

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

Monday, October 28, 2002

7:00 P.M. Regular Session

MINUTES

Place: Commissioners' Room, second floor, Durham County Government Administrative Complex, 200 E. Main Street, Durham, NC

Present: Chairman MaryAnn E. Black, Vice-Chairman Ellen W. Reckhow, and Commissioners Joe W. Bowser, Philip R. Cousin Jr., and Becky M. Heron

Absent: None

Presider: Chairman Black

Opening of Regular Session

Chairman Black called the meeting to order with the Pledge of Allegiance.

Agenda Adjustments

Commissioner Heron added a Resolution to designate the week of November 3-9, 2002 as "Animal Shelter Appreciation Week." This became item 5(a).

Commissioner Bowser asked to pose questions to the County Manager and County Attorney regarding the escape of three juveniles from the Youth Home this morning. This was made the last item on the agenda.

Chairman Black moved item No. 7 to follow item No. 8.

Minutes

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve the June 18, 2002 Worksession Minutes and the September 9, 2002 Regular Session Minutes of the Board of County Commissioners as submitted.

The motion carried unanimously.

City of Medicine Program—High School Awards

Chairman MaryAnn E. Black requested the winners and runners-up of the City of Medicine High School Awards be placed on the agenda so the Commissioners could recognize the accomplishments of the four seniors.

Chairman Black will introduce the four student winners to the Board of County Commissioners.

In the medical specialist category, the winner is Joy Marsh of Jordan High School, and the runner-up is Kimberly Handy of Southern High School. The winner in the Applied Health category is Brittany Lambert of Jordan High School, and the runner-up is Born Hollington of Southern High School.

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

Ms. Diane Wright, Chairman of Durham Health Partners Inc., introduced the four student winners. Each student introduced herself/himself. They spoke about their academic plans beyond high school, and thanked those who helped them in their endeavors. The Commissioners expressed their congratulations and recognized Mr. McDonald, Principal of Southern High School and Mr. William E. Cole, Director of the City of Medicine/Special Programs.

The Commissioners commended and congratulated each one of the students in their accomplishments. They wished the students much success.

Ms. Diane Wright thanked the Commissioners for inviting these four students to be recognized by the Commissioners and the public.

Proclamation for Home and Hospice Care Month

November is National Home Care and Hospice Month. Ms. Helen Poole, Director of Major Gifts, Marketing and Development for Duke Health Community Care, has asked that the Chairman of the Board of County Commissioners proclaim the month of November as “Home and Hospice Care Month” in Durham County.

County Manager’s Recommendation: Present the proclamation to Ms. Poole for inclusion in various community observances of “Home and Hospice Care Month.”

Chairman Black read the proclamation into the record.

Ms. Poole accepted the proclamation and thanked the Commissioners for their recognition of home and hospice care.

The proclamation follows:

PROCLAMATION

WHEREAS, in-home health, hospice, and community-based services provide for an individual's health and social needs across the continuum of life—compassionate care which serves expectant mothers, infants, children, adults, the disabled and elderly, and also provides love, comfort, and support at the end of life; and

WHEREAS, in-home health, hospice, and community-based services enable Durham County citizens to access a wide variety of quality health and social services, including preventive care, acute care, sustainable long-term care, and palliative care; and

WHEREAS, these services include care provided by home health agencies, licensed home care agencies, hospice agencies, adult day care and adult health care facilities, and home medical equipment companies; and

WHEREAS, in-home health, hospice, and community-based services build upon a strong tradition of care and compassion, striving to keep families intact and responsible while preserving an individual's independence and dignity in the setting of their choice:

NOW, THEREFORE, I, MaryAnn E. Black, Chairman of the Durham County Board of Commissioners, do hereby proclaim November 2002 as

“HOME AND HOSPICE CARE MONTH”

in Durham County and urge our citizens to celebrate all in-home and community based services.

