Session of the Board of County Commissioners. She requested all in attendance to stand for the recitation of the Pledge of Allegiance.

Chairman Reckhow recognized and welcomed Boy Scout Troop 439 from Bahama.

Agenda Adjustments

Chairman Reckhow reported that at the October 9 BOCC meeting, the Commissioners approved a motion to excuse Commissioner Michael Page from this meeting.

Chairman Reckhow added a special recognition of the Planning Department to follow approval of the minutes.

Chairman Reckhow noted the revised agenda (revision to consent agenda item No. n) and a revised 2007 BOCC meeting schedule, which had been placed at each Commissioner's station.

Announcement

Chairman Reckhow announced that the Durham County Women's Commission would 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 free event would be open to the public.

Minutes

Vice-Chairman Heron moved, seconded by Commissioner Cousin, to approve as corrected the September 25, 2006 BOCC/DPS Board of Education Minutes and as submitted the October 9, 2006 Regular Session Minutes of the Board.

The motion carried with the following vote:

Ayes: Cheek, Cousin, Heron, and Reckhow

Noes: None

Absent: Page

Planning Department Recognition

Chairman Reckhow stated that the Commissioners are pleased and proud that at the NC Chapter of the American Planning Association Conference, the City-County Planning Department received the 2006 Marvin Collins Outstanding Planning Award, Honorable Mention. The award category was "Special Themes, Smart Growth," and was awarded to both the City and County of Durham in recognition of the new Durham Comprehensive Plan, which was adopted last year. She commended the Planning Department for its efforts and Frank Duke, Planning Director, for playing such a strong leadership role. She asked Mr. Duke to come forward for comments.

Mr. Duke stated that the work on the project was accomplished by the Comprehensive Plan Steering Committee, on which Chairman Reckhow represented the County Commissioners. The many volunteer hours dedicated by Committee members helped create a better plan. Mr. Duke also acknowledged the work of the Durham City-County Planning Commission in reviewing the plan at length, the many citizens who attended the public meetings and hearings on the issue to provide input, and the work of the Board of Commissioners and City Council to ascertain that the plan would represent a unified vision for both the City and the County.

Chairman Reckhow agreed with Mr. Duke's comments regarding the strong citizens' efforts and recognized them for taking such an important role. She then presented the award to Mr. Duke with congratulations.

November Anchor Award Winner—Nancy Mishue

Chairman Reckhow acknowledged Nancy Mishue, Department of Social Services, for being chosen as the November Anchor Award recipient due to her superior work for many years. She congratulated Ms. Mishue on behalf of the Board of Commissioners.

Sammy Haithcock, DSS Director, and Sharon Hirsch, DSS Assistant Director, Customer Access and Program Support Services, gave tribute to Ms. Mishue for 33 years of service at the Main Street DSS reception desk, and particularly for her unending dedication to the Department of Social Services' core values of respect, integrity, and partnership. 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 Reckhow called Ms. Mishue forward to accept the Anchor Award and \$200 check and thanked her for her many years of service to Durham County.

Consent Agenda

Commissioner Cousin moved, seconded by Commissioner Cheek, to approve the following consent agenda items:

- 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 Project); Chairman Reckhow requested that the Board be kept apprised of the progress regarding the grant.
- *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. Budget Ordinance Amendment No. 07BCC000028—FY 2006-2007 Encumbrances;
 - *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 meeting 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).

The motion carried with the following vote:

Ayes: Cheek, Cousin, Heron, and Reckhow
Noes: None
Absent: Page

*Documents related to these items follow:

Consent Agenda Item No. 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).

RESOLUTION AUTHORIZING THE DONATION OF SURPLUS PROPERTY TO
VARIOUS NONPROFITS

WHEREAS, The County of Durham accumulated surplus personal property consisting of vehicles that are no longer needed for County operational purposes, and

WHEREAS, The County of Durham desires to dispose of these items by donation to the following nonprofits as provided by North Carolina General Statute 160A-279, and

- 1) Freedom House—is a local nonprofit organization that operates Durham Center Access providing crisis residential services.
- 2) Rainbow 66 Storehouse Inc.—is a local nonprofit organization that operates a day activity program for individuals with developmental disabilities.

