

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

Monday, February 22, 1999

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 William V. Bell, Joe W. Bowser, and Becky M. Heron

Absent: None

Presider: Chairman Black

Opening of Regular Session

Chairman Black called the Regular Session to order with the Pledge of Allegiance.

Agenda Adjustments

Commissioner Heron requested time on the agenda, after agenda items five and six, to recognize the Sheriff on what he has done that was in a recent publication.

Chairman Black removed from the agenda, Agenda Item Number 14, "Nomination List for the Durham Workforce Development Board."

Minutes

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve the January 4, 1999 Worksession Minutes of the Board as corrected and to approve the December 14, 1998 Quasi-Judicial Public Hearing Minutes and the January 11, 1999 Regular Session Minutes of the board as submitted.

The motion carried unanimously.

Resolution—Dr. Johnnie Blunt McLester

A resolution will be presented to honor the life of the late Dr. McLester.

Chairman Black read the following resolution into the record:

RESOLUTION

WHEREAS, Dr. Johnnie Blunt McLester, a native of Mobile, Alabama, came to Durham in the late 1930's and devoted her lifetime to serving others; and

WHEREAS, she received a B.A. degree in English and French from Talladega College and a Master of Arts Degree from Columbia University in English and Student Personnel Administration with emphasis on Counseling and Guidance; and

WHEREAS, she was married to the late Charles E. McLester, founding pastor and organizer of Morehead Avenue Baptist Church, where she served in a variety of roles including Director of Missions, Chairman of the Department of Christian Education, Youth Advisor, and Director of the Youth Choir; and

WHEREAS, her professional career included 30 years as a teacher and counselor at Hillside High School, J.A. Whitted Junior High, and Shepard Middle School; and

WHEREAS, Dr. McLester received numerous awards and recognitions, including an Honorary Degree of Humane Laws from Shaw University, Pastor's Wife Award by the Shaw University Divinity School's Board of Trustees, and Citizen-Teacher Award from Durham's Kiwanis Club; and

WHEREAS, she served in various capacities in many organizations, including president of Church Women United of North Carolina, Women's Baptist State Convention of the Baptist World Alliance, Woman's Auxiliary Lott Carey Foreign Missionary Convention, National Baptist Convention USA Inc., Parliamentarian of National Baptist Women USA Inc., National Council of Negro Women, and was a Life Member of the NAACP:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby resolve to pay tribute to

Dr. Johnnie Blunt McLester

in recognition of a lifetime spent in dedicated service to others, for her intense love of people, and for her numerous and extraordinary contributions to the betterment of the Durham community.

This the 22nd day of February, 1999.

/s/ Five Commissioners
Durham County Commissioners

February Anchor Award Winners—John Blake and Nathan Williams

John Blake and Nathan Williams of the Durham County Library are co-winners of the February Anchor Award. Recently, the Parkwood Branch Library experienced extensive renovations. These two employees contributed to the project's success by working weekends and after hours to perform various tasks associated with the renovation. Their hard work saved the County time and money. Priscilla Lewis, Director of Branch Services, nominated the two for this award.

County Manager's Recommendation: Present February Anchor Awards to John Blake and Nathan Williams, along with the sincere congratulations of the entire organization.

Ms. Priscilla Lewis, Director of Branch Services, and Ms. Dale Gaddis, Library Director, introduced John Blake and Nathan Williams, co-winners of the February Anchor Awards.

Chairman Black presented the anchor Award and \$200 checks to John Blake and Nathan Williams.

John Blake and Nathan Williams made remarks of appreciation for the Anchor Award.

Certificate of Appreciation—A. Paul Norby

Chairman Black commented that Paul Norby is leaving Durham County. Mr. Norby said he has accepted the job as Planning Director for Winston-Salem and Forsyth County beginning on March 15, 1999.

Chairman Black read the certificate of appreciation into the record as follows:

A. Paul Norby served the citizens of Durham County as Planning Director of the City-County Planning Department from 1988 until his resignation in February 1999.

During his tenure, Norby led the City-County Planning staff through major comprehensive planning efforts, most notably the Durham 2020 Comprehensive Plan designed to shape area growth patterns into the future, the Durham Open Space Master Plan and the New Hope Creek Corridor Preservation Plan.

Paul Norby is known widely as an extraordinary professional in the planning profession as demonstrated by numerous awards from the North Carolina Chapter of the American Planning Association, the Secretary of Housing and Community Development and the U.S. Conference of Mayors and more.

The Durham County Board of Commissioners hereby presents
this certificate in grateful appreciation to

A. Paul Norby

for extraordinary and visionary leadership and service to the citizens of Durham County as the first Director of Durham's City-County Planning Department.

Presented February 22, 1999

/s/ Five Commissioners
Durham County Commissioners

Mr. Norby made remarks of appreciation and thanked the Planning staff, County Manager, and Commissioners.

The Commissioners made remarks of appreciation for Paul Norby's years of service in Durham County and wished him well in his new endeavor in Forsyth County and Winston-Salem.

