

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

Monday, December 13, 2004

and

Tuesday, December 14, 2004

**POST AGENDA-ACTIONS**

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, Becky M. Heron, and Michael D. Page

Absent: None

Presider: Chairman Reckhow

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**4:00 P.M. Closed Session**

Commissioner Cheek moved, seconded by Vice-Chairman Heron, to adjourn into closed session pursuant to G.S. 143.318.11(a)(6) to consider the initial appointment of a public officer.

The motion carried unanimously.

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**7:00 P.M. Regular Session**

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

**Durham County Major Accomplishments-2004**

- Tax collection rate increase to 98.06%, the highest percentage in recent history
- Retention of the County's AAA bond rating
- Completion of the County's Parking Deck for the American Tobacco Project
- Groundbreaking for Merck Pharmaceuticals
- Implementation of a statewide intelligence database, hosted by the Durham County Sheriff's Office and the Durham Police Department
- Reduction of Durham's infant mortality rate to 4.7 deaths per 1,000 live births, a historical low
- Recognition of Durham County government by the U.S. Environmental Protection Agency as one of America's Best Workplaces for Commuters
- Groundbreaking for the East Branch Library
- Received the Ralph W. Ketner Productivity Award from the North Carolina Association of County Commissioners for the System of Care - an integrated network of community services and resources supported by active teamwork among families, professionals and the community
- Awarded the National Act of Caring Award for teen literacy/GED program with the Durham Literacy Council
- Adoption of a Living Wage Ordinance requiring a living wage to be paid to all full-time employees including all contracted service providers' full-time employees
- Opening of renovated former YMCA childcare facility for Headstart
- Groundbreaking for the new Senior Center
- Completion of the Agricultural Building renovation
- Implementation of a City-County Initiative of eight Results Based Accountability community taskforces in the areas of: Health; Safety; Prosperous Economy; Healthy Environment; Vibrant & Diverse Communities; Children Ready for and Succeeding in School; Adequate, Safe, Affordable Housing; Sustainable, Thriving Neighborhoods with Efficient and Well-maintained Infrastructure
- Opening of the Little River Regional Park, jointly owned and operated with Orange County, consisting of 391 acres including over seven miles of hiking trails and seven miles of mountain biking trails
- Construction contracts awarded and design work completed for the North and East Regional Branch Libraries
- Awarded a \$170,000 NC Clean Water Management Trust Fund Grant to assist with the acquisition of 50 acres of open space on the South Fork of the Little River
- Received three North Carolina Association of County Commissioners Outstanding County Program Awards for the Tooth Ferry, Color Me Healthy, and Neighborhood College Programs
- Acquisition of the Lowe's Grove School site for the South Regional Library

- Received a federal farmland grant for \$251,000 to assist with the preservation of 158 acres of farmland in northern Durham County
- Construction contract awarded for Stanford L. Warren Library renovations
- Completion of the renovation and addition for the Animal Shelter
- Received a \$104,000 grant from the NC Governor's Crime Commission to reduce truancy in the Durham Public Schools
- Graduated 347 jail inmates from intensive drug treatment through the Criminal Justice Resource Center's STARR Program

**Agenda Adjustments**

- Addition to Closed Session-Position to be taken on the terms of a possible acquisition of property known as the Preserve at Erwin Trace, PIN # 0801-03-12-7186 (Appended by Interim County Manager Wendell Davis)

**Minutes**

Vice-Chairman Heron moved, seconded by Commissioner Cousin, to approve as corrected the September 27, 2004 BOCC/DPS Joint Meeting Minutes.  
The motion carried unanimously.

Commissioner Cousin moved, seconded by Commissioner Cheek, to approve as submitted the November 22, 2004 Regular Session Minutes of the Board.  
The motion carried unanimously.

**Announcement-Closed Session**

Chairman Reckhow announced that the 4:00 p.m. Closed Session resulted in no action being taken by the Board; however, the Closed Session would resume December 14 (tomorrow) at 4:30 p.m. A motion for continuation would be required prior to adjournment of this meeting.

