

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

Monday, June 28, 2004

7:00 P.M. Regular Session

**ACTION MINUTES-DRAFT**

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

Present: Chairman Ellen W. Reckhow, Vice-Chairman Joe W. Bowser, and Commissioners Philip R. Cousin Jr., Becky M. Heron (arrived at 7:09 p.m.), and Mary D. Jacobs

Absent: None

Presider: Chairman Reckhow

**Opening of Regular Session**-Pledge of Allegiance

**Agenda Adjustments**

Vice-Chairman Bowser made a motion, seconded by Commissioner Jacobs, to move Progress Report on Benefits Audit (Item No. 18a) and County Manager's Reviews of Internal Audit of HR (18b) to follow the Anchor Award presentation.

The motion carried with the following vote:

Ayes: Bowser, Cousin, Jacobs

Noes: Reckhow

Absent: Heron (arrived late)

Vice-Chairman Bowser made a motion, seconded by Commissioner Cousin, to move FY 2004-2005 Budget Ordinance Adoption (Item No. 15) to follow County Manager's Reviews of Internal Audit of Human Resources.

The motion carried unanimously.

**Minutes**

Commissioner Jacobs moved, seconded by Commissioner Heron, to approve as submitted the June 14, 2004 Regular Session Minutes of the Board.

The motion carried unanimously.

**June Anchor Award Winner-Kara Warren**

Kara Warren, Staff Assistant III for the Purchasing, Supplies, and Education Department at EMS Station 6 and Nationally-Certified Child Passenger Safety Technician, was selected to receive the June Anchor Award. Ms. Warren had been instrumental in installing car seats at Durham County EMS Station 6, which was designated as a Car Seat Checking Station by the NC Department of Insurance and the Office of the State Fire Marshal.

Ms. Warren accepted the Anchor Award and the \$200 check.

**Progress Report on Benefits Audit**

Charlie Hobgood, Internal Audit Manager, prepared a progress report on the status of the benefits audit. The engagement letter for the benefits audit included nine tasks, several of which were complete; however, since the audit was incomplete, no draft of the audit, including recommendations, was available. County Manager Ruffin introduced Mr. Hobgood to provide the progress report on the status of the benefits audit.

Chairman Reckhow suggested that upon audit completion, the Board should seriously examine the Cafeteria Plan. She directed Mr. Hobgood to forward a schedule regarding audit completion to the County Manager so the Board would know when to expect the complete audit.

**County Manager's Reviews of Internal Audit of HR**

The County Manager notified the Board of Commissioners through a June 7, 2004 Memorandum of his findings relative to an internal audit of the Human Resources Department. The Manager's review was confined to the documentation that the Internal Audit Manager and Human Resources Director submitted to support their findings, as well as interviews conducted in closed sessions on April 12, 2004 and April 26, 2004. County Manager Ruffin also held follow-up interviews with Mr. Hobgood, Ms. Knight, and several individuals Mr. Hobgood had interviewed.

County Manager Ruffin presented the Internal Audit of the Human Resources Department's County Manager's Review.

Chairman Reckhow suggested that the County Manager return at the August Worksession with a

schedule for an implementation plan regarding the signature requirement. She also asked the County Manager to consider the recommended changes (i.e., alignment of forms). As an outgrowth to "What's Happening? Best Practices Survey for Salary Administration in Progress," the Board should revisit the County's Policies and Procedures-Personnel Administration, ascertaining that it corresponds with best practices.

#### **FY 2004-2005 Budget Ordinance Adoption**

The Durham County Manager formally presented the FY 2004-05 annual budget to the Durham County Board of Commissioners. This submission is in accordance with the Local Government Budget and Fiscal Control Act, which requires adoption of the budget ordinance no later than July 1.

County Manager Ruffin announced good news-the Medicaid appropriation was revisited for FY 2004-05 and reduced by approximately \$1.3 million and then again by \$600,000. Accordingly, he recommended a reduction in the proposed tax rate increase from 3 cents to 2.7 cents.

Vice-Chairman Bowser asked about the \$3.7 million that was reverted to the budget from Medicaid.

