

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

Monday, December 10, 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 P.M. 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@dconc.gov](mailto:Clerk@dconc.gov) for more information. Please note that all City and County taxes must be current at the time of application.
  - 3) The FY 2013-2014 Nonprofit Agency Funding process began on November 2, 2012 with the opening of the pre-application submission period. All Durham community nonprofits interested in applying for FY2014 nonprofit funding must first submit a Pre-Application Questionnaire no later than midnight on December 13, 2012. This initial assessment is used to determine which potential applicants meet the eligibility criteria outlined in the County's nonprofit policy. Those agencies meeting the eligibility criteria will then be invited to apply for FY2014 funding.

The Pre-Application Questionnaire and the Nonprofit Agency Funding Program policy will be available on the County's website from November 2, 2012 through December 13, 2012. Early submission of the Pre-Application Questionnaire is encouraged. For additional information, please contact Laura Jensen in the Budget and Management Services department at 560-7065.

- 4) Durham County will hold a general meeting to receive residents' feedback on needs in northern Durham County. The meeting will be held at 3:30pm on Thursday, December 13th, at the Bahama Ruritan Club at 8202 Stagville Rd.
- 5) Durham County Cooperative Extension's Welcome Baby Program asks for the Durham community's help with donations of children's coats and diapers for families in need. From December 3, 2012 - January 18, 2013, Welcome Baby seeks donations of diapers of any size and coats, clean and gently worn, from newborn to size 8. Donations can be dropped off at Cooperative Extension at 721 Foster Street, at the Main Library, or at the Department of Public Health. Call 919-560-7150 for more information.
- 6) Eno River Calendar Presentation

**4. Minutes (5 min)**

- a. November 26, 2012 Regular Session
- b. November 5, 2012 Worksession

**5. Citizen Comments (30 min)**

- 1) The Board of County Commissioners will provide a 30-minute comment period. Any citizen of Durham County wishing to speak shall have an opportunity to do so. The Board may direct staff to research and reply to the concerns, if appropriate. Speakers must sign in prior to the start of the meeting providing a mail/email address and telephone number so that staff may reply to comments and/or questions. Citizens who request an immediate response from the Board are encouraged to submit a brief description of the issue to the Clerk to the Board two weeks prior to the Worksession to allow an opportunity for research prior to the meeting. **All speakers shall have three minutes to speak and are requested to refrain from addressing issues related to personnel matters.**

**Resource Person(s):** Michelle Parker-Evans, Clerk to the Board

**County Manager's Recommendation:** The Manager recommends that the Board receive citizen comments and direct staff to respond, as deemed appropriate.

**6a. Resolution Honoring Audrey and Sam Sellars, Owners of "Talk of the Town" (5 min)**

- 1) The Board is requested to approve a resolution honoring Audrey and Sam Sellars who have owned and operated "Talk of the Town" for the past 21 years. The Sellars believed in the possibility of bringing new life to downtown Durham at a time when other businesses were abandoning the area. By investing in "Talk of the Town," this

successful nightlife establishment became a major participant in the rebirth of downtown Durham.

- 2) Their commitment has contributed to the vibrancy of downtown Durham. In addition, the couple unselfishly gives back to their community by providing food to organizations such as Feed the Children, Durham Rescue Mission and more.

**Resource Persons:** Fred Foster, Jr., Chair of Board of County Commissioners

**County Manager's Recommendation:** The County Manager recommends that the Board approve the resolution and present to Mr. and Mrs. Sellars along with sincere congratulations for the longevity of their business and their commitment to Durham.

**6b. Resolution Honoring the Life of Hildegard S. Ryals (5 min)**

- 1) The Board is requested to approve a resolution honoring Mrs. Hildegard S. Ryals who was one of Durham's most stalwart protectors of open space and the environment. She was highly regarded for her outstanding work that created the Durham County Inventory of Natural and Cultural Resources. Mrs. Ryals served the larger community through her work on the Durham Planning and Zoning Commission, the Durham City-County Planning Commission, and the Durham County Open Space Commission. The resolution will be displayed at a memorial service scheduled for St. Philip's Episcopal Church on Saturday, December 15, at 11:00 am.

