

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

Monday, May 7, 2001

9:00 A.M. Worksession

**MINUTES**

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

Present: Chairman MaryAnn E. Black, Vice-Chairman Ellen W. Reckhow, and Commissioners Joe W. Bowser, Philip R. Cousin Jr., and Becky M. Heron

Absent: None

Presider: Chairman Black

**Excuse Vice-Chairman Reckhow**

Commissioner Heron moved, seconded by Commissioner Cousin, to excuse Vice-Chairman Reckhow from the worksession from 12:00 noon to 1:30 p.m.

The motion carried unanimously.

**Citizen Comment—Jack Steer**

Mr. Jack Steer requested time on the agenda to make comments to the Commissioners.

Mr. Steer, 2416 Dawn Trail, Durham, NC 27712, representing the Friends of Durham, made suggestions to the Commissioners relative to the bond issue, merger, and the FY 2001-02 budget.

The Commissioners received the comments. No official action was taken.

**Continuation of the Public Hearing on the 2001-2002 Consolidated Action Plan Draft Adoption**

The City of Durham Department of Housing and Community Development requested that the Board of County Commissioners hold the 2001-2002 Consolidated Action Plan Draft public hearing to receive comments and adopt the plan for submission to the Department of Housing and Urban Development (HUD).

The adopted Citizen Participation Plan requires that two public hearings be held prior to submission of the Consolidated Action Plan to HUD. The purpose of the first public hearing was to receive comments pertaining to HOME program needs in Durham. The Board of County Commissioners "needs" public hearing was held on February 12, 2001. Comments were received from three citizens. The City Council "needs" public hearing was held on February 5, 2001. The purpose of the second public hearing was to receive comments on the Consolidated Action Plan Draft.

The Department of Housing and Community Development requested that the Board of County Commissioners hold its Consolidated Action Plan Draft public hearing on April 23, 2001. The Department of Housing and Community Development requested that the City Council hold its Consolidated Action Plan Draft public hearing on April 16, 2001. Recommendations and editing comments received during the 30-day public review period (March 12, 2001 through April 12, 2001) would be included in the final version of the 2001-2002 Consolidated Action Plan. The Consolidated Action Plan makes general HOME program funding allocations.

Charlene Montford, Director, City of Durham Department of Housing and Community Development, reviewed this request and recommended that the Board of County Commissioners hold the 2001-2002 Consolidated Action Plan Draft public hearing and adopt the Plan for submission to the Department of Housing and Urban Development (HUD).

Resource Person(s): Michael Pullum, Senior Planner, attended the meeting to answer questions.

County Manager's Recommendation: Continue the 2001-2002 Consolidated Action Plan Draft public hearing and adopt the plan for submission to the Department of Housing and Urban Development (HUD).

Chairman Black said that the public hearing had been continued from the April 23, 2001 Regular Session to give staff an opportunity to address several issues. One of the issues was the Homeless Shelter and how the Commissioners might obtain funding for capital needs at the shelter.

County Manager Mike Ruffin said County staff and City staff met and were recommending that the plan be amended; however, the plan must be adopted as presented. On or after May 15, 2001, the plan can be amended. A list of amendments would be brought to the Board for consideration including \$161,000 for the shelter (negotiated last week with City staff).

Mr. Pullum concurred with the County Manager's comments. He described the procedures that must be followed before the funding can be received.

The Commissioners asked questions and made comments about the agenda item to which staff responded.

County Manager Ruffin said the only funds the County has any control over are the HOME funds. The other activities are under the City's control.

As no one signed to speak at this public hearing, Chairman Black closed the public hearing and referred the matter to the Commissioners for consideration.

Vice-Chairman Reckhow moved, seconded by  
Commissioner Heron, to approve the plan as presented.

The motion carried unanimously.

### **Presentation of FY 2002 Budget Requests for Nonprofit Agencies**

Nonprofit organizations made presentations regarding their requests for funding in Budget Year 2001-2002.

Resource Person(s): Pam Meyer, Budget Director, and presenters from the nonprofit organizations.

County Manager's Recommendation: Receive input from speakers and incorporate in your deliberations prior to finalizing next fiscal year's budget.

Chairman Black said the Chamber of Commerce should be removed from the nonprofit request since it is an economic development function.

Chairman Black was informed that 33 agencies had representatives present to make formal presentations.