Pamela Meyer, Director of Budget and Management Services, replied that the savings was anticipated at the end of this fiscal year; however, the estimate has been revised to less than \$3 million. The unspent funds will be allocated to Fund Balance at the end of the current fiscal year.

Vice-Chairman Bowser asked if the tax rate could be reduced by one cent due to these additional Medicaid funds.

Chairman Reckhow elucidated that the Medicaid excess this fiscal year resulted from assistance from the Federal Government because of the recession and budget cuts. This help will probably be unavailable in the upcoming fiscal year. The tax rate cannot be reduced by the entire amount because some of the windfall was due to federal revenue sharing.

Vice-Chairman Bowser asked County Manager Ruffin how much revenue is received from a one-cent tax rate.

County Manager Ruffin replied that the amount is \$2,016,000.

Chairman Reckhow noted the amendment for the teachers' supplement pertaining to the 12% for teachers with less than 10 years experience and 13% for teachers with ten or more years experience.

Vice-Chairman Bowser appealed to the Board to endorse \$20,000 in funding for the Read Seed Program on Holloway Street.

Commissioner Heron deemed the plea inappropriate at this time.

Commissioner Cousin suggested that the request be presented to the Board in August.

Commissioner Jacobs moved, seconded by Commissioner Cousin, to approve the FY 2004-2005 Budget Ordinance.

The motion carried unanimously.

#### **Consent Agenda**

Commissioner Heron moved, seconded by Commissioner Jacobs, to approve the following consent agenda items:

- \*a. Property Tax Releases and Refunds for Fiscal Year 2003-04 (accept the May property tax release and refund report as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- b. Contract with Total Billings Inc. (approve contract renewal with Total Billings Inc. to design, print, and mail forms for Tax Administration; the contract amount is not to exceed \$79,000 and \$100,000 for postage);
- \*c. Main Library Chilled Water Plant and Boiler Replacement (approve the replacement of the Main Library chiller and boiler systems and authorize the Manager to execute a contract for services with Jeff Hargett Mechanical Inc. for \$155,440; authorize the Manager to execute change orders, if necessary, not to exceed \$15,544. The total contract amount shall not exceed \$170,984);
- d. Request to Approve Durham's Home and Community Care Block Grant Funding Plan Through the Department of Social Services (approve the funding plan as presented; funding has been

- incorporated into the Manager's proposed FY 2005 Budget);
- \*e. Lease Agreement to CBK 1, Inc. for Restaurant/Canteen Services (approve the lease agreement and authorize the County Manager to execute);
  - \*f. Budget Ordinance Amendment No. 04BCC000077 and Capital Project Amendment No. 04CPA000017-Criminal Justice Resource Center Renovation Project (approve the \$270,000 transfer from the Criminal Justice Resource Center budget and \$125,000 from unrecognized property tax revenue; approve the establishment of a capital project ordinance amendment for \$395,000 for renovating the Jail Annex [formerly Johnson Motor Company Building] for the Criminal Justice Resource Center);
  - \*g. Offer to Purchase County Property (612 Bingham Street) (pursue the upset bid process; the Board has the authority to accept or reject any offer at the conclusion of the upset bid process);
  - h. General Ledger Accounting for the Vic Pearson Memorial Relief Fund Owned by the Emergency Medical Services (EMS) Department (accept the opinions of the Institute of Government, the LGC, and the County's audit firm, CB&H, and approve that the County account for and administer the Vic Pearson Memorial Relief Fund within the Trust and Agency Funds of the County's general ledger according to GAAP, GASB, and Policy guidelines. When approved, the Fund will be subject to the annual audit as are all funds owned and administered by the County);
  - i. Sale of Fixed Asset (Emergency Generator) From Enterprise Fund to General Fund (approve the sale of the emergency generator for \$25,000 and that the proceeds from the sale remain within the Enterprise Fund and not be remitted to Durham Public Schools [DPS] as the sale of surplus properties, as this asset has not been declared surplus);
  - k. Service Contract for the Operation of the Animal Shelter (authorize the County Manager to execute a one-year services contract with the Animal Protection Society of Durham Inc. not to exceed \$432,365.00);
  - l. Salary Setting for Board of Elections Director (receive the recommendation of Elections Board and set the salary of Director Michael Ashe at \$73,240 effective August 1, 2003, and \$76,352.71 effective July 1, 2004);
  - m. Research Triangle Institute/Research Triangle Foundation Petitions for Abandonment of State Road 2017 and 1989 from N.C. Secondary Road System (Case: SC04-04) (approve the petition and forward it to the Department of Transportation for action);
  - n. Approval of Federal Grant Offer to the Raleigh-Durham International Airport (accept the \$7,000,000 grant offer to construct runway safety area extensions);
  - o. Request for Refund of Deposit (2300 Fitzgerald Avenue) (permit the Rudds to withdraw their bid and refund their deposit to them);
  - p. Durham Public Schools-Acquisition of Real Property-Vacant Lot Adjacent to Y.E. Smith Elementary School (approve the request as presented);
  - \*q. Budget Ordinance Amendment No. 04BCC000078-RTP Special Park Tax District (approve appropriating \$18,608 fund balance and \$24,010.53 additional tax monies);
  - \*r. Budget Ordinance Amendment No. 04BCC000079-Butner/Mangum Special District (approve for the Mangum/Butner