This the 28th day of October 2002

/s/ MaryAnn E. Black, Chairman
Durham Board of County Commissioners

Animal Shelter Appreciation Week

Commissioner Heron added a Resolution to designate the week of November 3-9, 2002 as “Animal Shelter Appreciation Week.” She asked for addition of this resolution in recognition of the Durham County Animal Shelter providing lifesaving services for animals and people in our community.

Commissioner Heron read the resolution into the official record.

RESOLUTION

WHEREAS, there are more than 73 million cats and 68 million dogs living in more than 63 million households across the United States, and more than 6,000 are served by the Durham County Animal Shelter yearly; and

WHEREAS, the irresponsibility of some pet owners has resulted in animals running loose and unsupervised, causing a threat to public health and safety; and

WHEREAS, indiscriminate breeding allowed by irresponsible pet owners who have not had their companion animals spayed or neutered has contributed to pet overpopulation; and

WHEREAS, animal shelter employees, like police officers and emergency medical personnel, must respond to these community problems and crises; and

WHEREAS, animal shelters act as safe havens for homeless and abused animals, providing them with comfort and care; and

WHEREAS, animal shelters help both animals and people in many ways: by returning lost pets to their owners, enforcing animal control laws, rescuing injured animals, educating the public and matching up families with new animal companions; and

WHEREAS, the work of animal shelters and the important services they provide often go unnoticed and unappreciated by the citizens:

NOW, THEREFORE BE IT RESOLVED, that we the members of the Durham County Board of Commissioners, do hereby designate the week of November 3-9, 2002 as

“ANIMAL SHELTER APPRECIATION WEEK”

in Durham County, in recognition of the Durham County Animal Shelter providing lifesaving services of animals and people in our community.

This the 28th day of October, 2002

/s/ Five Commissioners
Durham County Commissioners

Commissioner Heron introduced the Animal Shelter Director Dean Edwards to make comments and remarks about the Durham County Animal shelter.

The Commissioners presented the resolution to Dean Edwards.

Report on the Visit from County Durham, England

Durham County was privileged to host a six-member delegation from County Durham, England from Tuesday, October 15 through Sunday, October 20, 2002. The delegation came to us through the Sister Cities Organization as an exchange program and was here to strengthen relationships and support links between the two Counties.

The group began their visit by meeting with the Board of County Commissioners to gain an understanding of our governing system; what emerged was a unique discussion of similarities and differences between the two jurisdictions. The group also received presentations from some County Departments to better understand how services are delivered.

During their five-day visit, the delegation met with Durham Public Schools, enjoyed informative visits with entities in Research Triangle Park, and visited Duke University and North Carolina Central University to understand their economic impact and learn about some neighborhood initiatives that the universities are involved in. Additionally, the group visited Durham Technical Community College, enjoyed a variety of local attractions, visited magnet school programs, and got a taste of life here in Durham County, North Carolina.

The delegation consisted of:

- *Ken Manton, Elected Leader of Durham County Council
- *Brian Walker, Councilor and Lead Cabinet Member (Business Support)
- *Kingsley Smith, Chief Executive of Durham County Council
- *Mark Lloyd, Deputy Chief Executive, Director of Economic Development and Planning
- *Professor John Anstee, Pro-Vice Chancellor of Durham University
- *Rob Statham - Economic Development Officer, Durham University

Chairman MaryAnn Black and other local officials visited County Durham, England in the fall of 1998. During that visit, an official charter between the Durham County Council in England and Durham County, North Carolina was signed to support links between the two areas' universities and chambers, and to "foster mutual understanding in all aspects between our respective areas." This visit further developed the relationships between the two counties.

Resource Person(s): County Commissioner Chairman MaryAnn Black

County Manager's Recommendation: Receive the presentation.

Chairman Black delivered the report of the visit by the delegation from County Durham, England. The County Commissioners and County Manager Mike Ruffin made comments about the visit from County Durham, England.

The delegation presented to the citizens of this County an original watercolor portrait of Durham Cathedral by one of their "up and coming" artists.

