

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

Monday, May 10, 2004

**ACTION MINUTES-DRAFT**

5:00 P.M.

**Closed Session**

Vice-Chairman Bowser moved, seconded by Commissioner Heron, to adjourn to closed session to consider the competence, performance, or fitness of a public officer or employee pursuant to G.S. § 143-318.11(a)(6).

The motion carried unanimously.

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7:00 P.M. Regular Session

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

**Agenda Adjustments**

- Commissioner Jacobs added -City-County Planning Commission Appointment-Triangle Township Position" to the agenda to receive a report from the County Attorney.
- Vice-Chairman Bowser added a closed session item to receive an update on the Brannon v. DSS case. He also added "Call Monitoring in Tax Administration".
- Chairman Reckhow amended the agenda to include "Discussion of Initiation of the Human Resources Audit" and "State Delegation Meeting Report".

**Announcements**

- Vice-Chairman Bowser commented on two publications in the Herald-Sun concerning his alleged failure to inform the two Caucasian Commissioners of an April 19 special meeting.
- Chairman Reckhow announced an informational workshop for widening Alston Avenue from NC 147 to US 70 Business (Holloway Street) to be held on May 17, 2004 from 5:00 to 8:00 p.m. in the Eastway Elementary School Gymnasium, 610 North Alston Avenue, Durham, NC.

**Minutes**

Commissioner Heron moved, seconded by Commissioner Jacobs, to approve as submitted the following minutes:

June 1, 1998 Closed Session March 3, 2003 Closed Session  
January 10, 2000 Closed Session March 24, 2003 Closed Session  
April 10, 2000 Closed Session April 14, 2003 Closed Session  
February 12, 2001 Closed Session September 8, 2003 Closed Session  
December 3, 2001 Closed Session November 10, 2003 Closed Session  
February 11, 2002 Closed Session November 24, 2003 Closed Session  
June 24, 2002 Closed Session December 8, 2003 Closed Session (1<sup>st</sup>)  
September 23, 2002 Closed Session December 8, 2003 Closed Session (2<sup>nd</sup>)  
October 21, 2002 Closed Session February 23, 2004 BOCC/DPS  
November 1, 2002 Closed Session April 5, 2004 Worksession  
November 11, 2002 Closed Session April 26, 2004 Regular Session  
January 27, 2003 Closed Session

The motion carried unanimously.

**Resolution for Outgoing Duke University President-Dr. Nannerl O. Keohane**

Dr. Nannerl O Keohane has served as Duke's eighth president since July 1, 1993. She was the first woman to serve as Duke's president, and during her leadership, the University raised more than \$2 billion through the "Campaign for Duke." She further established Duke as a much more diverse and international educational institution.

Dr. Keohane will step down as president at the end of June. She plans to return to teaching and academic study.

**County Manager's Recommendation:** The County Manager recommended that the resolution be presented to Dr. Nannerl O. Keohane, along with sincere thanks for her extraordinary accomplishments at Duke University, and extend best wishes for her next career.

Chairman Reckhow read the following resolution into the record:

## RESOLUTION

WHEREAS, Dr. Nannerl O. Keohane has led Duke University for more than 11 years; and  
WHEREAS, during her dynamic and visionary leadership, the university raised more than \$2 billion through the "Campaign for Duke"; and  
WHEREAS, she has enhanced the university by actively promoting inclusion and diversity among its student body, and faculty, thus making the campus appealing to all; and  
WHEREAS, through her efforts, Duke University has become a university more committed to partnering with local adjacent neighborhoods to improve health, safety, and educational opportunities for its residents; and  
WHEREAS, Dr. Keohane has overseen the development of the prestigious Duke University Health System, as well as the implementation of new academic programs including genomics, photonics, and ethics; and  
WHEREAS, her legacy will forever be linked with serving as Duke University's eighth, as well first female, president; and  
WHEREAS, Dr. Keohane will be remembered as one of the institution's most innovative and creative leaders:  
NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby honor

Dr. Nannerl O. Keohane

We call upon citizens of Durham County to remember the extraordinary and numerous contributions she made in this community and beyond, particularly while serving as President of Duke University.

This the 10<sup>th</sup> day of May, 2004.

/s/ Five Commissioners

Durham County Commissioners

Dr. Keohane gave an acceptance speech and thanked the Board for the acknowledgement.

### **Resolution for Outgoing Duke University Chancellor for Health Affairs, Dr. Ralph Snyderman**

Dr. Ralph Snyderman, Duke University's Chancellor for Health Affairs, will step down at the end of June, following 15 years as the University's senior medical official.