Presentation of Library Program Awards to Tracy Babiasz, Technology Librarian, and Nancy Blood, the Library's Hispanic Services Team Leader

The Library Director requests the opportunity to present North Carolina Public Library Directors Association Awards for 1998 to Tracy Babiasz and Nancy Blood so they may receive public recognition for their contributions to library service development and excellence.

Ms. Babiasz was awarded the Outstanding Staff Development Program Award for her Staff Internet Incentive Program. This program consisted of two components: (1) comprehensive training of library staff system wide in Internet core competencies with follow-up opportunities for skill development; and (2) a rewards program for "success on the superhighway." The training component involved one-on-one three-hour sessions with more than 130 staff. Ms. Babiasz prepared reference manuals and webliographies for staff to have on hand as they practice and provide service. Friends of the Library funded the rewards program. Prizes have been given for naming the Internet initiative, completing an Internet Treasure Hunt, and interesting "success on the superhighway" stories. The program has had a very positive effect on staff confidence and attitudes regarding the Internet and has provided excellent preparation for this new service.

The Library also received the award for Outstanding Service Innovation for its Hispanic Services initiative. This initiative was the result of interested library employees coming together on their own to develop services and leverage resources to respond to the needs of the growing Hispanic community in Durham. Their efforts resulted in focus groups with Latino residents, bookmobile stops in neighborhoods with large Latino populations,

Spanish language materials added to the library's collection, bilingual story hours and parent workshops, translation of informational brochures, a weekly conversation group for new international residents, and special exhibits. Ms. Blood chaired this effort which involved staff throughout the library system.

Resource Person: Dale Gaddis, Library Director

Tracy Babiasz and Nancy Blood will be on hand to receive the awards.

County Manager's Recommendation: That the Library Director be given the opportunity to present these awards and that the County express its congratulations and appreciation for these achievements.

Ms. Dale Gaddis introduced Tracy Babiasz and Nancy Blood to the Commissioners. Ms. Gaddis spoke about the two programs that received the awards. Certificates were presented to Tracy Babiasz and Nancy Blood. Remarks of appreciation were made by the employees.

Sheriff Worth Hill—Recognition

Commissioner Heron called attention to the article in Sheriff Times that told about the work and programs that Sheriff Hill has initiated in Durham County. The article was written about several initiatives in the Office of Sheriff such as the Dare Program, School Resource Officers Program (SRO), Truancy Prevention Program, and Sheriff's Community Order Policing Effect team (SCOPE).

Sheriff Hill made remarks of appreciation to the Commissioners and County Manager.

Consent Agenda

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

- (a) Set meeting date—Board of Education/Board of County Commissioners (for March 22, 1999 at 5:00 p.m. in the County Commissioners' Meeting Room);
- (b) Establishment of Sedimentation and Erosion Control Officer position (approve the position);
- * (c) FY1998-99 Budget Ordinance Amendment No. 99BCC000041—Library (approve and expend EZ-LSTA Basic Equipment Grant #2 in the amount of \$10,000);

- *(d) FY1998-99 Budget Ordinance Amendment No. 99BCC000042—Library (recognize and expend Technology Fund receipts in the amount of \$36,800);
- *(e) FY1998-99 Budget Ordinance Amendment No. 99BCC000044—Cooperative Extension (authorize transferring \$52,218 from Northeast Central Durham to Cooperative Extension);
- *(f) FY1998-99 Budget Ordinance Amendment No. 99BCC000045—Upper Neuse River Basin Association membership (approve the budget transfer in the amount of \$7,927); and
- *(h) FY1998-99 Budget Ordinance Amendment No. 99BCC000046—Ellerbee Creek survey (approve the additional appropriation of \$1,500 and give authorization to proceed with this contract).

The motion carried unanimously.

*Documents related to these items follow:

Consent Agenda 7(c). FY1998-99 Budget Ordinance Amendment No. 99BCC000041—Library (approve and expend EZ-LSTA Basic Equipment Grant #2 in the amount of \$10,000).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
1998-99 Budget Ordinance
Amendment Number 99BCC000041

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 1998-99 budget ordinance is hereby amended to reflect budget adjustments for the Durham County Library Department.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Ingovt'l	\$180,225,851	\$10,000		\$180,235,851
<u>Expenditures</u>				
Cultural and Recreation	\$6,948,810	\$10,000		\$6,958,810

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

This the 22nd day of February 1999.

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

Consent Agenda 7(d). FY1998-99 Budget Ordinance Amendment No. 99BCC000042—
Library (recognize and expend Technology Fund receipts in the amount of \$36,800).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1998-99 Budget Ordinance
Amendment No. 99BCC000042

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the
FY 1998-99 Budget Ordinance is hereby amended to reflect budget adjustments for the
Durham County Library Department.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Misc. Income	\$5,123,244	\$36,800		\$5,160,044
<u>Expenditures</u>				
Cultural and Recreation	\$6,958,810	\$36,800		\$6,995,610

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

This the 22nd day of February, 1999.