**Resolution for "The Durham Bill of Rights Defense Committee"**

RESOLUTION

WHEREAS, Durham County is committed to the human rights of its citizens and to actions that preserve and protect those rights; and  
 WHEREAS, Durham County recognizes and respects the civil rights and liberties guaranteed to all by the Bill of Rights; and  
 WHEREAS, Durham County is committed to upholding the civil rights and civil liberties of all persons in Durham and their free exercise and enjoyment of any and all rights and privileges secured by the Constitutions and the laws of the United States and the State of North Carolina; and  
 WHEREAS, rights such as freedom of religion, of speech, of the press, and of association, and the right to disagree with governmental policies; and  
 WHEREAS, the right to privacy within one's home, free of searches and seizures in the absence of probable cause, or specific evidence of criminal behavior; and  
 WHEREAS, the rights to be informed of charges made, to counsel, to reasonable bail, and to a fair trial by jury; and  
 WHEREAS, the right to humane treatment under all circumstances, including when arrested or jailed, should all be upheld; and  
 WHEREAS, the Bill of Rights Defense Resolution adopted by the Durham County Commissioners on September 22, 2003 shall be re-affirmed:  
 NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby affirm our support of  
 THE DURHAM BILL OF RIGHTS DEFENSE COMMITTEE  
 and the basic rights outlined above, for all residents of Durham County.  
 This the 13th day of December, 2004.

**Recognition of the County's Receipt of the System of Care Programs of Excellence Award for 2004**

North Carolina Council of Community Programs  
 Partnerships to Improve Services  
 2004 Programs of Excellence Award  
 Presented to

Durham Center System of Care  
Durham's System of Care Promotes Shared Responsibility and Accountability for  
Family-Centered Planning, Services, and Supports.  
December 2, 2004

By

NC Council of Community Mental Health, Developmental Disabilities, and Substance Abuse Programs  
**Presentation of Anchor Awards to County Engineer Glen Whisler, Project Manager Peri Manns,  
Senior Project Manager Ademola Shobande, and Utility Division Manager Chuck Hill**

Chairman Reckhow invited Glen Whisler, Peri Manns, Ademola Shobande, and Chuck Hill to come forward and receive their Anchor Award plaques, along with their \$200 checks and congratulations.

**Consent Agenda**

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

- \*a. Property Tax Releases and Refunds for Fiscal Year 2004-05 (accept the report for November 2004 and authorize the Tax Assessor to adjust the tax records as outlined);
- \*b. Budget Ordinance Amendment No. 05BCC000023-Social Services (approve \$5,921 in additional funding for Durham's Home and Community Care Block Grant);
- c. Amendment to the Contract between Triangle J Council of Governments and Durham County (approve the contract extension);
- d. Lease of the Animal Shelter and Amendment to APS Service Contract (approve the Lease and the Amendment and authorize the Manager to execute);
- \*e. Durham Board of County Commissioners' 2005 Meeting Schedule (approve the schedule as presented);
- f. Stormwater Agreements for the North Regional Branch Library and Durham Center for Senior Life Projects (approve and authorize the Manager to execute);
- g. Extension of the Listing Period for Business Personal Property (delegate the Tax Assessor authority to grant extensions until March 15, 2005 for business personal property owners who request in writing);
- \*h. Stanford L. Warren Branch Library Project-Right of Way Dedication and Plat (approve the Dedication and corresponding Plat which will be recorded in the Durham County Register of Deeds Office);
- \*i. Amendment to Articles of Incorporation for Durham County Hospital Corporation (approve the Resolution);
- \*j. Release of Property from Judgment (approve the release of 12 Fisher Place from the current judgment);
- k. Request for Exemption to Competitive Bidding Law for Purchase of Used Goods (exempt the Division of Emergency Management for the purchase of used Motorola digital radios and additional accessories from Motorola Inc.; authorize the Manager to enter into a Purchase of Goods contract with Motorola for \$129,000.08);
- \*l. Confirmation of Appointees to the Durham Cultural Master Plan Advisory Board (approve and confirm the appointees);
- m. Designation of Voting Delegate to the Legislative Goals Conference (appoint Chairman Reckhow as the voting delegate and Vice-Chairman Heron as the alternate delegate);
- n. Board and Commission Appointment (appoint Anna P. Andrews to the Farmland Advisory Board to represent the Eno Voluntary Agricultural District);

