

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

Monday, June 4, 2012

9:00 A.M. Worksession

MINUTES

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

Present: Chairman Michael D. Page, Vice-Chairman Ellen W. Reckhow and Commissioners Brenda A. Howerton and Pam Karriker

Absent: None

Presider: Chairman Page

Citizen Comments

The Board of County Commissioners provided a 30-minute comment period at the beginning of the Worksession to allow any citizen of Durham County the opportunity to speak.

Archie Smith made the following comments:

“Good Morning – Mr. Chairman, Honorable Commissioners, Mr. Ruffin

I am joined this morning by:

We come here today to ask for parity in treatment of Durham County Public Servants – Not for a handout. Not for special treatment. Parity.

On a morning, public employees drive into the Durham County Courthouse and Government District, park their vehicles and begin their day's work on behalf of the citizens of Durham County. Visitors to the ball park, DPA Center and the Tobacco Warehouse Facilities, are here at their discretion, seeking recreation and entertainment. They choose to enjoy the amenities afforded to them and voluntarily pay for this privilege.

Not so public servants, they must report to work and of necessity must have a place to park their vehicles.

Durham County is unique in the State of North Carolina. It is the only county with only one incorporated municipality. Within the framework of the North Carolina Court System, it is also singular. The only single county Judicial District which serves on county and one municipality: Durham.

Our public servants in the Durham County Court System in great measure tend to the needs of only one customer – The citizens of Durham County. Durham County is well served by its public judicial servants. Hand in hand with Durham County and City law enforcement, our judicial public servants strive for the orderly and efficient enforcement of the criminal justice system's mission of ensuring the safety of Durham County's citizens. Our judicial public servants labor on behalf of our community in providing the mechanism by which Durham County citizens can resolve their disagreements and disputes in civil court.

However, unlike other Durham County public servants, the public servants in the judicial arena have not received any pay increases for four years. Why? Because although our judicial public servants are for the most part Durham County residents and they work for the citizens of Durham County in a building owned by Durham County, they have a different paymaster: the State.

Whose County seal is of Lady Justice holding the scales of justice and which County was created by legislation introduced by its first c/s.

I realize that our new parking structure carries debt and that this debt must be paid, but please do not punish your Durham County judicial public servants because their paymaster is the State. In the single issue of parking fees, I ask that you treat our public servants alike.

With this in mind, I take this opportunity to point out to you that fully 33% of your Deputy Clerks net less than \$1600.00 a month. Mr. Page, you had it right in regard to salary raises last year when you said "Many of these are working class families. How do we continue to not be able to support them in some way?" Here is how you can support your Durham County judicial public servants – In the matter of payment of park to work fees, treat them with the same respect and dignity according to all of our county employees."

Public Defender Lawrence Campbell read the following letter for the record:

"Dear Chairman Page:

County Manager Mike Ruffin met with us earlier this year and shared his plan to recommend that the Board set a \$25 monthly fee for court employees parking in the new Justice Center Parking Deck. A \$25 monthly fee is certainly fair when considered within the context of the prevailing market rate. However, we are concerned, and we ask that you consider the realities which our employees face and the impact of your decision on court staff.

Salaries. Salaries for front-line employees in the court system are modest, to put it kindly. More than 50% of the Deputy Clerks in our Clerk of Court's Office make less than \$33,500, and almost two thirds of this group makes less than \$30,000. Almost one out of every five (18%) of the Deputy Clerks in our Clerk's Office gross less than a Durham County Animal Shelter Attendant at \$28,941/year. Assistant District Attorneys' and Assistant Public Defenders' salaries can be honestly described as austere in the context of their qualifications. A \$25 monthly fee is an annual expense of \$300, and many of our folks will make the hard decision that they cannot afford this expense.

Safety. Many of our staff members currently do not pay to park. Dozens of court employees parked in a parking area located by the new DHHS building where they were able to park free. When that lot closed, many eagerly signed up for parking in the new deck, again at no fee while the County considers new parking policies. Other employees park on nearby streets to avoid a fee. These non-fee opportunities will be few and far between in our new location. The new Courthouse, while not isolated, has no other realistically convenient parking options close by.

