

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

Monday, January 7, 2013

9:00 A.M. Worksession

**MINUTES**

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

Present: Chairman Fred Foster, Jr., Vice-Chair Brenda A. Howerton, and Commissioners Wendy Jacobs, Michael D. Page, and Ellen Reckhow

Absent: None

Presider: Chairman Fred Foster, Jr.

**Citizen Comments**

The Board of County Commissioners provided a 30-minute comment period to allow Durham County citizens an opportunity to speak. Citizens were requested to refrain from addressing issues related to personnel matters.

John Tarantino presented a musical tribute to the Board.

Victoria Peterson spoke about concerns at the jail, including the need for new carpet and restroom restoration in the public areas. She also expressed concern about inmates having to pay to have clean clothes. The County Manager will look into her concerns.

**Durham Public Schools – Request for Reallocation of Authorized and Unissued 2007 School Bond Proceeds**

Dr. Becoats sought approval of the reallocation from 2007 Bond proceeds. Both County and DPS staff have agreed that moving funds would not impact any of the existing projects. He added that Hugh Osteen and Tim Carr were present to answer questions.

Commissioner Reckhow questioned information that was previously requested, specifically the current enrollment capacity at high schools. Mr. Hugh Osteen promised to provide the information for the 40-day enrollment. Mr. Osteen explained that the reallocation request is to use funding to take care of existing facilities. Commissioner Reckhow commented that she would be concerned about taking money from expanding high school capacity. Mr. Osteen expressed the need to expend the funds soon to make sure the funds are not lost.

Vice Chair Howerton asked about the projection for new schools. Mr. Osteen responded that a new elementary school would be needed before 2017 in southern Durham. County Manager Ruffin added that additional information will be forthcoming at the Capital Improvement presentation in March.

DPS shared additional information with the Board explaining Capital Plan priorities. Mr. Osteen expressed the need to approve the request at the January 14, 2013 meeting.

#### Directives

- Hugh Osteen will provide the requested enrollment information to the Board;
- Commissioner Reckhow requested to have the item as a regular item on the January 14<sup>th</sup> agenda.

#### **Request from Durham County Hospital Corporation Board of Trustees to Change the Name of Durham Regional Hospital**

Michael Pearl, Chairman, Board of Trustees, Durham County Hospital Corporation Board; Kerry Watson, President and CEO, Durham Regional Hospital; Kathleen Galbraith, Chief of Hospital Operations were present to answer questions from the Board.

Mr. Pearl shared a brief history of the name of Durham Regional Hospital. The Board of Trustees of the Hospital recommended that the Board of County Commissioners consider changing the name to Duke Regional Hospital.

Mr. Watson further explained that he met individually with all Commissioners. As CEO, he outlined his vision for Durham Regional to be the best regional hospital in North Carolina. The hospital is currently ranked 3<sup>rd</sup> in the region and 5<sup>th</sup> in the State. The Hospital Board felt that rebranding the hospital would aid in moving forward.

Ms. Galbraith shared a PowerPoint presentation outlining the name change process. Three names were tested, and Duke Regional was the strongest of the three. There is a tagline proposed to honor the past that reads “serving the community since 1976.”

Commissioner Reckhow expressed concern about losing the community hospital brand. She would like the name to be Duke Durham Hospital to capture the community focus. She felt it was important for people to know that the hospital is not an annex of Duke Hospital.

Mr. Ruffin clarified that Duke Raleigh Hospital is more of a specialty hospital and does not operate as a full service hospital as does Durham Regional.

Mr. Watson emphasized the need to compete with surrounding hospitals.

Commissioner Page, a Hospital Board member, expressed the need to move forward. He commented that it is critical that branding take place. He encouraged BOCC members to embrace the recommended name, Duke Regional Hospital.

Commissioner Reckhow spoke about EMS steering patients to Duke. She recommended a lot of training for EMS in the new branding.

The consensus of the Board was to move forward with the recommended name. The item will be placed on the January 14, 2012 agenda for approval.

