

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

Monday, December 6, 2004

9:00 A.M. Worksession

**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, Becky M. Heron, and Michael D. Page

Absent: None

Presiders: Commissioner-Elect Reckhow and County Attorney Chuck Kitchen

Chairman Ellen W. Reckhow called the meeting to order and welcomed everyone to the worksession of the Board of County Commissioners, Monday, December 6, 2004. This is a special occasion.

We will proceed with Michael Ashe, Director, Board of Elections, presenting the certificates of Election to the local reelected officials.

**Board of Elections Presentation of Certificates**

The Board of Elections presented Certificates of Election to the candidates certified as having officially won the November 2, 2004 election.

Resource Person(s): Mike Ashe, Director, Board of Elections

Chairman Reckhow asked Michael Ashe to proceed.

Mr. Ashe made the following remarks:

“Good Morning Ladies and Gentlemen. Life is good and getting better. Thank you for letting me share this happy time with you.

I'm Mike Ashe, the Director of Elections. I'd like to introduce two members of the Board of Elections – Chairman Ron Gregory and Secretary Terry McCabe.

The purpose of my being here this morning is to present Certificates of Election to the winning candidates as mandated by state law. The totals are official when my Board certifies the results according to law during the CANVASS. This morning, L&G this ceremony is icing on a beautiful cake.

The beautiful cake I'm speaking about is Democracy, and I'd like to announce that Democracy is alive and well in Durham County, North Carolina. We have just successfully completed the most Extraordinary Election in our history.

Please indulge me for a short trip down memory lane!!!

Filing for office was supposed to start in February, but because the state legislature was still fighting over redistricting (for the 3<sup>rd</sup> year in a row), it was delayed until the 26<sup>th</sup> of April. The May primary was cancelled and finally rescheduled for July 20<sup>th</sup>. All of you winners survived the primary and moved to the November ballot. We then had to have a second primary for the St Superintendent of Public Inst on Aug 17. Many of my precinct judges plan their work and family plans around our scheduled elections—changing the primary from May to July resulted in approx 10% of our judges not being able to work.

Just to make the primary and 2<sup>nd</sup> primary even a little more fun, many requirements of the new federal Help America Vote Act were implemented for the first time this year---voters signatures, limited voter ID, new required signage, new provisional procedures, and high school students working at the polls.

By law, our books were closed for 55 days. (25 days before the primary and then another 30 because of the 2<sup>nd</sup> primary) We could not process the thousands of registrations and changes we were receiving. This compressed schedule set the stage for an exciting Sept and Oct.

Phone calls, emails, walk-ins, letters, and faxes. We had more business than ever before. We had more new registrations than ever before: Jan-Oct this year we had 31, 387 new registrations-over twice as many as in 2000.

One stop—in 2000, 10,000 people voted at one stop. This year, over 46,000 voted at one stop. I was amazed. I had no idea so many people wanted to vote for register of deeds!!

This election had more scrutiny than any other election. I received and answered dozens of public information requests explaining every aspect of our process. I demonstrated our voting system to several watchdog

organizations. Party activists and the media virtually lived at the BOE for three months. The political parties had observers in every one stop site. There were partisan observers inside almost every precinct on Election Day. There were multiple advertised “voter hot lines” set up for voters to call with questions. And finally, on election day, both the Democrats and Republicans had an out of town lawyer in my office from the minute the polls opened until well after they closed—every email, phone call, radio transmission and conversation were observed.

On November 9<sup>th</sup>, by law, the Board of Elections met in open session to CANVASS or officially certify the results of our election. 111,685 people voted in Durham. The previous record was 87,000—we set a new record by over 24,000 voters. We had a turnout rate of 73.14%, also a new record.

We did not receive any protests or challenges to our results or process. Let me repeat—we did not receive any protest or challenges to our results or process.

On November 15<sup>th</sup> through the 17<sup>th</sup>, we conducted a state directed recount of the Commissioner of Agriculture and Superintendent of Public Instruction races. We recounted over 111,000 ballots. The recounted results were virtually the same as on Election Day. This is huge, especially in light of multiple problems in the state and nation. Our voting system was once again completely validated.

