

**MINUTES OF THE
SPECIAL MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
APRIL 30, 2012 – 8:00 AM
J. NEWTON COHEN, SR. ROOM
J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING**

Present: Chad Mitchell, Chairman
Carl Ford, Vice-Chairman
Jon Barber, Member
Raymond Coltrain, Member
Jim Sides, Member

County Manager Gary Page, County Attorney Jay Dees and Finance Director Leslie Heidrick were present. Clerk to the Board Carolyn Athey was absent.

Chairman Mitchell convened the meeting at 8:00 a.m.

Commissioner Ford provided the Invocation and also led the Pledge of Allegiance.

1. CONSIDER APPROVAL OF INTERLOCAL COOPERATIVE AGREEMENT WITH CITY OF SALISBURY FOR 911 CONSOLIDATION

Chairman Mitchell referred to the Interlocal Cooperative Agreement (Agreement) the Board approved on April 17, 2012. Chairman Mitchell said the City of Salisbury (City) had approved the document; however, there were three (3) major differences, 1) the cure period, which the Board of Commissioners (BOC) had removed, but the City re-added for a period of three (3) months; 2) the City requested an increase in the length of the Compliance Review Committee; and 3) the City added language regarding the assignment of employees, including a supervisory position.

Rob Robinson, Telecommunications Director said the dedicated fire dispatchers included one (1) that was currently utilized and the added language would make sure Rowan County had at least two (2) dedicated fire dispatchers 24 hours per day.

Commissioner Coltrain said in order to meet the needs of the citizens of Rowan County he wanted to make the motion to approve the MOU as presented. The motion was seconded by Commissioner Barber.

Chairman Mitchell said he could live with the cure period after speaking with the County Attorney and that he could also live with adding a year to the length of the Compliance Review Committee. Chairman Mitchell referenced the assignment of employees and said as far as he was concerned, he needed an explanation for the dedicated positions.

Mr. Robinson said there were currently six (6) positions and each was assigned and dedicated to a certain function. Mr. Robinson proceeded by further describing the assignments. Mr. Robinson said one of the busiest areas was the fire area due to the large number of fire departments in the County. Mr. Robinson said there was one (1) fire dispatcher that handled both of the protocols for the City and the County. Mr. Robinson discussed the City's concerns with wanting the fire channels monitored.

In response to an inquiry from Chairman Mitchell, Mr. Robinson discussed call volume, peak time calls, and staffing levels. Mr. Robinson said the City's concern with consolidation was making sure the staffing levels did not decrease so the level of service did not decrease. Mr. Robinson said to specifically answer Chairman Mitchell's question of whether positions could be shifted around to handle the service level, it would be possible; however, until consolidation took place and the time of day for the highest call volume had been determined, it would be impossible for him to accurately answer.

Chairman Mitchell said he was willing to say that there needed to be two (2) dedicated City police telecommunicators, as long as a sentence was added to state the County would begin with two (2) and that the need would be assessed. Chairman Mitchell said the Director of Telecommunications would always retain the authority to move people around to best serve the department. Chairman Mitchell went on to say that the County would probably have to add to the two, but it would give flexibility to move people where they were needed on a day to day basis. Chairman Mitchell said as long as there was a statement included that people would be moved around as necessary where needed, he would be reasonably okay with the provision.

Chairman Mitchell said the other item in question was the supervisory position. Chairman Mitchell asked if the language proposed by the City would require the County to add a supervisor's position. Mr. Robinson responded he wanted it understood that with consolidation everyone would work together and be cross trained. Mr. Robinson said the supervisor was needed for the first year of consolidation. Mr. Robinson said he did not understand the City's protocol or procedures on accreditation and he needed the supervisor for that reason. Mr. Robinson said after a year, he did not know what he would do with the position.

Mr. Robinson said he had four supervisors, one per shift, and there had been talk at the Commissioners Work Session about hiring a full time supervisor that would be over the four shift supervisors and provide extra administrative staff help.

Chairman Mitchell said if the supervisor was needed for at least the first year, a sentence needed to be added that Mr. Robinson was in charge of the staffing and that moving into a different position could happen to make the operation work.

