

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

Monday, December 8, 2003

**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 (arrived late-5:15 p.m.), and Commissioners Philip R. Cousin Jr., Becky M. Heron, and Mary D. Jacobs

Absent: None

Presider: Chairman Reckhow

5:00 - 6:15 P.M.

**Closed Session**

Commissioner Heron moved, seconded by Commissioner Cousin, to adjourn to closed session to consider the performance of a public officer or employee, to consult with an attorney regarding a claim, to preserve the attorney-client privilege, and to discuss the location of industry in Durham County pursuant to G.S. § 143-318.11(a)(3), (4), & (6).

The motion carried with the following vote:

Ayes:Cousin, Heron, Jacobs, and Reckhow

Noes:None

Absent: Bowser (not in attendance when the motion was made)

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7:00 P.M. Regular Session

**Opening of Regular Session**

Chairman Reckhow opened the meeting with the Pledge of Allegiance.

**Agenda Adjustments**

- The "Justice Building Programming and Facility Master Plan Revisions" item was postponed due to questions that were raised.
- A Closed Session was added to the agenda to conclude the previous Closed Session.
- Clerk to the Board Garry E. Umstead introduced a new employee in the Clerk to the Board's office-

Yvonne Gordon, Staff Specialist.

- Chairman Reckhow introduced Senator John Edwards' responsive letter to the County's need for additional federal support for child care subsidies, which implied less funding for the County.
- Chairman Reckhow announced that a list of Durham County's 2003 major accomplishments will be mailed to citizens, along with their tax listing forms.

### **Minutes**

November 24, 2003 Regular Session-one-line correction

Commissioner Jacobs moved, seconded by Commissioner Cousin, to approve the minutes as corrected.

The motion carried unanimously.

### **Resolution Supporting HB Bill 151-25-Year Retirement for Law Enforcement**

Triangle Chapter Police Benevolent Association representative Rickey Padgett contacted County Manager Mike Ruffin about the County supporting the 25-Year Retirement also known as House Bill 151. Numerous cities and counties have approved resolutions across the state to support this important legislation. All approved resolutions will be submitted to the North Carolina State Legislators prior to the Bill being heard.

Resource Person(s): Triangle PBA Chapter President Andy Miller

1-800-233-3506 ext. 333; 309-1408

#### ***Chairman Reckhow read the resolution into the record.***

Vice-Chairman Bowser moved, seconded by Commissioner Heron, to approve the resolution in support of HB Bill 151.

The motion carried unanimously.

***Mr. Miller accepted the resolution.***

### **Resolution Honoring Durham Literacy Center**

A resolution was prepared to recognize the work of the Durham Literacy Center. The organization recently received a "Program Innovation Award" by ProLiteracy America. Specifically, the group developed a program called the "Career Passport, an e-toolkit" created to help welfare-to-work transitioners identity and pursue career goals.

Lucy Haagen, Executive Director, was present to receive the resolution.

County Manager's Recommendation:The County Manager recommended that the Board approve the resolution and present to Executive Director Lucy Haagen, along with the appreciation of the Board.

#### ***Chairman Reckhow read the resolution into the record.***

Commissioner Cousin moved, seconded by Commissioner Heron, to approve the resolution as written.

***The motion carried unanimously.***

Ms. Haagen and Fred Foster, representative of the Durham Voter Coalition, gave their appreciation speeches. Chairman Reckhow presented the resolution to Ms. Haagen.

### **2003 Durham County Government United Way (UW) Campaign Report**

Pamela Meyer, Budget and Management Services Director and Chairman of the 2003 Durham County United Way Campaign, reported on the results of the successful 2003 campaign. The campaign slogan for the 2003 UW Campaign continues to be "Together, We Can Do the Most Good".

Durham County's UW Campaign was a success again this year due to our employees who made pledges that exceeded our goal of \$73,000, with a total amount pledged of **\$78,530** (an additional \$5,530 or 7.5 percent). In addition, the number of Leadership Donors in the organization increased by two, totaling nine Leadership Donors. One other point of note on this year's campaign-although 49 percent of employee participation was less than last year, the average employee pledge increased 9.5+ percent.

To all employees who pledged this year, volunteered their time as departmental representatives, and served on the UW Steering Committee, Durham County and the United Way, said "Thank You!"

Resource Person(s): Pamela Meyer, Chairman of the 2003 Durham County United Way Campaign.

County Manager's Recommendation: The County Manager recommended that the Board receive the 2003 Durham County Government United Way report, along with the sincere congratulations to the entire organization for a successful campaign.

Ms. Meyer gave a report on the 2003 Durham County Government United Way Campaign. Chairman Reckhow thanked Ms. Meyer for the hard work.