- p. Lease Renewal (The Durham Center) (approve a new lease with N.C. Mutual for 501 Willard Street from December 1, 2004 through November 30, 2007, at a rate of \$13,376.98 per month);
- \*q. Offer to Purchase County Property (pursue the upset bid process for the sale of 2100 Charles Street);
- \*s. Extension of Civic Center Management and Catering Agreements (enter into the Agreements with the City of Durham and the Shaner Hotel Group Properties Two Limited Partnership extending the term of the current Agreements to February 28, 2005); and
- \*t. Capital Project Ordinance Amendment No. 05CPA000008-DC083 Open Space and Farmland Preservation Capital Project (approve to increase the Project from \$700,000 to \$1,121,000 to reflect two grant awards to the County).

The motion carried unanimously.

**Consent Agenda Items Removed for Discussion**

Consent Agenda Item No. o. 9-1-1 Interlocal Agreement between the County of Durham and the City of Durham (approve the Interlocal regarding 9-1-1 communications).

Commissioner Cheek moved, seconded by Vice-Chairman Heron, to approve the Interlocal regarding 9-1-1 communications, subject to the changes outlined regarding the term and the stipulation regarding the capital improvement plan.

The motion carried unanimously.

Consent Agenda Item No. r. Budget Ordinance Amendment No. 05BCC000024-E-9-1-1 Surcharge Fund (approve for adjustment of the 9-1-1 Surcharge Fund Wire-line budget from \$1,898,638 to \$3,250,639 and Wireless budget from \$872,496 to \$817,000 for a total budget increase of \$1,296,505; this will require the use of 9-1-1 Fund balance for \$2,206,639 from Wire-line and \$565,000 from the Wireless line for a total fund balance allocation of \$2,771,639).

Commissioner Cheek moved, seconded by Commissioner Page, to direct staff to proceed as outlined by the Budget Director.

The motion carried unanimously.

**Durham Open Space Commission Matching Grants Recommendation**

Bill Renfrow, Matching Grants Administrator, stated that the Matching Grants Program (funded by Durham County) is a subcommittee of the Durham Open Space and Trails Commission (DOST), which comprises volunteers with expertise in various areas and connections to conservation groups within the County. DOST makes recommendations to both the Board of County Commissioners and the City Council. Mr. Renfrow introduced Guillermo Rodriquez, a member of the Matching Grants Committee, to provide an overview of the recommendation and answer potential questions.

Mr. Rodriquez commented that the Matching Grants Committee of DOST received two applications for funds to assist nonprofit community organizations with recreational and open space projects. The following financial summary shows the Commission's recommendation for funding one application for a total of \$28,543 using part of the \$85,000 of contractual funds requested and recommended under the General Fund, "Open Space Matching Grants" Organization of the County's FY04-05 Budget.

<u>2004 CYCLE MATCHING GRANTS APPLICATIONS</u>			
<u>Applicant / Project</u>	<u>Request</u>	<u>Cost</u>	<u>Grant</u>
Forest Hills Neighborhood Association/Walking Trail	\$ 28,543.00	\$ 57,543.00	\$ 28,543.00
SEEDS/Farmer's Market Pavilion	49,000.00	525,692.00	*-0-
<b>Total</b>	<b>\$ 77,543.00</b>	<b>\$ 583,235.00</b>	<b>\$ 28,543.00</b>

\*Application is being revised and may be recommended for funding in early 2005.

This recommendation to allocate \$28,543 of grant funds represents a gain to the County of \$29,000 in matching funds as more than half the project's proposed value of \$57,543.

Mr. Rodriguez requested approval by the County Commissioners for funding the Forest Hills Neighborhood Association walking trail project and the \$28,543 allocation of budgeted Matching Grants Funds.

Commissioner Cheek moved, seconded by Vice-Chairman Heron, to approve funding the Forest Hills Neighborhood Association walking trail project and the \$28,543 allocation of budgeted Matching Grants Funds.

