

**THE BOARD OF COUNTY COMMISSIONERS  
DURHAM, NORTH CAROLINA  
Monday, September 27, 2004  
7:00 P.M. Regular Session  
ACTION MINUTES-DRAFT**

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.

- Arlicia 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.
- Arlicia 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 employees 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 27<sup>th</sup> day of September, 2004.

Ms. Barbara Wilson, Interim Executive Director, The Durham Sales and Service Training Center, thanked the Board for the recognition.

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 is hereby requested that September 27 through October 1, 2004, is recognized as Minority Enterprise Development Week in the County of Durham, North Carolina.

Local and national Minority Enterprise Development programs assist socially or economically disadvantaged groups who own or wish to start or expand their own businesses.

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 27<sup>th</sup> day of September, 2004.

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

**Proclamation-National Five-A-Day Month**

Overweight and Obesity among children and adults has been on an alarming increase throughout the nation, North Carolina, and Durham County.

Eating a variety of colorful fruit and vegetables will help to give Durham County citizens the vitamins, minerals, fiber, and phytochemicals needed for health.

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 a day to improve their health.

During National 5-A-Day Month, challenge yourself to eat five or more servings of fruits or vegetables every day. If you start the habit of eating five fruits and vegetables a day now, it will increase the chances of you hanging on to this good habit when you are an adult. And it is when you are an adult that these healthy eating habits will really pay off.

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 fruit 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 fruit 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 fruit 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 fruit and/or vegetables each day to "Get Healthy Durham".

This the 27<sup>th</sup> day of September, 2004.

Ms. Tracy Bates, Health Promotion Nutritionist II, Durham County Public Health Department, thanked the Commissioners for the acknowledgement.

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.

#### **Consent Agenda Items Removed for Discussion**

Dr. E. Lavonia Allison, P.O. Box 428, Durham, NC 27702, signed to speak on the following items:

- 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).
- 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).
- j. Cancellation of the October 4, 2004 Worksession (cancel the meeting).

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.

Chairman Reckhow opened the public hearing that was properly advertised. As no one signed to speak, she 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 Board of County 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.

#### **Commissioner-Board Relationships**

Commissioner Mary D. Jacobs requested that the Board discuss "commissioner-board relationships."

No action was taken on this item.

#### **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, that 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.

Chairman Reckhow recognized 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.

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 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 after the Board's vote to fire the County Manager.

#### **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.

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Last updated: May 3, 2006

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