

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

Monday, September 27, 2004
7:00 P.M. Regular Session

and

Wednesday, September 29, 2004
3:00 P.M. Special 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 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

Vice-Chairman Bowser added two items to the agenda:

- Lease Agreement for YMCA Childcare Center to Operation Breakthrough Head Start;
and
- Closed Session.

Minutes

Commissioner Cousin moved, seconded by Commissioner Jacobs, to approve the August 2, 2004 Worksession Minutes as submitted and the September 13, 2004 Regular Session Minutes as corrected.

The motion carried unanimously.

August Anchor Award Winner—Arlicia Page

Ms. Arlicia Page, Board of Elections' Public Information Specialist and Front Desk Receptionist, was selected to receive the August Anchor Award. Ms. Page was recognized for outstanding customer service.

- Ms. Page provides clarity and comfort to the citizens of Durham. She projects a calm professionalism that is infectious to both staff and the public.
- In preparation for the recent partisan primary and school board election, she handled over 1,000 phone calls and 100 individual requests for written information and statistics.

- Ms. Page takes great pride in her work and the democratic process. She never complains, is knowledgeable, technically proficient, detail oriented, caring, and professional.

Ms. Page gave an acceptance speech and received the August Anchor Award and check from Chairman Reckhow.

Resolution for “Sales and Service Training Center”

Durham opened a new Sales & Service Training Center on September 10, 2004. The Center provides employers with a pool of trained workers and offers workers education, training, and employment opportunities. The Center provides citizens with state-of-the-art customer service training and offers the new National Professional Certification in Customer Service assessment.

Chairman Reckhow read the following resolution into the record:

RESOLUTION

WHEREAS, retail skills centers provide a valuable service to the communities in which they are located; and

WHEREAS, these centers help citizens gain the skills necessary to find adequate employment; and

WHEREAS, the Sales and Service Training Center at Northgate (SSTC), recruits, trains, provides placement, employee retention services, career path counseling for participants, and provides customized training for area businesses; and

WHEREAS, retail skills centers are created through a unique partnership of employers, government, shopping center developers, schools and colleges, and community associations; and

WHEREAS, the goal of the Durham retail center is to empower participants with career opportunities and to match the skilled job-oriented individual to area employers:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby welcome

THE DURHAM SALES AND SERVICE TRAINING CENTER

a retail center that will benefit our community and area employers with skills training and economic development potential.

This the 27th day of September, 2004.

Ms. Barbara Wilson, Interim Executive Director, Durham Sales and Service Training Center, thanked the Board for the recognition. She acknowledged the following individuals for assisting with the center: Beth Payne, Vice President of Workforce Development, Greater Durham Chamber of Commerce; Pat Sturdivant, City of Durham's Office of Economic and Employment Development; and Ms. Jenny Bowman.

Chairman Reckhow presented the resolution to Ms. Wilson.

Resolution to Recognize Minority Enterprise Development Week

On January 22, 2001, the Board of County Commissioners approved an ordinance to continue the County's Minority Enterprise Development Program. As a part of program promotion and continued efforts to enhance participation in governmental contract awards to small and disadvantaged businesses, it was requested that September 27 through October 1, 2004 be recognized as Minority Enterprise Development Week in the County of Durham, North Carolina.

Per request of Ms. Yolanda Moore-Gaddy, Business Development Manager, County Manager Mike Ruffin read the resolution into the record as follows:

RESOLUTION

WHEREAS, the County of Durham commissioned a study which established that there is continuing discrimination against certain minorities including women, in certain areas of purchasing and contracting, in which the County of Durham is involved; and

WHEREAS, it is the policy of the County of Durham that purchasing by the County and contracts with the County be open to all people and be free of discrimination on the basis of race and gender; and

WHEREAS, G.S. 143-128 provides for Good Faith Efforts to be made in an effort to ensure fair participation of minority and women business owners in all County projects; and

WHEREAS, the Durham County Minority Enterprise Development program provides:

1. Business Development training;
2. Assistance identifying companies who provide insurance and bonding for small businesses;
3. A Plan and Specification review room for minority and women-owned businesses;
4. A Plan and Specification lending library to minority and women-owned businesses; and
5. Various networking opportunities for minority and women-owned businesses.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Durham County Board of Commissioners, that September 27 – October 1, 2004 is recognized as

MINORITY ENTERPRISE DEVELOPMENT WEEK.