**Consideration of Option to Purchase from Integral Development, LLC for the James A. Whitted School Property**

Mr. Lee Worsley, Deputy County Manager, reviewed the item for the Board. The Board of Commissioners authorized staff to begin negotiating on November 5, 2012. Staff recommended Integral Development, LLC for the development. One of the first items that needs to be considered is the option to purchase for Integral Development. Integral would like to apply for federal tax credits for the housing portion of the project. An option must be executed by mid-January; therefore, the matter is before the Board because it is time sensitive.

Deputy County Attorney Carol Hammett briefly explained the Option to Purchase. The Option does not convey the property, but locks it in place so that the developers can show on their tax credit application that they have an Option. The developer will have the right to purchase the property thru June 30, 2014. The tax credits are critical to the project.

Chairman Foster asked Mr. Darryl Jones, representing Integral Development, LLC, to come forward. Chairman Foster asked for an update on community concerns with the development. Mr. Jones responded that the information had been received positively by the community. He added that another meeting is planned for January.

Mr. Jones explained the concern about public use. Because of the small children and elderly population, there cannot be an afternoon recreational use. However, the developer will work with the community to include activities that will be entire community.

Chairman Foster asked for information regarding funding. Mr. Jones further explained funding of affordable housing developments. Projects normally don't have any value after they are developed. All of the benefits to developers are included in predevelopment costs.

Vice Chair Howerton asked for clarity on the security and maintenance of the building. Mr. Jones responded that it will be a collaborative effort between the developers and Durham Public Schools. Discussions are ongoing with the School system to make sure that efforts are not duplicated and are cost effective. General Services will continue to maintain the building over the next year. Mr. Carl Webb added that DPS will be responsible for the school side and the developer will be responsible for the residential side.

Commissioner Jacobs suggested putting up signs around the building to market the future use. She expressed her excitement about the concept, and added that she would like to see history documented.

The project is estimated for completion in the winter of 2015.

Vice Chair Howerton moved, seconded by Commissioner Reckhow to suspend the rules for a vote.

The motion carried unanimously.

Commissioner Reckhow moved, seconded by Commissioner Page to approve the Option to Purchase with Integral Development, LLC and authorize the County Manager to execute the Option to Purchase.

The motion carried unanimously.

### **Changes in EMS Service Provisions in the Bahama District**

Before beginning the item, County Manager Ruffin announced the Mike Smith, EMS Director, submitted a letter of retirement, effective June 30. Mr. Smith has served in the EMS role for more than 40 years.

Mr. Worsley introduced Chief Needham, Bahama Fire District. Due to recent Healthcare Reform legislation, the Center for Medicare and Medicaid Services (CMS) now requires the County to show ownership of all EMS vehicles in order to continue to bill for services rendered. Under the current arrangement, Durham County does not own the EMS vehicle; the Bahama Fire Department owns the vehicle. The County stands to lose \$200,000 a year in Medicaid if the current arrangement remains.

The Bahama Fire Board is in favor of the County taking ownership of the EMS vehicle. Bahama will continue to house and operate the EMS out of the existing station in Bahama. The additional annual cost to the County would be \$53,010.37, but will prevent losing \$200,000 per year.

Five positions would have to be moved to Durham County. The cost for the five personnel would be \$115,265.90. Chief Needham commented on the need for additional EMS staff, and the challenges the personnel faces.

Chief Needham would like to be reimbursed for housing the EMS vehicle. Mike Smith pointed out the need to have the truck remain in northern Durham to serve that part of the county.

The Board conversed about putting paramedics in cars to visit patients. This effort would provide preventive attention to recurring 911 callers. Durham County is studying such a program, according to Lee Worsley.

Commissioner Jacobs suggested training residents in Bahama and rural areas in CPR.

### **Directives**

- Mike Ruffin will arrange for the Board to have a briefing on EMS

### **Draft FY 2014-2020 Transportation Improvement Plan (TIP)**

Ellen Beckman, Transportation Planner for the Durham/Chapel Hill/Carrboro Metropolitan Planning Organization addressed the Board. She presented the 2014-2020 capital and operating assistance projects to be implemented in the next seven years with the use of federal and state funds.