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

Consent Agenda 7(e). FY1998-99 Budget Ordinance Amendment No. 99BCC000044—
Cooperative Extension (authorize transferring \$52,218 from Northeast Central Durham to
Cooperative Extension).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1998-99 Budget Ordinance
Amendment No. 99BCC000044

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the
FY 1998-99 Budget Ordinance is hereby amended to reflect budget adjustments for the
NC Cooperative Extension Service.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$213,549,807		\$52,218	\$213,497,589
Eco & Physical Develop	\$ 3,875,869	\$52,218		\$ 3,928,087

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

This the 22nd day of February, 1999.

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

Consent Agenda 7(f). FY1998-99 Budget Ordinance Amendment No. 99BCC000045—Upper Neuse River Basin Association membership (approve the budget transfer in the amount of \$7,927).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
 FY 1998-99 Budget Ordinance
 Amendment No. 99BCC000045

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1998-99 Budget Ordinance is hereby amended to reflect budget adjustments for the Clerk to the Board.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
General Government	\$18,216,286	\$7,927		\$18,224,213
Nondepartmental	\$15,382,109		(\$7,927)	\$15,374,182

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

This the 22nd day of February, 1999.

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

Consent Agenda 7(h). FY1998-99 Budget Ordinance Amendment No. 99BCC000046—Ellerbe Creek survey (approve the additional appropriation of \$1,500 and give authorization to proceed with this contract).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
1998-99 Budget Ordinance
Amendment Number 99BCC000046

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 1998-99 budget ordinance is hereby amended to reflect budget adjustments for the County Manager's Department.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
General Government	\$18,224,213	\$1,500		\$18,225,713
Nondepartmental	\$15,374,182		(\$1,500)	\$15,372,682

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

This the 22nd day of February, 1999.

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

Office of the Sheriff--1998 Local Law Enforcement Block Grant Funds—Public Hearing and Budget Amendment Agenda

The Office of the Sheriff submitted an application for Durham County's share of the 1998 Local Law Enforcement Block Grant (LLEBG) and received subsequent approval of a \$51,796 block grant award from the U.S. Department of Justice--Bureau of Justice Assistance. The purpose of the LLEBG program is to reduce crime and improve public safety. The award can be used only in accordance with the seven purpose areas described in the statute.

These intergovernmental funds awarded to Durham County will be used for the Sheriff's Criminal Justice Integrated Network (CJIN) enhancements for Law Enforcement and upgraded portable radios for the Sheriff's Emergency Response Team unit. The Sheriff established an advisory board, as specified by the grant, which met on January 21, 1999 to recommend the proposed use for these funds. The Sheriff's Criminal Justice Integrated Network Law Enforcement enhancements are for \$37,180 of computer equipment and upgrades for network servers for the Law Enforcement Records

Management System (RMS). The Sheriff's internal technical staff will install and support these network enhancements. County IT staff will provide expert assistance and coordination as needed. The remaining \$20,371 will be used to purchase 12 new, upgraded encrypted portable radios with headsets for the Sheriff's Emergency Response Team (SERT). Such equipment and technology enhancements will improve the communications and information systems for the entire Sheriff's Agency.

One of the special conditions of this grant award program is to conduct a public hearing to receive public comment as to the use of these funds. This public hearing has been advertised in the Durham Herald-Sun on February 13, 14, 20, and 21, 1999 for proper public notification.

No additional County funding is required and no subsequent year budget impact is anticipated. The Office of the Sheriff will provide the required grantee local cash match of \$5,755 from its current budget. The total appropriation is for \$57,551; the revenue recognized is for \$ 51,796 from the grant award.

Janet Birenbaum, the Sheriff's Comptroller, and other representatives from the Sheriff's Office will be present to discuss their recommendations to the Board and to respond to any questions.

County Manager's Recommendation: We congratulate the Sheriff on applying for and receiving another Local Law Enforcement Block Grant to continue these traditional improvements. The Sheriff's Office has traditionally used the LLEBG funds, received in 1996 and 1997, for improving and upgrading the agency's equipment and technological infrastructure. This equipment will also assist in implementing the comprehensive plans of the Durham Crime Cabinet. It is recommended to conduct the public hearing to receive public comment, and then approve the Advisory Board's recommendation for the proposed use of the 1998 LLEBG award funds.

Janet Birenbaum, Sheriff's Comptroller, said the Sheriff's Department had received 1998 Local Law Enforcement Block Grant Funds from the U.S. Department of Justice—Bureau of Justice Assistance. The amount of the grant award is \$51,796. An advisory board is required to decide on the proposed use of the funds. A public hearing is also required to receive public comment on the proposed use of the funds.

Chairman Black opened the public hearing that was properly advertised.

As no one signed to speak at the public hearing, Chairman Black closed the public hearing and referred the matter to the Commissioners for consideration.

Commissioner Heron moved, seconded by Commissioner Bowser, to approve the grant award in the amount of \$51,796.

The motion carried unanimously.

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1998-99 Budget Ordinance
Amendment No. 99BCC000043

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1998-99 Budget Ordinance is hereby amended to reflect budget adjustments for the Durham County Sheriff's Department.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Intergovernmental	\$180,235,851	\$51,796		\$187,287,647
<u>Expenditures</u>				
Public Safety	\$ 28,471,817	\$51,796		\$ 28,523,613

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

This the 22nd day of February, 1999.