### **Consent Agenda**

- a. Property Tax Releases and Refunds for Fiscal Year 2003-04 (accept the November property tax release and refund report as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- b. Budget Ordinance Amendment No. 04BCC000029-Fire Marshall-Recognition of Grant Revenue-Community Emergency Response Team (CERT) Program (approve the budget ordinance amendment to recognize \$10,000 in grant revenue received from the NCEM to be applied to Durham County Emergency Management);
- c. Budget Ordinance Amendment No. 04BCC000030-Additional Revenue for Social Services (\$154,069 [WIA Youth Grant--\$60,000; Work First Block Grant--\$24,484; Home and Community Care Block Grant--\$63,889; Domestic Violence Services--\$5,696] [approve the budget ordinance amendment]);
- d. Budget Ordinance Amendment No. 04BCC000032-Public Health (approve the budget ordinance amendment to recognize \$2,000 from the U.S. Food and Drug Administration for food safety education);
- e. Budget Ordinance Amendment No. 04BCC000033-Public Health (approve the budget ordinance amendment to recognize \$15,000 from the Department of Health and Human Services for the Syphilis Elimination Project);
- f. Budget Ordinance Amendment No. 04BCC000034-Public Health (approve the budget ordinance amendment to recognize \$1,000 from the American Lung Association for the Smoking Cessation Project);
- g. Budget Ordinance Amendment No. 04BCC000035-Public Health (approve the budget ordinance amendment to recognize a one-time bonus in the amount of \$23,210 from the Department of Health and Human Services for the Family Planning Clinic);
- h. Budget Ordinance Amendment No. 04BCC000036-Public Health (approve the budget ordinance amendment to recognize \$110,360 from the Department of Health and Human Services for the Pharmacist I position and for operational support for the PHRST IV; continuation of the

Pharmacist I position is contingent upon continued grant funding);

- i. Budget Ordinance Amendment No. 04BCC000037-Public Health (approve the budget ordinance amendment to recognize \$165,084 from the Department of Health and Human Services for the Public Health Nurse Supervisor I position and the Office Assistant IV position to support the Local Public Health Preparedness Team; continuation of the positions is contingent upon continued grant funding);
- j. Budget Ordinance Amendment No. 04BCC000038-Correction to Appropriation for Special Park Tax District Fund (approve the budget ordinance amendment to adjust the budgeted appropriations for the Special Park District Fund from \$148,551 to \$320,848);
- k. Agreement with City on Stormwater Controls at Animal Shelter (approve the agreement with the City to be able to complete the project and receive the certificate of occupancy);
- l. ATM Lease (approve the lease with the State Employees Credit Union to place an ATM at the entrance to the Courthouse on Main Street and authorize the County Manager to execute the required documents);
- m. Sheriff's Office-Contract Amendment for Federal Financial Participation Assistance (approve the Service Contract Amendment for Federal Financial Participation Assistance and authorize the Manager to execute the contract with Justice Benefits International);
- n. Reimbursement Resolution for Public Schools (approve the resolution in order for the Durham Public Schools to begin the design and other preliminary matters for its projects prior to the issuance of the school bonds);
- o. Register of Deeds Salary (reset the Register of Deeds salary to \$52,046 effective December 6, 2004);
- p. Policy on Payment of Impact Fees for Affordable Housing (approve the policy for the payment of the school impact fees for nonprofit organizations who provide affordable housing);
- q. Living Wage Policy (approve the Living Wage Policy); and
- r. Modify Board's Motion to Move Forward With the Acquisition of the YMCA for the Head Start Population (modify the original motion on July 28, 2003 from "obtaining the property in fee" to acquiring the property and operating the playground on the corner of Seminary Street and Rigsbee Avenue with a License Agreement from the City of Durham. If the County desires to obtain the property in fee, the County will petition the City for a fee position after the acquisition of the YMCA property is completed).
- s.

Commissioner Cousin moved, seconded by Commissioner Jacobs, to approve consent agenda item Nos. 7(a) through 7(r) with the exception of item 7(a), 7(f), 7(h), 7(i), 7(l), 7(n), 7(q), and 7(r), which were removed for discussion.

The motion carried unanimously.

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Following discussion:

Vice-Chairman Bowser moved, seconded by Commissioner Jacobs, to approve consent agenda item No. 7(a) (accept the property tax release and refund report as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report).

The motion carried unanimously.

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Commissioner Jacobs moved, seconded by Commissioner Heron, to approve consent agenda item No. 7(f) (recognize \$1,000 from the American Lung Association for the Smoking Cessation Project).

The motion carried unanimously.

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Commissioner Jacobs moved, seconded by Commissioner Heron, to approve consent agenda item No. 7(h) (recognize \$110,360 from the Department of Health and Human Services for the Pharmacist I position and for operational support for the PHRST IV).

The motion carried unanimously.