There is a sign posted in my office that states: Democracy lives here—Citizens cast a secret ballot that is then honestly counted and honestly reported. It is an awesome system!!!

To the seven winners here--- the citizens of Durham have cast their secret ballots and believe you are the best people to serve them and our community. Your election was fair and honest. No one has nor can anyone ever question the legitimacy of your victory.

So, as we present you with your certificate of election, on behalf of my Board and 111,685 voters—congratulations, God Bless, and God Speed.”

Mike Ashe, Director of Elections, presented the Certificates of Election to the following elected officials:

Lewis A. Cheek  
Philip R. Cousin, Jr.  
Becky M. Heron  
Michael D. Page  
Ellen W. Reckhow  
Willie L. Covington

Brenda A. Howerton

**Installation of Soil and Water Conservation District Board Members**

The Honorable Kenneth C. Titus, Resident Superior Court Judge, will administer Oaths of Office to Thomas C. Davidson and Brenda A. Howerton as members of the Durham Soil and Water Conservation District Board.

OATH

DURHAM SOIL AND WATER CONSERVATION DISTRICT

I, BRENDA A. HOWERTON, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States and the Constitution and laws of the State of North Carolina, not inconsistent therewith, and that I will faithfully discharge the duties of my office as member of the Durham Soil and Water Conservation District, so help me, God.

I, BRENDA A. HOWERTON, do swear (or affirm) that I will well and truly execute the duties of the office of Durham Soil and Water Conservation District member according to the best of my skill and ability, according to the law, so help me, God.

/s/Brenda A. Howerton  
Member, Durham Soil and Water Conservation  
District

Subscribed and sworn before me,  
This 6th day of December, 2004.

/s/Kenneth C. Titus  
Superior Court Judge

(SEAL)

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OATH

DURHAM SOIL AND WATER CONSERVATION DISTRICT

I, THOMAS C. DAVIDSON, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States and the Constitution and laws of the State of North Carolina, not inconsistent therewith, and that I will faithfully discharge the duties of my office as member of the Durham Soil and Water Conservation District, so help me, God.

I, THOMAS C. DAVIDSON, do swear (or affirm) that I will well and truly execute the duties of the office of Durham Soil and Water Conservation District member according to the best of my skill and ability, according to the law, so help me, God.

/s/Thomas C. Davidson  
Member, Durham Soil and Water Conservation  
District

Subscribed and sworn before me,  
This 6th day of December, 2004.

/s/Kenneth C. Titus  
Superior Court Judge (SEAL)

**Installation of Register of Deeds**

The Honorable Kenneth C. Titus will administer the Oath of Office to Willie L. Covington, Register of Deeds-Elect.

OATH

DURHAM COUNTY REGISTER OF DEEDS

I, WILLIE LEE COVINGTON, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States and the Constitution and laws of North Carolina, not inconsistent therewith, and that I will faithfully discharge the duties of my office as Register of Deeds for the County of Durham, so help me, God.

I, WILLIE LEE COVINGTON, do solemnly swear (or affirm) that I will faithfully and truly, according to the best of my skill and ability, execute the duties of the office of Register of Deeds for the County of Durham, in all things according to law; so help me, God.

/s/Willie Lee Covington  
Register of Deeds

Subscribed and sworn before me,  
This 6th day of December, 2004.

/s/Kenneth C. Titus  
Superior Court Judge (SEAL)

**Installation of County Commissioners**

The Honorable Kenneth C. Titus will administer Oaths of Office to the County Commissioners-Elect.

## OATH

### DURHAM COUNTY COMMISSIONER

I, LEWIS A. CHEEK, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States and the Constitution and laws of the State of North Carolina, not inconsistent therewith, and that I will faithfully discharge the duties of my office as County Commissioner, so help me, God.

I, LEWIS A. CHEEK, do swear (or affirm) that I will well and truly execute the duties of the office of County Commissioner according to the best of my skill and ability, according to the law, so help me, God.