The motion carried unanimously.

### **Presentation of 911 Five-Year Capital Plan**

Jim Soukup, Director of the Emergency Communications Center, stated that a comprehensive Five-Year Plan has been developed and was recently shared with the 911 Advisory Committee. Vice-Chairman Heron asked that the plan be presented to the County Commissioners. During the last Joint City-County Committee meeting, Mr. Soukup was asked to meet with City and County budget directors to begin to determine the implications for the CIP currently being developed in both organizations. That conversation has taken place and budget staff will bring specifics forward when the CIP is presented.

Mr. Soukup elaborated on the following plan:

#### D.E.C.C Five-Year Plan

##### Year One-2004/2005

- A. Purchase C.A.D. System - Cost of \$2.7 million. This project will take approximately 8 to 10 months to complete. Anticipated signing by December 31, 2004. Funding Source 9-1-1 Telephone Revenue Accounts
- B. Renovate Electrical System - Cost of \$90,000. Department of General Services estimates 4 to 6 months to finish. Funding Source - 9-1-1 Telephone Revenue Accounts
- C. Submit Proposal for new joint 9-1-1/E.O.C. Building into the C.I.P. process. Preliminary cost of \$6 million based on 30,000 sq ft. Funding source to be determined by City/County managers.
- D. Begin new ESN Mapping and E9-1-1 Database system that will detail zones for various agencies instantly upon receiving a 9-1-1 call. Feasibility study of including city/county addressing as part of D.E.C.C. operations. Cost of \$103,000 for personnel salary. Funding source 9-1-1 telephone revenue accounts.
- E. Upgrade E 9-11 Phone system Computer and add additional workstations that can process requests and statistical data more effectively. Cost of \$268,744. Funding source 9-1-1 telephone revenue accounts.
- F. Logging Recorder system upgrade. Cost \$63,106. Funding Source - 9-1-1 Telephone Revenue Accounts

##### Year Two-2005/2006

- A. Remodel Dispatch Room to accommodate seventeen positions; an increase of five additional consoles in the current work area. Cost \$350,000. Funding source 9-1-1 telephone revenue accounts.
- B. Implement new C.A.D. system Budget for training costs of all Telecommunicators on new system. Estimated cost \$67,300. Fiscal Year 2005/2006. Funding to be determined by City/County managers.
- C. Budget for Architect and Engineering Drawings for New Center. Estimated cost \$600,000 Fiscal Year 2005/2006. Funding to be determined by City/County managers.
- D. Finish new ESN Mapping and E 9-1-1 Database
- E. Begin hiring new communications personnel at the rate of 4 per quarter in order to bring staffing to acceptable levels and observe audit recommendation of 16 additional personnel; focus to be on bilingual hires. Estimated cost with benefits \$338,662 Fiscal Year 2005/2006. Funding to be determined by City/County managers.
- F. Viability study of combining operations with Durham Sheriff's Office.
- G. Receive Accreditation from N.A.E.M.D. Cost of \$2,000. Fiscal Year 2005/2006. Funding to be determined by City/County managers.

##### Year Three'2006/2007

- A. Finish hiring of additional communications personnel
- B. Begin specialized training of communication personnel to include critical incident on scene dispatching, and specialization inside the center between Fire/EMS and Law enforcement. Estimated cost of \$75,000. Possible funding from 9-1-1 Telephone revenue accounts.
- D. Consolidate operations with Durham S.O. if study reveals it warranted and acceptable

Funding Source ' 9-1-1 Telephone Revenue Accounts

E. Purchase a Reverse 9-1-1 system. Estimated initial cost \$65,000, with annual maintenance of \$35,000. Funding Source ' 9-1-1 Telephone Revenue Accounts

F. Finalize budget for new 911/EOC facility

Year Four'2007/2008

A. Begin Construction of new joint 911/E.O.C. facility. Estimated cost for furniture, equipment, computers, telephone system \$2.3 million. Funding Source ' 9-1-1 Telephone Revenue Accounts

B. Begin Accreditation process through A.P.C.O./C.A.L.E.A Estimated cost \$40,000. Fiscal Year 2007/2008. Funding to be determined by City/County managers.

