

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

Monday, January 7, 2013

9:00 A.M. Worksession

AGENDA

1. Citizen Comments (30 min)

- 1) The Board of County Commissioners will provide a 30-minute comment period at the beginning of its Worksession meeting on the first Monday of each month. Any citizen of Durham County wishing to speak shall have an opportunity to do so. The Board may direct staff to research and reply to the concerns, if appropriate. Speakers must sign in prior to the start of the meeting providing a mail/email address and telephone number so that staff may reply to comments and/or questions. Citizens who request an immediate response from the Board are encouraged to submit a brief description of the issue to the Clerk to the Board two weeks prior to the Worksession to allow an opportunity for research prior to the meeting. **All speakers shall have three minutes to speak and are requested to refrain from addressing issues related to personnel matters.**

Resource Person(s): Michelle Parker-Evans, Clerk to the Board

County Manager's Recommendation: The Manager recommends that the Board receive citizen comments and direct staff to respond, as deemed appropriate.

2. ITEM REMOVED.

3. Durham Public Schools – Request for Reallocation of Authorized and Unissued 2007 School Bond Proceeds (30 min)

- 1) On October 25, 2012, the DPS Board of Education requested a change in the use of a portion of the proceeds of the School Bonds that were approved at a referendum on November 6, 2007 and have not been issued from the construction of New High School “A” to the projects listed in 13CPA000007, attached. A copy of the Resolution approved by the Board of Education is also attached. High School enrollment growth has subsided since the planning of the 2007 Bond and demographic projections do not indicate a significant need for more space, especially in light of charter growth, in the next 3 to 8 years. Therefore, the building of New High School “A” is not planned before 2018 (land has already been purchased) and it is requested that \$31,581,667 be reallocated for other school projects.
- 2) The School Superintendent and his staff have provided sufficient information to allow the County Manager to investigate the need for reallocation of a portion of the unissued 2007 School Bond proceeds. The reallocation of \$31,581,667 will not jeopardize any of the existing projects funded in whole or in part with 2007 School Bond proceeds. No other projects allocated in the 2007 Bond proceeds are in need of additional funding at this time.

Resource Person(s): Dr. Eric Becoats, Superintendent; Hugh Osteen, Chief Operations Officer; Tim Carr, Construction Program Director.

County Manager's Recommendation: The County Manager recommends the Board hear the Durham Public School request for a reallocation of use of 2007 School Bond funds, and if so inclined, place a Resolution and Capital Project Amendment reallocating \$31,581,667 of authorized and unissued 2007 School Bond funds from the "New High School 'A' capital project to projects listed on 13CPA00007 on the January 14, 2013 regular BOCC meeting agenda for approval by the Board.

4. Request from Durham County Hospital Corporation Board of Trustees to Change the Name of Durham Regional Hospital (30 min)

- 1) The Board is requested to consider a request from the Board of Trustees of the Durham County Hospital Corporation to change the name of Durham Regional Hospital to Duke Regional Hospital. The request was unanimously approved by the Board on December 12, 2012. The County's agreement with the Durham County Hospital Corporation and the Duke University Health System requires approval of any name change by the Board of County Commissioners.

Resource Persons: 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

County Manager's Recommendation: The County Manager recommends that the Board move the item to the January 14th agenda for approval.

5. Consideration of Option to Purchase from Integral Development, LLC for the James A. Whitted School Property (30 min)

- 1) On November 5, 2012, the Board of Commissioners authorized staff to begin negotiating with the development team of Integral Development LLC/Forty AM/Durham Public Schools (Integral Team) regarding the repurposing of the James A. Whitted School. The Integral Team was chosen as the preferred developer to acquire the historic James A. Whitted School from Durham County. The Integral Team has proposed to repurpose the school by developing affordable senior housing and partnering with the Durham Public School System for pre-kindergarten classrooms.
- 2) One of the important phases of the redevelopment project is the Integral Team applying for Federal tax credits for the senior housing portion of the project. In order for the Integral Team to be able to apply for the tax credits in 2013, an option on the property must be executed by mid-January. If an option is not executed by mid-January, the Integral Teams next opportunity to apply for housing tax credits will not be until 2014. Receiving tax credits is a required component of the project for the Integral Team.
- 3) Attorneys with the Integral Team and Deputy County Attorney Carol Hammett have drafted an option which is attached. The Option to Purchase allows Integral the right to purchase the property for low-moderate income housing pursuant to N.C.G.S. 153A-376(b), through June 30, 2014. The purchase price will be \$100, with an additional \$100 down to secure

the Option. The Closing shall only occur once the parties have successfully negotiated a Development Agreement. Restrictive Covenants will also be placed on the property prior to the sale to ensure that the use of the Property is limited to low-moderate income housing and a public school.

Resource Persons: Lee Worsley, Deputy County Manager; and Carol Hammett, Deputy County Attorney

County Manager's Recommendation: The County Manager recommends that the Board suspend the rules and approve the Option to Purchase with Integral Development LLC and authorize the County Manager to execute Option to Purchase.