Chairman Black read into the record the letter County Government received from the Honorable Tony Blair, The Prime Minister of England. The letter follows:



10 DOWNING STREET
LONDON SW1A 2AA

THE PRIME MINISTER

Much is said about the 'special relationship' between Great Britain and the United States. The history and culture of our peoples are irrevocably intertwined, and it is deep and lasting relationships between communities which truly reflect such links.

I know that the people of County Durham value their links with the people of Durham County, North Carolina, especially the close links between Durham County Council and the Commissioners of Durham County.

I am proud to represent the people of County Durham and very pleased to be able to offer greetings and good wishes on their behalf to the people of Durham County, North Carolina.

I hope that our two Counties will continue to work together for mutual social and economic advantage.

Tony Blair

Consent Agenda

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve the following consent agenda items:

- * (a) Budget Ordinance Amendment Number 03BCC000019—Mental Health—The Durham Center’s Budget to Recognize Additional Medicaid Revenue in the Amount of \$1,000,000 (approve this budget amendment to recognize additional Medicaid Revenue);
- * (c) Petition For Road Addition—Phar Lap Lane, Black Horse Run Subdivision (adopt the resolution to approve this addition to the state’s road maintenance system, subject to the certification of eligibility by the appropriate officials of the NC Department of Transportation);
- * (d) Property Tax Releases and Refunds for Fiscal Year 02-03 (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; these are normal recurring releases and refunds that are presented for the consent agenda);
- (g) Renewal of Interlocal Agreement with the Town of Chapel Hill for Tax Billing/Collections (renew the currently expired interlocal agreement for four years, ending June 30, 2007);
- * (h) Claims and Subrogation Report (Receive the report for inclusion in the minutes);
- * (i) Appointments—Boards and Commissions (approve three appointments to the Durham County Emergency Medical Services Council); and
- (j) Work First Block Grant Plan for 2003-2005 (approve the Work First Plan for 2003-2005 so that it may be submitted to the Department of Health and Human Services in Raleigh by the deadline; Chairman Black’s signature is required for approval).

The motion carried unanimously.

*Documents related to these items follow:

Consent Agenda Item 8(a). Resolution Providing for Structure of Area Mental Health and Budget Ordinance Amendment Number 03BCC000019—Mental Health—The Durham

Center's Budget to Recognize Additional Medicaid Revenue in the Amount of \$1,000,000 (approve this budget amendment to recognize additional Medicaid Revenue).

The resolution Providing for Structure of Area Mental Health follows:

RESOLUTION

WHEREAS, N.C.G.S. § 122C-118.1 provides that a new structure for the Area Mental Health, Developmental Disabilities, and Substance Abuse Board (hereinafter "Mental Health Board") is required as a part of the reorganization of Mental Health services in North Carolina; and

WHEREAS, said statute provides that the number of appointments shall be between 11 and 25 members; and

WHEREAS, the statute provides that an individual with financial expertise or a county finance officer, an individual with expertise in management or business, and an individual representing the interests of children shall be appointed as members of the board; and

WHEREAS, at least 50 percent of the board's membership must consist of individuals listed in N.C.G.S. § 122C-118.1(b), which are commonly referred to as "stakeholders"; and

WHEREAS, said statute provides that any County Commissioner appointed to the Mental Health Board serves *ex officio*; and

WHEREAS, said statute further provides that the members of the Mental Health Board may be removed at any time, with or without cause:

NOW, THEREFORE, THE BOARD OF COMMISSIONERS FOR THE COUNTY OF DURHAM DOETH RESOLVE:

1. The Area Mental Health, Developmental Disabilities, and Substance Abuse Board shall consist of thirteen members.
2. Of the thirteen members, three members shall consist of an individual with financial expertise or a county finance officer, and individual with expertise in management or business, and an individual representing the interests of children.
3. One of the members shall be a County Commissioner.
4. At least half of the board shall consist of individuals listed in N.C.G.S. § 122C-118.1(b).
5. The current members of the Mental Health Board, whose terms have not expired, shall continue on the Board without necessity for reappointment until their terms expire.
6. The terms of all members shall expire no later than July 1, 2004.

This resolution shall be effective upon ratification.