This the 27th day of September, 2004.

Ms. Moore-Gaddy thanked the Board for the opportunity to acknowledge women and minority business owners. She stated that local and national Minority Enterprise Development programs assist socially or economically disadvantaged groups who own or wish to start or expand their businesses. She also briefed the Board about Minority Enterprise Development Week events and recognized the following participants: Jane Pleasants, Assistant Vice President of Procurement and Supply Chain Management for Duke University; Willie Dickson IV, Minority Government Business Coordinator, Duke University; and Deborah Giles, Director, City of Durham's Equal Opportunity/Equity Assurance.

Chairman Reckhow presented the resolution to Ms. Moore-Gaddy.

Proclamation—National Five-A-Day Month

Chairman Reckhow asked Commissioner Jacobs, BOCC representative on the Public Health Board, to read the following proclamation into the record:

PROCLAMATION

WHEREAS, overweight and obesity among children and adults has been on an alarming increase throughout the nation, North Carolina, and Durham County; and

WHEREAS, poor dietary choices contribute to overweight, obesity, cancer, diabetes, and heart disease; and

WHEREAS, research indicates that eating five or more servings per day of fruits and/or vegetables can help reduce the risk of overweight, obesity, and chronic disease; and

WHEREAS, eighty percent of Americans are not eating five or more servings of fruits and/or vegetables per day; and

WHEREAS, promoting fruit and vegetable intake can help fight chronic disease risk; and

WHEREAS, eating a variety of colorful fruits and vegetables will help to give Durham County citizens the vitamins, minerals, fiber, and phytochemicals needed for health:

NOW, THEREFORE, BE IT RESOLVED that I, Ellen W. Reckhow, Chairman of the Durham County Board of Commissioners, do hereby proclaim the month of September 2004 as

“NATIONAL 5-A-DAY MONTH”

in Durham County. I further ask all citizens to eat at least five servings of colorful fruits and/or vegetables each day to “Get Healthy Durham”.

This the 27th day of September, 2004.

Tracy Bates, Health Promotion Nutritionist II, Durham County Public Health Department, thanked the Commissioners for the acknowledgement. She explained that overweight and obesity among children and adults has been on an alarming increase throughout Durham County, North Carolina, and the nation. Eating a variety of colorful fruits and vegetables will help supply Durham County citizens with the vitamins, minerals, fiber, and phytochemicals needed for health.

Ms. Bates stated that the 5 A Day for Better Health program was developed in 1991 as a national nutrition education program. It was created by the Produce for Better Health Foundation and the National Cancer Institute (NCI). The mission of the 5-A-Day program is to encourage people to eat at least five servings of fruits and vegetables each day to improve their health.

Ms. Bates asked citizens to challenge themselves to eat five or more servings of fruits or vegetables every day During National 5-A-Day Month. Starting the habit of eating five fruits and vegetables a day will increase the chances of hanging on to this good habit as an adult. In adulthood, these healthy eating habits will really pay off!

Commissioner Jacobs presented the proclamation to Ms. Bates.

Consent Agenda

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

- *a. Property Tax Releases and Refunds—Fiscal Year 2004-05 (accept the property report for August 2004 and authorize the Tax Assessor to adjust the tax records as outlined);
- *c. Budget Ordinance Amendment No. 05BCC000010—FY 2004-05 Encumbrances (amend the General Fund and Sewer Utilities Enterprise Fund to pay outstanding purchase orders and service contracts at the end of FY 2004);
- e. Contract for Forest Ranger—NC Department of Environment & Natural Resources (approve for the County to continue receiving forestry protection services);
- f. Little River Regional Park—Access Easement (approve the Deed of Easement and Extinguishment of Easement);
- g. Consulting Contract—Froehling & Robertson (to prepare a Corrective Action Plan to deal with a gasoline spill at the Sheriff's North Substation); and

- i. Contract Amendment—Extension of Contract Schedule for Development of a Unified Development Ordinance (extend the contract for 18 months).

The motion carried unanimously.

*Documents related to these items follow:

Consent Agenda Item No. a. Property Tax Releases and Refunds—Fiscal Year 2004-05 (accept the property report for August 2004 and authorize the Tax Assessor to adjust the tax records as outlined).