Ms. Beckmann defined the Metropolitan Planning Organization's (MPO) role in adopting a seven-year Transportation Improvement Plan (TIP). The Plan is traditionally updated every two years. The MPO and State TIPs must match. The next TIP covers 2014-2020. The MPO released the Plan for comment on October 12, 2012. The final TIP has been delayed until June 2014. This will allow additional time for comments later in 2013.

The following Durham projects were discussed:

The Durham area has several projects funded for construction in the draft TIP. These projects are:

- US 501-Infinity-Latta Intersection – upgrade intersection to reduce congestion – funded through the City of Durham and Mobility Fund – right-of-way acquisition in FY 2013, construction in FY 2014
- NC 54-Farrington-I-40 Slip Ramp – construct slip ramp from northbound Farrington Road to I-40 eastbound at NC 54 interchange – funded through the Mobility Fund – construction in FY 2014
- NC 55 (Alston Avenue) Widening from NC 147 to NC 98 – right-of-way acquisition in FY 2013, construction in FY 2015-2016
- East End Connector – funded through the Urban Loop program - right-of-way acquisition in FY 2013, construction in FY 2014-2017
- NC 54 Widening from Barbee Chapel Rd to I-40 – funded through the Mobility Fund – right of way and construction in FY 2022
- Hopson Rd-NCRR grade separation and track realignment – construction in FY 2013-2015.
- Duke St Sidewalks from Murray Ave to Roxboro Rd – right-of-way acquisition in FY 2020, construction in FY 2021
- University Dr Bicycle Lanes and Sidewalks from Garrett Rd to Cornwallis Rd – construction in FY 2015
- The Durham area has several projects funded for right-of-way acquisition only through FY 2022. These projects are:
  - NC 54 Widening from Fayetteville Rd to NC 55 – right-of-way acquisition in FY 2020-2023
  - US 501 Widening from Duke St to Goodwin Rd – funded through the Urban Loop program - right of way acquisition in FY 2020-2021
  - I-85 Widening from US 70 to Red Mill Rd – funded through the Urban Loop program – right-of-way in FY 2022

The Durham area also has several projects funded for feasibility.

Ms. Beckmann explained to Vice Chair Howerton that no projects will be delayed. The delay means that the current TIP will continue to be amended until the new TIP is adopted.

Commissioner Page inquired about the Cook Road area near Hillside High School. He reiterated the danger to students. Ms. Beckmann recalled that the project was submitted, and scored high as a priority. Commissioner Page urged Ms. Beckmann and the Transportation Advisory Committee to continue to make his a high priority.

Commissioner Reckhow suggested that the Board draft a letter to the Transportation Advisory Committee signed by Chairman Foster to highlight the request and make a general statement about prioritizing sidewalks within ½ miles of schools.

Commissioner Jacobs commented that due to State funding cuts, bus stops are farther apart, and students are walking longer distances. She echoed the concerns.

Commissioner Reckhow stated that some bike/pedestrian projects were funded as part of road projects. Commissioner Jacobs requested to add a comment in the letter about bike projects.

Bus funding is mostly funded by Federal, with some State and local money added, according to Ms. Beckmann. Commissioner Jacobs requested to add a comment about restoring state funding for busses.

What is the cost of the bike/pedestrian projects? Ms. Beckmann will provide that information. Commissioner Jacobs asked about local contracting for projects. Mr. Ruffin responded that there is no rule requiring NCDOT to have local contractors.

The Board discussed the proposed Northern Parkway. Chairman Foster inquired about whether any subdivisions would be disrupted. Commissioner Reckhow explained the history and compromises made regarding the Parkway.

#### Directives

- Cook Road sidewalks near schools to be given greater priority (within ½ mile of schools)
- Draft Letter to Transportation Advisory Committee (sidewalk improvements, continued support for public transit, loss of State participation) to be signed by Chairman Foster
- Obtain cost of funding bicycle/pedestrian projects
- Share Background on scoring (Ellen Beckmann will provide)

#### **Food and Nutrition Services – Department of Social Services**

Michael Becketts, Director of DSS, thanked the Board for listening to the concerns. He shared some issues the Department is facing and explained how they will be addressed.