**Resource Persons:** Fred Foster, Jr., Chair, Board of County Commissioners

**County Manager's Recommendation:** The County Manager recommends that the Board approve the resolution and present to Judy Allen, a longtime friend of Mrs. Ryals.

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

- a. Approve Budget Ordinance Amendment No. 13BCC000048 transferring \$22,000 from the Community Health Trust Fund into the General Fund Public Health budget for a Durham physical activity website portal;
- b. Appoint Anthony Taylor to Criminal Justice Advisory Committee;
- c. Recognize and accept the donation from Mr. Halbert's Estate in the amount of \$5,600 for the Vic Pearson EMS Memorial Fund;
- d. Authorize the execution of a contract with Cameron and Cameron, Inc. for the moving services for the new Durham County Courthouse (DCCH) building located at 510 Dillard St. Durham, North Carolina in the amount of \$65,000.00 (Basic Services), and to execute any other related contracts including change orders, if necessary, not to exceed the project budget of \$71,500.00;
- e. Approve an increase in the concrete flowable backfill allowance by \$250,000.00 and construction contingency by \$499,740.00 for a combined total of \$749,740.00 for the new Durham County Courthouse and Parking Structure presently under

construction and to authorize the County Manager to execute any other related contracts including change orders, if necessary, not to exceed the available construction budget of \$83,227,800.00;

- f. Give the Tax Assessor authority to grant extensions for taxpayers, required by North Carolina General Statutes to list business personal property, who request an extension and show good cause during the month of January until April 15, 2013;
- g. Accept the property tax release and refund report for November, 2012 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report;
- h. ITEM REMOVED;
- i. Approve Budget Ordinance No. 13BCC000049 to appropriate committed for DSS fund balance in the amount of \$29,804.58 and unassigned fund balance in the amount of \$105,595.42 for a total appropriation of fund balance of \$135,400 for DSS to assist our neediest families in a financial crisis;
- j. Approve the 2013 Board of County Commissioners' Meeting Schedule;
- k. Appoint County Commissioner Ellen Reckhow as voting delegate to the North Carolina Association of County Commissioners' Legislative Conference.

**8. Public Hearing on Coordinated Transportation: FY 2013-2015 Targeted Transit Assistance Program (Section 5310) Grant Application (10 min)**

- 1) The Board is requested to hold a public hearing on, and approve the submission of, the FY13-FY15 Targeted Transit Assistance Program (TTAP) - Section 5310 grant to the North Carolina Department of Transportation (NCDOT). The Targeted Transit Assistance Program grant will allow for additional demand-response transportation service to residents aged 60 and over and to persons with disabilities.
- 2) The TTAP - Section 5310 grant application requests \$464,188 from the NCDOT for this two-year grant. The revenue from this grant will be budgeted in the FY13-14 budget for Coordinated Transportation. The NCDOT requires a local match of \$232,094 to be appropriated in the FY13-14 budget. The local match will be provided by the annual Rural Operating Assistance Program (ROAP) grant.

3) Requested Budget

Total Operating Grant:           \$ 464,188       local match: \$ 232,094 provided by ROAP grant

**Resource Persons:** Delphine Sellars, Director, Cooperative Extension and Margaret Scully, Mobility Manager

**County Manager's Recommendation:** The County Manager recommends that the Board hold a public hearing on the submission of the FY13-15 Targeted Transit Assistance Program - Section 5310 grant and approve the attached resolution authorizing Durham County Cooperative Extension to submit the grant to the North Carolina Department of Transportation.

**9. Public Hearing on Coordinated Transportation Program (Section 5311):  
FY2013-2014 Community Transportation Grant Application (10 min)**