This the 28th day of October, 2002.

The Budget Ordinance Amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2002-03 Budget Ordinance
Amendment No. 03BCC000019

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2002-03 Budget Ordinance is hereby amended to reflect budget adjustments for The Durham Center (Mental Health).

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$21,353,098	\$1,000,000		\$22,353,098
<u>Revenues</u>				
Charge for Services	\$22,457,347	\$1,000,000		\$23,457,347

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 28th day of October 2002

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda 8(c). Petition For Road Addition—Phar Lap Lane, Black Horse Run Subdivision (adopt the resolution to approve this addition to the state's road maintenance system, subject to the certification of eligibility by the appropriate officials of the NC Department of Transportation).

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
REQUEST FOR ADDITION OF STATE MAINTAINED
SECONDARY ROAD SYSTEM

North Carolina
County of Durham

Road Description: Phar-Lap Lane in the Black Horse Run Subdivision on Route 501
North in Mangum Township, Phase 7.

WHEREAS, the attached petition has been filed with the Durham Board of County Commissioners requesting that the above described road, the location of which has been indicated in red on the attached map,* be added to the secondary road system; and

WHEREAS, the Board of County Commissioners is of the opinion that the above described road should be added to the secondary road system, if the road meets minimum standards and criteria established by the Division of Highways of the Department of Transportation for the addition of roads to the system:

NOW, THEREFORE, BE IT RESOLVED by the Durham Board of County Commissioners that the Division of Highways is hereby requested to review the above described road, and to take over the road for maintenance if it meets established standards and criteria.

CERTIFICATE

The foregoing resolution was duly adopted by the Durham Board of County Commissioners at a meeting on the 28th day of October, 2002.

Witness my hand and official seal this the 29th day of October, 2002.

/s/ Garry E. Umstead
Clerk, Board of Commissioners
County of Durham

*In the office of the Clerk to the Board.

Consent Agenda Item 8(d). Property Tax Releases and Refunds for Fiscal Year 02-03 (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; these are normal recurring releases and refunds that are presented for the consent agenda).

Due to property valuation adjustments for over assessments, listing discrepancies, duplicate listings, and clerical errors, etc., the report details releases and refunds for the month of September 2002.

Releases & Refunds for 2002 Taxes:

Real	\$ 47,542.42
Personal	\$ 433,768.22
Registered Vehicles	\$ 18,299.60
Vehicle Fees	\$ 355.00
Solid Waste Fees	\$ <u>195.00</u>
Total for 2002 Taxes and Fees	\$ 500,160.24

Prior Years (1998-2001) releases and refunds for September 2002 were in the amount of \$8,488.92.

Total Current Year and Prior Year Releases and Refunds \$508,649.16

(Recorded in Appendix A in the Permanent Supplement of the October 28, 2002 Minutes of the Board.)

Consent Agenda 8(h). Claims and Subrogation Report (Receive the report for inclusion in the minutes).

Below is the list of claims for the prior fiscal year. With the exception of claims handled by insurance, the vast majority of the claims which involve payments continue to be automobile claims. The claims payments this past year were offset in large part by claims filed against third-parties for legal injuries done to the County.

This report is prepared yearly for recording in the minutes.

