

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

Monday, April 2, 2011

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 Joe W. Bowser, 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.

Eddie Davis addressed the Board in regards to an artistic symbol of inclusion at the soon-to-be-completed Durham County Courthouse. He asked that the Board work with local veteran groups and with the organization that has evolved from the Junior Order of United American Mechanics to place an engraved plaque on the back side of the monument.

The Board thanked Mr. Davis for his comments.

Hopson Road Emergency Force Main Replacement Contract

Joe Pearce, Utility Division Manager, led this presentation. He stated that on March 7, 2012, a hole was discovered above the more than 20-year old 18" Hopson Road Force Main. The site was excavated and the hole temporarily patched. Prior to patching the hole, the Force Main was video inspected via Closed Circuit (CCTV) and significant corrosion was evident for approximately 850 feet. Subsurface utility surveys and design plans have begun for the near future replacement of this sewer section. On Monday, March 26, 2012, a sinkhole developed under a gravel driveway approximately 100 feet upstream from the hole. Also, on March 26, 2012, the Force Main in the vicinity of sink hole was uncovered and had partially collapsed. As the collapse had not fully blocked the sewer, a spill did not occur but soil and drive materials were washing into the sewer. The sewer is in imminent danger of failure.

Mr. Pearce pointed out that this is the largest force main owned by Durham County and conveys approximately 1,300,000 gallons per day of sewage. As a very temporary repair, a 16" section of pipe was inserted into the missing section. This pipe is within eight feet of the two lane Hopson Road shoulder between Miami Boulevard and Davis Drive. Failure of this

line could undermine Hopson Road and result in a significant sewer spill. Ellington Contractors provided excavation services for the March 7 and March 26 efforts under a current contract for minor rehabilitation of our sewer lines. Between March 26 and March 30, a temporary 18” butt-welded High Density Polyethylene (HDPE) pipe with tee and valving was constructed by Xylem, Inc. with assistance from Ellington Contractors, and installed above ground and bypassing the significantly corroded sections. Consultations between the Wooten Company, Inc. (our current sewer design consultants), our utility staff, and Ellington Contractors determined the best option for the emergency replacement is to install 850 feet of 20-inch C905 polyethylene pipe with gravity slope and three manholes. Ellington Contractors provided an estimate of \$190,818 for the immediate replacement. Wooten Company reviewed the estimate and based upon their review found it to be a fair price. The Hopson Road Force Main is a portion of the force main from the Stirrup Iron Pump Station which is scheduled to be replaced in the next 5 years with Sewer Rehabilitation Project funds. Due to its recently discovered condition, this section must be replaced immediately. Funds are currently available in the Sewer Rehabilitation Project to fund this emergency replacement.

N.C.G.S. 143-129 (e)(2), provided an exception to the bidding requirements in the event of an emergency. Due to the proximity to Hopson Road, any further failure or delay in remedying this sewer line could undermine Hopson Road and endanger the health and safety of the public. Therefore, this repair project qualifies as an exception to the bidding requirements pursuant to N.C.G.S. 143-129 (e)(2).

The Hopson Road project budget of \$ 206,083 is for the following:

Construction	\$ 190,818
Contingency (8%)	\$ 15,264
Total	\$ 206,083

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

The motion carried unanimously.

Commissioner Howerton moved, seconded by Vice-Chairman Reckhow to award the construction contract to Ellington Contractors, Inc. for the Hopson Road Force Main Emergency Repair in the amount of \$190,818, (ii) authorize the County Manager to execute the contract and (iii) authorize the County Manager to execute any contracts related to this emergency repair, not to exceed a total project budget of \$206,083.

The motion carried unanimously.

Update on the Minority and Women Business Enterprise (M/WBE) Program

Jacqueline Boyce, Purchasing Manager introduced this item stating that the Board requested to receive an update on the operation of Durham County's Minority and Women Business Enterprise Program (M/WBE).