Security has been a high priority in the design and construction of the new Courthouse, for which we are grateful. But if our employee, for economic reasons, feel compelled to park in places that may not be safe, we have created a chink in the security armor. A decision for which they are responsible, you might say. But in their eyes, there is no choice.

Parity. Finally, the majority of the employees who work in our courts are Durham County residents. They work side-by-side with County employees from the Department of Social Services, the Sheriff's Office, etc. As employees of the State, they have gone four years without any increase in salary, are handling a larger workload due to the loss of staff positions, and now, for the first time, must pay for a health care plan with increased deductibles and co-pay fees. We recognize that these are not your issues, nor are these your employees. But please recognize that they are, for the most part, your citizens: Durham County residents serving Durham County residents.

Thank you for considering the realities we face. We look forward to continuing to serve the citizens of Durham in our new facility in 2013."

Sincerely,

/s/Orlando F. Hudson, Jr.
Senior Resident Superior Court Judge

/s/Marcia H. Morey
Chief District Court Judge

/s/Archie L. Smith III

/s/A. Leon Stanback

Clerk of Superior Court

/s/Lawrence H. Campbell
Public Defender

Interim District Attorney

/s/Kathy L. Stuart
Trial Court Administrator

Chairman Page thanked Mr. Smith and Mr. Campbell for their comments. He informed them that a discussion would be held later that may address their concerns.

Memorial Stadium Fees

Durham County Memorial Stadium Authority Chair Tommy Hunt introduced this item stating that the Board requested to provide input and guidance in the upcoming fiscal year's establishment of fees for the Durham County Memorial Stadium. The fee schedule approved by the Stadium Authority was approved on May 30, 2012. He discussed the following items:

- Recommendation of New Stadium Authority Fees
- 2011 Rental Fees and Charges

Mr. Hunt expressed gratitude for Commissioner Karriker's input.

Reco Chavis, Stadium Manager, responded to Vice-Chairman Reckhow's inquiry regarding no hourly option.

The Commissioners provided a feedback regarding stadium fees, activity settings for events, and off-season fees.

Commissioner Karriker alerted the Board that the item does not need to be placed on the consent agenda since the authority has the ability to make the final decision.

Directives

1. Stadium Authority to revisit the fees.
2. Consider a category that addresses summer camps and youth activities.
3. Send a copy of the report to the Board that includes the changes recommended by the Commissioners.
4. Staff report back in a year to discuss any progress.

System of Care Update

Ellen Holliman, Director, The Durham Center, introduced this item. She provided a brief update on the award-winning System of Care. The System of Care, an integrated network of community services and resources supported by a partnership between families, professionals and the community in all aspects of service planning and delivery. The goal of System of Care is to establish a seamless array of comprehensive, flexible, and effective supports for individuals and families throughout the community and through this assistance, to make the Durham community a better place to live for all individuals and families.

Ann Oshel, Director of Community Engagement and System Development, the Durham Center, presented the following:

- Mission Statement
- Population /System focus areas
- Cost of System of Care (SOC)
- County Funded Positions
- The Durham Center Funded Positions
- SAMHSA Funded Positions
- SOC within the MCO
- SOC Activities
- Network of Care
- Cost of Network of Care
- Housing Stability
- Central Regional Hospital
- Moving Forward
- Child and Family Teams
- Becoming
- Training
- Considerations for the future of Durham SOC

Denene Hinton, Care Management Specialist, discussed the following:

- Care Review
- Care Review Support Composition

Staff responded to issues and questions raised by the Board.

Directive

1. Staff to determine whether the nonprofits are listed in the network of care.
2. Look at lobbying for more parity for Mental Health and Substance Abuse Treatment Services by insurance services.
3. Send to the Board a report that contains the number of children that were seen through the school-based mental health project.
4. Work with the City, County, DPS, and United Way to make sure all of the groups funded listed.

Amendment to Animal Control Ordinance

Marie Inserra, Assistant County Attorney, introduced this item stating that the Board requested to hear suggested changes to the Animal Control Ordinance. On May 29, 2012, the Board agreed to relinquish control over the Animal Control Division of the General Services department to allow the Office of the Sheriff to assume responsibility and control of the division and enforcement of the Animal Ordinance effective July 1, 2012. Due to this change in operation, Chapter 4 of the Durham County Code of Ordinances, Animals, needs to be amended.

