

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

Monday, November 22, 2004

**ACTION MINUTES-DRAFT**

7:00 P.M. Regular Session

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, and Mary D. Jacobs

Absent: None

Presider: Chairman Reckhow

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

**Agenda Adjustments**

- Resolution for "Frank Johnson Sr., Interim Executive Director, Operation Breakthrough Inc." (Chairman Reckhow)
- Addition to Closed Session - Pursuant to G.S. § 143-318.11(a)(6). (Commissioner Jacobs)
- Operation Breakthrough Award Presentation (Vice-Chairman Bowser)
- Shepherd Middle School (Commissioner Cousin)

**Minutes**

Vice-Chairman Bowser moved, seconded by Commissioner Heron, to approve as corrected the November 1, 2004 Worksession Minutes.

The motion carried unanimously.

Commissioner Jacobs moved, seconded by Vice-Chairman Bowser, to approve as submitted the November 8, 2004 Regular Session Minutes.

The motion carried unanimously.

**Special Presentation to Vice-Chairman Joe W. Bowser and Commissioner Mary D. Jacobs**

This was the final regular Board meeting for Vice-Chairman Joe W. Bowser and Commissioner Mary D. Jacobs. Mr. Bowser joined the Board in December 1996; Dr. Jacobs joined the Board in 2002. In recognition of their visionary leadership, long hours, and dedicated service during their respective tenures, the outgoing Commissioners were honored with plaques presented by the Board of County Commissioners.

Chairman Reckhow presented commemorative plaques to Vice-Chairman Bowser and Commissioner Jacobs in grateful appreciation of their tireless efforts on behalf of all Durham County citizens.

Commissioner Jacobs and Vice-Chairman Bowser gave acceptance speeches.

Dr. E. Lavonia Allison, P.O. Box 428, Durham, NC 27702, representing the Durham Committee on the Affairs of Black People, thanked the departing Commissioners for their service to Durham County.

**Recognition of Best Workplaces for Commuters Distinction**

Chairman Reckhow reported that at a celebration on Tuesday, November 16, 2004, the U.S. Environmental Protection Agency and a coalition of local organizations recognized 24 local employers as the Triangle's Best Workplaces for Commuters. To qualify for the distinction, employers must offer a primary benefit such as subsidized bus passes, vanpools, or telecommuting options, in addition to other benefits including onsite amenities like cafeterias, ATMs, and bike racks. Employers must promote alternatives to single-occupancy vehicles and offer an emergency ride home option.

Chairman Reckhow congratulated the following 24 local employers, which employ about ten percent of the Triangle's work force, approximately 70,000 workers, mostly located in Research Triangle Park:

ARCADIS, Inc.

BASF Corporation

Capital Area Transit

Cisco Systems

City of Durham County Government City of Raleigh

Durham County

GlaxoSmithKline

IBM  
National Institute of Environmental Health Sciences  
Nortel Networks  
North Carolina Department of Transportation  
North Carolina State University  
Research Triangle Foundation  
RTI International  
Town of Carrboro  
Town of Chapel Hill  
Triangle J Council of Governments  
Triangle Transit Authority  
U.S. Environmental Protection Agency (RTP)  
The University of North Carolina at Chapel Hill  
Wake County  
Wyeth

**Resolution for "Frank Johnson Sr., Interim Executive Director, Operation Breakthrough Inc."**

Chairman Reckhow read the following resolution:

RESOLUTION

WHEREAS, Mr. Frank Douglas Johnson Sr. was born in 1933 to the late Mrs. Annie Mae Johnson in Burgaw, North Carolina and became a highly active community servant; and  
WHEREAS, he attended C. F. Pope High School in Burgaw, later attended North Carolina Central University, and served in the U.S. Army; and  
WHEREAS, Mr. Johnson was married to Mrs. Annie Mae Anderson Johnson, and was the loving father of Frank D. "Doug" Johnson Jr.; and  
WHEREAS, Mr. Johnson served 38 years at Operation Breakthrough Inc., a nonprofit community action agency that has provided a variety of programs and services since 1964 to residents of Durham whose income is at or below the federal poverty level; and  
WHEREAS, Mr. Johnson's dedication to service and his commitment to the Durham community will be greatly missed by all who knew him:  
NOW, THEREFORE BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby resolve to pay tribute to  
MR. FRANK D. JOHNSON SR.  
for his sincere dedication to Operation Breakthrough Inc., and the Durham community.  
This the 22nd day of November, 2004.

Chairman Reckhow presented the resolution to Mrs. Johnson.