The public hearing had been properly advertised. The following presentations were made:

1. Durham County Teen Court and Restitution--\$35,000. Jane Volland and Sabrina Cates
2. NCCU Senior Aide Program--\$40,000. Barbara Payne

3. Durham Workforce Partnership--\$25,000. Nancy Bernstein and Brenda Nevidjon
4. The Center of My Joy Inc.--\$ 15,000. Esther Utley
5. Communities In Schools--\$20,000. Oliver Johnson
6. HopeLine Inc.--\$1,000. Todd Waldo
7. Women-In-Action --\$33,000. Louise W. Weeks and Nancy Ruth Gentry Best
8. Planned Parenthood of Orange and Durham Counties--\$25,000. Zenobia Reed and Robyn Schryer
9. Eno River Association (Festival for the Eno)--\$20,000. Lori Olson and Greg Bell
10. Project Graduation--\$6,000. Dan Milam and Mary Holderness
11. Council for Senior Citizens--\$129,118. Joan Pellettier
12. Genesis Home--\$30,000. Ann Tropiano
13. Middle School After School-Program--\$90,000. Bernard Joyner and Nirilla Kearney
14. Arise--\$50,000. Treat Harvey and Ada Gregory
15. Rape Crisis of Durham--\$30,000. Rebecca Wanya and Leon Dumpley
16. Durham County Women's Commission--\$12,250. Rebecca Bach
17. Senior PHARMAssist--\$120,000. Gina Upchurch
18. Durham County Adult Care Home Community Advisory Committee--\$3,500. Jacqueline Allen
19. Durham Companions--\$6,500. Brenda Williams-Cousin
20. TROSA--\$100,000. Kevin McDonald
21. Operation Breakthrough--\$126,358. Charles Chapman
22. Triangle Reading Service--\$4,500. Linda Ornt
23. Good Work Inc.--\$15,000. Rachael Klayman
24. Meals on Wheels of Durham Inc.--\$21,000. Gwendolyn Moore
25. Exchange Club's Family Support Program--\$48,850. Joyce Holmes
26. Durham County Literacy Council--\$25,000. Lucy Haagen
27. Exchange Club's Parenting of Adolescents Program--\$101,450. Joyce Holmes
28. Family Counseling Service --\$15,000. Kim Dixon
29. Edgemont Project Awareness Success Center--\$39,300. Dr. Beverly G. Rose
30. Triangle Hospice--\$30,000. Lucy Worth
31. Friends of Durham Youth Orchestra Inc.--\$5,000. Denis Razkowski
32. Child Care Services Association--\$33,040. Tiffany Johnson
33. Durham Community Shelter for HOPE--\$170,000. Spencer W. Bradford

As no one else signed to speak at the public hearing, Chairman Black closed the public hearing.

No official action was taken on the nonprofit requests.

### **Approval of Sublease at Durham Regional Hospital with Select Specialty Hospital**

The Board of Commissioners was requested to approve a proposed sublease between Duke University Health System Inc. (Duke) and Select Specialty Hospital-Durham Inc. (Select) for 23,494 sq. ft. on the 6<sup>th</sup> floor of Durham Regional Hospital. The term of the lease will be ten years with a four-year renewal. The sublease would terminate if the underlying leases between Durham County Hospital Corporation (DCHC) and Duke or between Duke and Durham County terminate. The proposal is to create a “hospital within a hospital” to provide care for long-term acute care patients. Select will employ the staff of the facility, and the patients will be Select patients and not Durham Regional patients. This transaction will be subject to Select obtaining a certificate of need from the State.

Resource Person(s): Richard J. Liekweg, CEO, Durham Regional Hospital; Christy Gudaitis, Duke University Counsel; Michael Israel, Vice President and Chief of Hospitals and Clinical Facilities, Duke University Health System; Chuck Kitchen, County Attorney

County Manager's Recommendation: Approve the sublease in order to help the financial condition at Durham Regional Hospital and to provide care for long-term acute care patients which is currently unavailable in the Triangle area.

Charles Blackmon, Chairman, Durham Regional Hospital Board of Trustees, made introductory remarks about the sublease at Durham Regional Hospital with Select Specialty Hospital. Mr. Blackmon stated that the hospital staff members were prepared to make a presentation to the Commissioners regarding this new level of service.

Mr. Liekweg made comments about the proposal’s mental health component.

Dr. Peter Adland, Chairman, Department of Psychiatry at Duke Medical Center, spoke to the Commissioners about the status of the agreement and moving the Department of Psychiatry from Durham Regional Hospital to Duke Medical Center.

The County Commissioners asked questions and made remarks to which Dr. Adland and staff responded. County Attorney Chuck Kitchen assisted.

Chairman Black requested that Mr. Liekweg come back to the Commissioners after the budget has been completed to discuss the strategic plan. The discussion will occur at a Regular Session so the public can hear the remarks.

Chairman Black called for a motion concerning the resolution being considered.

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve the Resolution Approving Sublease Between Duke University Health System Inc. and Select Specialty Hospital-Durham Inc.