Due to property valuation adjustments for over assessments, listing discrepancies, duplicate listings, and clerical errors, etc., the report details releases and refunds for the month of August 2004.

Releases & Refunds for 2004 Taxes:

Real Estate	\$	46,177.11
Personal	\$	36,513.84
Registered Vehicles	\$	21,694.11
Vehicle Fees	\$	310.00
Solid Waste	\$	<u>1,125.00</u>
Total for 2004 Taxes and Fees	\$	105,820.06

Prior years' (1999-2003) releases and refunds for August 2004 are in the amount of \$49,312.72.

The total current year and prior years' releases and refunds amount to \$155,132.78.

(Recorded in Appendix A in the Permanent Supplement of the September 27, 2004 Regular Session Minutes of the Board.)

Consent Agenda Item No. c. Budget Ordinance Amendment No. 05BCC000010—FY 2004-05 Encumbrances (amend the General Fund and Sewer Utilities Enterprise Fund to pay outstanding purchase orders and service contracts at the end of FY 2004).

DURHAM COUNTY, NORTH CAROLINA
FY 2004-05 Budget Ordinance
Amendment No. 05BCC000010

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2004-05 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>			
Other Financing Sources	\$13,198,384	\$2,343,249	\$15,541,633

SEWER UTILITY FUND

Other Financing Sources	\$ 444,338	\$ 410,761	\$ 855,099
-------------------------	------------	------------	------------

EQUIPMENT LEASING FUND

Other Financing Sources	\$0	\$ 20,000	\$ 20,000
-------------------------	-----	-----------	-----------

Expenditures:

Activity

GENERAL FUND

General Government	\$ 23,407,124	\$961,169	\$ 24,368,293
Public Safety	\$ 38,360,010	\$562,514	\$ 38,922,524
Environmental Protection	\$ 2,856,535	\$138,668	\$ 2,995,203
Economic & Physical Dev.	\$ 3,092,721	\$ 99,078	\$ 3,191,799
Human Services	\$316,639,723	\$492,962	\$317,132,685
Cultural & Recreation	\$ 7,933,889	\$ 60,196	\$ 7,994,085
Other	\$ 3,280,965	\$ 28,662	\$ 3,309,627

SEWER UTILITY FUND

Utilities	\$ 7,152,151	\$410,761	\$ 7,562,912
-----------	--------------	-----------	--------------

EQUIPMENT LEASING
FUND

Other	\$ 991,453	\$ 20,000	\$ 1,011,453
-------	------------	-----------	--------------

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

This the 27th day of September, 2004.

Consent Agenda Items Removed for Discussion

Chairman Reckhow removed the following item nos. b, d, and j from the consent agenda to allow signed speaker Dr. E. Lavonia Allison, P.O. Box 428, Durham, NC 27702, to comment.

Consent Agenda Item No. b. Budget Ordinance Amendment No. 05BCC000009—Public Health (recognize \$98,630 State revenue to support two new school nurse positions for the school health program).

DURHAM COUNTY, NORTH CAROLINA
FY 2004-05 Budget Ordinance
Amendment No. 05BCC000009

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2004-05 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	\$256,268,234	\$98,630	\$256,366,864

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$316,541,093	\$98,630	\$316,639,723

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

This the 27th day of September, 2004.

Consent Agenda Item No. d. Budget Ordinance Amendment No. 05BCC000011—Deferred Revenue for the Departments of Fire Marshall, Tax, Elections, Social Services, Sheriff, Public Health, and Cooperative Extension (recognize reserved fund balance for \$2,024,442).

Commissioner Heron asked Ms. Susan Fox-Kirk, Deputy Finance Director, to clarify “deferred revenue” and its usage.

DURHAM COUNTY, NORTH CAROLINA
 FY 2004-05 Budget Ordinance
 Amendment No. 05BCC000011

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2004-05 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	\$256,366,864	\$1,990,764	\$258,357,628
Service Charges	\$ 30,805,662	\$ 271	\$ 30,805,933
Miscellaneous Income	\$ 3,707,783	\$ 33,407	\$ 8,741,190

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
General Government	\$ 24,368,293	\$ 361,374	\$ 24,729,667
Public Safety	\$ 38,922,524	\$ 373,488	\$ 39,296,012
Economic & Physical Dev	\$ 3,191,799	\$ 2,434	\$ 3,194,233
Human Services	\$316,541,093	\$ 98,630	\$316,639,723

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

This the 27th day of September, 2004.