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

Public Hearing--Thelma W. Rigsbee (Rezoning Case P98-78)

Thelma W. Rigsbee will present to the Board of County Commissioners a request to rezone a 19,628-square-foot lot on the west side of Peyton Avenue, south of US 70 (TM 656, Block 6, Lot 27). Request: R-20 (Residential 20) to GC (General Commercial District). The 2020 Plan supports Suburban Neighborhood uses; the site is outside but adjacent to the Regional Corridor Study Area, which follows the rail-lines near Miami Boulevard. The Southeast Durham Small Area Plan supports commercial use of this site. Staff recommends approval. The Zoning Committee of the Durham Planning Commission conducted a public hearing on January 12, 1999, and voted 7-0 to recommend approval.

Neil Heinberg, Senior Planner, Durham City-County Planning Department, will be present to answer any questions of staff regarding the request.

Mr. Dick Hails, Interim Planning Director, presented the rezoning request to the County Commissioners. He reviewed the staff report for the Commissioners. The staff recommends approval of the rezoning request.

The Commissioners asked several questions and made comments about the proposal to which Dick Hails responded.

Chairman Black opened the public hearing which was properly advertised.

David W. Rigsbee, 3007 Tavistock Drive, requested the video be shown for the Commissioners. Mr. Rigsbee stated that the community has changed in the last ten years. Therefore his mother wants to move into a residential area. Mr. Rigsbee gave a history of the parcel of land that his mother requested to be rezoned. The request is being made to rezone all the property she owns to GC (General Commercial).

As no one else asked to speak, Chairman Black closed the public hearing and referred the request back to the Commissioners for consideration.

Commissioner Bell moved, seconded by Vice-Chairman Reckhow, to approve Rezoning Case P98-78.

The motion carried unanimously.

(Legal description recorded in Ordinance Book _____, page _____.)

Public Hearing to Consider Amendments to Ambulance Franchise Ordinance

The Board is requested to hold a public hearing to consider changes in the Ambulance Franchise Ordinance. With the transfer of the Emergency Medical Services (EMS) to Durham County government from the hospital, the opportunity is now present to assign the responsibility for enforcement of the Ambulance Franchise Ordinance to an EMS director. This will allow for better coordination of ambulance services in the County. The ordinance is also being updated to be in conformance with the Durham County Emergency Medical Services Council bylaws and duties along with minor text changes. The County Attorney drafted the changes to the ordinance.

J. M. Tezai, EMS director, will be present to answer any questions. The EMS Council has approved these proposed changes.

County Manager's Recommendation: Hold the public hearing and approve the changes after the public hearing if they appear appropriate.

Mr. Tezai, EMS Director, discussed the proposed changes with the Commissioners. He explained the reasons why the changes were made and the process used to request the changes.

Chairman Black opened the public hearing which was properly advertised.

As no one asked to speak, Chairman Black closed the public hearing and referred the matter to the Commissioners for consideration.

Commissioner Heron moved, seconded by Commissioner Reckhow, to approve the Ordinance Amending Ambulance Provisions of the Durham County Code.

The motion carried unanimously.

The ordinance amendment follows:

ORDINANCE AMENDING AMBULANCE
PROVISIONS OF THE DURHAM
COUNTY CODE

WHEREAS, counties may regulate the provision of ambulance services pursuant to N.C.G.S. § 153A-250; and

WHEREAS, State statutory provisions governing the provision of ambulance services have changed since the ambulance provisions of the Durham County Code of Ordinances were adopted in 1982; and

WHEREAS, the County of Durham has assumed direct control of Emergency Medical Services since the adoption of said ordinance provisions; and

WHEREAS, it has been determined that certain changes as set forth below are now necessary and convenient to protect the public's health, welfare, and safety.

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

1. That section 12-26 of the Durham County Code of Ordinances is hereby amended to read as follows:

Sec. 12-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meaning:

Ambulance means any privately or publicly owned motor vehicle, aircraft, or vessel that is specially designed, constructed, or modified and equipped and is intended to be used for and is maintained or operated for the transportation on the

streets or highways, waterways or airways of this State of persons who are sick, injured, wounded, or otherwise incapacitated or helpless.

Attendant means any person riding in attendance with a patient.

Call, run means the act of progressing with an ambulance to the scene of need and transporting a patient to his destination.

Driver means any person driving an ambulance.

Owner means any person to whom a franchise for the operation of an ambulance has been granted.

Patient means any person being transported to medical attention or from medical attention in an ambulance.

2. That section 12-30 of the Durham County Code of Ordinances is hereby amended to read as follows:

Sec. 12-30. Driver and attendants; qualifications, prohibited acts.

- (a) **Qualifications.** No person shall be employed or act as an ambulance driver or attendant unless such person shall meet the qualifications adopted by the State Department of Human Resources.
- (b) **Prohibited acts.** Any person employed or acting as a driver or attendant is hereby forbidden to commit or cause to be committed any of the following acts:
 - (1) To drive while under the influence of alcohol or other drug, or to drink any alcoholic beverage or take any drug which may impair the judgment of the driver or attendant while on a call.
 - (2) To smoke while inside an ambulance while the ambulance is moving or standing.
 - (3) To move any patient if there is a suspicion of foul play without first notifying a law enforcement officer, unless necessary to preserve life or limb.
 - (4) To recommend to anyone a particular funeral home to handle a deceased person.
 - (5) To use language which would constitute "fighting words" in the presence of a patient, the patient's family, or any bystander.
 - (6) To commit or cause to be committed an assault or battery on any bystander, unless necessary in the defense of a patient or in self-defense.

