

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

Monday, May 8, 2006

7:00 P.M. Regular Session

**MINUTES**

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 and Michael D. Page

Absent: Commissioner Philip R. Cousin Jr.

Presider: Chairman Reckhow

**Opening of Regular Session**—Pledge of Allegiance

**Agenda Adjustments**

No agenda adjustments were made.

**Announcements**

No announcements were made.

**Minutes**

Vice-Chairman Heron moved, seconded by Commissioner  
Cheek, to approve as submitted the April 24, 2006 Regular  
Session Minutes of the Board.

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow  
Noes: None  
Absent: Cousin

**Motion to Excuse Commissioner Cousin**

Commissioner Cheek moved, seconded by  
Commissioner Page, to excuse Commissioner Cousin  
from the May 8, 2006 Regular Session.

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow  
Noes: None  
Absent: Cousin

**Proclamation in Recognition of Mental Health Month**

Chairman Reckhow read the following proclamation in recognition of Mental Health Month:

PROCLAMATION

WHEREAS, mental health is essential to everyone's overall physical health and emotional wellbeing; and

WHEREAS, mental illness will strike one in five adults and children in a given year regardless of age, gender, race ethnicity, religion, or economic status; and

WHEREAS, an estimated two-thirds of adults and young people who have mental health disorders are not receiving the help they need; and

WHEREAS, the cost of untreated and mistreated mental illnesses and addictive disorders to American businesses, governments, and families has grown to \$113 billion annually; and

WHEREAS, community-based services that respond to individual and family needs are cost-effective and beneficial to consumers and the community; and

WHEREAS, the mental health advocacy groups locally and nationwide observe Mental Health Month every May to raise awareness and understanding of mental health and illness:

NOW, THEREFORE, BE IT RESOLVED that I, Ellen W. Reckhow, Chairman of the Durham County Board of Commissioners, do hereby proclaim May 2006 as

“MENTAL HEALTH MONTH”

in Durham County. We also call upon the citizens, government agencies, public and private institutions, businesses, and schools in Durham to recommit our community to increasing awareness and understanding of mental health and the need for appropriate and accessible services for all people who have mental illness.

This 8<sup>th</sup> day of May, 2006.

/s/ Ellen W. Reckhow, Chairman

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Ellen Holliman, The Durham Center Area Director, expressed appreciation to the Board for recognizing May as “Mental Health Month”. She commented on statistics and various treatments regarding mental illness.

Chairman Reckhow thanked Ms. Holliman for her leadership of The Durham Center and further thanked staff and the Area Mental Health Board. She presented the proclamation to Ms. Holliman.

### **Recognition of National Award Given to Durham System of Care**

Chairman Reckhow stated that the Durham System of Care (SOC) earned a prestigious national honor for its collaborative interagency effort to address mental health and addiction treatment needs in the Durham community. The system received the Excellence in Community Collaboration Award from the National Council for Community Behavioral Healthcare during the Council's 36<sup>th</sup> Annual Conference this month. The Durham System of Care comprises eight human services agencies, including The Durham Center, that collaborated to provide family-centered services to meet the needs of the community's children with complex behavioral, academic, social, and safety needs.

Area Director Ellen Holliman, The Durham Center, provided an overview of the Durham SOC and its receipt of the National Award – a national honor recognizing Durham SOC for its demonstrated sustainability and the positive outcomes it has achieved in serving area citizens. Ms. Holliman informed that The Durham Center led the development of a cross-system infrastructure to establish the Durham SOC. A collaborative human services system was built based on unified multi-agency Child and Family Teams. She explained that these teams work with families, their care providers, and support persons to develop and implement individualized family-centered service and support plans that build on family strengths.

Ms. Holliman recognized Martha Kaufman, The Durham Center, and Adele Spitz Roth, Center for Child and Family Policy, for their outstanding collaborative work with Durham System of Care.

Chairman Reckhow recognized and presented awards to the following representatives of organizations as part of Durham System of Care: Dr. Deborah Pitman, Durham Public Schools; Alisa Huffman, Durham District Court; Director Brian Letourneau, Public Health Department; Adele Spitz Roth, Duke University Center for Child and Family Policy; Donnie Phillips, Department of Juvenile Justice and Delinquency Prevention; Director Sammy Haithcock, Department of Social Services; Rob Robinson and Martha Kaufman, The Durham Center; and Durham County Government.