**COUNTY OF DURHAM
 2001 – 2002
 LIABILITY – CLOSED FILES**

DEPARTMENT	CLAIMANT	DATE OF LOSS	CLAIM TYPE ***	AMOUNT
Animal Control	Farrington, John T.	6/29/01	Property Damage – Auto	\$842.70
Animal Control	Parks, Gayle	11/12/01	Property Damage – Auto	\$552.02
Animal Control	Williams, Brian K.	1/9/02	Property Damage – Auto	\$1,499.23
Animal Control	Glenn, Willie	12/15/00	Property Damage – Auto	\$5,804.55
			TOTAL:	\$8,698.50
EMS	Brown, Sheila	5/8/01	Property Damage – Auto	538.35
EMS	Smith, W. Boyd	7/30/01	Property Damage – Auto	\$533.70
EMS	Holt, Sterlin	5/16/01	Property Damage – Auto	\$314.20
			TOTAL:	\$1,386.25
Library	EMS	4/5/02	Property Damage – Fuel Shed	\$275.00
			TOTAL:	\$275.00
Mental Health	Hannah, Morris	3/27/01	Medical Malpractice (medication issue)	\$1,500.00 (Insurance Pd.)
Mental Health	Nello Teer	4/12/02	Property Damage – Auto	\$132.27
			TOTAL:	\$132.27
Public Health	Anstead, Carroll	8/9/00	Medical Malpractice	\$45,000.00 (Pd. By St. Paul)
Sheriff	Sutton, Thelma	8/7/01	Property Damage – Auto	\$7,998.41
Sheriff	Pennington, Reid	9/13/01	Property Damage – Auto	\$8,262.86
Sheriff	Riddle, Lesley	10/19/01	Property Damage – Auto	\$9,198.33
Sheriff	Ellis, Teresa F.	10/19/01	Property Damage – Auto	\$8,635.00
Sheriff	Clark, Carlye	9/24/01	Property Damage – Auto	\$886.59
Sheriff	Pennington, Reid	9/13/01	Property Damage – Auto	\$8,262.86
Sheriff	Cammon, Carmon	4/5/01	Property Damage – Auto	\$1,641.63
Sheriff	Franzen, David	5/7/01	Property Damage – Auto	\$5,457.08
Sheriff	Elkhatib, Khaled	11/28/01	Property Damage – Auto	\$1,403.11
Sheriff	Mack, Richard	6/17/02	Property Damage – Auto	\$914.55
			TOTAL:	\$52,660.42

TOTAL MONIES PAID = \$63,152.44

****Claim Type:**

- PD = Property Damage
- BI = Bodily Injury
- GL = General Liability
- MPL = Medical Professional Liability
- PPL = Police Professional Liability
- POL = Public Officials Liability

**COUNTY OF DURHAM
 SUBROGATION RECOVERY – CLOSED FILES
 2001 – 2002**

DEPARTMENT	DATE OF LOSS	OTHER PARTY	CLAIM TYPE***	NARRATIVE	RECOVERY
Animal Control	8/13/01	Williams, Sam	Property Damage – Auto	Motor Vehicle Accident	\$1,010.79
Animal Control	12/12/01	Red Cross	Property Damage – Auto	Motor Vehicle Accident	\$762.33
Animal Control	4/11/02	Beaussord, Cleopatra	Property Damage – Auto	Motor Vehicle Accident	\$7,707.69
EMS	7/31/01	Frazier, Arnett B.	Property Damage – Auto	Motor Vehicle Accident	\$423.00
EMS			Property Damage – Auto	Motor Vehicle Accident	
EMS			Property Damage – Auto	Motor Vehicle Accident	
EMS			Property Damage – Auto	Motor Vehicle Accident	
Sheriff	5/29/01	McLary, Dodie	Property Damage – Auto	Motor Vehicle Accident	\$2,469.50
Sheriff	8/12/00	Wimbish, Karen	Property Damage – Auto	Motor Vehicle Accident	\$3,734.19
Sheriff	10/30/01	Castro, Daniel	Property Damage – Auto	Motor Vehicle Accident	\$325.00
Sheriff	12/14/01	Rogers, Ralph L.	Property Damage – Auto	Motor Vehicle Accident	\$2,445.82
Risk Management	W/Comp.	R.E. Pratt & Company	Errors & Omissions	Improper Documentation on Form	\$31,373.15

TOTAL RECOVERY RECEIVED:

\$50,251.47

*****Claim Type:**

- PD = Property Damage
- BI = Bodily Injury
- EO = Errors & Omissions

COMPARISON OF TOTAL MONEY SPENT FOR LIABILITY CLAIMS

FISCAL YEAR	MONEY SPENT
1998-1999	\$19,928.62
1999-2000	\$67,128.58
2000-2001	\$48,036.67
2001-2002	\$62,237.89

COMPARISON OF TOTAL SUBROGATION RECOVERY

FISCAL YEAR	MONEY RECEIVED
1998-999	\$27,061.79
1999-2000	\$26,932.12
2000-2001	\$11,251.07
2001-2002	\$50,251.47

Consent Agenda 8(i). Appointments—Boards and Commissions (approve three appointments to the Durham County Emergency Medical Services Council).