Consent Agenda Item No. j. Cancellation of the October 4, 2004 Worksession (cancel the meeting).

County Manager Mike Ruffin explained that the worksession is unnecessary due to no agenda items to submit to the Board for discussion.

Commissioner Heron moved, seconded by Commissioner Jacobs, to approve consent agenda item nos. b, d, and j.

The motion carried unanimously.

Public Hearing on Coordinated Transportation: FY 2004-2005 Rural Operating Assistance Program (ROAP) Grant—Application Approval

Mr. Johnny Ford, Transportation Access Coordinator, introduced the Cooperative Extension Service's request for the Board to approve 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 (RGP) program, and the Work First/Employment Program into a single application package. EDTAP provides for assistance in the transportation of the elderly and disabled; Rural General Public Program funds are used to supplement existing routes that currently serve the County; and Work First/Employment Program funds provide operating assistance for transitional Work First.

The application proposes that \$87,973 in governmental revenue be allocated to support transportation for Durham County Elderly and Disabled residents through the EDTAP and \$13,521 for Work First Transitional/Employment. These funds require no Local match. The \$26,965 for Rural General Public transportation 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 Non-profit, human service agencies.

NCDOT annually allocates funds for EDTAP, RGP, and Work First. Durham County will receive \$128,459 for FY 2004-2005.

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

The Transportation Advisory Board made recommendations for the allocation of EDTAP funds.

Commissioner Heron asked questions relevant to road trip costs per person. She directed the County Manager to research alternative transportation providers to make the program more affordable.

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

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

The motion carried unanimously.

Public Hearing—Rezoning—CCB Bank-US 70 (P04-37)

Mr. Steve Medlin, Assistant Planning Director, City/County Planning Department, proposed, on behalf of CCB Bank, that the Commissioners approve the rezoning request of a 0.39-acre portion of a 1.29-acre parcel located at the northwest corner of U.S. 70 and Mineral Springs Road. PIN 0840-04-80-0930 (partial). Request: R-20; F/J-B (Residential 20 District) to GC; F/J-B (General Commercial District)

The proposal was consistent with the *Southeast Durham Small Area Plan*. A development plan was not submitted as part of the request. Staff recommended approval based upon consistency with the small area plan and compatibility with the surrounding area. The Durham Planning Commission conducted a public hearing on August 10, 2004 and recommended approval with a vote of 10-2.

The public hearing for this request was advertised on September 10 and 17, 2004 in the Durham Herald-Sun.

Chairman Reckhow opened the public hearing that was properly advertised and called the following signed speaker forward:

Mr. Kevin Burke, 3715 University Drive, Durham, NC 27707, spoke on behalf of CCB Bank.

As no one else signed to speak, Chairman Reckhow closed the public hearing and referred the matter back to the Board.

Vice-Chairman Bowser moved, seconded by Commissioner Heron, to approve the rezoning request.

The motion carried unanimously.

An Ordinance Amending the Durham City-County Zoning Ordinance by Taking Property out of R-20 Zoning District and Establishing the Same as GC District

Be it Ordained by the Durham Board of County Commissioners:

Section 1. That the Durham Board of County Commissioners held a Public Hearing on Zoning Case P04-37 and voted on September 27, 2004 to approve the rezoning Request Described herein.

Section 2. That the Durham City-County Zoning Atlas and Ordinance are hereby amended by taking the following described Property out of R20 Zoning and placing the same in and establishing the same as GC Zoning.

All property as follows, and to the centerlines of any adjoining public rights-of-way:

(Metes and bounds description, to include PIN and Tax map numbers, any recorded map references, and acreage. Single ordinance and description for all property rezoned to a single zone; separate descriptions for property rezoned to multiple zones.)

