

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

Monday, October 8, 2012

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.

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**7:00 pm. Regular Session**

1. **Opening of Regular Session**—Pledge of Allegiance (5 min)
2. **Agenda Adjustments (5 min)**
3. **Announcements (5 min)**
  - 1) "In Touch with Durham County," the Durham County Television show, airs on Cable TV Channel 8 at 8:30 a.m. and 12 noon on Mondays; and 8:30 a.m., 12 noon and 6:30 pm on 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.
  - 2) Durham County needs you! If you have a few hours to commit, Durham County has a number of boards and commissions that can benefit from your participation. We invite you to make a difference in our community. Contact the Clerk's Office at 919-560-0025, visit the County's website, or email [Clerk@durhamcountync.gov](mailto:Clerk@durhamcountync.gov) for more information. Please note that all City and County taxes must be current at the time of application.
  - 3) A public hearing on the 2040 Metropolitan Transportation Plan and the Comprehensive Transportation Plan will be held November 14 at 7:00 pm in the Second Floor Committee Room at Durham City Hall. Citizens may sign up to speak at the meeting. For more information, contact Andy Henry at 919 560-4366 extension 36419 or by email at [andrew.henry@durhamnc.gov](mailto:andrew.henry@durhamnc.gov);

- 4) Durham County wants to hear from you! As a valued resident and customer, we would like to know what you think about our service. An external customer service survey is now being conducted.

To complete the questionnaire, please visit our website at [www.co.durham.nc.us](http://www.co.durham.nc.us). If you do not have a personal computer, please feel free to visit our libraries throughout the county to access the questionnaire.

Also, there will be data collectors available to gather your responses at the following Board of County Commissioners meetings beginning at 6:00 p.m. in the lobby of the Commissioners' Chambers:

**Monday, October 8, Monday, October 22, and Monday, November 12.**

Please help us as we strive to deliver "Perfect Customer Service." Again, thank you for being a valued resident and a customer of Durham County!

**4. Minutes (5 min)**

- a) September 24, 2012 Regular Session

**5. Consent Agenda (15 min)**

- a. Approve Budget Ordinance Amendment No. 13BCC000027 to amend the AnimalKind budget, thereby increasing the contract amount to allow the reimbursement of \$2,870 from NC Department of Agriculture and Consumer Services Spay/Neuter Program to Durham County to be disbursed to AnimalKind for additional Durham County animals to be provided low cost spay and neutering services;
- b. Authorize the County Manager to execute the contract for administration of the 2011 CDBG Scattered Site Housing Contract. The County Manager also recommends approval of the attached resolution giving him authority to sign all future administrative, financial, and regulatory paperwork associated with this CDBG grant;
- c. Approve Budget Ordinance Amendment No. 13BCC000028 to appropriate \$3,200 in funding from the NC Cooperative Extension Service to support Durham County commercial mail;
- d. Approve the attached grant project ordinance and Budget Amendment No.13BCC000029 for the \$400,000 2011 round CDBG Scattered Site Housing grant from the NC Department of Commerce (Division of Community Assistance);
- e. Assign the 179D deduction to O'Brien/Atkins Associates, PA. for the New Durham County Courthouse; and direct the County Manager to execute any required documents.

**6. Public Hearing—East Club at Geer, A1100007 (20 min)**

- 1) The Board is requested to conduct a public hearing and receive public comments on a plan amendment for the East Club at Geer; and
- 2) To approve the requested change to the land use designation on the Future Land Use Map of the *Durham Comprehensive Plan* from Commercial to Industrial.
- 3) The following six (6) attachments are referenced throughout the staff report for further information regarding this case.

Attachment 1. Proposed Change

Attachment 2. Context Map

Attachment 3. Aerial Photograph

Attachment 4. Applicant's Plan Amendment Justification

Attachment 5. Planning Commission Written Comments

Attachment 6. Resolution

**Resource Person(S):** 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.

**7. Public Hearing – Zoning Map Change – East Club at Geer (Z1100019)**

- 1) The Board is requested to approve a request for a zoning map change for a 11.68 acre site located at 2201 East Geer Street and 2515 and 2523 East Club Boulevard at the intersection of East Club Boulevard and East Geer Street.
- 2) Request: RR, RS-20, CN; F/J-B, -MTC to IL(D); F/J-B, -MTC
- 3) To adopt as 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 at the public hearing and in the accompanying agenda materials; or
- 4) 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*, should the plan amendment be approved, the request is neither reasonable nor in the public interest in light of information presented at the public hearing and in the accompanying agenda materials.

- 5) 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.
- 6) Planning Commission Recommendation and Vote: Approval, 11-0 on August 14, 2012. 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 reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.
- 7) There are twelve attachments associated this zoning map change request:
  - A. Staff Report, Case Z1100019
  - B. Context Map
  - C. Future Land Use Map
  - D. Aerial Photography
  - E. Development Plan Reduction
  - F. Application
  - G. Owner's Acknowledgement
  - H. Submittal and Review History
  - I. DDOT TIA Memorandum
  - J. NCDOT TIA Memorandum
  - K. Planning Commissioner's Written Comments
  - L. Ordinance Form

**Resource Persons:** Steven L. Medlin, AICP, City-County Planning Director and Scott Whiteman, Planning Supervisor

**County Manager's Recommendation:** The County 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. RESERVED FOR ITEMS PULLED FROM CONSENT AGENDA (20 min)**