The motion carried with the following vote:

Ayes: Black, Cousin, Heron, and Reckhow  
Noes: Bowser  
Absent: None

The resolution follows:

RESOLUTION APPROVING SUBLEASE  
BETWEEN DUKE UNIVERSITY HEALTH SYSTEM INC. AND  
SELECT SPECIALTY HOSPITAL-DURHAM INC.

WHEREAS, the County of Durham (County) and Duke University Health System, Inc. (Duke) have previously entered into a sublease for Durham Regional Hospital which requires approval of any sublease of the facility by Duke; and

WHEREAS, Duke has requested the County to approve a sublease between Duke and Select Specialty Hospital-Durham, Inc. (Select) to provide a long term acute care facility (LTAC) which will be located within the Durham Regional Hospital facility; and

WHEREAS, there are no facilities such as those proposed currently serving the needs of the patients in the Triangle area.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS FOR THE COUNTY OF DURHAM DOETH RESOLVE:

The proposed sublease between Duke and Select is hereby approved on the following terms and conditions:

- A. Parties: Duke University Health System, Inc., d/b/a Durham Regional Hospital, as Landlord  
Select Specialty Hospital-Durham, Inc., a Delaware corporation, as Tenant
- B. Term: 10 years, with a 4-year renewal term subject to Landlord approval.

- C. Space: 23,494 sq. ft. on the 6<sup>th</sup> floor of Durham Regional Hospital.
  - D. Rent: A flat fee per year, with an annual inflator.
  - E. Sublease: Select Sublease Agreement is subject to the underlying lease between Landlord and Durham County Hospital Corporation, and the lease between Durham County Hospital Corporation and Durham County. If either of these leases is terminated, the Select Sublease Agreement automatically terminates.
  - F. Tenant's Duties: Obtain and maintain CON, licenses, accreditation, certification.  
Obtain prior Landlord approval for any alterations, improvements or additions.  
Upfit and maintain space consistent with the environment of Durham Regional Hospital.  
Maintain required insurance coverage.  
Obtain prior Landlord approval for any sublet or assignment.
  - G. Termination: Upon termination of the Select Sublease Agreement, Tenant will remove patients and surrender premises to Landlord.
2. The County Manager is hereby authorized to sign any documents necessary to carry out the terms and intent of this Resolution.

This the 7<sup>th</sup> day of May, 2001.

### **Alcoholic Beverage Control Board**

Chairman Black said the County Commissioners have received a letter from Mike Wendt, mediator, stating that mediation will not settle the differences between the ABC Board members. The Commissioners have also received information from District Attorney Jim Hardin Jr. concerning the investigation with the ABC system.

Chairman Black stated that she has received calls from citizens asking what is going on with the ABC Board and what the Commissioners are planning to do in terms of making changes.

Chairman Black asked County Attorney Chuck Kitchen to speak to this item.

Mr. Kitchen referred to the legal aspect of the issues and what the Commissioners would have to do to remove a board member(s).

The Commissioners asked questions and made remarks to which Attorney Kitchen responded.

At the request of the Commissioners, Chairman Black asked County Manager Ruffin to contact Mr. Wendt to obtain in writing a more thorough explanation for recommending that the ABC Board not follow through with mediation. (Mr. Wendt had interviewed each ABC Board member and the board attorney before concluding that the board not follow through with mediation.)

The County Commissioners asked County Manager Ruffin to find out the status of the investigation.

The County Manager would report to the Commissioners after the City/County Committee meeting on May 8, 2001. The course of action would be considered prior to the Monday, May 14, 2001 Regular Session of the Board. The Commissioners would have sufficient time to hold a hearing on that date.

### **Budget Worksession Calendar**

The Commissioners finalized the following FY 2001-02 Budget Calendar:

Thursday	May 31	County Manager presents recommended Operating Budget to Board of County Commissioners 2:30 p.m. – 6:00 p.m.
Monday	June 4	Budget Worksession 1:00 p.m. – 5:00 p.m.
Wednesday	June 6	Budget Worksession 9:00 a.m. – 12:00 noon
Monday	June 11	Budget Worksession 9:00 a.m. – 4:00 p.m.
Monday	June 11	Public Hearing during regularly scheduled Board meeting
Monday	June 25 02	Board of County Commissioners adopt Fiscal Year 2001-02 Budget during regularly scheduled Board meeting



**County Manager's Recommended Budget**

The County Manager's budget would be sent to the Commissioners on Friday, May 25, 2001.

**Adjournment**

Chairman Black adjourned the worksession at 3:45 p.m.

Respectfully submitted,

Garry E. Umstead, CMC  
Clerk to the Board