Statewide implementation of a new computer system (NCFAST) may cause problems in processing food stamp applications. DSS is working to get ahead of the problems that other counties have faced. Staffing is an ongoing problem for Durham County DSS, according to Mr. Beckett. DSS has negotiated an extension of an additional month of the transition while staff is being trained. 23,000 applicants are in the system. The new system requires additional information for processing that is not currently a part of the system. The 23,000 applications will require manual entering into the new system.

DSS has developed a plan that will minimize the impact. DSS needs to increase staff by 10 and allow overtime for staff to allow applicants to fill out applications in person. The cost would be \$300,000 for temporary overtime staff and overtime.

There has been a 104 percent increase in requests for food stamps since FY2008. There is not enough support in the Department for processing. The transition of NCFASST for other programs will be forthcoming in the next two years.

Mr. Beckett asked for the Board's support in understanding the challenges that DSS faces. He commended the IT Department for assisting in the transition. He reiterated the need for additional staff.

Chairman Foster asked about the need for the additional staff once the project is completed. Mr. Beckett responded that the transition to medical assistance would be next once the six month transition for food stamps ends. There will be a budget request for additional staff.

Mr. Beckett addressed questions about providing computers. Currently, there are some spaces at the Duke Street location which will house eight (8) computers for applicants.

Mr. Beckett is working with the libraries to aid in electronic filing of applications. The library director has agreed to eliminate the cost of printing for applications.

Ms. Rhonda Stevens, DSS Manager, commented that she expected the numbers to rise when people are able to complete applications on line and they don't face the stigma of coming into the DSS Office.

Vice Chair Howerton encouraged Mr. Beckett to look creatively to implement the project in the most cost effective way. She asked that he look at best practices. Mr. Beckett responded that he is planning site visits to other counties.

Chairman Foster suggested that DSS look at Cramden Institute for technology needs. He added that the Institute would like to partner with Durham County.

The Board discussed the space in the new building for DSS. Manager Ruffin commented that there is the option of asking Mental Health to find other space if DSS needs the additional space.

The Board thanked Mr. Beckett for his work at DSS and for informing the Board on the transition.

\*\*\*\*\*The Board recessed for a 30-minute lunch\*\*\*\*\*

### **Discussion - Resolution Supporting Regulatory Reform of Firearms and Ammunition**

Vice Chair Howerton thanked for the Board for entertaining a discussion on a Resolution regarding firearms and ammunition. She expressed her concern about recent gun violence situations, and wanted feedback from other Board members.

Commissioner Reckhow stated that the resolution should include safe storage of guns, and expanding the resolution to include public and mental health services.

Commissioner Jacobs concurred with Commissioner Reckhow's comments. She spoke about the need to enforce existing laws.

Manager Ruffin commented that we spend over \$1 million per year in school resource officers.

Commissioner Reckhow recommended attaching a statement from the Mayors, and directing the Resolution to Federal and State governments.

The Resolution will appear on the January 14, 2013 agenda for approval.

### **Discussion – Proposed 2013 Legislative Agenda**

Assistant County Manager, Deborah Craig-Ray, presented items submitted by staff. She requested additional items that the Board may have. She will work with the Clerk to get dates for a meeting with the Durham Delegation.

The following items were submitted by staff:

#### **1. Standards for Jail Dormitories**

**Rationale:** The current standards for jails in North Carolina state that dormitories house no more than 40 inmates. However, for counties with a population of more than 300,000 jail dormitories can house up to 64 inmates per dormitory. The ability to house up to 64 inmates per dormitory would give Durham County additional flexibility in the planning and design of additional detention facilities. Larger capacity dormitories provide a more efficient and economical housing alternative in detention facilities.

Submitted by: Glen Whisler, Durham County Engineer

**Comments:** The Board discussed alternatives for detention space. The Manager stated that the County is looking at space in rural areas—downtown space is too expensive.

