

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

Monday, November 8, 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**

Additions:

- Discussion of New Hope Creek Corridor and Right of First Refusal for Duke Property (Chairman Reckhow)
- Discussion of Memorandum Received from Interim County Manager Regarding Overcharges to County Employees for Benefits and Administrative Fees (Commissioner Jacobs)
- Update from Gotta Save Project Inc. Regarding Efforts to Provide Substance Abuse Treatment (Commissioner Cousin)
- Report on 911 Problems Over the Weekend (Interim County Manager Wendell Davis)

**Minutes**

Commissioner Heron moved, seconded by Commissioner Cousin, to approve as submitted the October 25, 2004 Regular Session Minutes of the Board.

The motion carried unanimously.

**TROSA Resolution**

TROSA (Triangle Residential Options for Substance Abusers) received a 2004 Nonprofit Sector Stewards Award from the NC Center for Nonprofits. The award recognized TROSA for the excellent social programs the organization has provided for ten years. TROSA is known for turning social problems into opportunities and saving taxpayers money in the process.

Chairman Reckhow read the following resolution:

**RESOLUTION**

WHEREAS, TROSA (Triangle Residential Options for Substance Abusers) has relentlessly served the community of Durham for ten years and is ably managed by a visionary leader, Kevin McDonald; and WHEREAS, during a time when prisons are overcrowded, TROSA has provided judges with a viable option of treatment over incarceration of substance abusers by housing some 200 individuals who would otherwise cost taxpayers \$59.81 per day in prison, which in turn saves the Department of Corrections - and taxpayers - over \$4,000,000 a year; and

WHEREAS, TROSA currently serves more than 400 men and women ages 18 and older in its residential programs and aftercare services for graduates, of which 90 percent of its residents have a criminal record, 70 percent have been in a previous drug treatment program, 30 percent are homeless when they arrive, and 75 percent are North Carolina residents; and

WHEREAS, 70 percent of TROSA's 39 staff members are graduates of its programs, and its businesses serve clients and also leverage resources for other nonprofits and community organizations throughout Durham; and

WHEREAS, the NC Center for Nonprofits has recognized the admirable work TROSA has done for the Durham community by honoring the organization with a 2004 Nonprofit Sector Steward Award:

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

"TROSA (TRIANGLE RESIDENTIAL OPTIONS FOR SUBSTANCE ABUSERS)"

true community servants that exemplify the very essence of nonprofits. We further call upon all citizens to recognize the vital role this organization is playing in improving the lives of those struggling with substance abuse.

This the 8th day of November, 2004.

Chairman Reckhow congratulated TROSA on its 10<sup>th</sup> anniversary, noting that the Board of Commissioners helped in TROSA's startup by donating its first property-the North Durham Elementary School.

TROSA staff accepted the resolution from the Commissioners.

**Proclamation-Cooperative Extension Week**

Chairman Reckhow read the proclamation into the record:

PROCLAMATION

WHEREAS, Durham County Cooperative Extension is an educational partnership helping people put research-based knowledge to work for economic prosperity, environmental stewardship, and an improved quality of life; and

WHEREAS, Durham County Cooperative Extension Week highlights the many contributions Durham County Cooperative Extension has made to the community; and

WHEREAS, since 1911, when the first County Farm Agent was hired, Cooperative Extension has grown to offer a myriad of services including youth development, family and consumer education, community development, and agriculture and horticulture services to Durham County citizens; and

WHEREAS, since the 1940's, Durham County Cooperative Extension has been located in the historic Agriculture Building on Foster Street; and

WHEREAS, the programs of Durham County Cooperative Extension would not be possible without the volunteer services of Durham's citizens:

NOW, THEREFORE, be it resolved that I, Ellen W. Reckhow, Chairman of the Durham County Commissioners, do hereby designate the week of November 14 - 20, 2004 as

"COOPERATIVE EXTENSION WEEK"

in Durham County, in recognition of Durham County Cooperative Extension providing valuable services to the people in our community.

This the 8<sup>th</sup> day of November, 2004.

**November Anchor Award Winner-Mark Schell**

Mark Schell, Durham County Emergency Management Coordinator, was selected to receive the November Anchor Award. Mr. Schell was recognized for coordinating the donation of 16 modular workstations to the expanded Emergency Operation Center (EOC).

Mr. Schell recognized family members and his Durham County "family", expressing gratitude for the recognition and for being able to serve the Durham County community.