Ms. Boyce informed the Commissioners that the current M/WBE Ordinance for the County would expire at midnight on December 31, 2012. Unless otherwise provided by an ordinance enacted by the County Commissioners, the current M/WBE Ordinance shall be deemed repealed at that time and no longer enforceable. Therefore, we are recommending that the current M/WBE Ordinance be amended for one year to extend the effective date until December 31, 2013. This would allow the Finance Department time to request funds in the upcoming budget to have a new disparity study completed. The new updated study is estimated to cost approximately \$130,000. The last disparity study was conducted in 2007 which resulted in the Board's approval of Durham County's M/WBE Ordinance in January 2008.

Staff responded to comments and questions asked by the Board.

Directives

1. Consider a breakdown of what is effective.
2. Consider a joint disparity study with the City.
3. Place on April 9 consent agenda.

Lease for Corporate Office Space

Carol Hammett, Deputy County Attorney, presented this item. She acknowledged that as part of the Durham-Wake LME Merger Interlocal Agreement approved by the Board on February 13, 2012, corporate administrative offices of the new entity would be located centrally among the two counties.

Space was identified at The Plaza at Imperial Center, 4600 Emperor Boulevard, Durham and the Board approved a Letter of Intent to lease the property. The required Security Deposit was made to the property owner and architectural/engineering designs are underway, with construction to commence soon after the approval and execution of the attached Lease to accommodate the necessary July 1 occupancy.

Deputy County Attorney Hammett noted that the Commencement date of the lease would be July 1, or earlier, if the Landlord completes the Tenant up-fits. Once the new Multi-County Area Authority is established, the Lease will be assigned to the new entity, which should be prior to July 1.

Staff responded to several questions posed by the Commissioners.

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

The motion carried unanimously.

Commissioner Howerton moved, seconded by Vice-Chairman Reckhow to approve the Property Lease for The Plaza at Imperial Center and authorize the Manager to execute the Lease, subject to non-substantive changes.

The motion carried unanimously.

Rougemont Water Line Extension

Drew Cummings, Assistant County Manager, introduced this item. He stated that staff sent the Board of County Commissioners a memo on this subject dated January 30, 2012. There are further developments and considerations requiring the Board's attention. He addressed the following:

- Origins and Extent of Problem
- Options w. Costs and Benefits
- Funding

County Manager Ruffin pointed out his concerns on moving forward.

The Commissioners made comments regarding the extension.

Directives

1. Consider getting a letter back within 30 days.
2. Like to see more effort from Durham County that shows a willingness to participate.
3. Staff to inform the Board how much the State is spending on a yearly basis for what is being provided.

Sheriff's Office – New Position Requests to Support Security Operations at New Durham County Courthouse

Sheriff Michael D Andrews led this item stating that the Board requested to receive a presentation regarding law enforcement staffing needs associated with the opening of the new Durham County Courthouse in January 2013. While the new Courthouse's design makes the facility much more secure, (more secure corridors, inmate only elevators, better use of technology to monitor activity in the facility) the increased size of the new Courthouse, a significant camera monitoring operation and increased inmate holding rooms would make it necessary to increase the number of law enforcement personnel that serve the facility.

Sheriff Andrews explained that current staffing levels at the Judicial Building would not support the increased security needs and inmate movement within the new facility. Even though the facility will not be fully operational until the beginning of 2013, employees hired to fill law enforcement positions traditionally require at least one year of training (academy and field training) before being released for full service. In order to be prepared for the opening of the new Courthouse, it is now time to hire any new law enforcement staff that would be needed once the facility is operational. In order to address the security needs at the new Courthouse, the Sheriff's Office is requesting the Board approve 11 new Deputy Sheriff positions and the one time operating expenses required to hire and train the positions during the current fiscal year.

The funding needed for the salaries, benefits and initial startup costs for the remainder of this fiscal year can be offset from increased Sheriff revenue collections primarily from an increase in the civil process service fee. Effective August 1, 2011, the North Carolina General Assembly raised the statutory civil service process fee from \$15.00 to \$30.00. The Sheriff's Office is projecting a \$420,339 FY 11/12 year end surplus of revenues, the majority of which is associated with this unanticipated fee increase. Assuming the new Finance Officer position requested is approved, this would leave \$407,425 available to fund the 11 new positions. The amount needed this fiscal year for the new 11 positions is \$198,820, leaving \$208,605 in excess revenue, thus no new County funding is needed this year.