As Chancellor for Health Affairs, Dr. Snyderman also served as the President and Chief Executive Officer of the Duke University Health System (DUHS). He plans to take a one-year sabbatical and then return to Duke to continue working on prospective health care and other crosscutting medical issues, as well as pursue teaching and research.

County Manager's Recommendation: A community farewell has been planned on May 17 for Dr. Snyderman. The Chairman will present this resolution at that time along with sincere thanks for his extraordinary accomplishments at Duke University Health System.

Chairman Reckhow read the following resolution into the record:

## RESOLUTION

WHEREAS, Dr. Ralph Snyderman oversaw the development of the Duke University Health System, one of the few fully integrated academic health systems in the country; and  
WHEREAS, he had the vision to lease Durham Regional Hospital from Durham County; and bring it under the Duke University Health System umbrella; and  
WHEREAS, Dr. Snyderman is internationally renowned for his contributions in inflammation research, and continues to contribute to the body of scientific knowledge; and  
WHEREAS, Dr. Snyderman's legacy will forever be present at Duke University and within the Durham community; and  
WHEREAS, Dr. Snyderman is credited for helping to draw millions of patient visitors to Durham; and  
WHEREAS, he has created economic impact from Duke University medical patents, technology transfer, and helped advance Durham as a Center of Creativity; and  
WHEREAS, under Dr. Snyderman's leadership, Duke University Health System contributed more than \$2.5 million dollars a year to Lincoln Community Health Center to care for the needy; and  
WHEREAS, he will be forever and fondly known for his extensive knowledge of the health care industry, as a scholar of medicine, and for his vision of prospective healthcare:  
NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby honor

DR. RALPH SNYDERMAN

a compassionate public servant who unselfishly gave his talents to improve the lives of others. We call upon citizens of Durham County to remember the numerous contributions he made in this community, particularly while serving as Chancellor for Health Affairs at Duke University.

This the 17<sup>th</sup> day of May, 2004.

/s/ Five Commissioners

Durham County Commissioners

**Proclamation for "50<sup>th</sup> Anniversary of Brown v. Board of Education"**

On Sunday, May 16, the City and County of Durham will observe the 50<sup>th</sup> Anniversary of the historic Brown v. Board of Education decision. The program is entitled, "The Unfinished Business of Brown v. Board of Education: Looking Back, Moving Forward in Durham" and will be held from 3:00 p.m. until 5:00 p.m. at the Durham School of the Arts Weaver Auditorium. The free event will include the premiere of a testimonial video, a panel discussion, and a reception. A proclamation was prepared as part of the observance.

County Manager's Recommendation: The County Manager recommended that the Board approve the proclamation and include it in the commemoration on Sunday, May 16.

Chairman Reckhow announced the program to be held on May 16, 2004. She asked Commissioner Cousin to read the following proclamation into the record:

PROCLAMATION

WHEREAS, the U.S. Supreme Court case of Brown v. Board of Education is a landmark in the nation's march towards equality and a testament to the legal system's ability to establish and protect our rights; and

WHEREAS, the work of dedicated lawyers in Brown v. Board of Education and in hundreds of other cases challenging segregation demonstrated the highest standards of advocacy in the service of a great cause; and

WHEREAS, Brown v. Board of Education not only ended legally imposed segregation in the schools but was instrumental in ending it in parks, libraries, and all other public institutions; and

WHEREAS, the decision in Brown v. Board of Education inspired and gave heart to the civil rights movement and helped usher in an unprecedented era of progress; and

WHEREAS, May 17, 2004, is the fiftieth anniversary of the decision in Brown v. Board of Education:

NOW, THEREFORE, as we celebrate the 50<sup>th</sup> Anniversary Commemoration of Brown v. Board of Education Supreme Court decision, we acknowledge this great milestone case and its moral and legal imperative of equality under law, and we renew our commitment to a society of equality of opportunity and to a recognition of the value and richness of our diversity as a people. The Durham County Board of Commissioners does hereby proclaim Sunday, May 16, 2004, as

"BROWN V. BOARD OF EDUCATION DAY"

in Durham and urge all citizens to recognize our celebration and participate in its observance.

This the 10<sup>th</sup> day of May, 2004.

/s/ Five Commissioners

Durham County Commissioners

Chairman Reckhow thanked Commissioner Cousin for reading the proclamation.