/s/Lewis A. Cheek

Member, Durham County Board of Commissioners

Subscribed and sworn before me,  
This 6th day of December, 2004.

/s/Kenneth C. Titus

Superior Court Judge

(SEAL)

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## OATH

### DURHAM COUNTY COMMISSIONER

I, PHILIP R. COUSIN JR., do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States and the Constitution and laws of the State of North Carolina, not inconsistent therewith, and that I will faithfully discharge the duties of my office as County Commissioner, so help me, God.

I, PHILIP R. COUSIN JR., do swear (or affirm) that I will well and truly execute the duties of the office of County Commissioner according to the best of my skill and ability, according to the law, so help me, God.

/s/Philip R. Cousin

Member, Durham County Board of Commissioners

Subscribed and sworn before me,  
This 6th day of December, 2004.

/s/Kenneth C. Titus  
Superior Court Judge

(SEAL)

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OATH

DURHAM COUNTY COMMISSIONER

I, BECKY M. HERON, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States and the Constitution and laws of the State of North Carolina, not inconsistent therewith, and that I will faithfully discharge the duties of my office as County Commissioner, so help me, God.

I, BECKY M. HERON, do swear (or affirm) that I will well and truly execute the duties of the office of County Commissioner according to the best of my skill and ability, according to the law, so help me, God.

/s/Becky M. Heron  
Member, Durham County Board of Commissioners

Subscribed and sworn before me,  
This 6th day of December, 2004.

/s/Kenneth C. Titus  
Superior Court Judge

(SEAL)

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OATH

DURHAM COUNTY COMMISSIONER

I, MICHAEL D. PAGE, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States and the Constitution and laws of the State of North Carolina, not inconsistent therewith, and that I will faithfully discharge the duties of my office as County Commissioner, so help me, God.

I, MICHAEL D. PAGE, do swear (or affirm) that I will well and truly execute the duties of the office of County Commissioner according to the best of my skill and ability, according to the law, so help me, God.

/s/Michael D. Page  
Member, Durham County Board of Commissioners

Subscribed and sworn before me,  
This 6th day of December, 2004.

/s/Kenneth C. Titus  
Superior Court Judge (SEAL)

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### OATH

#### DURHAM COUNTY COMMISSIONER

I, ELLEN W. RECKHOW, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States and the Constitution and laws of the State of North Carolina, not inconsistent therewith, and that I will faithfully discharge the duties of my office as County Commissioner, so help me, God.

I, ELLEN W. RECKHOW, do swear (or affirm) that I will well and truly execute the duties of the office of County Commissioner according to the best of my skill and ability, according to the law, so help me, God.

/s/Ellen W. Reckhow  
Member, Durham County Board of Commissioners

Subscribed and sworn before me,  
This 6th day of December, 2004.

/s/Kenneth C. Titus  
Superior Court Judge (SEAL)

#### **Election of Chairman and Vice-Chairman of the Board of County Commissioners**

County Attorney Chuck Kitchen will preside over the election of the Board's Chairman.

The newly elected Chairman will preside over the election of the Vice-Chairman.

Chairman Reckhow recognized County Attorney Chuck Kitchen.

Chuck Kitchen said he will conduct the election of the Chairs for the Board of County Commissioners.



Chuck asked if he hears a motion for chairman.

Commissioner Cousin said he would like to nominate as chair of the Board of County Commissioners, Ellen Reckhow.

We have the nomination of Ellen Reckhow. Do we have any further nominations? Seeing none, the attorney closed the nominations. All in favor of Ellen Reckhow as chairman of the Board of County Commissioners, indicate by saying "I".

All opposed indicated saying "no".

Attorney Chuck Kitchen congratulated Chairman Reckhow for her reappointment.

Chairman Reckhow thanked the Commissioners for their vote.

Chairman Reckhow said we will now proceed with the election of Vice Chairman. I will open the floor for nominations.

Commissioner Cousin said he would like to nominate for vice-chair of the Board, Commissioner Becky M. Heron.