**Operation Breakthrough Award Presentation**

At the November 19 annual meeting of Operation Breakthrough, Ms. Patricia Williams, Director of Finance and Personnel, honored the Durham County Board of Commissioners with the Distinguished Appreciation Award, "In Recognition for Commitment to Enhance the Quality of Life for Operation Breakthrough Inc. Head Start Children, Families, and Employees". Vice-Chairman Bowser asked that Ms. Williams present the award to the Board of County Commissioners.  
Chairman Reckhow accepted the award on behalf of the Board.

**Shepherd Middle School**

Dr. James R. Brown, 905 Dupree Street, Durham, NC 27701, and Ms. Delores Eaton, 126 Masondale Avenue, Durham, NC 27707, spoke on behalf of concerned parents of African-American students attending Shepherd Middle School. Dr. Brown and Ms. Eaton informed the public about the misconduct of Shepherd's principal and teachers towards its students.

**Consent Agenda**

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

- b. Budget Ordinance Amendment No. 05BCC000021-The Durham Center-Acceptance and Allocation of Funds from Multiple Small Grants (approve the appropriation of funds for a total of \$13,991);

- d. Capital Project Ordinance Amendment 05CPA000006-Open Space and Farmland Preservation Project (allocate \$400,000 for project DC083 activities);
- e. Capital Project Ordinance Amendment No. 05CPA000007-Head Start/YMCA Building Purchase (DC081) (allocate funds for the second installment payment (\$181,250) for the purchase of the former YMCA Childcare Center);
- f. Ambulance Replacement Contract-Bethesda VFD (approve the modified contracts, the \$79,221 bid, and award the contract to Southeastern Emergency Vehicles Inc.);
- h Purchase of Periodical and Subscription Services (authorize the Manager to enter into a contract with EBSCO Information Services not to exceed \$50,000 with an option to renew the contract for three successive one-year periods); and
- i. Senior Center Project--Right of Way Dedication and Plat (approve and record in the Durham County Register of Deeds Office).

The motion carried unanimously.

Following discussion:

Commissioner Heron moved, seconded by Vice-Chairman Bowser, to approve Consent Agenda Item No. a. Property Tax Releases and Refunds for Fiscal Year 2004-05 (accept the report for October 2004 and authorize the Tax Assessor to adjust the tax records as outlined).

The motion carried unanimously.

Commission Heron moved, seconded by Vice-Chairman Bowser, to approve Consent Agenda Item No c. Budget Ordinance Amendment No. 05BCC000022-DSS-Emergency Shelter Placements(appropriate funds in the amount of \$41,259 for children who are delinquent or undisciplined).

The motion carried unanimously.

Commissioner Jacobs moved, seconded by Vice-Chairman Bowser, to approve Consent Agenda Item No g. North Carolina Department of Transportation Community Transportation Grant (approve the resolution authorizing Durham County Cooperative Extension to submit the FY 2005-2006 Community Transportation Program Grant to NCDOT; \$30,000 will be needed for inclusion in the County's FY - 05-06 budget to meet local match requirements).

The motion carried unanimously.

**Public Hearing-Closing 328.16 Linear Feet of an Unnamed Street, North of Goodwin Road and West of Laurel Drive (SC03-21)**

Bonnie Estes, Assistant Planning Director, requested that the Board hold a public hearing to close permanently 328.16 linear feet of an unnamed street, north of Goodwin Road and west of Laurel Drive.

Chairman Reckhow opened the public hearing that was properly advertised. As no one requested to speak, she closed the public hearing and referred the matter back before the Board.

Commissioner Jacobs moved, seconded by Vice-Chairman Bowser to approve closing of 328.16 linear feet of an unnamed street, north of Goodwin Road and west of Laurel Drive.

The motion carried unanimously.

**Update for Community Development Block Grant Scattered Site Housing Program**

Interim County Manager Wendell Davis introduced this item. The County of Durham received \$400,000 in Scattered Site Housing Funds from the State Department of Commerce in 2002 to do rehabilitation on private citizen's homes in the unincorporated areas of Durham. The Department of Commerce anticipated rehabilitation of 10-12 homes. The LEAH Group was awarded a contract to complete administration of the CDBG Scattered Site Housing Program after Benchmark Consulting defaulted on the original contract

award. To date the LEAH Group has approved 13 homes for rehabilitation and each of the dwellings will be completed by December 31, 2004. The CDBG Scattered Site Housing Program has provided assistance and helped improve the quality of life for local families.

Mr. Brian Crawford, President of the LEAH Group, provided the Board with an overview and slide show presentation of the County's Scattered Site Housing Program and the progress made to date.

Chairman Reckhow recognized the following signed speakers to comment:

Ms. Victoria Peterson, P.O. Box 101, Durham, NC 27702.

Dr. E. Lavonia Allison, P.O. Box 428, Durham, NC 27702.