LEGAL DESCRIPTION - CCB - Bethesda Proposed GC Zoning

Beginning at a point, said point being the SIP on the west side of Mineral Springs right-of-way at the Hight Realty Inc. property corner, thence from said beginning point running S 41°06'08" W a distance of 34.20 feet along the Mineral Springs Road to a point; thence running S 27°07'49" W a distance of 16.13 feet along the Mineral Springs Road to a point; thence running N 33°46'51" W a distance of 166.99 feet to a point; thence running N 32°19'14" E a distance of 154.31 feet to a point; thence running S 33°46'51" E a distance of 183.79 feet to a point of beginning, containing 0.39 acres as shown on the drawing entitled "CCB - Bethesda rezoning boundary" prepared by Duane K. Stewart & Associates and dated 06/14/04. This property is represented by the City of Durham PIN 0840-04-80-0930(partial) and the Tax Map Reference 656-01-024(partial).

Section 3. This Ordinance shall be in full force and effect from and after its passage.

Section 4. All ordinances in conflict with this Ordinance are hereby repealed.

Lease Agreement for YMCA Childcare Center to Operation Breakthrough Head Start

Vice-Chairman Bowser introduced the agenda item. On August 4, 2003, the Board of Commissioners opted to purchase the Childcare Center at the downtown YMCA for the express purpose of relocating the final group of Head Start children to an age appropriate setting. The renovations are scheduled for completion in October and the lease is prepared for execution once Operation Breakthrough moves into the facility. Staff requested that the Board approve the lease agreement for the YMCA Childcare Center.

County Manager Mike Ruffin stated that the project is anticipated to be completed within 30 to 45 days.

County Attorney Chuck Kitchen recognized Ms. Carol Hammett, Assistant County Attorney, to brief the Board about the lease.

In response to Commissioner Jacobs' question, County Manager Ruffin replied that the item was pulled from a past agenda for the following two concerns by staff: 1) term—a 10-year

lease is too long; and 2) circumstances of the split in utility costs—the 60% Operation Breakthrough and 40% County split was based upon Operation Breakthrough occupying less than 100 percent of the Whitted School Facility; however, it is expected to occupy the entire YMCA building. As recently negotiated with Ms. Yvette Leathers, Head Start Director, a four-year lease term and a 60/40 utility split would be acceptable.

Vice-Chairman Bowser expressed support for a 10-year lease, considering Head Start's success in Durham County.

Commissioner Heron voiced support for Head Start; however, she opposed a 10-year lease. She reminded the Board of her and Vice-Chairman Bowser's vote against the 10-year lease for Durham's Alliance for Child Care Access (DACCA) Child Care Resource Center. She deemed adding this item to the agenda as inappropriate, as the agenda procedure should allow the County Manager to negotiate leases with potential tenants. She further opined that Commissioners adding a lease to the agenda during a meeting would appear to be an act of favoritism or conflict of interest. She requested that the County Manager continue to negotiate lease terms with Ms. Leathers. She inquired about the rental amount being paid for the Lyon Park facility.

County Manager Ruffin responded that rent to-date totals \$47,122. Yearly rent could not be calculated due to variable amounts paid each month.

Chairman Reckhow clarified that the Child Care Resource Center lease was amended to a five-year lease due to objections from Commissioners.

Commissioner Heron commented on immoderate rent being paid at Lyon Park. She reiterated nonsupport of the 10-year lease and that the County Manager should complete negotiations with Ms. Leathers and resubmit the item to the Board.

Commissioner Cousin asked questions pertaining to the current lease agreement at the Whitted School facility. He concluded that the YMCA building lease and the current Whitted School facility lease are essentially the same in term and content; therefore, he advocated the 10-year lease.

Vice-Chairman Bowser justified his voting against the 10-year lease for DACCA Child Care Resource Center by stating that he disapproves of housing subordinate Social Services departments separately. He also differentiated between the YMCA Childcare Center and the Child Care Resource Center lease agreements.

Commissioner Jacobs stated support for the 10-year lease. She asked Ms. Leathers to discuss cutbacks at Operation Breakthrough, as indicated during a previous conversation.

Ms. Leathers informed the Board of Head Start's \$63,000 USDA deficit, due to non-reimbursable food costs, and a reduction in transportation. She beseeched the Board to approve the lease.

Chairman Reckhow asked Ms. Leathers to detail Head Start's financial situation.

Vice-Chairman Bowser volunteered to inform the Board on Head Start's available funding and USDA circumstances and deficits.