WHEREAS, the procedural provisions of the statute requires that the County of Durham shall publish a notice summarizing this resolution, and no conveyance of personal property may be executed pursuant to this resolution until at least 10 days after the day the notice is published.

NOW THEREFORE, BE IT RESOLVED by the Durham County Board of Commissioners that the donations of specified items are herein authorized and directed:

1. In accordance with statutory requirements, Mr. Michael M. Ruffin, County Manager, shall be authorized as the County official in charge of the disposal of the surplus personal property.
2. All items will be donated on an “as is” basis. The County will make no guarantees and assumes no responsibility for any of the items.

BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DURHAM THIS 11th day of November, 2006.

Surplus Personal Property Inventory Sheet
 (For Donation to Nonprofits)

Year	Make	Model	Color	Mileage	Vin #	Status	Provider
1993	Ford	Van	White	61,208	1FBHE31Y8PHC00361	Good	Freedom House
1997	Dodge	Van w/wheel chair ramp	White	46,122	2B5WB35Z7VK562747	Fair	Rainbow 66 Storehouse Inc.

Consent Agenda Item No. 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).

DURHAM COUNTY, NORTH CAROLINA
 FY 2006-07 Budget Ordinance
 Amendment No. 07BCC000022

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2006-07 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	\$319,514,590	\$30,853	\$319,545,443

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u> Economic and Physical Development	\$ 3,563,830	\$30,853	\$3,594,683

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

This the 13th day of November, 2006.

Consent Agenda Item No. 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).

DURHAM COUNTY, NORTH CAROLINA
FY 2006-07 Budget Ordinance
Amendment No. 07BCC000023

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2006-07 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	\$319,545,443	\$175,482	\$319,720,925

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$393,458,608	\$175,482	\$393,634,090

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

This the 13th day of November, 2006.

Consent Agenda Item No. 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).

DURHAM COUNTY, NORTH CAROLINA
FY 2006-07 Budget Ordinance
Amendment No. 07BCC000024

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2006-07 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	\$319,720,925	\$667	\$319,721,592

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$393,634,090	\$667	\$393,634,757

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

This the 13th day of November, 2006.

Consent Agenda Item No. 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).

DURHAM COUNTY, NORTH CAROLINA
FY 2006-07 Budget Ordinance
Amendment No. 07BCC000025

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2006-07 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	\$319,721,592	\$5,000	\$319,726,592

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$393,634,757	\$5,000	\$393,639,757

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

This the 13th day of November, 2006.

Consent Agenda Item No. 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).

DURHAM COUNTY, NORTH CAROLINA
FY 2006-07 Budget Ordinance
Amendment No. 07BCC000026

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2006-07 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	\$319,726,592	\$20,000	\$319,746,592

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$393,639,757	\$20,000	\$393,659,757

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

This the 13th day of November, 2006.

Consent Agenda Item No. 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).

DURHAM COUNTY, NORTH CAROLINA
FY 2006-07 Budget Ordinance
Amendment No. 07BCC000027

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2006-07 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	\$319,746,592	\$35,223	\$319,781,815

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$393,659,757	\$35,223	\$393,694,980

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

This the 13th day of November, 2006.

Consent Agenda Item No. k. Budget Ordinance Amendment No. 07BCC000028—FY 2006-2007 Encumbrances.

DURHAM COUNTY, NORTH CAROLINA
FY 2006-07 Budget Ordinance
Amendment No. 07BCC000028

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2006-07 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>			
Other Financing Sources	\$ 21,773,517	\$2,089,892	\$ 23,863,409

Risk Management Fund

Other Financing Sources	\$ 0	\$ 11,776	\$ 11,776
-------------------------	------	-----------	-----------

Sewer Utility Fund

Other Financing Sources	\$ 1,000,000	\$ 932,344	\$ 1,932,344
-------------------------	--------------	------------	--------------

Expenditures:

Activity

GENERAL FUND

General Government	\$ 27,991,686	\$ 858,264	\$ 28,849,950
Public Safety	\$ 47,557,909	\$ 218,939	\$ 47,776,848
Environmental Protection	\$ 3,236,026	\$ 117,956	\$ 3,353,982
Economic and Physical Development	\$ 3,594,683	\$ 115,999	\$ 3,710,682
Human Services	\$393,694,980	\$ 318,174	\$394,013,154
Cultural and Recreation	\$ 10,703,558	\$ 287,846	\$ 10,991,404
Other	\$ 5,856,902	\$ 172,714	\$ 6,029,616