#### **2. County of Durham Design Build Authorization for Sewer and Water Facility Construction**

**Rationale:** Durham County currently follows a design, bid process for the construction of sewer and water facilities, which prevents the formation a single point of responsibility for development of these complex and innovative facilities. A more holistic approach for the facilities development is design build. In this approach a development team is selected which includes both the designer and the construction contractor. This selection may be based upon the team's ability to complete the design and construction of the project, the ability to integrate the project with the existing facilities, and the ability to quantify the systems financial and environmental sustainability. After selection the team will complete design alternative analysis, and based upon this analysis the County will select the design to be completed. The team will complete the final design and provide a final price for the project completion. At this point, the County may choose to proceed with project construction if the final price and project are



acceptable. The Design Build process has been approved for some other local governments including the City of Charlotte.

Submitted by: Glen Whisler, Durham County Engineer

### **3. Seek Legislation to allow more deer hunting in Durham County**

**Rationale:** The large population of deer in Durham County is an ongoing challenge. Deer overabundance remains apparent by anecdotal evidence. Durham County Sheriff Mike Andrews issued a warning in mid-November to drivers about avoiding collisions with deer. Durham County currently has a prohibition on hunting deer with dogs that was enacted in 2001. During recent conversations with North Durham residents, there were suggestions made about a possible moratorium on the prohibition of hunting deer with dogs during a weekend or another short period each year to allow hunters the opportunity to reduce the population. Duke Forest currently works with NC Wildlife Resources Commission Deer Management Assistance Program to coordinate limited kills on Duke Forest using in some cases bow and gun. Staff can work with NC Wildlife Resources Commission to determine if a similar program may work in north Durham.

Submitted by: Douglas Daye, Rougemont resident

### **4. Support proposal to defer filing fees for civil penalties**

**Rationale:** The expense of court filing fees present an impediment to simple collection actions arising from civil penalties assessed for ordinance violations. The expense is such that it renders ordinance violations that are civil in nature almost unenforceable. The legislature has deferred court filing fees in past and continues to do so in certain cases such as child support. It would help counties recover funds owing from civil penalties if the legislature were to allow deferred filing fees in civil penalty collection actions as well. Recovery of funds constitutionally designated for the benefit of schools is a compelling consideration to defer fees.

Submitted by: County Attorney, Lowell L. Siler

### **5. Support a proposal for funding for a State EMS Memorial for Fallen EMS Personnel in the Line of Duty.**

**Rationale:** The State of North Carolina has supported and provided funding for a memorial for both Law Enforcement and Fire. EMS has now become as important as Law Enforcement and Fire and considered a part of Public Safety. This would be important for the State of North Carolina to Support since it has one of the most recognized EMS Systems within the United States. The impact would be very positive on all EMS providers within the State of North Carolina in having recognition provided just as their co-public safety workers currently have with their specific memorials. Currently EMS does not have anything to recognize its dedication and service to the citizens of North Carolina for both paid and volunteers serving their communities.

Submitted by: Michael W. Smith, Director Durham County EMS, Chair of Triangle Metro EMS Chiefs Association, Member of North Carolina Association of Rescue and EMS, and North Carolina Association of EMS Administrators

**Comments:** Chairman Foster wants to make sure we are not asking for money.

**6. Support Legislation to require DMA (Division of Medical Assistance) to adopt the federal definition of how Advanced Life Support versus Basic Life Support is determined.**

**Rationale:** Advanced Life Support 1 is the transportation by ground ambulance vehicle and the provision of medically necessary assessment, supplies and services to include the provision of an ALS assessment or at least one Advanced Life Support Intervention. ALS Assessment is an assessment performed by an ALS Crew as a part of an emergency response that was necessary **because the patient's reported condition at the time of dispatch** was such that only an ALS crew was qualified to perform the assessment. An ALS Assessment does not necessarily result in a determination that the patient requires an ALS level of service.