County Attorney Jay Dees said his suggestion would be, due to the unknown, that if there was an issue with the standards, there would be a complaint. Mr. Dees said ultimately there could be isolated instances where the standards could not be met even with two dedicated staff. Mr. Dees suggested letting the Committee, with the complaint process, work through this and the County would have to adjust accordingly.

Chairman Mitchell said the County would start with the eleven employees, one in the supervisory capacity, and these employees would work the City's police. Chairman Mitchell said that the County would hire the necessary people for the fire side but changes might have to be made at some point. Chairman Mitchell said the intent was not to pull back two dedicated City police dispatchers, but to make certain everything was running smoothly. Chairman Mitchell said the two peak time may not be needed since there would be more people in the room. Chairman Mitchell said flexibility was needed within the department to review what was going on once consolidation was up and running. Chairman Mitchell said all he wanted was flexibility for the Director to be able to manage the department.

Chairman Mitchell said the County's intent was to provide the two (2) positions and the director would assign people to meet the needs as more was learned about consolidation.

Chairman Mitchell said if the document was written that would allow Mr. Robinson the flexibility with regards to staffing, then he would be fine with it. Chairman Mitchell said he wanted to make sure a technicality on the staffing issue was not holding things up. Chairman Mitchell said that if the County was meeting the benchmarks and everybody was happy, he did not want to get caught up on the technicality.

Commissioner Sides said he understood most of what Chairman Mitchell but he asked where the Chairman wanted to change the document. Commissioner Sides said the document did not say what the Chairman had just stated. Commissioner Sides said the document stated specifically that as long as the agreement stood, which would be a ten (10) year agreement, the County would be obligated to exactly what the document said. Commissioner Sides said the document did not give any flexibility so he wanted to know where the Chairman

wanted to change the document. Commissioner Sides asked if Chairman Mitchell was accepting the document as is.

Chairman Mitchell said he wanted to add a sentence around the personnel section saying the Director of Telecommunications would have flexibility in staffing. Chairman Mitchell said the sentence would need to state that the County would put in two (2) people, take the City's ten (10) employees, but over time, particularly the first year, determine if more or less was needed.

Commissioner Sides said he would agree for the County to allow the terminology as it existed for three (3) years for the term of the Committee. Commissioner Sides said at that point in time the statement should read all personnel would be evaluated by the County's staff and staffing levels would be determined by Rowan County staff. Commissioner Sides said he would accept the suggested changes but that he could not accept the document as currently written.

Commissioner Sides said in regards to the Committee itself, he felt the County had done a good job with the compromise of two (2) years. Commissioner Sides said he was willing to accept three (3) years but was not willing to accept that the Committee could be resurrected after that period of time. Commissioner Sides said he did not like that the City still wanted to pull the \$50,000 based on a 45 day period if the City was not satisfied. Commissioner Sides said that if four (4) out of the six (6) members of the Committee could not agree there would be no argument. Commissioner Sides said once the majority agreed to something, it would become law.

Commissioner Sides said it was important to note the delay for transferring City calls would be eliminated with the 911 consolidation. Commissioner Sides said the County was already creating a better environment than what currently existed.

Commissioner Sides said he did not like the language for resurrection of the Committee. Commissioner Sides said he would go along with the Committee existing for three (3) years and afterwards, it would be dissolved. Commissioner Sides said after the three (3) years, the responsibility would need to fall back to the Telecommunications Advisory Board (TAB).

Chairman Mitchell referred to Item F on page 1. Chairman Mitchell asked if it would please the Board if the language was changed to state the City and County could extend the Committee rather than the Committee members themselves.

Commissioner Coltrain said that the County was moving forward to start a combined operation and a lot of time was being spent on trying to make absolutes out of issues that may or may not come up in the future. Commissioner Coltrain felt the Board was getting tied down in the details of the operation that it

had no control over down the road. Commissioner Coltrain said he did not want to lose sight of the goal that had to be met.

Commissioner Sides said he was willing to agree to a three (3) year period for the Committee to exist. Commissioner Sides said he did not like reactivating the Committee after three (3) years.

Commissioner Sides said he did not like the fact that the City wanted to be able to withdraw its money based on 45 days if the City was not being satisfied. Commissioner Sides said the County would be starting out with a better system than currently existed and he felt that the City's payment should be left in.