Jeffrey Batten, Durham County Fire Marshal/EMS Council Chairman, has requested that the County Commissioners make the following appointments to the Durham County Emergency Medical Services Council:

Kelly N. Bradley—Bahama Volunteer Fire and Rescue Co., Inc. (reappointment)

William L. Colley Jr.—Parkwood Volunteer Fire Department (reappointment)

Roy Lee Faircloth—Redwood Volunteer Fire Department (appointment)

The applicants are eligible for appointment or reappointment.

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

Consent Agenda Items Removed for Discussion

Commissioner Heron pulled item 8(b) for discussion. Commissioner Cousin pulled items 8(e) and 8(f).

Consent Agenda 8(b). Resolution on NCDOT 15-501 Proposed Bridge Replacement over New Hope Creek (Receive this resolution from the Durham Open Space and Trails Commission [DOST] and consider adoption).

The North Carolina Department of Transportation proposes to replace the 15-501 bridge over New Hope Creek as part of the 15-501 widening project. The Durham Open Space and Trails Commission and other community organizations are concerned that the proposed bridge replacement design is insufficient to provide for adequate wildlife movement and future trail use. The Commission is recommending that the Board of County Commissioners request NCDOT to design a bridge that is a minimum of 300 feet wide and 10 feet high in order to protect the public and private investments already made to preserve the New Hope Creek corridor for wildlife and recreation uses.

Resource Person(s): Jane Korest, DOST staff liaison; Guillo Rodridguez, DOST Chair

Commissioner Heron restated the concern voiced by several organizations that this bridge widening should meet certain specifications for the wildlife corridors and allow for the open space use and trails that are planned for that area.

Commissioner Heron said that this Board should move forward and insist that the NCDOT recognize the request for the construction of this bridge. The Board should not accept anything less than what has been requested from the NCDOT.

Commissioner Heron stated that there is a resolution the Board should consider and adopt. In addition, the resolution could be fortified with a letter. This bridge construction will be on the agenda of the Transportation Advisory Committee (TAC) for the November 6, 2002 meeting.

Chairman Black said that Commissioner Heron wants to adopt the resolution and draft a strong letter.

Vice-Chairman Reckhow said the Open Space and Trails Commission has spent several meetings discussing this matter. There has been much discussion and concern about this project. She stated she agreed with Commissioner Heron that the Board should underscore this resolution by sending a letter to the appropriate officials at the North Carolina Department of Transportation (the Secretary). Copies of the letter should be sent to members of our Local Delegation. This issue will be introduced at the next TAC meeting. The resolution and letter will be moving forward. The NCDOT should reconsider its opinion and change the design as requested.

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, that the Board send the resolution to the NCDOT with a letter strongly advising it that the Board would like for them to move forward on this project. The Open Space and Trails Commission will send information in the letter.

The motion carried unanimously.

The Board of County Commissioners requested the letter be sent to the Local Delegation.

Consent Agenda 8(e) and 8(f)

8(e). Execution of Architectural Design Service Contract with Gurlitz Architectural Group, P.A. for the Proposed Durham County Senior Center Complex—RFQ 02-044 Project No.: DC068-30 (authorize the execution of an architectural design contract with Gurlitz Architectural Group, P.A., in the amount of \$485,450.00).

8(f). Approval of Construction Contract for Phase II of the Triangle Wastewater Treatment Plant Improvements Project (authorize the County Manager to enter into a construction contract for Phase II of the Wastewater Treatment Plant Improvements Project, subject to issuance of Revenue Bonds, as follows:

T.A. Loving Company	\$19,999,319.00
5% Contingency	<u>1,000,000.00</u>
Total	\$ 20,999,319.00

Commissioner Cousin wanted to know how good faith effort translates into real opportunity for MWBE in terms of meeting our goals.