6. Changes in EMS Service Provisions in the Bahama District (20 min)

- 1) The Board is requested to receive a briefing on proposed changes in provision of Emergency Medical Services within the Bahama and Rougemont communities. If the Board favors making the recommended changes, the required budget amendments will be brought to the Board of Commissioners for consideration at the January 14, 2013 Regular Meeting.
- 2) Since the early 1990s, Durham County EMS has been in partnership with some of the County Fire Departments (Bahama, Redwood, Bethesda) to provide EMS Services within their communities, as part of the Durham County EMS System Plan. As of today, a partnership with Bahama Fire Department is the only one that remains. Durham County stations one Durham County Paramedic at Bahama Station One on Bahama Road. Bahama Fire Department receives funds from Durham County and in return, provides a driver and an ambulance. In July of 2012, Durham County EMS became totally responsible for EMS services at Redwood and Bethesda after these departments requested that Durham County EMS completely assume EMS operations. Parkwood Fire Department operates under its own Advanced Life Support Franchise under the Durham County EMS Plan and is not affected by the changes being discussed.
- 3) Changes are required for the provision of EMS service in Bahama due to recent Healthcare Reform legislation that requires the Center for Medicare and Medicaid Services (CMS) to "revalidate" all existing EMS Medicare providers over the next two years. Durham County EMS has just completed its process and submitted required documents to CMS for approval in order to continue billing Medicare for EMS services. This "revalidation" process includes submitting updated EMS Licenses, Ambulance Vehicle Registrations and Ambulance Inspection Forms to demonstrate that the agency is operating under valid licensure from the State of North Carolina.
- 4) The Center for Medicare and Medicaid Services (CMS) is now requiring the County to show ownership of all EMS vehicles in order to continue to bill for services rendered. Under the current arrangement with Bahama, the County does not own the vehicle; the fire department is the owner. The three options allowed are as follows:
 - a. The VFD/Rescue Squad may enroll in the Medicare Program separately and bill for their services using their own Tax ID and must obtain a Medicare Provider number.

- b. The County may assume ownership of the vehicles. Requiring a valid North Carolina Vehicle Registration in the name of the County.
 - c. The County may “lease” the vehicles from the VFD/Rescue Squad in order to maintain a central provider number and maintain the current billing arrangement.
- 5) The current EMS service model in Bahama does not fall into one of these categories and as a result, Durham County EMS will lose around \$200,000 in Medicare and Medicaid revenue if a change does not occur.
 - 6) EMS Director Mike Smith and Deputy County Manager Lee Worsley has met with the Chief of the Bahama Fire Department and come to an agreement that the best option is for the County to take full responsibility for EMS Services and for the EMS unit to continue to be housed at the existing location at Bahama Station One located on Bahama Road. A letter from Chief Len Needham signifying support for the change is attached.
 - 7) Besides dealing with the federal mandate, the proposed change will also address several initiatives identified in Durham County’s adopted Strategic Plan, under Goal 3, Safe and Secure Community:
 - a. *Goal 3, Initiative 4 – Increase efficiencies and streamline operations within Durham County public safety functions*
 - b. *Goal 3, Initiative 5 – Standardize response capabilities to improve outcomes.*
 - 8) Durham County currently gives Bahama Fire Department \$177,521 per year to provide an ambulance and a driver for EMS calls. With this proposed change, those dollars would be shifted to the Durham County EMS Budget to assist in paying for the additional staff needed in order for the County to now fully staff the ambulance in Bahama. Bahama Fire Department has one ambulance titled to the Fire Department that it has agreed to title back to Durham County at no cost. Durham County EMS is requesting consideration for an additional five (5) positions (3 Paramedics and 2 EMT Intermediates) to adequately staff this EMS unit.
 - 9) Bahama Fire Department staffs the driver for this ambulance with part time EMT Basic personnel, so there will be a slight increase in cost to staff the unit with full time EMT Intermediates and Paramedics, but once this is done the ambulance will have similar personnel as all other ambulances in Durham County, thereby equalizing service levels.
 - 10) The estimated cost for Durham County EMS to fully staff an ambulance in Bahama is detailed in the chart below:

6 Month cost assuming Jan. 1, 2013 effective date

Personnel (5 FTEs) including benefits	\$ 115,265.69
Ambulance lettering (one-time cost)	\$ 2,950.00
Two portable 800 Mhz radios (one-time cost)	\$ 8,600.00
Equipment, uniforms, etc. (one-time cost)	\$ 34,976.00
Less unexpended amount already budgeted for Bahama (estimate)	<u>\$ (88,760.00)</u>

Total additional cost for FY2013 \$ 73,031.69

Annual cost for FY2014

Personnel (5 FTEs)	\$ 230,531.37
Less amount already allotted for Bahama)	<u>\$ (177,521.00)</u>

Total additional annual cost \$ 53,010.37

Resource Persons: Mike Smith, EMS Director; Lee Worsley, Deputy County Manager

County Manager's Recommendation: The County Manager recommends that the Board accept the briefing and place this item on the January 14, 2013 Agenda for approval.