Ms. Leathers responded reluctantly to accepting a five-year lease.

Chairman Reckhow suggested a five-year lease with a five-year renewal.

Vice-Chairman Bowser emphasized support for the 10-year lease.

Commissioner Jacobs asked for clarification of a five-year lease with a five-year renewal as opposed to a 10-year lease.

County Attorney Kitchen explained that with the option to renew, 1) either party has the right to renew; or 2) different terms are applied for the second five years.

Although apprehensive, Ms. Leathers accepted the revised term.

While commending Operation Breakthrough, Commissioner Heron reiterated concern about rental payments for Lyon Park. She stated support for the alternative lease.

The Commissioners and County Attorney Kitchen discussed the rewording of the lease.

Vice-Chairman Bowser moved, seconded by Commissioner Cousin, to approve the 10-year lease agreement for the YMCA Childcare Center for the Operation Breakthrough Head Start Program.

The motion carried with the following vote:

Ayes: Bowser, Cousin, and Jacobs
Noes: Heron and Reckhow

Chairman Reckhow repeated her endorsement of the five-year lease, five-year renewal term.

Commissioner-Board Relationships

Commissioner Mary D. Jacobs requested that the Board discuss "commissioner-board relationships". She initiated discussion by informing the public of a 'threatening' comment made by a commissioner following adjournment into the September 13 Closed Session. The commissioner in question stated, "I should shoot those people that voted for that project. If I had a gun, I would pull the trigger", referring to a rezoning approval at the September 13 meeting. Commissioner Jacobs perceived that the phrase connoted violence against other beings. She also commented on lack of professionalism during and outside of commissioner meetings. In an effort to promote mutual respect among Board members, she proposed that the Board concur to function in a diplomatic manner in future discourse.

Chairman Reckhow agreed with Commissioner Jacobs in terms of mutual respect. However, she maintained that Commissioner Jacobs' interpretation of the statement was an overreaction. In her opinion, the statement was made in jest.

Vice-Chairman Bowser referenced a newspaper article pertaining to the agenda item, implicating him as the commissioner in question. He also viewed the gun statement as unprofessional.

Commissioner Jacobs revealed that Commissioner Heron was responsible for making the statement.

Vice-Chairman Bowser continued to comment on unprofessional statements made by Board members. In agreement with Chairman Reckhow and Commissioner Jacobs, he reminded the Board that outvoting on agenda items should be handled civilly.

Commissioner Heron dissented with adding items to the agenda without supplying details to the Board prior to meetings.

Chairman Reckhow suggested placing a brief Order of Conduct on the first page of future agendas to remind Board members and citizens of how to conduct themselves at meetings. She assured the Commissioners that for the remaining two months as Chairman, she would continue to encourage stronger cooperation between Board members.

Chairman Reckhow recognized Dr. E. Lavonia Allison, P.O. Box 428, Durham, NC 27707, for comment.

Closed Session

Vice-Chairman Bowser moved, seconded by Commissioner Heron, to adjourn to closed session to consider a personnel matter pursuant to G.S. § 143-318.11(a)(6).

The motion carried unanimously.

Reconvene to Open Session

Commissioner Cousin moved, seconded by Vice-Chairman Bowser, to extend the meeting to 11:30 p.m.

The motion carried unanimously.

Chairman Reckhow declared that no action was taken by the Board in Closed Session.

Vice-Chairman Bowser made the following motion:

“I would like to offer a motion that effective Friday, October 1, we end our employment relation with our current manager, Mr. Mike Ruffin, terminate the contract, honor the contract as written, and the reason for this simply is that we have differences of opinions as far as which way Durham County should go.”

Commissioner Cousin seconded the motion.

Commissioner Heron and Chairman Reckhow opposed the motion to fire the County Manager.

County Manager Mike Ruffin gave the following brief address:

“I must say, this is a very sad day for all of us, and I know it’s been a long night. I do think it’s important to say that I believe with all of my heart that I have faithfully discharged my duties as County Manager. I am a principled person. I have left this county in better shape than I’ve found it. When I leave on Friday, I will certainly take the principles with me that I brought with me; they’ve served me so well in my almost four years here. I appreciate the opportunity to have worked here. I consider it a privilege. Public service is not easy. Working for Durham County has not been easy. But a lot of accomplishments have been realized and I am very grateful that I had the opportunity to be a part of that. And thank you for letting me comment.”