Yolanda Moore-Gaddy of the Purchasing Department and Glen Whisler, County Engineer, responded to the question.

Commissioner Cousin requested historical data concerning the good faith effort in the MWBE program. A yearly report is also being prepared.

Commissioner Cousin moved, seconded by Commissioner Heron, to approve Consent Agenda items 8(e) and 8(f).

The motion carried unanimously.

Budget Ordinance Amendment No. 03BCC000020—Emergency Services Telephone System Fund Appropriation of Wireless Surcharge Funds

The FCC has mandated enhanced 9-1-1 service for Wireless callers. Durham Emergency Communications (DECC) is now equipped to receive Phase One data which meets the FCC mandate to provide: 1)the address and sector of cell towers transmitting wireless calls, 2)the phone number associated with that tower sector, and 3)the call-back number of the wireless customer. DECC is now ready to move forward with the Phase Two Enhanced Wireless component of the FCC mandate.

Phase Two Enhanced Wireless requires upgrading the existing 9-1-1 system. The cost of the project is \$441,055.99. The source of funding for this upgrade is the Wireless Surcharge moneys collected by Durham County Government in the Emergency Services Telephone System Special Revenue Fund.

The attached information provides details regarding both the Phase One and Phase Two upgrades and funding.

Resource Person(s): Chuck Johnson, Director Emergency Communications; Tonya Pearce, E-911 Database Coordinator, Emergency Communications Center; and Pamela Meyer, Director, Budget & Management Services

County Manager's Recommendation: The County Manager recommends approval of Budget Ordinance Amendment No. 03BCC000020, to appropriate \$441,056, amending the Emergency Services Telephone System Special Revenue Fund budget.

Chairman Black asked Mr. Chuck Johnson, Director of Emergency Communications, to come forward to make the presentation.

The Commissioners asked questions and made comments about the budget ordinance amendment to which Mr. Johnson responded. County Manager Ruffin also responded to the questions and comments. County Attorney Kitchen discussed the agenda item.

A lengthy discussion was held by the Commissioners and staff.

Commissioner Heron moved, seconded by Commissioner Cousin, to approve the agenda item and to send a letter in protest to the North Carolina Association of County Commissioners, Governor Easley, and the Durham Delegation regarding the state tapping wireless surcharge funds.

The motion carried unanimously.

The Budget Ordinance Amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2002-03 Budget Ordinance
Amendment No. 03BCC000020

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2002-03 Budget Ordinance is hereby amended to reflect budget adjustments for Emergency Services.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Public Safety	\$1,079,569	\$441,056		\$1,520,625
<u>Revenues</u>				
Licenses and Permits	\$1,079,569	\$441,056		\$1,520,625

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 28th day of October, 2002.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Escape of Three Juveniles From Youth Home

Commissioner Bowser requested that this item be placed on the agenda for discussion and to answer questions about the escape.

The escape this morning of three juveniles from the Youth Home was discussed by the Commissioners, County Manager Ruffin, and County Attorney Kitchen.

The County Attorney advised that, under the law, very little information could be shared since the incident involved juveniles.

The County Manager advised that standard procedure had been followed. The neighboring citizens and businesses had been notified. Personnel from the City Police and Sheriff's Departments are cooperating to apprehend the three. An investigation has been launched to obtain the facts regarding the escape from the facility. At the termination of the situation, a change in policy and/or procedures may be forthcoming. County Manager Ruffin added that the County's Capital Improvement Plan proposes a new youth detention center in the near future.

Commissioner Bowser said his concern was to keep the neighboring citizens safe from another such incident. He suggested the addition of razor wire or some other security precaution to the Youth Home.

The County Commissioners thanked the County Manager for providing them information about the escape from the Youth Home early this morning.

Adjournment

There being no further business, Chairman Black adjourned the meeting at 8:17 p.m.

Respectfully submitted,

Garry E. Umstead
Clerk to the Board