### **Proclamation for May 14-20 as EMS Week in Durham County**

Emergency Medical Services Week brings together local communities and medical personnel to publicize safety and honor the dedication of those who provide the day-to-day lifesaving services of medicine's "front line." This year's theme is "EMS: Serving on Health Care's Front Line", which underscores the commitment and dedication of the 750,000 EMS providers who serve their communities.

Commissioner Cheek read the proclamation to declare May 14-20 as “EMS Week” in coordination with a national observance:

#### PROCLAMATION

WHEREAS, on any given day in Durham County, North Carolina, residents and visitors alike may require emergency medical services for automobile accidents, heart attacks, burns, and other critical medical emergencies; and

WHEREAS, emergency medical services are a vital public service on which the public depends; and

WHEREAS, throughout this country, the emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators, and others that give selflessly of themselves for the health and safety of others; and

WHEREAS, members of emergency medical services teams are a lifeline to many in need of lifesaving care 24 hours a day and seven days a week for a wide-ranging variety of illnesses and injuries; and

WHEREAS, advances in and access to quality emergency medical care greatly improves both the recovery and survival rates of those who suffer from unexpected illness and injury; and

WHEREAS, emergency medical services teams engage in thousands of hours of specialized training and continuing education to greatly enhance their lifesaving skills and effectiveness; and

WHEREAS, it is important for Durham County citizens to recognize the accomplishments of emergency medical services providers by joining other communities across America in celebrating “Emergency Medical Services Week”, May 14 – 20:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby proclaim the week of May 14 – 20 as

#### “EMERGENCY MEDICAL SERVICES WEEK”

in Durham, North Carolina. We urge all citizens to observe this week and celebrate the vital role that emergency medical service workers play in the healthcare continuum.

This the 8<sup>th</sup> day of May, 2006.

/s/ All Five Commissioners

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Mike W. Smith, Durham County EMS Director, thanked the board for the recognition and accepted the proclamation.

**April Anchor Award Winner—Tyson William Wrenn**

Major Lucy Zastrow, Sheriff's Office, introduced Captain Tyson William "Bill" Wrenn as the recipient of the April Anchor Award. Captain Wrenn was recognized for this honor for his suggestion (and eventual implementation) of video training for non-interactive blocks of instruction, such as blood borne pathogen, use of force, hazardous materials, and other annual topics.

Major Zastrow reported that Captain Wrenn's suggestion was implemented in January 2006. She praised the idea for saving the Sheriff's Office an exorbitant amount of money in overtime not being allotted to officers, while being a more convenient way of conducting business.

Captain Wrenn thanked the Board for recognizing his contributions to the County.

Chairman Reckhow presented the Anchor Award and \$200 check to Captain Wrenn.

**Durham County Employee of the Year Award Winner—Sarah Hill**

Chairman Reckhow announced that in accordance with County Government Week 2006, Sarah Hill, Payroll Supervisor in the Finance Department, was chosen as the Employee of the Year. Ms. Hill was nominated by Erika Morgan, Accounting Clerk III, Payroll Department.

Assistant County Manager Deborah Craig-Ray provided details from Ms. Morgan's nomination letter, which led to Ms. Hill being selected. Ms. Morgan commended Ms. Hill for exceeding all expectations of her duties as Payroll Supervisor. The letter highlighted that Ms. Hill is known for always being available to help other Durham County employees, making sure they receive complete and accurate services from her department. Ms. Craig-Ray quoted from the letter, "As a supervisor, she is inspirational and sets a great example by never asking an employee to do anything that she is not willing to do."

Ms. Hill expressed appreciation for the nomination and award. She credited her staff for greatly contributing to the success of the Payroll Department.

Chairman Reckhow congratulated Ms. Hill for her exemplary work. She presented a certificate and check for \$300 to Ms. Hill.

**Consent Agenda**

Vice-Chairman Heron moved, seconded by Commissioner Page, to approve the following consent agenda items:

- a. 2005 Annual Report of the Durham Open Space and Trails Commission (receive the report);
- \*d. Budget Ordinance Amendment No. 06BCC000064—Social Services—Recognize Additional Child Care Revenue (approve in the amount of \$94,545 to recognize \$27,402 in additional Smart Start funding and \$67,143 in Triangle United Way revenue);
- e. Request Approval of Right-Of-Way Agreement with Duke Energy Corporation (DEC) for North Regional Library (authorize the Manager to enter into the agreement with Duke Energy Corporation [DEC] for the project located at 221 Milton Rd., Durham, NC 27712); and
- \*f. Approval of Resolution for Public Auction Sale and Entering into a Contract with Jerry L. Harris, Auctioneer (approve the resolution and authorize the Manager to enter into a contract with the auctioneer).