Chairman Reckhow called forward signed speaker Attorney Lewis A. Cheek, 5105-308 Copper Ridge, Durham, NC, 27707, who spoke against the motion to terminate the County Manager’s contract.

Vice-Chairman Bowser responded to the allegation made by Attorney Cheek that the motion was made out of vengeance.

Commissioner Heron defended Attorney Cheek’s comments.

Commissioner Jacobs justified that her decision not to run for reelection was based on a lack of morale within the county.

In response to “lack of morale within the county”, Chairman Reckhow referred to the Organizational Climate Assessment completed in March 2004, which assessed the County Manager as “excellent”. The 39-question assessment, administered by The Waters Consulting Group Inc., surveyed random staff to provide the County with information about employee attitudes and opinions on six dimensions: communications; supervisor/employee relations; job satisfaction; department leadership; executive leadership; and County operations. She commended the County Manager for three years of excellent service to Durham County and for being a Manager of highest integrity.

The motion carried with the following vote:

Ayes: Bowser, Cousin, Jacobs

Noes: Heron, Reckhow

Vice-Chairman Bowser moved, seconded by Commissioner Cousin, to continue the meeting on Wednesday, September 29, 2004, at 3:00 p.m.

The motion carried unanimously.

Wednesday, September 29, 2004

3:00 p.m.

The following signed speakers spoke against the firing of County Manager Mike Ruffin:

Sheriff Worth L. Hill, 2426 Winburn Avenue, Durham, NC 27704

Mr. Steve Bocckino, 7340 Abron Drive, Durham, NC 27713

Pastor Dub Karriker, 2308 Stroller Avenue, Durham, NC 27705

Ms. Nancy Cox, 4 Falcon Nest Court, Durham, NC 27713

Mr. Keith Lane, 2329 Englewood Avenue, Durham, NC 27705

Mr. Ernie Mills, 914 Spruce Pine Trail, Durham, NC 27705

Attorney Lewis Cheek, 5105-308 Copper Ridge, Durham, NC, 27707

Mr. John Parrish, 2704 Burton Road, Durham, NC 27704

Ms. Charlotte Woods, 2617 Augusta Drive, Durham, NC 27707, representing Concerned Citizens of Accountable Government (C.C.A.G.)

Mr. Bill Kalkhof, 39 Westridge Drive, Durham, NC 27713, representing Downtown Durham, Inc.

Mr. Dan Hill, 4519 Chicopee Trail, Durham, NC 27707

Mr. Don Moffitt, 2114 Wilson Street, Durham, NC 27705

Rev. Coleman Moore, 118 Temple Lane, Durham, NC 27713

Mr. Andrew Rothschild, 5 Ashwood Square, Durham, NC 27713, representing Downtown Durham, Inc.

Mr. John Warasila, 1218 Hillsborough Road, Chapel Hill, NC 27516

Dr. E. Lavonia Allison, P.O. Box 428, Durham, NC 27707, representing the Durham Committee on the Affairs of Black People, spoke against allowing public comment subsequent to the September 27 Closed Session and at today's meeting.

Chairman Reckhow read into the record a petition that was prepared by a County employee and signed by 176 County employees:

TO THE BOARD OF COUNTY COMMISSIONERS:

We, the undersigned employees of Durham County Government submit this petition for the immediate reinstatement of Mike Ruffin as County Manager, a person that has tried to make living and working Durham County better for its citizens and employees.

Closed Session

Commissioner Jacobs moved, seconded by Commissioner Cousin, to adjourn to closed session pursuant to G.S. 143.318.11(a)(3) & (6) to consider the conditions of appointment of a public officer or employee and to consult with an attorney and to preserve the attorney-client privilege.

The motion carried unanimously.

Reconvene to Open Session

Commissioner Cousin moved, seconded by Commissioner Heron, to appoint Deputy County Manager Wendell M. Davis as Interim County Manager at an annual salary of \$140,000.

The motion carried unanimously.

Adjournment

There being no further business, Chairman Reckhow adjourned the meeting at 5:05 p.m.

Respectfully submitted,

Vonda C. Sessoms
Deputy Clerk to the Board