- (c) *Repealed.*
 - (d) Every ambulance transporting patients shall be occupied by certified personnel as required by N.C.G.S. § 131E-158.
3. That section 12-31 of the Durham County Code of Ordinances is hereby amended to read as follows:

Sec. 12-31. Standards for communications.

Each ambulance shall be equipped with communication equipment in order to communicate with hospitals.

4. That section 12-35 of the Durham County Code of Ordinances is hereby amended to read as follows:

Sec. 12-35. Investigation of compliance.

- (a) *Agent to investigate.* The Durham County Emergency Medical Services Director or his designee shall be the agent for the County for purposes of making inspections of ambulances and ambulance services to aid the Board of Commissioners in determining compliance with this article and of investigation of alleged violations of this article.
 - (b) *Inspection of ambulances.* Any person holding a franchise shall allow the Durham County Emergency Medical Services Director or his designee at reasonable times to inspect its ambulances, all records kept in connection with the operation of the ambulance or ambulance service, all equipment used in connection with the operation of the ambulances or ambulance service, or any other material or thing necessary to determine compliance with this article or to investigate alleged violations of this article.
5. That section 12-36 of the Durham County Code of Ordinances is hereby amended to read as follows:

Sec. 12-36. Report of calls.

Each franchised operator shall report the number of calls and runs during the month by the 15th day of the following month to the Durham County Emergency Medical Services Director. The report shall be in writing and contain the following:

- (1) The number of emergency calls.
 - (2) The number of non-emergency calls.
 - (3) The total number of calls.
 - (4) The total number of patients transported.
6. That section 12-51 of the Durham County Code of Ordinances is hereby amended to read as follows:

Sec. 12-51. Required.

No person shall operate or cause to be operated an ambulance within the County of Durham without first having applied for and obtaining a franchise from the Board of Commissioners authorizing such operation. Nor shall any person operate or cause to be operated an ambulance within the County of Durham after revocation or during suspension of his franchise. All applications for franchise shall be delivered to the Durham County Emergency Medical Services Director who shall investigate the accuracy of information in the application and make a recommendation to the Board of Commissioners regarding the granting or denying of the franchise. Prior to making a recommendation to the Board of Commissioners, the Durham County Emergency Medical Services Director shall cause a copy of the franchise application to be transmitted to the Durham County Emergency Medical Services Council. The Council will review the franchise application and make recommendations on the application to the Emergency Medical Services Director who shall include these recommendations in the Director's report to the Board of County Commissioners.

7. This ordinance shall be effective on ratification.

This the 22nd day of February, 1999.

Request to Allocate Fund Balance (Account #3118)

Staff is requesting the Board allocate \$111,592.71 from fund balance account #3118. This account is designated for real estate purchases. Account #3118 currently has a fund balance of \$249,917.50.

The funds will be used to pay off the first mortgage for property located at 915 and 923 North Mangum Street (tax parcel, 121-03-012/013). The County holds a second mortgage in the amount of \$55,124.00 on this property. The first mortgage is held by Mutual Community Savings Bank. The County holds a second mortgage on the property because in 1986 the County issued bonds to create a loan program to rehabilitate houses to increase the stock of affordable housing. The City Housing Department administered the loan program. Individual loans were brought before the Board for approval.

In this case, the Board approved a loan in 1993 to Mangum Arms Limited Partnership to renovate the houses located at 915 and 923 North Mangum Street. However, the County

did not receive any loan payments from the partnership and foreclosed on the property in December to protect its financial interest. The County must now pay off the first mortgage to market the property for private sale.

Resource Person: David Powell, Economic Development/Real Estate

County Manager's Recommendation: Allocate \$111,592.71 from fund balance account #3118 to pay off the first mortgage to Mutual Community Savings Bank for property located at 915 and 923 North Mangum Street. Direct staff to market and sell property.

Commissioner Bell asked that he be excused from discussing this matter. The mortgage is with Mutual Community Savings Bank. Commissioner Bell is the chairman of the Board of Directors.

Commissioner Bowser moved, seconded by Commissioner Heron, to excuse Commissioner Bell from discussing and voting on this item.

The motion carried unanimously.

Mr. David Powell gave the Commissioners a brief overview of the proposal that contained the information recorded above.

County Attorney Chuck Kitchen summarized briefly the legal issues for the Commissioners.

The Commissioners asked several questions and made comments about this agenda item to which David F. Thompson, Chuck Kitchen, and David Powell responded.

County Manager Thompson said the Commissioners can get a full report on all projects. The loan status on each project can be ascertained from Ms. Kendall Abernathy, Housing and Community Development Director.

Mr. Jim Vickery, 922 N. Mangum Street, urged the Commissioners to move forward with the disposition of these two properties so they can be renovated and put back into residential use. The renovations will help to revitalize the community.