**Consent Agenda**

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

- \*a. Budget Ordinance Amendment No. 05BCC000019-The Durham Center-Acceptance and Allocation of Funds from Multiple Small Grants (appropriate \$40,000, \$33,389, \$9,500, \$9,008, \$16,609, and \$44,310, for a total Mental Health revenue and expenditure budget increase of \$152,816);
- \*d. Set a Public Hearing to Close 328.16 Linear Feet of an Unnamed Street, North of Goodwin Road and West of Laurel Drive (SC03-21) (adopt the resolution and set the public hearing for November 22, 2004);
- f. Volunteer Fire Department Capital Asset Funding Agreement Change (be revised such that transfer of the EMS replacement vehicles to the indicated volunteer fire department(s) occurs; that the EMS replacement vehicles are still purchased according to County specs as approved by the EMS Director; and that the volunteer fire departments pay for vehicle maintenance and repair and record the depreciation expense);
- g. Office of the Sheriff-Amendment of Lease with Parkwood Volunteer Fire Department (authorize amendment of this lease); and
- \*h. Substitution of Trustee, Acceleration of Payment (approve

substitution of the original trustee and authorize execution of the Substitute Trustee document, acceleration of the amount secured by the Deed of Trust, and foreclosure of the property in the event the amount due under the Deed of Trust is not paid).

The motion carried unanimously.

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

Consent Agenda Item No. b. Capital Project Amendment No. 05CPA000004 and Budget Ordinance Amendment No. 05BCC000020: Stanford L. Warren Branch Library Renovations; Emergency Medical Services Station No. 2; and Criminal Justice Resource Center Renovations (appropriate funds from undesignated General Fund fund balance for \$937,345, with \$17,000 moving to the CJRC and \$920,345 moving to the Capital Projects Fund [430]; approve the increase of three capital projects by a total of \$920,345).

Consent Agenda Item No. c. Approval of Construction Contract for Stanford L. Warren Branch Library Renovations (Project No: DC073-48; Bid No: IFB 05-006) (authorize contract execution with D. W. Ward Construction Co. Inc. for \$1,499,613 (Base Bid plus Alternates 1 through 9) and execution of any other related contracts including change orders, if necessary, not to exceed the project budget of \$1,613,545.65).

Commissioner Jacobs moved, seconded by Commissioner Heron, to approve consent agenda item Nos. b and c.

The motion carried unanimously.

Consent Agenda Item No. e. Polyheme Study (approve the contracts to allow the County to participate in the study of the blood product [Polyheme©] use on EMS vehicles).

Commissioner Jacobs moved, seconded by Commissioner Heron, to approve the contracts to allow Durham County to participate in the study of the blood product [Polyheme©] use on EMS vehicles.

The motion carried unanimously.

#### **Capital Project Amendment No. 05CPA000005-Durham Public Schools-2003 Bond Adjustments & Public School Building Capital Funding for Bond Projects**

Mr. Hugh Osteen, Assistant Superintendent of Operational Services, Durham Public Schools, reported that Durham Public Schools Board of Education has approved adjustments to the distribution of phase one 2003 Bond projects. Due to requirements that all funding be available for contracts at the time of issuance, a redistribution of phase one funds was required by the Commissioners. This would neither change the scope or total budget for any project nor delay any project. However, because of these changes, coupled with the use of State funds, other critical projects with safety implications can be expedited. Several projects have already been completed under budget, and the resulting balance is available for redistribution. Furthermore, local bond funds may serve as the local match to access funds from the Public School Building Capital Fund (PSBCF). Nine applications to the PSBCF were included with the redistribution of bond funds. No new County funds are required. The Board of Education requests approval of the redistribution of phase one 2003 Bond funds and approval of the applications to the PSBCF. Mr. Osteen referred to the bond project spreadsheet, explaining it to the Commissioners.

Commissioner Heron moved, seconded by Commissioner Jacobs, to approve Capital Project Ordinance Amendment No. 05CPA000005 to redistribute a portion of phase one bond funds; appropriate an additional \$4,077,000 of Public School Building Capital Funding to nine of the bond projects; and authorize the Chairman to sign the nine applications for PSBCF funding.

The motion carried unanimously.

#### **Exit Procedure for BOCC Members and Board Appointees**

Wendell Davis, Interim County Manager, conveyed that the Board of County Commissioners expressed the need for an exit policy or procedure to ensure the prompt return of County property, files, and documents when appointed or elected officials- terms end. Mr. Davis requested that the Board discuss and provide direction to staff regarding the policy.

Commissioner Jacobs moved, seconded by Commissioner Heron, to approve the policy with the suggested changes.

The motion carried unanimously.