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow  
Noes: None  
Absent: Cousin

\*Documents relating to these items follow:

Consent Agenda Item No. d. Budget Ordinance Amendment No. 06BCC000064—Social Services—Recognize Additional Child Care Revenue (approve in the amount of \$94,545 to recognize \$27,402 in additional Smart Start funding and \$67,143 in Triangle United Way revenue).

DURHAM COUNTY, NORTH CAROLINA  
FY 2005-06 Budget Ordinance  
Amendment No. 06BCC000064

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2005-06 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental Contributions and	\$299,894,950	\$27,402	\$299,922,352
Donations	\$703,659	\$67,143	\$770,802

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$370,623,308	\$94,545	\$370,717,853

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 8<sup>th</sup> day of May, 2006.

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Consent Agenda Item No. f. Approval of Resolution for Public Auction Sale and Entering into a Contract with Jerry L. Harris, Auctioneer (approve the resolution and authorize the Manager to enter into a contract with the auctioneer).

**RESOLUTION AUTHORIZING PUBLIC AUCTION SALE**

WHEREAS, the County of Durham accumulated surplus personal property consisting of miscellaneous automobiles, office furniture and equipment, and other items no longer needed for County operational purposes; and

WHEREAS, the County of Durham desires to dispose of these items by sale at public auction as provided by North Carolina General Statute 160A-270:

NOW, THEREFORE, BE IT RESOLVED by the Durham County Board of Commissioners that the sale at public auction at the time, place, and conditions set out herein is authorized and directed:

1. The public auction for vehicles, office furniture, equipment, and other items is to take place on Saturday, May 20, 2006 9:00am-4:00pm at the Carmichael Building located at 300 North Duke Street, Durham North Carolina.
2. The terms of the sale will be cash, check, or credit card. Items(s) purchased must be paid for on the day of the sale.
3. The County Manager or his designee(s) shall be authorized as the County official in charge of the disposal of the surplus personal property.
4. Vehicles purchased by check will remain with the County until three (3) business days following the sale in order to verify the check.
5. If necessary, item(s) purchased at the Public Auction may remain on the County property up to ten (10) business days following the auction; however, it will be at the risk of the purchaser.
6. Successful bidder(s) on any item(s) requiring labor, tools or materials for dismantling and removal of the items(s) purchased shall furnish all such tools, materials, and labor and shall hold Durham County free of any claims for any personal injuries, damages, or liabilities incurred for removal of the item(s).

7. All items will be sold on an “as is” and “where is” basis. The County will make no guarantees and assumes no responsibility for any of the items.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be published in the Durham Herald-Sun Newspaper once at least 10 days prior to the date of the sale.

“BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DURHAM THIS 8<sup>th</sup> DAY OF May, 2006”.

**Consent Agenda Items Removed for Discussion**

Consent Agenda Item No. b. Budget Ordinance Amendment 06BCC000062—Replacement Fire Apparatus for Bahama Volunteer Fire Department (approve the appropriation of \$160,000 from the Bahama Volunteer Fire Department Tax District Fund Balance to purchase two replacement fire apparatus); and Consent Agenda Item No. c. Budget Ordinance Amendment 06BCC000063—Fund Balance Appropriation for Redwood Volunteer Fire Department (approve the appropriation of \$7,000 from the Redwood Volunteer Fire Department Fund Balance to pay for part-time staff).

Vice-Chairman Heron asked Jeff Batten, Fire Marshal, to address efforts being made to bring fire districts to a higher rating to lower fire insurance.

Mr. Batten explained that the department has been inspected by the North Carolina Department of Insurance, Office of the Fire Marshal. The report identifying the department’s deficiencies should be received in a month.

Vice-Chairman Heron discussed usage of dry hydrants and water pumps with Mr. Batten. **She requested that Mr. Batten discuss dry hydrants with New Hope and Eno Volunteer Fire Departments.**

Vice-Chairman Heron moved, seconded by Commissioner Cheek, to approve Consent Agenda Item Nos. b and c.