Jeff Burdett, 911 North Mangum Street, said the Commissioners should act tonight to approve the action requested by staff. Owner occupants should be put in these properties. The County needs to have clear title to move forward.

John Compton, 232 Knox Circle, Director of the Historic Preservation Society, asked the Commissioners to work with the Historic Preservation Society to market these properties.

Tom Miller, representing the Historic Preservation Society, said the loan is on two properties and this has cramped everything. The first property loan should be paid so it will entice more owner occupancy purchasers to be interested in the property. The market conditions should be changed. Only the Commissioners can do that.

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to allocate \$111,592.71 from fund balance account #3118 to pay off the first mortgage to Mutual Community Savings Bank for property located at 915 and 923 North Mangum Street with the understanding the Commissioners will get the complete report from the Durham Housing and Community Development Department.

The motion carried with the following vote:

Ayes: Black, Bowser, Heron, and Reckhow
Noes: None
Excused: Bell

Juvenile Crime Prevention Council

The General Assembly enacted the Juvenile Justice Reform Act of 1998 to provide funding for programs aimed at youth adjudicated delinquents who remain in the community under an intermediate or community sanction. To qualify for funds, a county must establish a Juvenile Crime Prevention Council. Due to the shared duties and membership requirements of the Youth Coordinating Board and the Juvenile Crime Prevention Council, the Youth Coordinating Board recommends that the Juvenile Crime Prevention Council be a subcommittee of the Board. All recommendations of the Juvenile Crime Prevention Council will be presented to the Youth Coordinating Board for endorsement. The Youth Coordinating Board will submit those recommendations to the Board of County Commissioners for approval.

Resource Person: Anita A. Daniels, MSW, Youth Coordinating Board Director

Supporting Documentation: Senate Bill 1260, N.C.G.S. 147-33.48. and 147-33.49, Proposed Transition Plan and Proposed Juvenile Crime Prevention Council Membership.

County Manager's Recommendation: Approve the Proposed Transition Plan and Membership to transfer oversight responsibilities of the existing Durham County CBA Youth Services Advisory Board to the Juvenile Crime Prevention Council per Senate Bill 1260, N.C.G.S. 147-33.48. and 147-33.49 and make the Council a subcommittee of the Youth Coordinating Board.

Chairman Black stated that George B. Hare should be added to the proposed Juvenile Crime Prevention Council as the Chief of Police designee and the County Commissioners slot will be filled by Becky M. Heron.

Anita A. Daniels, Youth Coordinating Board Director, gave the Commissioners an overview of the Juvenile Justice Reform Act of 1998 and the Juvenile Crime Prevention Council.

Ms. Daniels commented that three slots will have to be advertised in order to fill them. They are "person under 21, Juvenile Defense Attorney, and a member of the business community."

Chairman Black said for the person under 21, the plan is to wait until we get the youth advisory group formed and the president of that group will fill the slot.

Chairman Black made a motion to appoint all the names we have on our list including Becky Heron's name, pull out the police chief designee and add Mickey Brown for the alternate position.

The motion carried unanimously.

Commissioner Bowser said he will talk to the police chief about her appointment to the Juvenile Crime Prevention Council.

Chairman Black said the Board will hold up on the appointment by the police chief.

County Manager David F. Thompson suggested that the appointments be made contingent that they meet your policy as stated.

Chairman Black concurred with the County Manager.

Chairman Black said the motion was made that we will approve all the names that we have listed including the ones that we have added with the exception of the Police Chief designee, contingent upon checking and making sure their taxes are paid and that they are Durham County citizens.

The motion carried unanimously.

1999 Durham County Legislative Agenda

Deborah Craig-Ray, Governmental Affairs Director, and Kim Grantham, Assistant County Attorney, have made requested changes to the proposed 1999 Durham County Legislative Agenda. The Board is requested to review the proposed items and vote on the final list to be presented to the Durham Delegation at the upcoming legislative breakfast meeting on March 8.

Deborah Craig-Ray presented the Commissioners an overview of the proposed Legislative Agenda for 1999.

Prepared Food and Beverage Tax

The initial discussion began with the Mix of Revenue Sources. The first item discussed was the prepared food and beverage tax. After a brief discussion, the Commissioners concurred to exclude the prepared food and beverage tax as a revenue in the proposed 1999 Legislative package.

Gasoline Tax

Objective: Enabling legislation to allow the Board of County Commissioners to hold a countywide referendum to enact a local gasoline tax, the proceeds of which will be used for transportation enhancements.

Rationale: The tremendous population growth of the last decade coupled with the explosion in population that is anticipated for the next decade has left the County with critical needs for transportation improvements. By enacting a local gasoline tax, the County will have the revenue to collaborate with the City of Durham to improve Durham's roads and streets. In addition, the County could provide much needed improvements and additions to sidewalks and bikeways throughout the County to accommodate rapidly growing pedestrian and bicycle traffic. Finally, these revenues could also be directed toward the improvement of the great number of subdivision and residential streets that are being established outside municipal limits.