#### **Explanation of Personnel Privacy Act**

County Attorney Chuck Kitchen commented that questions have arisen regarding the ability of County officials to explain and discuss personnel issues in public. Attorney Kitchen read G.S. § 153A-98, the Personnel Privacy Act, while expounding on particular points.

Chairman Reckhow directed the County Attorney to supply copies of the statute to the incoming Board members, Attorney Lewis Cheek and Rev. Michael Page.

#### **Discussion of the New Hope Creek Corridor and Right of First Refusal for Duke Property**

Chairman Reckhow announced that the "Duke Tract" of Duke Forest is currently under contract to be sold by Duke University to Crosland Inc. for a new residential development (49 houses), and the City of Durham has been petitioned to annex the Duke Tract. The Erwin Area Neighborhood Group (comprising representatives from

19 neighborhoods in the Duke Tract area) has submitted a "Better Alternative" plan. Chairman Reckhow recognized area residents who had signed to speak on the issue:

Chairman Reckhow informed the Commissioners that this issue would be discussed at tomorrow's Joint City-County Committee meeting. She proposed that the memorandum of understanding be amended and applied to Durham County. She asked if the Board would be amenable to having staff review and suggest changes to the memorandum, if appropriate, and present it at a future meeting. Chairman Reckhow directed that Attorney Kitchen add a review period for Durham County.

#### **Discussion of Memorandum Received from Interim County Manager Regarding Overcharges to County Employees for Benefits and Administrative Fees**

Commissioner Jacobs requested that Interim County Manager Davis summarize the memo.

Interim County Manager Davis stated that the memo was to provide the Commissioners information regarding an issue he discovered while working through the County's benefits package for 2005.

Interim Manager Davis replied that he has assembled a taskforce comprising six independent auditors throughout North Carolina to provide their expertise and insight with respect to how the County should proceed.

#### **Update from Gotta Save Project Inc. Regarding Efforts to Provide Substance Abuse Treatment**

Commissioner Cousin informed the Commissioners that he requested this update from Mr. Roland Staton and Rev. Thomas Bass Jr. about Gotta Save Project Inc. (a community development corporation chartered under Greater St. Paul Missionary Baptist Church). He hoped the Board could offer guidance or a resolution to Gotta Save's request for funding, which was identified as a priority at the beginning of Year 2004.

Mr. Staton and Rev. Bass appealed to the Commissioners, on behalf of Gotta Save Project Inc., to fund the startup cost and initial year of operation (\$341,030) for two continuing care residential facilities to provide 12 State-licensed beds (6 for women, 6 for men) in Durham County to be operational by January 2005.

Chairman Reckhow requested that Ms. Holliman take a recommendation to the December Mental Health Board meeting regarding how to assist Gotta Save with startup funding.

#### **Report on 911 Problems Over the Weekend**

Deborah Craig-Ray, Interim County Manager, provided the following recap:

In the early morning hours of Saturday, November 4, area Nextel subscribers experienced phone problems that precluded them from reaching the 911 Center directly. The problem was discovered, and a patch was added by 3:00 a.m. so that calls from those subscribers were re-routed to a seven-digit number in the Center. From the subscriber standpoint, except for the first hour, there was **no** time when calls were not handled.

No other customers were affected. The situation lasted 20 hours. Full service for Nextel customers was restored within that period, along with Phase 2 service that reveals where calls originate. This system is currently running and providing efficient, reliable, courteous, responsive, and professional 911 communication services.

#### **Closed Session**

Commissioner Heron moved, seconded by Commissioner Jacobs, that the Board adjourn to closed session to instruct the staff concerning the position to be taken on the terms of a possible acquisition of property known as the Preserve at Erwin Trace, PIN # 0801-03-12-7186, pursuant to

G.S. § 143-318.11(a)(5).

The motion carried unanimously.

### **Reconvene to Open Session**

Vice-Chairman Bowser moved, seconded by Commissioner Heron, to extend the meeting to 11:10 p.m.

The motion carried unanimously.

Chairman Reckhow announced that direction was given to staff in Closed Session.

Commissioner Heron moved, seconded by Commissioner Cousin, to authorize the County to exercise 120-day reservation for the Erwin Trace plan.

Vice-Chairman Bowser declared that he would not vote in favor of this plan because of legal ramifications it may impart to Durham County.

The motion carried with the following vote:

Ayes: Cousin, Heron, Jacobs, and Reckhow

Noes: Bowser

### **Adjournment**

There being no further business, Chairman Reckhow adjourned the meeting at 11:07 p.m.

Respectfully submitted,

Vonda C. Sessoms

Deputy Clerk to the Board



**Last updated: May 3, 2006**

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