**Report on Triangle United Way-s 211 Call Service Center**

In August 2001, Triangle United Way launched its 211 information and referral service. United Way 211 is a single source for information about community services and for referrals to health and human service programs. This service operates throughout most of the Triangle (Chatham, Durham, Orange, and Wake Counties), 24 hours a day, 365 days a year. Bilingual services are available Monday through Friday from 9:30

a.m.

6:00 p.m. Staff members are nationally certified as Information and Referral staff and are nationally accredited. These professional caseworkers help callers with complex issues such as substance abuse, support groups, domestic violence, financial assistance, daycare, and much more.

Resource Person(s): Susan King-Cope, Vice President of United Way 211

County Manager's Recommendation: The County Manager recommended that the Board receive the presentation.

Ms. King-Cope presented a status update and report on services provided by Triangle United Way's 211 Call Service Center.

**Consent Agenda**

Commissioners Jacobs moved, seconded by Vice-Chairman Bowser to

approve the following consent agenda items:

- a. Budget Ordinance Amendment No. 04BCC000069-Social Services-Durham's Alliance For Child Care Access (DACCA) (approve the budget ordinance amendment to decrease the adopted budget by \$9,956);
- b. Budget Ordinance Amendment No. 04BCC000070-General Services-To Fund Increased Cost of Solid Waste Services (approve the budget ordinance amendment for \$70,000 from General Government to Environmental Protection);
- c. Contract Amendment for Brown-Ferris Industries (BFI) for Solid Waste Services (approve the amendment to increase the contract amount by \$90,000, resulting in an amended contract that will not exceed \$350,155.92);
- d. Standard Non-Reimbursable Utility Contracts for the Extension of the County Sanitary Sewer System (authorize the County Manager to execute the Utility Contracts for Bradbury Trace Subdivision, Bradbury Glen Subdivision, Erwin Property-Phase I, Wood Chapel Subdivision, and Fairfield Subdivision-Phase 4B);
- e. Approval of Construction Contract for the Renovation of the Operation Breakthrough Child Development Center (formerly YMCA Daycare Center) (Project No: DC081-56; Bid No: IFB 04-024) (authorize execution of contract with Riggs-Harrod Builders Inc. for \$326,950 for the renovation and authorize execution of any change orders or related contracts, if necessary, not to exceed a project cost \$336,899);
- f. Sublease for 501 Willard Street to Telecare Mental Health Services of North Carolina Inc.  
(approve the sublease of approximately 300 square feet of leased space and authorize the Manager to execute the proposed sublease agreement);
- g. Conveyance of 1123 Jackson Street (Surplus Property) to the City of Durham (approve the conveyance of 1123 Jackson Street (PIN #0821-10-47-2168) by Non-Warranty Deed to the City of Durham on the condition that the outstanding judgment for \$3,427.63 on the property is first satisfied);
- h. Durham County Stormwater Management Program-Fee Schedule for Buffer Determinations in the Cape Fear River Basin (approve the fee schedule effective May 10, 2004 as recommended);
- i. Durham Public Schools First Refusal to Purchase Five Acres of the Carrington Middle School Property (exercise right of first refusal and purchase five acres of the Carrington Middle School property for \$125,000 for use as a branch library site);
- j. Adoption of Capital Project Ordinance for Two-Thirds and General Obligation Bond Projects (approve the capital project ordinance authorizing setting up the capital project budget appropriations necessary); and
- k. Relocation of the Welcome Baby Program to the County Agricultural Building (authorize staff to: A) consolidate the Welcome Baby Program into the newly renovated Agricultural Building, B) negotiate with USDA to reduce its space requirements in the Agricultural Building to accommodate Welcome Baby, and; C) negotiate with Shoppe's of Lakewood to extend the County's lease through August 30, 2004.

The motion carried unanimously.

**Consent Agenda Items Pulled for Discussion**

Consent Agenda Item No. 1. Adoption of the FY 2004-2005 Consolidated Action Plan (adopt the

Consolidated Action Plan, such that the plan may be submitted to HUD by May 14, 2004).

Chairman Reckhow called the following signed speakers forward:

Ms. Karen E. Curran, 5E 700 Raynor Street, Durham, NC 27703, representing NAMI and CFAC, spoke in support of the Consolidated Action Plan.

Ms. Nancye Bryan, Vice Chair of Durham Center Area Board and President of Next Step Housing, 3408 Dover Road, Durham, NC 27707, spoke in support of the Consolidated Action Plan; however, she emphasized that equity needs more focus in future plans.

Commissioner Cousin moved, seconded by Commissioner Jacobs, to approve Consent Agenda Item No. 1.

The motion carried unanimously.