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Commissioner Jacobs moved, seconded by Commissioner Heron, to approve consent agenda item No. 7(i) (recognize \$165,084 from the Department of Health and Human Services for the Public Health Nurse Supervisor I position and the Office Assistant IV position to support the Local Public Health Preparedness Team).

The motion carried unanimously.

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Vice-Chairman Bowser moved, seconded by Commissioner Cousin, to approve consent agenda item No. 7(l) (approve the lease and authorize the County Manager to execute the required documents).

The motion carried unanimously.

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Vice-Chairman Bowser moved, seconded by Commissioner Heron, to approve consent agenda item No. 7(n) (approve the resolution in order for the Durham Public Schools to begin the design and other preliminary matters for their projects prior to the issuance of the school bonds).

The motion carried unanimously.

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Vice-Chairman Bowser moved, seconded by Commissioner Jacobs, to approve consent agenda item No. 7(q) (approve the Living Wage policy).

The motion carried unanimously.

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Commissioner Jacobs moved, seconded by Commissioner Cousin, to approve consent agenda item No. 7(r) and move forward with the acquisition of the YMCA for the Head Start population.

The motion carried unanimously.

**Public Hearing-Amendments to the 2000-2005 Durham Consolidated Plan and FY 2001-2002, 2002-2003, and 2003-2004 Consolidated Action Plans**

The City Department of Housing and Community Development requested that the Board of County Commissioners hold a public hearing to receive comments regarding an amendment to the 2003-2004 Consolidated Action Plan. The purpose of the public hearing was to receive citizen comments on how City-County HOME Consortium funds can be used to address housing needs in Durham.

The Director of Housing and Community Development reviewed this request and recommended that the Board of County Commissioners hold the amendments public hearing for the 2000-2005 Durham Consolidated Plan and FY 2001-2002, 2002-2003, and 2003-2004 Consolidated Action Plans.

Resource Person(s): Charlene Montford, Director, Department of Housing & Community Development, City of Durham

County Manager's Recommendation: The County Manager recommended that the Board hear the amendments to the 2000-2005 Durham Consolidated Plan and hold the FY 2001-2002, 2002-2003, and the 2003-2004 Consolidated Action Plans public hearings to receive citizen comments.

Shannon Pittman was the spokesperson for this item and presented amendments to the 2000-2005 Durham Consolidated Plan.

Each Commissioner asked questions and expressed concerns about the reprogramming of activities.

The Commissioners requested additional information from the City Department of Housing and Community Development about this item.

The second public hearing will be held in January.

**A Report on the City and County of Durham New Housing Purchase Program Guidelines**

The City of Durham Department of Housing and Community Development (DHCD) requested that the Board of County Commissioners approve the New City and County Housing Purchase Program Guidelines.

On October 20, 2003, Durham City Council members approved five new Housing Purchase Programs for FY 2003-2004 for sworn officers of the Durham Police Department, Durham County Sheriff's Department, Durham City and County Employees, Durham Public Schools Teachers and Teacher Aides, and Durham Firefighters. The Durham Police and Durham County Sheriff program objectives are to solicit city and county residency of sworn police officers and deputy sheriffs to deter crime, increase community safety, and promote residency in the city, and to increase the recruitment of teachers, firefighters, and

employees to the City and County of Durham.

Meetings and conversations with Durham Police Department, Sheriff's Department, Durham Public Schools, Fire Department, and City and County Official representatives revealed a need to offer purchase incentive programs to new and existing police officers, deputy sheriffs, firefighters, teachers and teacher assistants, and City and County employees for recruitment purposes and to promote residency in the Durham Community. HOME and Bond funds are allocated for these programs and are ready for expenditure.

The County's Legal Department reviewed the program guidelines before the December 8, 2003 Regular Session.

Resource Person(s): Charlene Montford, Juanita Massenburg

County Manager's Recommendation: The County Manager recommended that the Board receive the presentation and approve the new City and County Housing Purchase Program Guidelines.

Ms. Massenburg presented the New Housing Purchase Program to the Board.

Ms. Massenburg addressed the questions of the Commissioners relating to the loan process and program guidelines.

Commissioner Jacobs moved, seconded by Commissioner Cousin, to receive the presentation and approve the new City and County Housing Purchase Program Guidelines.

The motion carried unanimously.

### **Future DACCA Location at the Child Care Resource Center**

Durham's Alliance for Child Care Access (DACCA) is collaboration between the Department of Social Services, Child Care Services Association (CCSA), Durham's Partnership for Children (DPfC), and Operation Breakthrough, currently located in leased office space at the Mechanics & Farmers' Corporate Center on Chapel Hill Boulevard. CCSA is seeking to support further this alliance by permanently housing DACCA under one roof and creating a one-stop center for parents in need of early childhood services in Durham. CCSA's ownership of a new facility will lower the operating costs for all three agencies, provide more efficient, useable space, and allow additional funds to be distributed to needy community residents.