Risk Management Fund

General Government	\$ 2,640,981	\$ 11,776	\$ 2,652,757
--------------------	--------------	-----------	--------------

Sewer Utility Fund

Utilities	\$ 9,359,608	\$ 932,344	\$ 10,291,952
-----------	--------------	------------	---------------

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

This the 13th day of November, 2006.

Consent Agenda Item No. 1. 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).

Vice-Chairman Heron appealed to the home builders to reconsider and return the impact fees to the County for school construction or to a nonprofit agency.

Chairman Reckhow stated that she had been contacted by two local developers who will consider making a contribution when they receive their refunds.

DURHAM COUNTY, NORTH CAROLINA
FY 2006-07 Budget Ordinance
Amendment No. 07BCC000029

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2006-07 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>School Impact Fees Fund</u>			
Other Financing Sources	\$ 0	\$8,326,410	\$8,326,410

Expenditures:

<u>Activity</u>			
<u>School Impact Fees Fund</u>			
General Government	\$ 0	\$8,326,410	\$8,326,410

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

This the 13th day of November, 2006.

Consent Agenda Item No. 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).

Vice-Chairman Heron expressed concern that the monies appropriated were for capital expenditures and administrative costs. She asked how the agencies that provide the transportation to the elderly and the disabled receive their money.

County Manager Mike Ruffin responded that two grants fund the Community Transportation Program. This particular grant cannot be used for services, only for administration and capital. The Rural Operating Assistance Program (ROAP) grant funds, which are approved by the Board annually, are used for the division of services for the clients.

Vice-Chairman Heron asked for information about how ROAP grant funds are distributed to the agencies.

COMMUNITY TRANSPORTATION PROGRAM RESOLUTION
FY 2007-2008

Applicant Seeking Permission to Apply for CTP Funding,
Enter Into Agreement with the North Carolina Department of Transportation,
and to Provide the Necessary Assurances

Whereas, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

Whereas, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from

the North Carolina General Assembly to provide assistance for rural public transportation projects; and

Whereas, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural public transportation services consistent with the policy requirements for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis);

Whereas, Durham County Government hereby assures and certifies that it will comply with the federal and state Statutes, regulations, executive orders, Section 5333 (b) Warranty, and all administrative requirements which relates to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U.S.C.

NOW, THEREFORE, BE IT RESOLVED that Chairman Ellen W. Reckhow of the Durham County Board of Commissioners is hereby authorized to submit a grant application for federal and state funding, make the necessary assurances and certifications, and be empowered to enter into an agreement with the NCDOT to provide rural public transportation services.

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

Frank Duke, AICP, City-County Planning Director, stated the request to approve a zoning map change for a 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.

Mr. Duke continued by stating that a development plan is required with this request. This indicates that the general physical layout of the property shown on the development plan is committed as part of the adopted rezoning. Any significant change in the plan will require a new zoning petition for the property. The development plan submitted with this request includes the following committed elements:

1. Maximum number of lots: 56 lots.
2. Minimum residential lot size: 6,600 square feet.
3. Minimum open space: 4.18 acres (20.1%).
4. Minimum tree coverage: 4.18 acres (20.1%).
5. The developer will plant a hedge row of 5-foot high minimum eastern red cedar (or similar evergreens) 8-foot on center along the George King Road frontage.
6. Construction of a mulch walking trail as shown on plan. Trail to be constructed prior to the issuance of the 40th certificate of occupancy.
7. The developer will pave George King Road to meet NCDOT standards from edge of current paving terminus to the north of the site, through the southern property line of the site.