For what is referred to upon dispatch as **ALPHA** or **BRAVO responses**, an EMS Provider only gets paid ALS if an ALS procedure is performed along with an ALS Assessment. DMA says that this doesn't apply to Medicaid, and only refers to Medicare. However, DMA tends to utilize CMS rules for the most part, but seem to be making up rules as they go at times to fit their interpretations. This was addressed back in 2002 to incorporate these definitions and interpretations, but DMA has never updated their rules. EMS needs some consistency in the way these rules are developed and interpreted.

Under Medicare, there is language that states that if you utilize Medical Priority Dispatch System to dispatch EMS units and MPDS recommends ALS, and it results in a transport, then payment for ALS is indicated even if you actually do not perform an ALS Procedure/s. Under the Federal Language, "ALS Assessment" counts as an ALS procedure, if ALS dispatch was appropriate.

Code of Federal Regulations (CFR)§414.605.

Submitted by: Mike Smith, Durham County EMS and the Triangle Metro EMS Chiefs Association and the North Carolina Association of Rescue and EMS.

**Comments:** Chairman Foster would like to see State and Federal rates.

**7. Direct Office of Emergency Medical Services to develop standards for Professional Development programs for EMS so that Community Colleges will have a mandate to offer them just as they do for Fire and Law Enforcement.**

**Rationale:** Currently, there are no standards or guidelines for EMS professionals for any Professional Development. Law Enforcement and Fire have several programs sponsored by the Community College system for their benefit in developing personnel to better themselves and prepare themselves for advancement. EMS does not have anything to help prepare for leadership position and develop their career goals in EMS. This would help in preparing those who would like a career in EMS management and prepare them for many of the challenges they will face in the management environment.

Submitted by: Mike Smith, Durham County EMS and the Triangle Metro EMS Chiefs Association and the North Carolina Association of Rescue and EMS.

**Comments:** Commissioner Jacobs would like to know what is available at Durham Technical Community College. This also should be run by the State Association.

Commissioner Reckhow suggested that the County solicit goals from the School system and the City to see if there are joint interests.

Manager Ruffin mentioned that larger counties are discussing hiring legislative assistants. He asked if the Board was interested. The Board expressed interest depending on the cost.

### **Commissioner Assignments to Boards and Commissions**

Chairman Foster presented the 2013 Draft of the BOCC appointments to other Boards and Commissions.

Commissioner Reckhow expressed concern about being removed from the Triangle Transit Authority. She requested to serve out her term for the next two years, or at a minimum, remain for one year. She is assisting in the search for a new General Counsel for the Triangle Transit Authority.

Chairman Foster asked the Board to vote on the other appointments except Triangle Transit to allow time for further discussion.

Vice Chair Howerton moved, seconded by Commissioner Reckhow to suspend the rules.

The motion carried unanimously.

Vice Chair Howerton moved, seconded by Commissioner Page to ratify all the appointments with the exception of the Triangle Transit Authority.

The motion carried unanimously.

(See Attachment)

### **Review of Board of County Commissioners' Directives**

Ellen Whelan-Wuest, Assistant to the County Manager, presented to the Board for its review the previous month's directives for staff. The directives covered September – December, 2012.

Commissioner Reckhow asked for an update on the DACCA status. Ms. Whelan-Wuest will follow up with Drew Cummings and report back.

Vice Chair Howerton would like a report on how children are being served at the Alliance Behavioral Healthcare.

Commissioner Reckhow would like to have additional information regarding the proposal to expand pre-K. The information should include the impact of pre-K effectiveness. There is a need to have the kindergarten assessment to make assess how well we are doing from different programs.

Commissioner Jacobs would like the information sheet for residents of Rougemont regarding the water contamination issue. She also updated the Board on Holton. There will be a new public safety program beginning in August.

Vice Chair Howerton requested to get information on the Holton meetings. Ms. Whelan-Wuest will request that DPS add the Board to the distribution list.

**Adjournment**

There being no further business, the meeting was adjourned at 2:20 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michelle", with a long horizontal line extending to the right.

Michelle Parker-Evans  
Clerk to the Board