Position and operating cost funding for FY 12/13 will be supported by increased revenue collections associated with the raised civil process fee and reimbursement from participation in the Statewide Misdemeanant Confinement Program. Increased revenues in the amount of \$552,200 are anticipated for FY 12/13. Additional County funding in the amount of \$103,568 will be needed to fully fund the positions during FY 12/13.

Chief Deputy Don Ladd presented the following:

- Current Judicial Building
- Judicial Annex
- Challenges in staffing the new courthouse
- First Appearance Court at Detention Facility
- New Courthouse
- Security Functions
- Secure Custody Area
- Other Major Concerns
- Staffing Request
- Other Scenarios
- New Position Request Funding Analysis

Directives

1. Review the need of a Deputy in the parking deck. Survey Wake & Mecklenburg Counties regarding the number of Deputies securing the parking decks.
2. Keep the County Manager aware of the funds as they come in. Alert the County Manager of any issues.

3. Place on the April 9 Consent Agenda.

Animal Control Update

County Manager Ruffin led this item. He stated that the Board received a presentation regarding the Sheriff's Office assessment of Animal Control and a recommendation to move Animal Control to the Office of the Sheriff, effective July 1, 2012. In December 2011, the Sheriff's Office was asked to assume day-to-day supervision of Animal Control and assess the possibility of relocating Animal Control under the Sheriff. The Sheriff is in support of this move and will outline his vision of the next steps and answer questions from the Board on the transfer of the Division.

County Manager Ruffin discussed the following:

- Advantages
- Moving Forward
- Proposed Organization Structure
- Customer Service
- Fiduciary Practices & Records Management
- Sheriff's Office Training for Animal Control

The Board thanked staff for the excellent approach and new structure.

Directives

1. Sheriff Andrews and staff to consider attending all community Partners Against Crime (PAC) meetings.
2. Encouraged staff to attend Inter Neighborhood Council meeting on the last Tuesday of each month.

Establishment of a Finance Officer Position

The Board requested to review the establishment of one full-time Finance Officer position, at Grade 38, within the Sheriff's Office.

Sheriff Michael D Andrews addressed the fiscal responsibility and delivery of agency services that would continue to be a priority of the Sheriff's Office. Pursuant to the 2010 Internal Audit recommendation and increased service demands, the Office seeks to establish a new Finance Officer position responsible for ensuring fiscal accountability through the continued development, implementation and monitoring of financial internal controls. This new position would report directly to the Chief Deputy and supervise the staff and activities of the Sheriff's Fiscal Services Division.

Funding for the full salary and benefit costs for the remainder of this fiscal year and Fiscal Year 12/13 are available from increased Sheriff revenue collections primarily impacted by the civil process service fee. Effective August 1, 2011, the North Carolina General Assembly raised the statutory civil service process fee from \$15.00 to \$30.00. The Sheriff's

Office is projecting \$420,339 in additional revenue during FY 11/12, the majority is associated with the civil service process fee increase. Increased revenues in the amount of \$552,200 are anticipated for FY 12/13 as well; therefore, no additional county funding would be required to fund the Finance Officer position.

Additional supporting documentation regarding the position is attached, including a funding summary for the position, the current and proposed organizational structures for the Fiscal Services Division of the Sheriff's Office and a position description for the proposed position.

Sheriff Andrews replied to questions asked by the Commissioners.

Directive

Place on the April 9 consent agenda.

Board Directives

Michael Davis, Assistant to the County Manager, introduced this item stating that the Board requested to review the previous month's directives for staff and make comments as necessary. This set of directives covers December of 2011 and January, February and March of 2012.

County Manager Ruffin addressed Vice-Chairman Reckhow inquiry about a policy relative to the disposition of County surplus property. He stated that the item would be brought before the Board at the May Worksession.