8. The developer will provide curb and gutter along George King Road along the frontage of the site.
9. Subject to approval by the City of Durham Public Works Department (Engineering and Transportation Divisions) and NCDOT, the applicant will stripe a crosswalk in George King Road at the appropriate location to provide access to the existing elementary school.
10. SW Durham Drive Alignment – The applicant agrees to dedicate right-of-way as necessary to achieve the ultimate 110’ right-of-way as illustrated in the form of both Alignment “A” and Alignment “B” of SW Durham Drive. A copy of the recorded plat illustrating both right-of-way dedications must be submitted prior to issuance of the first building permit.
11. At the time of building permit, the applicant will make a voluntary school contribution for Durham Public Schools in the amount of \$500 per single-family unit, with appropriate credit given against any other school impact fees that may be in place at the time.
12. Site grading will be performed on a lot-by-lot basis, with the exception of grading for utilities and road improvements.

Mr. Duke stated that the Planning staff recommended approval, including approval of a maximum of 16 lots within the TUA, based on consistency with the *Comprehensive Plan*. In addition, the Planning Commission found that the ordinance request is consistent with the adopted *Comprehensive Plan*, believes the request is reasonable and in the public interest, and recommends approval based on the information contained in the staff report and comments received during the public hearing.

Per a question posed by Vice-Chairman Heron, Mr. Duke responded that the applicant must provide sidewalks consistent with the provisions of the Unified Development Ordinance.

Chairman Reckhow and Vice-Chairman Heron discussed the completion deadline for the walking trail (to be completed about mid-point in the project).

Chairman Reckhow opened the public hearing that was properly advertised.

Patrick Byker, 2614 Stuart Drive, Durham, 27707, representing East-West Partners, presented reasons why the Board should support the zoning map change.

In response to Vice-Chairman Heron’s concern regarding grading, Mr. Byker stated that the lots will be graded one lot at a time; the only grading across the lines will be for utilities and road improvements.

William Dunk, 325 Nantahala Drive, Durham, opposed the zoning map change. He requested that the rezoning be delayed due to documents not being available.

Chairman Reckhow closed the public hearing and referred the matter back before the Board.

Commissioner Cheek moved, seconded by Vice-Chairman Heron, to approve Zoning Map Change—George King Road (Z05-23).

The motion carried with the following vote:

Ayes: Cheek, Cousin, Heron, and Reckhow
Noes: None
Absent: Page

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

Planning Director Frank Duke stated the request to approve 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.

Mr. Duke continued by stating that 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.

Mr. Duke informed the Board that staff recommended approval based on consistency with the *Comprehensive Plan* and the information contained in the report. The Planning Commission recommended approval based on a 13-0 vote on September 12, 2006, finding that the requested revision to the zoning districts of the UDO is consistent with the adopted *Comprehensive Plan*.

Chairman Reckhow opened the public hearing that was properly advertised and called signed speakers forward for comments.

Kelvin Green, 4200 Grove Ridge Drive, Durham, responded to questions by the Board.

Chairman Reckhow closed the public hearing and referred the matter back before the Board.

Commissioner Cheek moved, seconded by Commissioner Cousin, to approve Zoning Map Change—Claremont Acres (Z06-53).

The motion carried with the following vote:

Ayes: Cheek, Cousin, Heron, and Reckhow
Noes: None
Absent: Page

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

Mr. Frank Duke requested that the Board 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. The Planning Department recommended approval based on the justification and meeting the criteria for plan amendments. The Planning Commission recommended denial on June 29, 2006 (9-4), based on possible commercial uses expanding to the east of the site.

Chairman Reckhow opened the public hearing that was properly advertised. The following speaker provided comments:

Drew Marsh, 616 Nantahala Drive, Durham, presented his remarks and responded to questions by the Board.

Ronald Horvath, 16 Consultant Place, Durham, stated that a buffer has been added along the eastern property line that would deter any inner connections.

County Attorney Chuck Kitchen provided comments related to the zoning. He stated that the Board's consideration should be solely based on the plan.

Chairman Reckhow closed the public hearing and referred the matter back before the Board.

Commissioner Cheek moved, seconded by Vice-Chairman Heron, to approve Plan Amendment, 5200 Wake Forest Highway (A06-02).

The motion carried with the following vote:

Ayes: Cheek, Cousin, Heron, and Reckhow

Noes: None

Absent: Page

Adjournment

There being no further business, Chairman Reckhow adjourned the meeting at 7:52 p.m.

Respectfully Submitted,

Vonda C. Sessoms
Clerk to the Board