- 1) The Board is requested to (1) hold a public hearing on the proposed Section 5311 grant application allowing members of the community the opportunity to comment on the application and the county's transportation needs, and (2) approve the attached resolution authorizing the submission of the grant application to the NC Department of Transportation (NCDOT).
- 2) Durham County's Community Transportation Program provides transportation for persons who are elderly, have a disability, or are transportation disadvantaged. Cooperative Extension has applied for 5311 grant funds through the NCDOT annually since 1999 to purchase vehicles and subsidize the administrative costs associated with the Community Transportation Program.
- 3) The CTP 5311 grant application requests \$ 222,243 from NCDOT. If the County is awarded the grant, the NCDOT requires a local match of \$ 28,836 to be appropriated in the FY13-FY14 budget. The revenue from this grant and the expenditures required of the county as local match will be budgeted in the FY13-FY14 budget for Coordinated Transportation.
- 4) The NCDOT requires a local match of \$ 28,836 to be appropriated in the FY13-FY14 budget. The revenue from this grant and the expenditures required of the county as local match will be budgeted in the FY13-FY14 budget for Coordinated Transportation.
- 5) Requested Budget

Admin:	\$ 132,243	(local match \$ 19,836 from County general fund)
Capital:	\$ 90,000	(local match \$ 9,000 from County general fund)
Total Grant	\$ 222,243	(local match \$ 28,836 from County general fund)

**Resource Persons:** Delphine Sellars, Cooperative Extension Director and Margaret Scully, Mobility Manager, Cooperative Extension

**County Manager's Recommendation:** The County Manager recommends that the Board hold a public hearing on the proposed project and approve the attached resolution. The Board of County Commissioners commits \$28,836 for inclusion in the county's FY2013-FY14 budget to meet local match requirements.

**10. Public Hearing -Unified Development Ordinance (UDO) Text Amendment–  
Outdoor Recreation and Activity in Downtown Design Districts (TC1100014) (10  
min)**

- 1) The Board is requested to conduct a public hearing and receive public comments on the Unified Development Ordinance (UDO) Text Amendment–Outdoor Recreation and Activity in the Downtown Design District (TC1100014); and

- 2) Adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 5, Use Regulations.
- 3) Attachments: **Attachment A:** An Ordinance to Amend the Unified Development Ordinance Regarding Outdoor Recreation and Activity in the Downtown Design District (TC1100014), Mark-up Version  
**Attachment B:** An Ordinance to Amend the Unified Development Ordinance Regarding Outdoor Recreation and Activity in the Downtown Design District (TC1100014), Clean Version  
**Attachment C:** Planning Commission Comments  
**Attachment D:** Application Submitted by DDI

**Resource Persons:** Steven L. Medlin, AICP, City-County Planning Director and Michael Stock, AICP, Senior Planner

**County Manager's Recommendation:** The County Manager recommends that the Board conduct a public hearing on the proposed UDO text amendment and, if appropriate based on the comments received during the hearing, approve the amendment.

**11. Public Hearing -Unified Development Ordinance Text Amendment – Science Research Park Amendments (TC1200002) (10 min)**

- 1) The Board is requested to conduct a public hearing and receive public comments on the Unified Development Ordinance Text Amendment–Science Research Park Amendments (TC1200002); and
- 2) To adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 5, Use Regulations, and Article 6, District Intensity Standards.
- 3) Attachments: **Attachment A:** An Ordinance to Amend Provisions of the Unified Development Ordinance Regarding the Science Research Park District (TC1200002), Mark-up Version  
**Attachment B:** An Ordinance to Amend Provisions of the Unified Development Ordinance Regarding the Science Research Park District (TC1200002), Clean Version  
**Attachment C:** Planning Commission Comments  
**Attachment D:** Application by the Research Triangle Foundation

**Resource Persons:** Steven L. Medlin, AICP, City-County Planning Director and Michael Stock, AICP, Senior Planner

**County Manager's Recommendation:** The County Manager recommends that the Board conduct a public hearing on the proposed Unified Development Ordinance text amendment and, if appropriate based on the comments received during the hearing, approve the amendment.

**12. Public Hearing -Unified Development Ordinance (UDO) Text Amendment – Downtown Signs and Other General Sign Standards (TC1200003) (10 min)**

- 1) The Board is requested to conduct a public hearing and receive public comments on the Unified Development Ordinance (UDO) Text Amendment–Downtown Signs and Other General Sign Standards (TC1200003); and
- 2) Adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 11, Sign Standards, and Article 16, Definitions.
- 3) Attachments: **Attachment A:** An Ordinance to Amend the Unified Development Ordinance Regarding Downtown Signs and Other General Sign Standards (TC1200003), Mark-up Version  
**Attachment B:** An Ordinance to Amend the Unified Development Ordinance Regarding Downtown Signs and Other General Sign Standards (TC1200003), Clean Version  
**Attachment C:** Planning Commission Comments

**Resource Persons:** Steven L. Medlin, AICP, City-County Planning Director and Michael Stock, AICP, Senior Planner

**County Manager’s Recommendation:** The County Manager recommends that the Board conduct a public hearing on the proposed UDO text amendment and, if appropriate based on the comments received during the hearing, approve the amendment.