The Board commended Ms. Inserra and Mr. Massey on their work with the amendment.

Curtis Massey, Legal Advisor to the Sheriff, made remarks pertaining to the amendment.

Directive

Place on June 11 consent agenda.

Request to Establish 10 Paramedic Positions, 4 EMT Intermediate Positions and a Clerk IV position in accordance with the County Manager's Recommended Budget for Fiscal Year 2012-13

Lee Worsley, Deputy County Manager, presented this item. He explained as part of the County Manager's Fiscal Year 2012-13 Recommended Budget, that additions to staff in EMS are incorporated to improve overall EMS system management and to maintain high EMS revenue collection rates. None of these positions would require additional General Fund appropriations, but are being covered by existing revenues or increases in EMS revenue collections, along with a portion of the annual lease payment from Duke University Health System. He provided a brief overview regarding EMS of North Carolina.

Mike Smith, EMS Director, highlighted the following positions along with their funding sources include:

- a) Six Paramedic Positions to provide adequate staffing and supervision needed for each shift. These positions will be funded by increased EMS revenues;
- b) Four Paramedic and four EMT Intermediate positions to assume full operation of the Redwood Fire Department and Bethesda Fire Department EMS Units, as requested by those two departments, effective July 1, 2012. The County already funds these EMS Units through payments to the volunteer fire departments. These payments will simply be shifted from the fire department to EMS;
- c) The establishment of a Clerk IV position to assist with EMS clerical responsibilities, collections and to assure a continued high collection rate. This position will be funded by increased EMS revenues.

Mr. Smith conveyed that Durham County EMS has not added any additional line staff positions in almost 20 years. The additions of the six Paramedic positions are needed to adequately staff current EMS units. The additional six Paramedics would help fully staff all needed ambulances and would allow supervisors to be available to all employees and not be isolated on a single ambulance serving as a crew member.

Mr. Smith notified the Board that North Carolina General Statutes give County governments the exclusive responsibility for EMS services. These services can be carried out in a variety of ways (through county government or by contract). Since the early 1990s, Durham County EMS has been in a partnership with Bethesda, Redwood and Bahama Fire Departments to provide EMS services within their communities, as part of the Durham County EMS System

Plan. Currently, there is one Durham County Paramedic stationed at each of the departments, with a driver furnished by the fire department along with an Advanced Life Support Ambulance titled to those fire departments. Although the driver and the ambulance are part of the fire department, the County provides full funding for the operation. The partnership has worked well since the 1990s, but it has caused some difficulties since there is not a central command structure. With increased call volume, these fire department EMS units must run increased call volume outside of the fire district. It makes more operational sense for these units to be under one command structure since they are subject to be dispatched and positioned anyway within the County. Further, Durham County's recently adopted Strategic Plan, under Goal Three, Safe and Secure Community, includes initiatives specifically addressing consolidation of public safety functions:

- a) Goal Three, Initiative Four – Increase efficiencies and streamline operations within Durham County public safety functions
- b) Goal Three, Initiative Five – Standardize response capabilities to improve outcomes.

Mr. Smith concluded the presentation stating that because of the large number of positions being established with the Recommended Budget, getting an early start on recruitment would assist in filling the positions as quickly as possible to be ready for a July 1, 2012 implementation. Although these positions are requested to be established now, no new budget appropriation is required because the conclusion of the fiscal year is imminent and the positions are likely not to be filled until very close to July 1, 2012 and there are sufficient funds already in the EMS budget to cover any costs incurred during Fiscal Year 2011-12.

Pam Meyer, Budget Director, clarified the summary of savings for the Volunteer Fire Departments.

Vice-Chairman Reckhow moved, seconded by
Commissioner Karriker to suspend the rules.

The motion carried 4 – 0.

Commissioner Howerton moved, seconded by Commissioner
Karriker to approve the establishment of 10 Paramedic, four EMT
Intermediate, and one Clerk IV positions for EMS.