7. Draft FY 2014-2020 Transportation Improvement Plan (TIP) (15 min)

- 1) The Board is requested to receive staff presentation and provide comments on the draft FY 2014-2020 Transportation Improvement Program.
- 2) The N.C. Department of Transportation (NCDOT) and the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) mutually adopt a seven-year Transportation Improvement Program (TIP). The TIP is a program of transportation capital and operating assistance projects to be implemented in the next seven years with the use of federal and state funds. The TIP is traditionally updated every two years. The Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) released the draft FY 2014-2020 TIP for public comment on October 10, 2012. The MPO was recently informed that adoption of the final TIP and final State TIP has been delayed until June 2014. As a result, there will be another opportunity for comment on the draft TIP when a second draft is released later in 2013.
- 3) DCHC MPO staff will provide an informational presentation on the Draft FY 2014-2020 TIP. Durham County may submit comments on the TIP to the DCHC MPO for consideration in developing the final TIP.

Resource Persons: Ellen Beckmann, Transportation Planner, DCHC MPO

County Manager's Recommendation: The County Manager recommends that the Board receive staff presentation and provide comments on the draft FY 2014-2020 Transportation Improvement Program.

8. Food and Nutrition Services – Department of Social Services (20 min)

- 1) The Department of Social Services is requesting time to provide information to the Board of County Commissioners on significant changes to the Food and Nutrition Services program that administers food stamps.
- 2) The North Carolina Department of Health and Human Services is requiring all local departments of social services to move Food and Nutrition Services (FNS) operations from its current computer system to a new system named NC FAST. FNS programs across the state have already been transitioned into this new data system.
- 3) Converting to this new computer system has created major problems in other counties. DSS would like the opportunity to briefly explain to the Board of County Commissioners the nature of the problem and its plan to minimize the impact to the community.

Resource Persons: Michael A Becketts, DSS Director; Newman Aguiar, DSS Board Chair; Rhonda Stevens, DSS Assistant Director

County Manager's Recommendation: The County Manager recommends that the Board receive a report from DSS on significant changes to the Food and Nutrition Services program that administers food stamps.

9. Discussion - Resolution Supporting Regulatory Reform of Firearms and Ammunition (15 min)

- 1) The Board is requested to discuss a resolution supporting regulatory reform of firearms in response to the shooting in Newtown, Conn., at Sandy Hook Elementary School. This resolution is drafted to align with a letter signed on December 19 by Mayors against Illegal Guns which is a national, bipartisan coalition of mayors working to make America's communities safer by keeping illegal guns out of dangerous hands. Local Mayors Bill Bell, Mark Kleinschmidt and Nancy McFarlane signed a letter to President Barack Obama urging him "to put forward an agenda that is rooted in common sense and that will make it harder for dangerous people to possess guns, and easier for police and prosecutors to crack down on them."

Resource Persons: Fred Foster, Jr., Chair, Board of County Commissioners and Brenda A. Howerton, Vice Chair

County Manager's Recommendation: The County Manager recommends that the Board discuss the resolution, and place the item on the January 14, 2013 agenda for approval.

10. Discussion - Proposed 2013 Legislative Agenda (45 min)

- 1) The Board is requested to receive a report from staff concerning proposed items for the 2013 General Assembly Session which convenes at noon on January 9 in Raleigh. Following a communication to County Department heads and other traditional legislative partners, a few items were received as possible legislative proposals to be considered for

inclusion in the final 2013 Durham County Legislative Agenda. Staff will conduct the first discussion of these items with the Board of County Commissioners at the work session. The goal is to prepare a strategic, focused package of legislative items that can be aggressively supported by the members of the Durham Delegation. With final approval, a meeting will be convened with Durham County Commissioners and members of the Durham Delegation.

Resource Persons: Deborah Craig-Ray, Assistant County Manager and Lowell L. Siler, County Attorney

County Manager's Recommendation: The County Manager recommends that the Board receive the proposed Legislative Agenda items, discuss and direct staff.

11. Commissioner Assignments to Boards and Commissions (20 min)

- 1) The Board of County Commissioners is requested to consider the appointment of its members to act as liaisons to various boards and commissions. Chairman Foster will present the appointments at the meeting.

Resource Person(s): Fred Foster, Jr., Chair; Michelle Parker-Evans, Clerk to the Board

County Manager's Recommendation: The Manager recommends that the Board consider the appointments, suspend the rules, and ratify the appointments.

12. Review of BOCC Directives (10 min)

- 1) The Board is requested to review the previous month's directives for staff and make comments as necessary. This set of directives covers September, October, November and December 2012.

Resource Person: Ellen Whelan-Wuest, Assistant to the County Manager

County Manager's Recommendation: The County Manager recommends that the Board review the BOCC directives and make comments to staff as necessary.