Commissioner Sides said the only other issue he had was with the staffing levels. Commissioner Sides said felt the document should indicate that after three (3) years the staffing levels would be entirely up to the County's staff to determine.

Commissioner Barber questioned since Commissioner Coltrain made a motion, the BOC would need to vote on the motion before adding the amendments. Chairman Mitchell responded that it would not be voted on until the amendments were added.

Chairman Mitchell moved to change Item F on page one to "as being necessary by City Council and County Commission." Commissioner Sides seconded the motion, which passed 4-1 with Commissioner Barber dissenting.

As Chairman Mitchell began to make a motion for a statement to be added, Mr. Dees stated that after hearing the discussion and having Mr. Paris in the room, it would be reasonable for people to appreciate the need to have flexibility in staffing levels due to the unknown of how things would work in the new 911 Center. Mr. Dees said the easiest way to achieve that would be to look at paragraph 5 on page 5 where it states that the County shall "provide or modify dispatch protocols in order to maintain or meet Salisbury Police and Fire accreditation". Mr. Dees said he felt you could provide or modify dispatch protocol and insert and staffing levels in paragraph 1 and 2 above in order to maintain or meet Salisbury Fire and Police accreditation and the performance standards set forth herein below. Mr. Dees said the minimum standard was there that the City wanted.

Chairman Mitchell asked Mr. Dees to repeat the statement. Mr. Dees responded that after the word protocols, insert "and staffing levels in paragraphs 1 and 2 above," and then it continues to read in order to maintain or meet Salisbury Police and Fire accreditation, now insert "and the performance standards set forth herein below". Mr. Dees said that would give Mr. Robinson flexibility of two physical people at the phone or whether it would be with coverage with other people on staff. Mr. Dees said it seemed it would all flush out when Mr. Robinson made recommendations through the Committee process. Mr. Dees

went on to state that if there was a protocol not met with answering 90% of 911 calls within 10 seconds within the busiest hour of the day, then there were a lot of factors that would go into that. Mr. Dees said it was not necessarily just two people being dedicated. Mr. Dees said the City could be selling itself short by not knowing the minimum. Mr. Dees said the County was willing to meet the standard, but the standard was not known, yet.

Chairman Mitchell moved that the Board modify paragraph 5 on page 5 to read "Provide or modify dispatch protocols and staffing levels in paragraphs 1 & 2 above in order to maintain or meet Salisbury Police and Fire accreditation and the performance standards herein below."

Commissioner Ford questioned whether the County was already performing the actions listed in numbers 6, 7, and 8 on page 5.

Mr. Robinson said the only item that the County was not currently performing was #6. Mr. Robinson explained that the City had basically inserted the language due to certain things they were working on for a benchmarking project that the County will have to provide data for. Mr. Robinson said that the County already was meeting the rest of the standards.

Commissioner Ford seconded and the motion passed 4-1 with Commissioner Barber dissenting.

Commissioner Ford mentioned Item #3 on page 2 and the reference to the 45 day period to correct any non-compliance issues. Commissioner Ford asked if all the other agreements stopped, including the Committee and the assignment of employees, if the City stopped payment. Commissioner Ford explained that no other municipalities were paying the County. Commissioner Ford said it was the City's right to stop payment if it was not happy; however, he wanted to know if all of the other agreements would stop, as well.

Chairman Mitchell said he felt that if the City was withholding the \$50,000, the agreement would have fallen apart. Chairman Mitchell said it would be obvious the issues were not being worked through the Committee.

Mr. Robinson clarified that there was discussion around the issue and the City brought up that it wanted the language in the document as a way to make certain the County was doing its job. Mr. Robinson said the City also said the 45 days was a benchmark. Mr. Robinson said if he was given a problem and the County was working towards a solution, the City would be fine as long as the County was working to fix the problem.

Commissioner Sides said the paragraph did not have anything to do with staffing levels, but rather service levels and performance requirements.

Chairman Mitchell said that the performance requirements and service levels could be staffing level based.

Commissioner Sides said the cure period did not bother him, but the withdrawal of funds did.

Commissioner Ford said if the funds were withdrawn, the Committee and agreement would end.