### **Public Hearing-Plan Amendments A03-12 Triangle Metro Center South and A03-13 Triangle Metro Center West**

The Board was requested to hold a public hearing to receive public comment on A03-12 and A03-13 amending the *Triangle Township Plan* and adopt a resolution amending the Plan.

Planning Department Recommendation - Approval

Planning Commission Recommendation - Approval (10/22/03 - 8 to 4)

Resource Person(s): Frank M. Duke, Planning Director

County Manager's Recommendation: The County Manager recommended that the Board conduct a public hearing and, if appropriate based on the comments received, approve Plan Amendments A03-12 and A03-13.

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

Mr. Mack Little, Craig Davis Properties, P.O. Box 1448, Raleigh, NC 27602

Ms. Juanita Shearer-Swink, Triangle Transit Authority, P.O. Box 13787, Durham, NC 27709

Ms. Liz Rooks, Research Triangle Foundation, 2 Hanes Drive, RTP, NC 27709

Mr. Patrick Byker, Craig Davis Properties, 2614 Stuart Drive, Durham, NC 27707

Each speaker expressed support of the plan amendments.

Chairman Reckhow closed the public hearing and referred the item back to the Board.

Commissioner Cousin moved, seconded by Commissioner Heron, to approve Plan Amendment A03-12 Triangle Metro Center South.

The motion carried unanimously.

Commissioner Heron moved, seconded by Jacobs, to approve Plan Amendment A03-13 Triangle Metro Center West.

The motion carried unanimously.

### **Public Hearing Regarding the Amendment of the Durham County Animal Ordinance**

The Board was requested to hold a public hearing to consider proposed changes to Chapter 4 of the Durham County Code of Ordinances, entitled "Animals", which regulates the keeping of animals within the County and establishes the general administration of Durham County Animal Control. The Ordinance was last amended in 2001. This year, significant changes are proposed to increase fees and penalties, to prohibit certain dangerous animals from being kept in the County, and to clarify or reflect the current manner in which the County administers the Animal Control program. An Ordinance Review Committee, consisting of Cindy Bailey, Carol Hammett, Susan Teer, Mike Turner, and Kim Willis, met over the past 18 months reviewing and revising the ordinance. The proposed changes were submitted to the Advisory Committee

on March 23, 2004, which unanimously approved the changes and recommended them to the Board for approval.

If the Board chooses to enact the Ordinance, the amendments shall become effective immediately.

Resource Person(s): Mike Turner, General Services Director; Cindy Bailey, Animal Control Administrator; and Carol W. Hammett, Assistant County Attorney

County Manager's Recommendation: The County Manager recommended that the Board hold the public hearing and, based upon public comment, enact the proposed Ordinance Amending Chapter 4 of the Durham County Code of Ordinances.

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

Mr. George Webb, 4137 Trotter Ridge Road, Durham, NC 27707

Ms. Kimberly E. Willis, Chair of the Durham County Animal Control Advisory Committee, 220 Monmouth Avenue, Durham, NC 27701

Mr. Webb and Ms. Willis support the amendments to the Animal Ordinance.

Chairman Reckhow closed the public hearing and referred the item back to the Board.

Commissioner Heron moved, seconded by Vice-Chairman Bowser, to approve the amendments to the Durham County Animal Ordinance.

The motion carried unanimously.

**Approve Offer to Purchase and Contract for 2.23 acres of Land Located at 3600 Shannon Road for Expanding the Southwest Library**

The Board was requested to approve an offer to purchase approximately 2.23 acres of land adjacent to the Southwest Library located at 3600 Shannon Road for \$585,000. The acquisition of the property is for the express purpose of expanding the Southwest Library from 10,000 to 20,000 square ft. This expansion was approved by the voters in the 2001 Bond referendum.

Resource Person(s): Wendell M. Davis, Deputy County Manager, and Philip Cherry, Library Director

County Manager's Recommendation: Authorize the County Manager to approve the Offer to Purchase and Contract for 2.23 acres of land from the Watsons, located at 3600 Shannon Road, for expanding the Southwest Library. The purchase price for the property is \$585,000 and is subject to the conditions of the contract. Staff should be further directed (as requested by Mrs. Watson) to forward the contract to the appointed legal counsel for execution.

Commissioner Jacobs moved, seconded by Commissioner Heron, to authorize the County Manager to approve the Offer to Purchase and Contract for 2.23 acres of land from the Watsons, located at 3600 Shannon Road, for expanding the Southwest Library.