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow  
Noes: None  
Absent: Cousin

DURHAM COUNTY, NORTH CAROLINA  
FY 2005-06 Budget Ordinance  
Amendment No. 06BCC000062

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2005-06 Budget Ordinance is hereby amended to reflect budget adjustments.



Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>BAHAMA FIRE DISTRICT</u>			
Other Financing Sources	\$3,294,847	\$160,000	\$3,454,847

Expenditures:

<u>Activity</u>			
<u>BAHAMA FIRE DISTRICT</u>			
Public Safety	\$6,825,642	\$160,000	\$6,985,642

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 8<sup>th</sup> day of May, 2006.

DURHAM COUNTY, NORTH CAROLINA  
FY 2005-06 Budget Ordinance  
Amendment No. 06BCC000063

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2005-06 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>REDWOOD FIRE DISTRICT</u>			
Other Financing Sources	\$3,454,847	\$7,000	\$3,461,847

Expenditures:

<u>Activity</u>			
<u>REDWOOD FIRE DISTRICT</u>			
Public Safety	\$6,985,642	\$7,000	\$6,992,642

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 8<sup>th</sup> day of May, 2006.

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Consent Agenda Item No. g. FY 2006-2007 Juvenile Crime Prevention Council Funding Recommendations (approve the recommended funding plan for allocating \$547,019 in State DJJDP funding).

Chairman Reckhow called signed speaker Victoria Peterson, representing Triangle Citizens Rebuilding Communities, PO Box 101, Durham, NC 27702, forward for comments.

Cheryl Lloyd, Cooperative Extension Director, addressed Ms. Peterson's concerns pertaining to the allocation of funds for programs serving delinquent, undisciplined, and

youth at risk of criminal activity. (The funds are restricted to services providing intermediate and community sanctions to the court for delinquent and at-risk youth.) Subsequent to the Juvenile Crime Prevention Council (JCPC) studying the needs of youth in Durham County, allocations of funding were made for the aforementioned programs. The \$547,019 is a State allocation for which the County would provide a 30% local match.

Per a request by Ms. Peterson, Chairman Reckhow stated that "A New Day", a Community Day Program, is operated by the Criminal Justice Resource Center.

Ms. Lloyd added that each program undergoes quarterly monitoring and an evaluation process conducted by a team of JCPC members. The team assesses the fiscal and programmatic viability of the programs.

Chairman Reckhow inquired about evaluation of youth to assess long-term effectiveness once they leave the programs.

Ms. Lloyd replied that since the youth involved in the programs are also involved in the juvenile court system, the juvenile courts continue to monitor the status of the youth. Several Structured Activity programs have been involved in long-term evaluation programs with the community and have yielded improvements in the schools concerning parental reporting and student participation, attendance, grades, and achievements.

Vice-Chairman Heron commended "A New Day" program.

Ms. Lloyd explained to Commissioner Page that the worksheet [included with the agenda action form] lists all programs that applied for funding. While some programs did not receive the requested funding, more than 40 applications were received, which is a new record.

Commissioner Page inquired about Rapid Response, a temporary shelter.

Ms. Lloyd stated that Rapid Response is a service that provides assistance to displaced youth by locating emergency shelter until a permanent solution is found. Rapid Response is a partnership between JCPC and other County human services.

Commissioner Page asked about the Request for Proposals (RFP) process.

Commissioner Cheek moved, seconded by Commissioner Page, to approve Consent Agenda Item No. g.

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow  
Noes: None  
Absent: Cousin

**Public Hearing—Zoning Map Change—Erwin Oil US 70 (Z06-14)**

Commissioner Cheek informed the Board that a member of his law firm has been employed by Erwin Oil Company Inc. and is actively involved in representing the company; therefore, he would neither participate in the discussion nor vote on the zoning map change.

Vice-Chairman Heron moved, seconded by Commissioner Page, to excuse Commissioner Cheek from participating and voting on the Zoning Map Change—Erwin Oil US 70 (Z06-14).

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow  
Noes: None  
Absent: Cousin

Chairman Reckhow recognized Planning Director Frank Duke to introduce this item.

Mr. Duke acknowledged that per discussion with Erwin Oil Company Inc., the applicant requested that action on this item be delayed for two cycles to address issues associated with the site plan.