Background Information: This enabling legislation would be used in conjunction with the authority to hold a bond referendum for transportation enhancements. The proceeds from the gasoline tax would help to secure the bonds. The County would work closely with the City on those transportation enhancements that specifically involve the City's authority to build roads and streets.

The City of Durham Transportation Department estimates that each one cent levied as a gasoline tax will generate approximately \$1 million in revenue. According to the North Carolina Petroleum Marketers Association, a one-cent local gasoline tax (by the gallon) would raise an estimated \$1,101,900 in Durham County. The State Tax Research division had the highest revenue projection for a gasoline tax--\$1,250,000. However, the

State does not track gasoline consumption on a county-by-county basis, so this is simply an estimate based on Durham's percentage of the State's total population.

Commissioner Bell commented he supports the gasoline tax proposal.

Commissioner Bowser asked Commissioner Bell questions about the proposal. After some discussion, Commissioner Bowser stated with the emphasis on the inner city he will support the gasoline tax proposal.

Commissioner Heron said she is not in favor of the gasoline tax, but she could support an option sales tax that is not on food and medicine.

The Commissioners agreed to keep the gasoline tax proposal in the legislative package.

Local Option Sales Tax

Objective: Legislation authorizing counties to enact an additional one percent (1%) local option sales tax by resolution of the Board of County Commissioners.

Rationale: The proposed legislation would create a much needed revenue source for the continued improvement, expansion, and addition of schools and infrastructure and this shared tax would also provide additional monies for cities to improve roads and streets and implement other transportation enhancements.

Background Information: The proposed legislation would not apply to food purchased for home consumption.

According to the Durham County Budget and Management Services Department, the one-cent local option sales tax and the two half-cent sales taxes that are currently in effect will produce an estimated \$26,451,532 for the 1998-99 fiscal year. With an additional one-cent local option sales tax, that figure rises to \$44,773,980. If these taxes were levied only on non-food items, the total generated under the current taxes would be \$22,801,221, and with the addition of the proposed local option tax the total would be \$38,595,171. Thus, even excluding the sale of food, the proposed local option sales tax would generate net revenues of \$13,860,559.

The Commissioners decided to have a referendum on the one percent local option sales tax excluding food.

Vice-Chairman Reckhow wanted to make it clear that the Commissioners will remove the food portion on the original two cents if they get an additional one percent local option sales tax.

The local option sales tax will remain in the legislative package with the changes.

Local Legislation

Deborah Craig-Ray said the local legislation section is the same the Commissioners saw last month with one exception. We added an item entitled Service of Process and Zoning Code Violation Cases.

The Commissioners' discussion put the legislative items into three categories. The three categories are as follows:

Priority Items

1. County Investment of Lease Payments
2. Compulsory School Attendance Age
3. Local Option Sales Tax
4. Gasoline Tax
5. Court-Ordered Care and Exceptional Needs Programs
6. Criminal Penalties for Cockfighting

Other Local and Statewide Legislation Sought by Durham County

1. Increased Flexibility in Financing Durham County School Construction
2. Criminal Penalties for Fraudulently Obtaining Ambulance Services
3. Development Plans
4. Service of Process in Zoning Code Violations
5. Local Health Department and Managed Care
6. Spay/Neuter Program
7. Redefinition of Northern Durham Loop
8. Create More Equitable Distribution of Highway Funds

Support of Statewide Initiatives—NCACC

1. Service of Process
2. Funding for Facilities for Judicial and Court Officials
3. Home Option for State/County Adult Special Assistance
4. Transfer and/or Discharge from Adult Care Homes
5. Counties' Share of State Tobacco Settlement

Mr. Wayne Cash, 3706 Snow Hill Road, discussed the following relative to voluntary Agricultural Districts.

1. Farms enrolled in Voluntary Agricultural Districts (VADs) shall be exempted from property taxes on farm buildings, machinery and equipment.
2. Farmers enrolled in VADs may defer 50 percent of their property taxes if property is in present-use tax valuation. Deferral would remain in effect as long as land is in VADs. Farms that withdraw from VADs before 10 years (the initial term for VAD agreements) would be required to reapply the amount equal to the 50 percent deferral from the 3 previous years plus the current year. No payment of back taxes would be required after 10 years in VAD program.

3. Farms in VADs that put land in a conservation easement may be exempted from property taxes on that land. This would apply only to perpetual easements donated to the county, a land conservancy or other nonprofit organization as a charitable contribution. Easements purchased through a local, state or federally funded PDR program would not be eligible for this tax abatement.

County Attorney Chuck Kitchen made remarks and comments about the proposal Mr. Cash brought forward.

Ms. Deborah Craig-Ray said the meeting with the legislators will be at 8:15 a.m. on March 8, 1999 at the Marriott Hotel.

Four-Year Terms for Commissioners

Mr. Lee Mortimer, 4116 Livingston Place, made remarks to the Commissioners about four-year terms. He urged the Commissioners not to proceed to get four-year terms from the legislature because it would be a distraction and contradiction to the issue of a merged government that we should be focusing on.

No official action was taken on this agenda item.