Last December, CCSA purchased property in east Durham adjacent to the Employment Security Commission and near Durham Technical Community College, two facilities used by the majority of our clients. This 4.57-acre site will be the home of the new "Child Care Resource Center" (CCRC) to enable all three agencies to deliver more comprehensive assistance and better service delivery for Durham County. In January 2004, CCSA, as part of its 30<sup>th</sup> anniversary celebration, plans to launch a \$2.4 million capital campaign to build a facility to house CCSA, DACCA, and DPfC. To facilitate the start of the design and construction process, CCSA is requesting that both DPfC and DSS execute lease agreements before December 31, 2003. The Board of Directors for both organizations recently approved the relocation to CCRC.

Very favorable leasing terms at CCRC will permit DACCA to lower its annual operating costs as compared to the relocation to the planned Human Services Complex. The proposed inclusion of DACCA in this space would be via fixed 20-year lease of \$12.50 per square foot. This lease rate will be for the duration of the building mortgage only, and will be reduced to annual operating expense levels once the mortgage is closed. The more money raised during the CCSA capital campaign, the earlier the mortgage can be retired. The annual

cost for this fixed-year lease is estimated at \$125,000. The current lease (with annual increases) averages \$174,342 per year. DACCA's estimate of the cost for comparable space in the planned Human Services Complex would be \$163,000 per year; therefore, the County will save nearly \$1 million over 20 years to relocate to space at the CCRC compared to the current lease. DSS should also receive a higher reimbursement for rent that is at or below market value than for the amount received for depreciating a new building.

The County Finance Department has analyzed the cost of constructing the square footage needed for DACCA as a part of the Human Service Complex.

Resource Person(s): Dan Hudgins, DSS Director; Sue Russell, President, Child Care Services Association; and Joe Bloomer, Vice President, Operations, Child Care Services Association

County Manager's Recommendation: The County Manager recommended that the Board accept the report and authorize approval to move forward to contract with CCSA for a 20-year lease agreement in the new Child Care Resource Center.

Commissioner Cousin moved, seconded by Commissioner Jacobs, to approve in concept a ten-year lease agreement, with the understanding that the contract be resubmitted to the Board.

The motion carried with the following vote:

Ayes:Cousin, Jacobs, and Reckhow

Noes:Bowser, Heron

## **Justice Building Programming and Facility Master Plan Revisions**

### **POSTPONED**

#### **Pay-for-Performance Enhancement**

The Pay-for-Performance program has been established to provide a systematic way to reward employees based on job performance and to provide recognition for high quality performance. The program is also designed to provide an incentive for improving performance and productivity and to maintain a high level of employee performance and morale.

In 2002, the Pay-for-Performance program, which proved to be very unpopular with most employees, granted a \$1000, one-time lump sum bonus to employees who received a performance rating of Exceeds Expectations in all high-priority workplan objectives. Three hundred of the seventeen hundred employees evaluated, qualified for the bonus. That program officially ended on December 31, 2002.

The current Pay-for-Performance program that began in January 2003 grants all employees a five percent pay adjustment for "Meets Expectations" performance. This program officially ends on December 31, 2003. In response to a request to design a new plan which awards an increase for both Meets Expectations and Exceeds Expectations performance, input from employees, other jurisdictions, and the latest trends was garnered, the results of which werereviewed and discussed during the December 1 Worksession. Board feedback from the December 1 Worksession was helpful in developing the department's final recommendation.

Working within the available funds, Human Resources recommends that the County provide a 3.25-percent pay increase for Meets Expectation performance and a



4.25-percent increase for Exceeds Expectation performance.

irce Person(s): Elaine Hyman, Human Resources Manager; Tony Noel, Acting Human Resources Director

County Manager's Recommendation: The County Manager recommended that the BOCC approve the pay-for-performance enhancement that provides a 3.25-percent pay increase for meets expectation performance and an additional 1-percent increase for exceeds expectation performance.

Commissioner Jacobs moved, seconded by Commissioner Cousin, to approve the County Manager's Recommendation and bring back the pay-for-performance administrative procedure to the January Worksession.

The motion carried unanimously.

**Closed Session**(Agenda Item added)

Commissioner Jacobs moved, seconded by Commissioner Heron, to adjourn to closed session to discuss the location of industry in Durham County pursuant to G.S. § 143-318.11(a)(4).

The Commissioners adjourned to Closed Session at 10:45 p.m.

### **Reconvene to Open Session**

The Board of County Commissioners returned to Open Session. Chairman Reckhow declared that no action was taken by the Board in the Closed Session.

### **Adjournment**

There being no further business, the meeting was adjourned at 11:28 p.m.

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Last updated: May 3, 2006

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