The motion carried 4 – 0.

Directive

1. Assess the privatization at Parkwood Fire Department.
2. Consider bringing Parkwood VFD and Bahama VFD in house.

Falls Lake and Jordan Lake Budget Impacts

Drew Cummings, Assistant County Manager, introduced this item. He stated that the North Carolina Environmental Management Commission (EMC) approved Jordan Lake Rules in 2009 and Falls Lake Rules in 2010. State mandated deadlines for certain provisions of the rules already have begun and more deadlines are approaching this summer, such as required revisions to the County's Stormwater Ordinance. County departments have managed their compliance-related activities with existing staff thus far, but new demands are outstripping existing staff capacity. As part of the recommended budget presented by the County Manager on May 29, 2012, two new positions were recommended that relate directly to the demands imposed on the County by the Falls Lake and Jordan Lake Rules.

Mr. Cummings noted that the first position would re-establish the Stormwater Manager position in the Engineering Department that was eliminated as part of the budget reduction in FY2010. This position is needed to help implement and administer the state-mandated revisions to our Stormwater Ordinances and Programs. The second position, proposed for the Environmental Health Division of our Public Health Department, will be used to start making headway in compliance activities relating to the over 11,000 onsite waste-water systems (septic systems and discharging sandfilter systems) in the County. These systems represent a significant portion of Durham County's "existing development" loading, which we will have to reduce significantly per both sets of lake rules.

The Soil and Water Conservation District also requested a position to help carry out their Falls and Jordan Lake Rules-related work in the areas of agriculture and fertilizer application. This position request was not recommended, but represents another important area of compliance that would require increased County support in future years.

The new development provisions of the rules mandate that local governments implement Stormwater ordinance revisions by this summer. Draft revisions to meet these rules have already been approved by the EMC.

Mr. Cummings led the following presentation:

- How Durham County is Divided
- Departmental Responsibilities

Robert Brown, Environmental Health Director, Public Health, discussed the need for an Environmental Health Specialist.

Chris Roberts, Erosion Control Officer, explained the need for a Stormwater Manager. He also discussed the State mandated amendments to the Stormwater Ordinance.

Eddie Culberson, Soil and Water Director briefly discussed issues regarding immediate tasks Best Management Practices (BMPS).

Directives

1. Make corrections as indicated.
2. Consider joint programming with the City.
3. Revisit budget impacts.
4. Look at additional revenue options.
5. Place ordinance revisions on the June 11 consent agenda.

Request for Month to Month Extension of the Current Recycling Collection Services Contract with TFC Recycling

Motiryo Keambiroiro, General Services Director, presented this item stating that the Board requested to extend the existing Recycling Collection Services contract (RFP-08-005) to month to month at a cost of \$45,792 per month until a RFP recommendation for recycling collection services can be presented and awarded.

Durham County's four solid waste and recycling convenience sites and residential homes receive bi-weekly roadside recycling collection services from TFC Recycling, USA. June 30, 2012 will complete the 5th year of the original public bid annual contract.

Ms. Keambiroiro indicated that a new Recycling Collection Services RFP (12-018) has been advertised, and proposals are due on June 5, 2012. Additional time would be needed to complete the proposal reviews, conduct interviews, negotiate the final contract and make presentation to the Board of County Commissioners.

The Board thanked staff for the information.

Directive

Place on the June 11 consent agenda.

Durham County Parking Policy

County Manager Mike Ruffin introduced this item. He stated that revisions to the County's Parking Policy are needed due to the completion of the new courthouse parking deck. However, the policy governs parking at all County-owned parking facilities. He addressed comments made at the beginning of the meeting.

Motiryo Keambiroiro, General Services Director, discussed the calculations in regards to revenue based on State employees being in the deck and controlling the flow of revenue.

George Quick, Finance Director, made comments regarding the policy; however, his comments were inaudible.

Joe Vallejos, Senior Project Manager, City of Durham, spoke in regards to the baseline cost.

The Commissioners held a discussion about parking for County and State employees and signage to promote event parking.