The motion carried with the following vote:

Ayes: Cousin, Heron, Jacobs, and Reckhow

Noes: Bowser

**Consulting Firms for Departmental Personnel Audits**

The County Manager was directed on April 26, 2004 -to bring this board a list of professional personnel consultants who will be able to do a complete audit of our personnel activity in our human services departments and any other department that we deem necessary."

Resource Person(s): Mike Ruffin, County Manager

County Manager's Recommendation: The County Manager recommended that a Request for Proposal (RFP) be prepared and distributed to qualified consulting firms that have no previous business relationship with Durham County Government.

Commissioner Jacobs moved, seconded by Vice-Chairman Bowser, to direct staff to prepare a Request for Proposal to bring back to the Board and distribute at a later time.

The motion carried with the following vote:

Ayes: Bowser, Cousin, and Jacobs

Noes: Heron and Reckhow

**Board Appointments-Durham Convention and Visitors Bureau and the Durham County Hospital Corporation Board of Trustees**

Garry E. Umstead, CMC, Clerk to the Board, distributed ballots to make appointments to the Durham Convention and Visitors Bureau and the Durham County Hospital Corporation Board of Trustees.

Resource Person(s): Garry E. Umstead, CMC, Clerk to the Board

County Manager's Recommendation: The County Manager recommended that the Board vote to appoint members to the above-mentioned boards.

The Commissioners voted to make the following appointments:

Durham Convention and Visitors Bureau

Dharmendra Patel (Lodging - Limited Service)

Durham County Hospital Corporation Board of Trustees

MaryAnn E. Black - Representative of the DUHS

Mary D. Jacobs - The ex officio member of BOCC

Eugene F. Dauchert Jr.

Penelope A. Keadey

Robert A. Buchanan, Jr., MD - Durham Regional Hospital Medical Staff Representative

Mary T. Champagne, Ph D. - DUHS representative  
Kenneth Q. Hammond

### **City-County Planning Commission Appointment-Triangle Township Position**

On December 8 and 15, 2003, the Clerk to the Board's office advertised for the Triangle Township position on the City-County Planning Commission. Due to responses from ineligible applicants, the position was readvertised on January 26 and February 2, 2004. By the February 9 deadline, office staff had received applications from Ms. Sandra Battle, Mr. Steve Matherly, and Mr. Mohammad Rashdi. All three were recorded as being ineligible because their applications did not state that they reside in Triangle Township. After receiving this information, the Commissioners' understanding was that according to the Interlocal Cooperation Agreement, a position advertised twice with no eligible applications allows the Board to appoint an applicant who lives outside the township. Therefore, at the February 23, 2004 Regular Session, the Board of County Commissioners appointed Mr. Steve Matherly, Durham Township, to the City-County Planning Commission.

A week prior to the February 23 appointment, Ms. Battle informed Garry Umstead, Clerk to the Board, that she lives in Triangle Township; thus, making her eligible for the appointment. At that meeting, Mr. Umstead distributed ballots indicating Ms. Battle's eligibility by noting-"ineligible - does not live in Triangle Township" by the names of the other two applicants; yet, the Commissioners based their votes upon the information received in their agenda packets a week earlier. County Attorney Kitchen informed the Board that despite the misinformation, the Board's vote was not in compliance with the Interlocal Cooperation Agreement.

### **Call Monitoring in Tax Administration**

Vice-Chairman Bowser brought to the Board's attention an issue in Tax Administration that involves personnel being allowed to eaves drop on personal phone calls.

### **Discussion of Initiation of the Human Resources Audit**

At Vice-Chairman Bowser's request, Chairman Reckhow clarified for the record that the Human Resources Audit was not initiated exclusively by Vice-Chairman Bowser but by the Board collectively during a conversation with the County Manager relating to his upcoming work plan.

### **State Delegation Meeting Report**

Chairman Reckhow gave a brief report on the State Delegation meeting that was held May 6, 2004.

### **Closed Session**

Vice-Chairman Bowser moved, seconded by Commissioner Heron, to adjourn to closed session to consider the competence, performance, or fitness of a public officer or employee pursuant to G.S. § 143-318.11(a)(6) and to consult with an attorney regarding *Brannon v. DSS 02-0SP769* pursuant to G.S. § 143-318.11(a)(3) and (6).

The motion carried unanimously.

### **Reconvene to Open Session**

The Board of County Commissioners returned to Open Session. Chairman Reckhow declared that directives were given to staff, and no action was taken by the Board in the Closed Session.

### **Adjournment**

There being no further business, the meeting was adjourned at 10:29 p.m.



**Last updated: May 3, 2006**

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