Commissioner Page seconded the motion.

Chairman Reckhow said the motion has been made and duly seconded. All those in favor, signify by "I", opposed "no".

The motion carried unanimously.

Chairman Reckhow congratulated Vice-Chairman Becky M. Heron.

### **Comments**

Chairman Reckhow said she would like to recognize each of the Commissioners for comments. Vice-Chairman Becky Heron was the first she called on.

Vice-Chairman Becky Heron congratulated Chairman Reckhow for being reappointed Chairman of the Board. I look forward to working with you. She thanked the voters of Durham County for giving her the opportunity to serve the citizens of Durham County. I have served the citizens for twelve terms or twenty-two years. Time does fly. I take County Government very seriously. It is a priority for me. When a citizen calls me, I am going to get you an answer, but I am going to tell you the truth as I know it. It may not be what you want to hear. I have made this my hallmark during my years of service and this will not change. I will be very honest and truthful to you in all areas of County Government. I will continue to listen and do my homework and ask the hard questions.

Vice-Chairman Heron thanked her husband, Duncan Heron, for his hard work during the campaign. Families do make a sacrifice. That is a part of the job. I will be here to serve the citizens over the next four years. Thank you for your support.

Chairman Reckhow recognized Commissioner Cousin.

Commissioner Cousin said he appreciated this opportunity to congratulate my returning colleagues and to congratulate and welcome two new members of the Board of County Commissioners, Lewis A. Cheek and Michael D. Page. I want to thank the citizens of Durham County for the trust that has been displayed in reelecting me to this office. He took the opportunity to thank his most important campaign advisor, Angela, his wife. She understands that this is an opportunity to serve the needs of the greatest number of people and certainly the best people in the world, the citizens of Durham County. I count it an honor and privilege not only to serve you but to live here. I promise to discharge my duty to the best of my ability for the next four years and four years only.

Chairman Reckhow recognized Commissioner Cheek.

Commissioner Cheek thanked the people of Durham again for giving him the opportunity to serve. I was fortunate to have many who were willing to provide me help, support, monetary support, encouragement, and sweat equity. He especially thanked his family and friends who provided him with strength, love, and encouragement. He thanked his campaign vice-chair Jackye Brown, who offered her advice. He thanked everyone at his office for all of their help. My goal for Durham is to achieve everything we can and make life better for everyone and to reach out to each other and show each other dignity and respect.

Commissioner Cheek talked about and made remarks about the influence his mother and father had on his life when he was a child and growing up to adulthood.

### **Commissioner Lewis A. Cheek—Special Presentation**

Council member Diane Catotti and Jackye Brown presented Commissioner Cheek with a Ken cell phone in response to the Barbie cell phone that Councilman Lewis Cheek presented to them when he was leaving membership on City Council a year ago.

### **Welcome**

Chairman Reckhow recognized the elected officials that were in attendance at the swearing-in ceremony.

Chairman Reckhow recognized Commissioner Michael D. Page.

Commissioner Page congratulated Chairman Reckhow and Vice-Chairman Heron. I welcome this opportunity to work with the remaining board members who are here today. Today is a special time for me because I really understand and uphold the integrity and

dignity of a County Commissioner. I want to be that elected official that our community can respect and continue to support. Today, I pledge my support to you as one who will work for this community. The last four years of my life, I have been in public service on the Durham Public Schools Board of Education. I have grown so much respect and love not only for the children of this county but for the entire county because there are lot of dedicated people here who want to make a difference here. I want to continue in that tradition. I want to thank the voters for electing me and putting your trust in me at this time.

Commissioner Page thanked his wife, Deborah Page, for “putting up” with him. Commissioner Page asked his church family to stand and be recognized. He also asked his campaign manager to stand be recognized.

Commissioner Page stated again, he is looking forward to working with the Commissioners and the employees of Durham County.