Special District.);

- \*s. Sublease Amendment for 501 Willard Street to Telecare Mental Health Services of North Carolina Inc. (approve and authorize the Manager to execute the proposed amendment);
- t. Construction Contract for the Durham Center for Senior Life Project (authorize execution of a contract with Blair Construction Inc. for \$4,380,705.00 (Base Bid Only) for construction and execute any other related contracts including change orders, if necessary, not to exceed the project budget of \$4,486,605.57);
- \*u. Budget Ordinance Amendment No. 04BCC000080 and Capital Project Ordinance Amendment No. 04CPA000018-Special Project Grant by the Congress in the VA-HUD-Independence Agencies Appropriations Act (recognize \$67,061 in grant revenue received from Congress which is pass-through funding for Urban Ministries for furniture and equipment and \$67,061 for the Senior Center capital project DC071 for furniture and equipment);
- \*v. Extension of Civic Center Management and Catering Agreements (authorize the County Manager to enter into the Agreements with the City of Durham and the Shaner Hotel Group extending the term of the current Agreements to December 31, 2004 to allow for the completion of the negotiation process);
- w. Purchase of Library Books and Cataloging/Processing Services (authorize the County Manager to enter into a contract with Baker & Taylor Inc. for an amount not to exceed \$553,000, with an option to renew the contract for four successive one-year periods);
- x. Acquisition of 50 Acres on the South Fork of the Little River Owned by Sean P. and Kristi Scully (authorize the Manager to execute a purchase offer for the three tracts for a total price of \$500,000, with \$1,000 in earnest money);
- \*y. Copier Management Service Program for Durham County (authorize the Manager to enter into a three-year contract with Commercial Equipment Inc. at the rates of \$.0193 for standard or network connected digital copiers and \$.19 for digital color copiers with the option to renew annually for three additional one-year periods and the authority to modify the contract based on usage within budget appropriations);
- \*z. Interest Rate Swap (receive the presentation and approve the Swap arrangement subject to LGC approval);
- aa. Major Site Plan - Hamlin Road Bus Parking (D04-085) (to approve the site plan); and
- bb. Approval of Construction Contract and Interlocal Cooperation Agreement for the Hamlin Road School Bus Parking Project (Project No: DC077-50; Bid No: IFB 04-030) (to authorize execution of contract with Asphalt Experts, Inc., for construction of the Hamlin Road School Bus Parking Lot located at 2011 Hamlin Rd., Durham, for use by Durham Public Schools, in the total amount of \$766,400.00 and to execute any change orders or related contracts, if necessary, not to exceed a project cost \$816,400.00. In addition, the Board is requested to authorize the County Manager to execute an Interlocal Cooperation Agreement with the Durham Public Schools to fund a portion of

the base bid and alternates G1, G2 and G3 at an estimated cost of \$96,002. This amount would be deducted from the \$125,000.00 purchase price for the Milton Road property).

The motion carried unanimously.