#### **Interlocal Resolution with Orange County Concerning Planning**

Bonnie Estes, Assistant Planning Director, introduced this item. The Durham Board of County Commissioners and the Durham City Council have indicated an interest in establishing a Joint Review Area to provide review and comment on rezoning requests, special use permits, subdivisions, site plans, and annexations in the I-85/US 70 area near the Durham-Orange County boundary. The resolution and map would establish such an agreement and have been recommended for approval by the Joint City-County Planning Committee (JCCPC).

Commissioner Jacobs moved, seconded by Commissioner Cousin,  
to adopt the Resolution.

The motion carried unanimously.

#### **Resolution Seeking Support From the North Carolina General Assembly for Establishing Adequate and Reliable Funding of Public Schools in the Triangle and Throughout the State**

Chairman Reckhow stated that the Board was requested to review of a joint resolution from Durham, Orange, and Wake Counties and their corresponding public school boards supporting adequate and reliable public school funding from the state.

The Triangle J Council of Governments has sponsored several meetings of the Triangle County Board Chairs; these meetings have included discussions on education with a focus on budgetary decisions of the NC General Assembly regarding funding of schools. At the last meeting (November 8, 2004), the chairs of the Durham, Orange, and Wake Board of Commissioners, along with school board representatives, NC Association of County Commissioners (NCACC) representatives, Triangle J Council of Government staff, and county staff, finished crafting a resolution highlighting the difficulties area governments have in supporting public school funding while the state:

- 1) Creates unfunded mandates such as elementary class size reductions;
- 2) Decreases funding for teacher assistant allotments, school transportation operating funds, instructional technology support, and capital needs resources; and
- 3) Continues stagnant funding for staffing allotments, non-instructional support positions, textbook allocations, instructional supplies, and limited funds for children with special needs.

This resolution requests that the state provide adequate and reliable public school funding, decreasing the reliance on local funding and the growing inequities in educational opportunities across the state related to local funding ability. The purpose of the resolution is to encourage the State to provide adequate and reliable funding for our regional school district as well as to other districts statewide.

A document highlighting the impact of the State's decision was prepared by Durham Public Schools detailing the effects of some of the aforementioned issues.

Chairman Reckhow recognized Dr. E. Lavonia Allison, P.O. Box 428, Durham, NC 27702, for comments on this item.

Commissioner Cousin moved, seconded by Commissioner Jacobs,  
to approve the joint resolution that is also being considered by the  
Orange and Wake County Boards of Commissioners.

The motion carried unanimously.

#### **Report from the Human Resources Audit Assessment Task Team and Recommendations from the Manager**

The Interim County Manager was given specific directives by the Board County Commissioners upon appointment. One of the directives was:

- Completion of the Human Resources and Benefits Audit. Inherent in this item is determining the status of the project team work that was assigned by former County Manager Mike Ruffin. Determine to whom the project was assigned.

The Interim County Manager, in order to determine the best approach for proceeding, assembled a team

of Certified Internal Auditors (CIA) from around the State to: a) evaluate the audit process; b) determine what must be done to complete the HR Audit; and c) determine how to improve the County's Audit process to avoid similar problems in the future. Due to time constraints, the HR Audit Assessment Task Team's work product does not represent a peer review or an independent review of the County's Internal Auditor function.

Interim County Manager Davis recommended that the Board receive the report and consider the Audit complete. Finalizing the subject audit would not be cost beneficial to the County. The County Attorney has opined that the Board was within its authority to set premium rates for benefits and that the County cannot refund money that was legally collected. Furthermore, given the findings of the Audit Assessment Task Team, Mr. Davis also recommended that a new structure be developed over the next several months for the County's Internal Audit function.

Chairman Reckhow recognized Dr. E. Lavonia Allison, P.O. Box 428, Durham, NC 27702, for comments.

Commissioner Jacobs moved, seconded by Commissioner Heron, to approve the County Manager's recommendation.

The motion carried unanimously.

### **Closed Session**

Vice-Chairman Bowser moved, seconded by Commissioner Heron, to adjourn to closed session to instruct the staff concerning the position to be taken on the terms of possible acquisition of Preserve at Erwin Trace, PIN # 0801-03-12-7186, 247 S. Mangum Street owned by U-Haul Real Estate Company, and 306 S. Roxboro Street owned by Scarborough and Hargett Funeral Home, and to consider the competence, performance, or fitness of a public officer or employee pursuant to G.S. § 143-318.11(a)(5) & (6).

The motion carried unanimously.

### **Reconvene to Open Session**

Chairman Reckhow announced that direction was given to staff in the Closed Session; no action was taken.

### **Adjournment**

There being no further business, Chairman Reckhow adjourned the meeting at 11:40 p.m.



Last updated: May 3, 2006

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