Closed Session

Commissioner Howerton moved, seconded by Vice-Chairman Reckhow to adjourn to closed session to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee, pursuant to G.S. § 143-318.11(a)(6).

The motion carried unanimously.

Reconvene from Closed Session

Chairman Page announced that the Board met in closed session; direction was given to staff

Hearing for Nonprofit Agencies Applying for FY 2012-2013 Funding

Chairman Page stated that the Board would hear presentations from nonprofit organizations regarding their request for funding in the 2012-13 Fiscal Year.

The following nonprofit representatives made their budget requests to the Commissioners:

<u>AGENCY</u>	<u>REPRESENTATIVE</u>	<u>AMOUNT REQUESTED</u>
Southern Documentary Fund	Rachel Raney	\$ 20,000
AnimalKind	Beth Livingston	\$ 72,000
Durham Teacher Warehouse Corp. (Crayons2Calculators)	Amy Cummings	\$ 15,000
Communities In Schools of Durham	Tracie Miller	\$ 10,000
Child & Parent Support Services	Jan Williams	\$ 13,828
Threshold Clubhouse Inc.	Susie Deter	\$ 30,000
Child Advocacy Commission	Coreless Hamlett	\$ 30,000
Durham Center for Senior Life	Gail Soaure	\$130,000
A Helping Hand	Marcia Wilson	\$ 30,000
Genesis Home	Ryan Fehrman	\$ 22,826
Durham Teen Court	Tatiana DeBerry	\$ 29,421
Triangle Radio Reading Services	Mary Tran	\$ 3,000
Bridges II Sports	Ashley Thomas	\$ 5,000
CASA	Jess Brandes	\$ 30,000
Durham Mentors for Youth	Blenda Crayton	\$ 15,000
Playworks	Don Fowler	\$ 15,000
Operation Breakthrough	Claudia Harris	\$100,000
Dress for Success	Minnie Smith	\$ 20,000

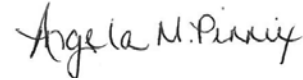
Achievement Academy of Durham	Gayle Erdheim	\$ 30,000
Durham's Partnership for Children	Laura Benson	\$ 30,000
Durham Crisis Response Center	Deanna Mauley	\$ 42,000
African America Dance Ensemble	Chuck Davis	\$ 9,850
Durham Interfaith Hospitality Network	Catherine Pleil	\$ 20,000
Interfaith-Faith Food Shuttle	Kia Baker	\$179,227
Reality Ministries	Martina Dunford	\$ 40,000
El Centro Hispano	Pilar Rocha	\$ 31,628
Eno River Association	Robin Jacobs	\$ 15,000
Rebuilding Together of the Triangle	Dan Sargent and	\$ 30,000
TROSA	Michelle Kucarak	\$ 70,000
YO! Durham	Susan Blackmon	\$ 11,100
NC Against Gun Violence	Gail Neely	\$ 10,000
InStepp Inc.	Gilda Womble	\$ 11,500
Durham Economic Resource Center	Fred Stoppiekamp	\$ 25,000
Big Brothers Big Sisters	Andie Thomas-Yang	\$ 25,000
Hill Center, Inc.	Shary Maskel	\$ 25,000
Senior PharmAssist	Gina Upchurch	\$100,745
RAM Organization	Annie McKoy	\$ 33,540
Durham Literacy Center	Reginald Hodges	\$ 28,000
Durham Community Media	Chad Johnston	\$ 22,830
The Scrap Exchange	Ruth Eckles	\$ 30,000

Triangle Champions Track Club	Tim Thorpe	\$ 24,000
Museum of Durham History	Thomas Krakauer	\$ 30,000
Shodor Education Foundation	Patricia Jacobs	\$ 25,000
Piedmont Wildlife Center	Gail Abrams	\$ 8,190

Adjournment

There being no further business, Chairman Page adjourned the meeting at 3:50 p.m.

Respectfully Submitted,



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