Directives

1. In the future, bring a report to the Board that shows revenue versus cost.
2. Received comments from Clerk of Court staff regarding the policy.
3. Inform the Clerk of Court of the proposed recommendation.
4. Place on the June 11 consent agenda.

Durham County Justice Center Parking Deck Parking Operations and Maintenance Services (Alternate) RFP 12-006 Discussion

Motiryo Keambiroiro, Director of General Services, introduced this item. She enlightened the Board that the General Services Department issued a Request for Proposals (RFP) to provide Parking Operations and Maintenance Services for the County's new Justice Center Parking Deck. The objective is to enter into an agreement with a single Contractor that has a proven track record in providing high quality Parking Operations and Maintenance Services. The Contractor must have an impeccable management and safety record, where the County can leverage the awarded Contractor's expertise and experience to work independently and professionally, service the public, and forge a long-term relationship that offers efficiencies, cost savings, and ingenuity in resolving parking issues. The RFP required parking operations Monday-Friday, 7:00AM-7:00PM and events outside these hours and on weekends, as needed. The RFP requested Maintenance Services Monday-Friday, 8:30AM-5:30PM.

Ms. Keambiroiro pointed out that two firms, McLaurin Parking Company and Lanier Parking Solutions submitted proposals on February 16, 2012. A Section Committee of selected County Employees reviewed and ranked the proposals. Interviews were then conducted with each company.

Upon completion of the review and interviews, the Selection Committee recommended the County enter into an Agreement with Lanier Parking Solutions, LLC (LPS). LPS presented a slightly overall lower cost of service.

Ms. Keambiroiro expounded on the following discussions with LPS that resulted in the following cost projections:

FY 2012/2013 (Living Wage Rate at \$11.91/hour)

Pricing presented is based on LPS providing parking operation services for after hour/event parking for the entire FY 2012/2013 and daily parking operations commencing with the occupancy of the Courthouse Building, January 1, 2013-June 30, 2013.

After Hour/Event Parking Operations-There is approximately 214 events during FY 2012/2013. LPS could operate the deck on the County's behalf at a cost of \$209.75/per event (baseline staff of three. 1-Supervisor, 2-Parking Attendants, 3 hours each) for a potential after hours/event parking operations cost of \$44,886.50/annually. 42 cars/per event at \$5.00/per car are required

to park to be revenue neutral. Additional on-call, Attendants or Traffic Control staff for larger events would increase this cost, and would be paid from contingency funds.

Daily Parking Operations-The cost for LPS to provide daily parking services Monday-Friday, 7:00 AM to 7:00 PM is \$8,088.96/month, or \$48,533.76 (January 1, 2013-June 30, 2013).

Based on proposal costs and the occupancy date of the adjoining Courthouse Building, it is recommended LPS provide after hour/event parking operations July 1, 2012-June 30, 2013 and daily parking operations January 1, 2013-June 30, 2013 for the following not to exceed costs:

After hour/event parking operations-214 events at \$209.75/per event or \$44,886.50 (July 1, 2012-June 30, 2013), Daily parking operations at \$8,088.96/month or \$48,533.76 (January 1, 2013-June 30, 2013), plus a 20% contingency of \$18,684.05 for a total cost of \$112,104.31

Based on proposed maintenance service (alternate) costs, it is recommended that the General Services Department provide basic maintenance services utilizing in-house staff and sub-contract street sweeping and power washing services as needed at a cost of \$11,001.69.

Total operating FY 2012/2013 costs for parking operations and basic maintenance services of \$123,106.00.

Ms. Keambiroiro and Joe Vallejos, Senior Project Manager, City of Durham, replied to questions posed by the Board.

Directive

Place on the June 11 consent agenda.

Review of Board Directives

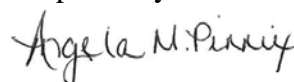
Michael Davis, Strategic Initiative Manager, stated that the Board requested to review the previous month's directives for staff and make comments as necessary. This set of directives covers February, March, April, and May of 2012.

The Board thanked Mr. Davis for the directives.

Adjournment

There being no further business, Chairman Page adjourned the meeting at 1:59 p.m.

Respectfully Submitted,



Angela M. Pinnix
Administrative Assistant I
Clerk to the Board's Office