**Consent Agenda Items Removed for Discussion**

Consent Agenda Item No. j. Judicial Building 7<sup>th</sup> Floor Roof Projection Replacement (authorize the execution of a contract to Baker Roofing Company for \$66,850, and authorize the Manager to execute change orders, if needed, not to exceed \$6,685; total project cost will not exceed \$73,535).

Vice-Chairman Bowser inquired about the portion of the roof which must be replaced and whether it had ever been replaced.

Vice-Chairman Bowser moved, seconded by Commissioner Cousin, to approve consent agenda item No. j.

The motion carried unanimously.

**Public Hearing-Proposed Secondary Road Construction Program for Durham County (2004-2005)**

Mr. Battle Whitley, P.E., District Engineer for the North Carolina Department of Transportation, Division of Highways, Division Five introduced Assistant District Engineer Tasha Johnson-Harris, Deputy Division Engineer Wally Bowman, and Division Maintenance Engineer Ricky E. Greene Jr. He then presented the Board with the Annual Secondary Road Construction Program for Durham County (2004-2005).

Commissioner Heron moved, seconded by Commissioner Jacobs, to approve the Proposed Secondary Road Program for Durham County (2004-2005).

The motion carried unanimously.

**Public Hearing to Review Requests from Affordable Housing Providers for the Payment of School Impact Fees for Fiscal Year 2004-2005**

Heidi Duer, Impact Fee Administrator, gave a brief overview of this agenda item. She stated that nonprofit organizations constructing affordable housing in Fiscal Year 2004-2005 seeking an impact fee voucher must submit an application for nonpayment of impact fees "at the time of submission of the County's annual budget, nondepartmental funding requests" (as required by the Resolution Establishing a Payment Policy for School Impact Fees on Affordable Housing). Applications were due to Ms. Duer by February 27, 2004. Pursuant to G.S. 158-7.1, as stated in the policy, a public hearing must be held by the Board of Commissioners on all requests for payment. These requests are for new residential construction planned to occur between July 1, 2004 and June 30, 2005. The total amount requested in impact fee affordable housing vouchers is \$280,740.

The following nonprofit organizations submitted requests:

- Rebuild Durham, Inc. in the amount of \$2,000 (one single-family home)
- Carolina Regional CDC in the amount of \$2,000 (one single-family home)
- AIDS Community Residence Association, Inc. in the amount of \$2,000 (one single-family home)
- The Community Builders, Inc. in the amount of \$106,260 (92 multi-family dwelling units)
- Development Ventures Inc. in the amount of \$26,000 (13 single-family homes)
- Durham Community Land Trustees, Inc. in the amount of \$20,930 (6 multi-family and 7 single-family homes)
- Habitat for Humanity of Durham in the amount of \$66,000 (33 single-family homes)
- New Directions for Downtown Inc. in the amount of \$11,550 (10 multi-family dwelling units)
- Self-Help in the amount of \$28,000 (14 single-family homes)
- UDI Community Development Corporation in the amount of \$16,000 (8 single-family homes)

Ms. Duer recommended granting vouchers to nine of the nonprofits; however, the property owner and builder for The Community Builders Inc. is TCB Calvert Place LLC, a for-profit organization, which does not meet policy requirements.

Commissioner Cousin moved, seconded by Commissioner Jacobs, to approve the request of all nonprofit organizations for nonpayment of impact fees with the exception of The Communities Builders Inc. Authorize Ms. Duer, Impact Fee Administrator, to grant payment vouchers.

The motion carried unanimously.

**Public Hearing-Zoning Ordinance Text Amendment-Package Plants in Watershed Critical Areas (TC 04-02)**

Mr. Steve Medlin, Assistant Planning Director, stated that the Zoning Ordinance prohibits the extension of sewer lines and the location of sewer facilities into watershed critical areas. The proposed zoning text amendment permits the location of sewer facilities and/or the extension of sewer lines into such areas to serve developments designed consistent with the principles of a Conservation Subdivision subject to the issuance of a major special use permit and establishes conditions for the issuance of such a permit. The Zoning Committee of the Durham Planning Commission recommended approval (5 - 2) at its May 11, 2004 meeting. The Environmental Affairs Board and staff recommended approval, as well. Chairman Reckhow announced that this amendment must be considered by the State Environmental Management Commission as a Watershed Ordinance Amendment. The item will then return to the Board for a major special use permit.