Request to Schedule Special Meeting

Staff is requesting the Board schedule a special meeting to discuss the status of the facility master plan. An internal selection committee has recommended to the County Manager to select the team of O'Brien-Atkins, PA and GSA, Ltd to conduct a space needs assessment and to develop a facility master plan. O'Brien-Atkins is a Durham-based architectural firm with a substantial background in planning and design for government in North Carolina. GSA, Ltd is also a Durham-based company that specializes in organizational analysis and facility feasibility assessment for government organizations.

The purpose of the special meeting will be to review in detail the scope of work, the project schedule, contractual terms, and proposed fee.

Resource Persons: David Powell, Economic Development/Real Estate
Glen Whisler, Environmental Engineering/General Services

County Manager's Recommendation: Schedule a special meeting to discuss the master facility plan.

The Commissioners agreed to meet from 5:00 p.m. to 6:30 p.m. on March 8, 1999 to discuss the Space Needs Analysis and Facility Plan for Durham County.

Consent Agenda Items Removed for Discussion

Consent Agenda 7(g). Department of Social Services (approve amendment in the amount of \$21,561 to establish a position to provide family planning service outreach to Work First recipients).

Commissioner Bowser wanted to know who would pay for the position in future years.

Mr. Arnold Dennis, representing Social Services, said funding is available for FY 1999-2000 to fund the position.

Commissioner Bowser suggested the last sentence in the request on the agenda action form be deleted. The sentence to be deleted is as follows: No additional County dollars will be required for the current year or in future budget years.

The Commissioners asked Arnold Dennis several questions to which he responded.

Commissioner Bowser moved, seconded by Commissioner Heron, to approve a position in the Social Services Department to provide family planning service outreach to Work First recipients.

The motion carried unanimously.

Consent Agenda 7(i). Discussion of City/County consolidation proposal (approve the proposal developed by the County Commissioners during their February 15, 1999 planning retreat).

Chairman Black detailed the changes that were made in the document entitled "Approach to City/County Consolidation" that was revised February 22, 1999.

The document follows (changes underlined):

APPROACH TO CITY/COUNTY CONSOLIDATION
Revised 2/22/99

Joint Committee: Form a joint City Council and County Commissioners Steering Committee by March 15, 1999 to clarify issues necessary for a merged government. The structure will be a body composed of a fixed number of City Council members and County Commissioners set and appointed by the respective governing body.

Purpose: The committee will be charged with guiding a study to determine the feasibility/advisability (costs and benefits) of consolidating city and county governments

in Durham County. The Committee's work would include but is not limited to the following tasks:

- Develop a list of questions and issues to be resolved
- Develop a communications strategy to obtain public input and keep the public informed. This strategy could include citizen forums, public hearings, focus groups, surveys, a special newsletter, and other outreach techniques.
- Recommend, for governing body approval, the composition of citizen task forces that will investigate the details of issue areas including: administration/general government; public works, community services and development, health and human services; public protection, taxation and finance; governmental structure. The committee's recommendation for composition of the task force should include broad community representation. Appropriate staff from city and county governments and specific outside resource expertise would be made available to the citizens committees.
- As soon as possible, determine a budget for appropriate committee and task force support, report that to the governing bodies for approval, and select service providers (consultant and/or facilitator) within the budgeted amounts.
- Access additional resources, as appropriate, to assist the committee's efforts (i.e. the Institute of Government, League of Municipalities, North Carolina Association of County Commissioners, assistance from local universities, and information from consolidated governments in other areas).
- Submit a report to the governing bodies by December 1, 1999, regarding the feasibility/advisability of merger. The report should include the task force reviews evaluating the costs and benefits of merger including efficiency, effectiveness, equity, accessibility and accountability.
- Other activities deemed necessary to gather information and guide the process.

After receipt of the joint committee report regarding the feasibility/advisability of consolidation, the Durham City Council and Durham County Board of Commissioners would determine whether to proceed to create a formal Consolidation Study Commission. If the Commission is formed, it will begin its work by January 15, 2000 with a report, including a proposed Charter, due by May 15, 2000. The Consolidation Study Commission would report on the form of governance and all other issues as called for in Article 20, Chapter 153A of the North Carolina General Statutes regarding consolidated government. With this time frame, a referendum on merger would be possible in November 2000.

The motions follow:

Motion 1:

Commissioner Bell moved approval of the revised version of the Approach to City/County Consolidation document dated February 22, 1999.

Commissioner Heron seconded the motion.

The motion carried unanimously with all five County Commissioners present.

Motion 2:

Commissioner Bell moved that the Board of County Commissioners set the number of Commissioners to serve on the Steering Committee to be five. The Board members are: Commissioners William V Bell, MaryAnn E. Black, Joe W. Bowser, Becky M. Heron, and Ellen W. Reckhow

Commissioner Bowser seconded the motion.

The motion carried unanimously with all five County Commissioners present.

NC Department of Transportation—Letters

Vice-Chairman Reckhow moved, seconded by Commissioner Bell, that the Chairman have authority to sign the letter dated February 22, 1999 to Secretary Tolson, NC Department of Transportation.

The motion carried unanimously.

Chairman Black requested the letter dated February 22, 1999 be delivered to Secretary Tolson on Tuesday, February 23, 1999.

Adjournment

Chairman Black adjourned the meeting at 10:55 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board