Commissioner Ford pointed to page 5, #4, "Immediate and emergency procedural changes may be made at anytime by Salisbury Police and Fire Chiefs by contacting the Communications Center Shift Supervisor in order to facilitate immediate needs." Commissioner Ford asked if that was for three (3) years, ten (10) years or perpetual. Mr. Robinson responded that it was indefinite.

Chairman Mitchell said he wanted to make sure the current TAB continued to meet, as well as the Committee. Chairman Mitchell said he did not want the Committee to take the place of the TAB.

Mr. Robinson said there had been some discussions between himself, the County Manager, and Mr. Thomason as to the potential of re-doing the bylaws and restructuring the TAB.

Commissioner Ford asked what changes in the agreement had been made so far.

Chairman Mitchell stated there had been two (2) changes. The first change was on page one, Item F, making the extension of the Committee up to the Board of Commissioners and City Council. The second change was on page 5, paragraph 5, "Provide or modify dispatch protocols and staffing levels in paragraphs 1 and 2 above in order to maintain or meet Salisbury Police and Fire accreditation and the performance standards herein below".

Commissioner Sides referred to the top of page 3 and made a motion to remove the sentence dealing with the withdrawal of the payment. Commissioner Ford seconded the motion.

The motion failed 2-3 with Commissioners Mitchell, Coltrain, and Barber dissenting.

Chairman Mitchell called for any other motions or comments on the document as a whole.

Commissioner Sides said he had not been opposed to 911 consolidation from the very beginning contrary to the popular opinion of the editor of the Salisbury Post. Commissioner Sides said he believed he had been involved in helping to move

forward with the objective from the very beginning. Commissioner Sides said he had voted before the contract had ever been discussed to increase the size of the building, which would allow for consolidation. Commissioner Sides said the County had gone so far as to go ahead and spend \$150,000 to \$180,000 to buy radios. Commissioner Sides felt in regards to the agreement, the City had held the process up. Commissioner Sides said he was offended that the City had to have something in the contract that would let the City withdraw the funds. Commissioner Sides said there was a Committee established to oversee the consolidation process and the Committee's term had been extended from two (2) years to three (3) years. Commissioner Sides said he was personally offended the City might still want to withdraw their money and the tax payers of Rowan County should be also. Commissioner Sides said the residents of Salisbury were County residents and it was best for the entire County to have one 911 operation.

Commissioner Barber said one unspoken concern was whether the dispatchers that would be coming from the City would be welcomed into the Rowan County government community. Commissioner Barber said he would like to let those employees know that from his perspective, they would be welcomed. Commissioner Barber briefly discussed the issue of trust. Commissioner Barber said he had seconded the original motion in both meetings and had been satisfied with the agreement presented before the amendments were made. Commissioner Barber said he would be voting accordingly.

Commissioner Ford said he agreed with ninety percent of the language in the agreement; however, he had a problem with allowing the City to withdraw its funding. Commissioner Ford said he would support the agreement and move on.

Mr. Page discussed the consolidation process and the grant monies available to assist with the project. Mr. Page said he wanted to ensure that the press and the public knew the matter was about the grant money. Mr. Page said the agreement being put in place was to obtain the \$700,000 in grant money and an extra \$500,000 was from the City to accommodate consolidation. Mr. Page said the grant funding had pressed the decision to be made this year.

Commissioner Sides said the reality was that both city and county residents would pick up expenses they had not incurred before. Commissioner Sides said a better environment was being created in Rowan County due to a better 911 system, but it was not free. Commissioner Sides said some people led you to believe that you were saving \$700,000 or \$500,000 when actually more money would be spent than before to have a better service. Commissioner Sides said the County was looking to create a better environment through a consolidated 911 Center that was the best for everybody.

Upon being put to a vote, the amended agreement passed 3-2 with Commissioners Barber and Sides dissenting.

2. ADJOURNMENT

There being no further business to come before the Board, Commissioner Barber moved to adjourn at 9:09 am. The motion was seconded by Commissioner Coltrain and passed unanimously.

Respectfully Submitted,

Carolyn Athey, CMC, NCCCC
Clerk to the Board/
Assistant to the County Manager