Chairman Reckhow thanked her fellow Commissioners for supporting her for Chairman of this Board. I will work hard to merit that support. I pledge to work actively with each of you over the next year to facilitate our working together for the good of the community. I want to thank the voters of Durham County for coming out in record numbers. There was a very strong showing in Durham County. We appreciate your willingness to participate in the democratic process. I am pleased that we were granted a four-year term. We are initiating that term right now. This will be a first for Durham County. It will allow our Board to engage in long range planning and decision making. It will be an excellent step for this county.

Chairman Reckhow thanked her family for their hard work during the campaign. She recognized her husband, Ken Reckhow. She also thanked her in-laws for their tremendous support over the years. Alan and Barbara Reckhow were asked to stand and be recognized.

Chairman Reckhow talked about the upcoming year. Many issues are facing this Board. In the next few months, we will consider the 20/30 Comprehensive Plan, the Unified Development Ordinance, and an update of our Capital Improvement Plan. At our traditional retreat in January, this new Board will have the opportunity to set the course for the upcoming year and to set the budget priorities.

Our community results-based accountability initiative that we are undertaking with the City has the potential to provide the strong direction in eight focus areas: economic development and workforce development, safety, housing, education, health, environment, neighborhood infrastructure, and community appearance and cultural heritage.

This Board needs to work together to provide that strong positive leadership so Durham County can move forward.

**Approval of Public Official Bonds**

The Board of Commissioners is required to approve the bonds of public officials on the first Monday of December of each year. Following approval, the bonds will be recorded in the Register of Deeds Office and then sent to the Clerk of Superior Court for safekeeping.

Resource Person(s): Chuck Kitchen, County Attorney, and Cathy Whisenhunt, Risk Manager

County Manager's Recommendation: The Manager recommended that the Board approve the bonds, as they meet the statutory requirements.

Chairman Reckhow recognized County Attorney Chuck Kitchen to explain the bonds.

Commissioner Cheek moved, seconded by Commissioner Cousin, to approve the public officials bonds as presented.

The motion carried unanimously.

The Public Official Bond Certificate follows:

NORTH CAROLINA

DURHAM COUNTY

CERTIFICATE

As Chairman of the Board of County Commissioners of Durham County, North Carolina, this is to certify that on Monday, December 6, 2004, the following Public Official Bonds were approved by the Board of County Commissioners of Durham County; the Public Official, the amount of bond, and the bond number with the name of the surety were set forth:

<u>POSITION</u>	<u>PUBLIC OFFICIAL</u>	<u>AMOUNT OF BOND</u>	<u>SURETY</u>	<u>BOND #</u>
Financial Officer	George Quick	\$250,000	Hartford	20BSBAY8705
Tax Collector	Kenneth L. Joyner, Jr.	\$250,000	Hartford	20BSBBT7693
Sheriff	Worth Hill	\$ 25,000	Hartford	20BSBBY9698
Register of Deeds	Willie L. Covington	\$ 50,000	Hartford	20BSBBT7709
Employees Blanket Bond	Employee Dishonesty Forgery or Alteration Theft, Disappearance and Destruction	\$250,000 \$250,000 \$250,000	Capitol Indemnity	FID2703163

Each bond is executed under seal in the name of the surety by an agent or attorney in fact. The clerk of the Durham County Board of Commissioners has been instructed to record each of the bonds enumerated

herein with the power of attorney attached thereto in the office of the Register of Deeds of Durham County, together with a copy of this Certificate attached to each bond. After said bonds have been duly recorded in the Office of the Register of Deeds, the original of bond together with the power of attorney and a copy of the Certificate shall be deposited with the Clerk of Superior Court of Durham County.

Ellen W. Reckhow  
Chairman, Board of County Commissioners

Sworn to and subscribed before me this  
The 8th day of December, 2004

Vonda Sessoms  
NOTARY PUBLIC  
My Commission expires: April 22, 2009

**Reception in Honor of Those Persons Sworn Into Office**

Chairman Reckhow invited everyone to join the Commissioners for a reception in the foyer.

**Adjournment**

The meeting was adjourned at 9:40 a.m.

Respectfully Submitted,

Garry E. Umstead, CMC  
Clerk to the Board