Attorney Craigie Sanders, representing Kennedy, Covington, Lobdell & Hickman LLC, 430 Davis Drive, Suite 400, RTP 27719, affirmed the request by the applicant for a two-cycle deferral until the June 12 Regular Session of the Board.

Chairman Reckhow informed Attorney Sanders that the FY 2006-2007 County Budget public hearing would be held on June 12. She recommended a one-cycle deferral because the budget public hearing may occupy several hours of that meeting.

Attorney Sanders agreed to defer the presentation until the May 22 BOCC meeting.

Chairman Reckhow opened the public hearing and called for a motion to continue at the May 22, 2006 Regular Session.

Vice-Chairman Heron moved the motion, seconded by Commissioner Page.

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow  
Noes: None  
Absent: Cousin

Vice-Chairman Heron asked Mr. Duke to explain “South Miami Boulevard” as the road name on the site map; the plan states “US 70”.

Mr. Duke clarified that South Miami Boulevard is US 70 in the site area.

**Public Hearing on Coordinated Transportation—FY 2006-2007 Rural Operating Assistance Program (ROAP) Grant—Application Approval**

Johnny Ford, Transportation Access Coordinator, gave an overview of this item. He stated that Cooperative Extension Service requested Board approval of the Rural Operating Assistance Program (ROAP) grant to be submitted to the North Carolina Department of Transportation (NCDOT). The ROAP grant consolidates the Elderly and Disabled Transportation Assistance Program (EDTAP), Rural General Public Program, and Work First/Employment Program into a single application package. EDTAP provides for assistance in the transportation of the elderly and disabled; Work First/Employment Program is intended to provide operating assistance for transitional Work First; and the Rural General Public funds will be used to supplement existing routes that currently serve the County.

Mr. Ford explained that the application proposes that \$88,514 of governmental revenue be allocated to support transportation for Durham County Elderly and Disabled residents through the Elderly and Disabled Transportation Assistance Program (EDTAP) and \$7,876 for Work First Transitional/Employment. These funds require no Local match. The \$39,838 for Rural General Public Transportation (RGP) requires a 10% local match. The majority of the local match is recouped through fares. These programs help support the transportation needs of citizens through County and nonprofit, human service agencies. The NCDOT annually allocates funds for EDTAP, RGP, and Work First. Durham County will receive \$136,228 for FY 2006-2007.

Funds shall be used to provide services for the noted agencies:

- Council of Senior Citizens
- Dept. of Social Services (Adult)
- Durham Exchange Club Industries
- Retired and Senior Volunteer Program
- Services for the Blind
- Durham Parks and Recreation

Vice-Chairman Heron expressed concern about the cost of transportation services.

Sammy Haithcock, DSS Director, commented that the difference in transportation costs among surrounding counties depends on the type of transportation, modes of transportation, and how the corridors are developed. He stated that higher costs in Durham County do not constitute less efficient services. Mr. Haithcock agreed to work with Mr. Ford to assess and improve transportation costs for the noted agencies.

Mr. Ford communicated to the Board that the costs have been amended and are standard. **He offered to distribute a data report on the costs to the Board at a later date.**

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

Commissioner Cheek moved, seconded by Vice-Chairman Heron, to approve the ROAP application for submittal to NCDOT.

Commissioner Page inquired about the \$18 per trip cost.

Mr. Ford explained that “per trip” means one-way travel.

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow  
Noes: None  
Absent: Cousin

Vice-Chairman Heron reiterated her concern for the high per-trip cost.

### **Closed Session**

Commissioner Page moved, seconded by Commissioner Cheek, to adjourn to Closed Session to consider the performance of a public officer or employee pursuant to G.S. § 143-318.11(a)(6).

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow  
Noes: None  
Absent: Cousin

### **Reconvene to Open Session**

Chairman Reckhow stated that the Board met in Closed Session to discuss the performance and salary increase for Clerk to the Board Vonda Sessoms.

Commissioner Cheek moved, seconded by Commissioner Page, to increase the Clerk to the Board’s salary by \$5,000, effective April 25, 2006.

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow  
Noes: None  
Absent: Cousin

**Adjournment**

There being no further business, Chairman Reckhow adjourned the meeting at 8:40 p.m.

Respectfully submitted,

Yvonne R. Gordon  
Deputy Clerk to the Board