**13. Public Hearing -Unified Development Ordinance Text Amendment–Paintball or Similar Recreation Facilities on Natural Sites (TC1200007) (10 min)**

- 1) The Board is requested to conduct a public hearing and receive public comments on the Unified Development Ordinance Text Amendment–Paintball or Similar Recreation Facilities on Natural Sites (TC1200007); and
- 2) To adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 5, Use Regulations.
- 3) Attachments: **Attachment A:** An Ordinance to Amend the Unified Development Ordinance Regarding Paintball or Similar Recreation Facilities on Natural Sites (TC1200007), Mark-up Version  
**Attachment B:** An Ordinance to Amend the Unified Development Ordinance Regarding Paintball or Similar Recreation Facilities on Natural Sites (TC1200007), Clean Version  
**Attachment C:** Planning Commission Comments  
**Attachment D:** Application by Morningstar Law Group

**Resource Persons:** Steven L. Medlin, AICP, City-County Planning Director and Michael Stock, AICP, Senior Planner

**County Manager’s Recommendation:** The County Manager recommends that the Board conduct a public hearing on the proposed Unified Development Ordinance text amendment and, if appropriate based on the comments received during the hearing, approve the amendment.

**14. Public Hearing -Unified Development Ordinance Text Amendment–Electronic Gaming Operations (TC1200006) (15 min)**

- 1) The Board is requested to conduct a public hearing and receive public comments on the Unified Development Ordinance Text Amendment–Electronic Gaming Operations (TC1200006); and
- 2) To adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 5, Use Regulations, Article 10, Off-Street Parking and Loading, and Article 16, Definitions.
- 3) Attachments: **Attachment A:** An Ordinance to Amend the Unified Development Ordinance Regarding Electronic Gaming Operations (TC1200006), Mark-up Version  
**Attachment B:** An Ordinance to Amend the Unified Development Ordinance Regarding Electronic Gaming Operations (TC1200006), Clean Version  
**Attachment C:** Planning Commission Comments

**Resource Persons:** Steven L. Medlin, AICP, City-County Planning Director and Michael Stock, AICP, Senior Planner

**County Manager’s Recommendation:** The County Manager recommends that the Board conduct a public hearing on the proposed Unified Development Ordinance text amendment and, if appropriate based on the comments received during the hearing, approve the amendment.

**15. Board Appointments (10 min)**

- 1) Michelle Parker-Evans, Clerk to the Board, will distribute ballots to the Board to make appointments to the following boards and commissions:
  - a. Citizens Advisory Committee
  - b. Community Child Protection Team/Child Fatality Prevention Team
  - c. Juvenile Crime Prevention Council
  - d. Nursing Home Community Advisory Committee
  - e. Women’s Commission

**Resource Person(s):** Michelle Parker-Evans, Clerk to the Board

**County Manager’s Recommendation:** The County Manager recommends that the Board of County Commissioners vote to appoint a member to the above-mentioned boards/commissions.

**16. RESERVED FOR ITEMS PULLED FROM CONSENT AGENDA (10 min)**

**17. Closed Session (30 min)**



- 1) The Board is requested to adjourn to Closed Session pursuant to G. S. 143-318.11(a)(4) to discuss matters relating to the location or expansion of a business or industry.
- 2) The Board is requested to adjourn to closed session pursuant to G.S. 143-318.11(a)(3) to consult with an attorney in order to preserve the attorney-client privilege and to discuss the case in the matter of Geraldine Robinson v. Joe Bowser et al.

**County Manager's Recommendation:** The County Manager recommends that the Board adjourn to Closed Session and direct staff as appropriate.