Year Five'2008/2009

A. Move into new 911/E.O.C. facility.

B. Redesign current facility to serve as a backup center or remodel the Duke facility, which would include renovation of the electrical system, U.P.S. equipment, and furniture. Estimated cost \$1.3 million. Funding Source ' 9-1-1 Telephone Revenue Accounts

C. Receive Accreditation from A.P.C.O./C.A.L.E.A.

**Wireline Surcharge Estimated Balances**

Fund Balance FY 2004-2005 \$ 405,429

Fund Balance FY 2005-2006 \$ 497,233

Fund Balance FY 2006-2007 \$ 799,037

Fund Balance FY 2007-2008 \$1,240,841

Fund Balance FY 2008-2009 \$1,682,645 minus equipment needed for new facility that will be lease purchased or paid for. This will bring the balance down to a very small sum.

**Wireless Surcharge Estimated Balances**

Fund Balance FY 2004-2005 \$ 619

Fund Balance FY 2005-2006 \$ 138,619

Fund Balance FY 2006-2007 \$ 276,619

Fund Balance FY 2007-2008 \$ 414,619

Fund Balance FY 2008-2009 \$ 552,619 minus equipment needed for new facility that will be lease purchased or paid for. This will bring the balance down to a very small sum.

**Durham Public Schools'Acquisition of Property for Improved Bus Access at the New Pearson Elementary School**

Dan Jewell, representing Coulter, Jewell, Thames, PA, stated that the firm is assisting Durham Public Schools in designing and requesting approvals on the New Pearson Elementary School (to be constructed on the northern end of the Hillside High School site). On December 9, 2004, the Board of Education approved the \$7,000 purchase of a vacant parcel adjacent to the New Pearson Elementary School site to ensure safer access for buses, cars, and pedestrians as well as the public trail system. The property is known as Lot 18, Plat Book 20, Page 137 (PIN# 0820-15-64-8220). Mr. Jewell provided further details about the proposal.

Commissioner Cheek moved, seconded by Vice-Chairman Heron, to approve the request for the purchase of a vacant parcel adjacent to the New Pearson Elementary School site to improve vehicular/bus access the property.

The motion carried unanimously.

**Closed Session**

Commissioner Cousin moved, seconded by Commissioner Page, for the Board to adjourn to closed session to instruct staff concerning the position to be taken on the terms of possible acquisition of 306 S. Roxboro Street owned by Scarborough and Hargett Funeral Home and the Preserve at Erwin Trace owned by Duke University [NCGS § 143-318.11(a)(5)].

The motion carried unanimously.

**Reconvene to Open Session**

Chairman Reckhow announced that direction was given to staff in closed session; no action was taken.

Vice-Chairman Heron moved, seconded by Commissioner Cheek, to continue the meeting on Tuesday, December 14, 2004, at 4:30 p.m.

The motion carried unanimously.

**Tuesday, December 14, 2004**  
**4:30 P.M.**

**Closed Session**

Commissioner Cheek moved, seconded by Vice-Chairman Heron, to adjourn into closed session pursuant to G.S. 143.318.11(a)(6) to consider the initial appointment of a public officer.

The motion carried unanimously.

**Reconvene to Open Session**

Chairman Reckhow declared that the Board met in Closed Session to discuss the possible rehiring of former County Manager Michael M. Ruffin.

Commissioner Cheek moved, seconded by Vice-Chairman Heron, to reappoint Michael M. Ruffin as County Manager at an annual salary of \$142,500; starting date' December 20, 2004; subject to a contract and special conditions for re-employment including:

- enhanced communications with the Commissioners;
- priority' restructure the Human Resources Department; and
- restructure the County's audit process.

The motion carried with the following vote:

Ayes: Cheek, Heron, and Reckhow

Noes: Cousin and Page

**Adjournment**

Chairman Reckhow adjourned the meeting at 7:40 p.m.



**Last updated: May 3, 2006**

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