Vice-Chairman Bowser moved, seconded by Commissioner Jacobs, to approve Zoning Ordinance Text Amendment-Package Plants in Watershed Critical Areas (TC 04-02).

Commissioner Heron remarked that she will vote in favor of the amendment for the following reasons:

- the lack of care provided to county septic tanks which creates health problems
- solids and liquids will be separated
- major special use permit must be approved by the governing body
- governing body will be informed whether the ordinance requirements are met and inspections are performed

Commissioner Cousin stated, for the record, that while he applauds the restrictions and safeguards in the amendment, that he would vote against the motion in principle.

The motion carried with the following vote:

Ayes: Bowser, Heron, Jacobs, and Reckhow

Noes: Cousin

Absent: None

**Public Hearings Regarding Street Closings**

Chairman Reckhow opened the public hearings that had been properly advertised concerning the permanent closings of Flanders Street, Hillview Drive, Northwest Drive, Opal Street, Rondelay Drive, and Wenham Court.

As no one requested to speak, she closed the public hearings and referred the matter back to the Board.

Commissioner Jacobs moved, seconded by Commissioner Cousin, to approve the closings of Flanders Street, Hillview Drive, Northwest Drive, Opal Street, Rondelay Drive, and Wenham Court.

The motion carried unanimously.

**Preliminary Plat-Ravenstone (Case D03-567)**

Mr. Steve Medlin, Assistant Planning Director, stated that RL Horvath Associates Inc., on behalf of Sherron Road Ventures, LLC, submitted a preliminary plat for 306 single-family lots on a 130.15-acre site, zoned R-10(D) and F/J-B. The proposed project will be located on the southeastern side of Sherron Road, off Hillview Drive, and south of NC 98. (PINs 0860-01-07-6904, etc; County Atlas Page 71, Blocks A-1, A-2, B-1, B-2.

The Planning Staff recommended approval.

Commissioner Heron moved, seconded by Vice-Chairman Bowser, to approve Preliminary Plat-Ravenstone (Case D03-567).

The motion carried unanimously.

(Tax Map number: \_\_\_\_\_; recorded in Ordinance Book \_\_\_\_\_, page \_\_\_\_\_.)

**Board and Commission Appointments**

Chairman Reckhow conveyed that she received a call from E Vonne Coleman, ABC Board Chairman, who respectfully requested that the Commissioners defer action on the appointment. The ABC Board wishes to recruit a member with expertise in marketing and retail sales.

Commissioner Jacobs moved, seconded by Commissioner Heron, to readvertise for the position on the ABC Board.

The motion carried unanimously.

The Commissioners voted to make the following appointments:

Animal Control Review Board

Vickie White  
Community Child Protection Team/Child Fatality Prevention Team  
Sandra Deloatch Reddish  
Rebecca Gaye Weaver  
Durham Appearance Commission  
Mary N. Odom  
Warren Samberg  
Durham Board of Adjustment  
Ralph F. Whitfield III

Durham County Library Board of Trustees

Marian C. Andrews  
Kenneth Berger  
Durham Technical Community College  
Jesse B. Anglin Jr.  
Juvenile Crime Prevention Council  
Donald Hughes (under 18)  
Peggy A. Kernodle (faith community)  
R. Patrick Radack (business community)  
Paul Savery (substance abuse)  
Karen K. Thompson (non-profit agency)

Nursing Home Community Advisory Committee

Debra B. Allen  
Jeffry Bartels

Open Space and Trails Commission

Dr. Will Wilson (lives in Lebanon Township)

**Closed Session**

The Board of Commissioners was requested to adjourn to closed session to consider the competence, performance, or fitness of a public officer or employee pursuant to G.S. § 143-318.11(a)(6). The Commissioners concurred to delay the Closed Session until the August Worksession due to the lateness of the hour.

**Adjournment**

Chairman Reckhow adjourned the meeting at 11:00 p.m.

Respectfully submitted,  
Vonda C. Sessoms  
Deputy Clerk to the Board



**Last updated: May 3, 2006**

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