

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

Monday, March 28, 2005

7:00 PM Regular Session

**MINUTES**

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

Present: Chairman Ellen W. Reckhow, Vice-Chairman Becky M. Heron, and Commissioners Philip R. Cousin Jr. and Michael D. Page

Absent: Commissioner Lewis A. Cheek

Presider: Chairman Reckhow

**Opening of Regular Session**—Pledge of Allegiance

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Commissioner Page moved, seconded by Commissioner Cousin, to excuse Commissioner Cheek from the meeting due to an illness.

The motion carried with the following vote:

Ayes: Cousin, Heron, Page, and Reckhow

Noes: None

Absent: Cheek

**Agenda Adjustments**

Chairman Reckhow announced that Consent Agenda Item No. 5b, Contract Award for County Building Security Services to Wackenhut Corporation to provide security services for Durham County buildings for FY 2005-06, would be deferred until a future meeting. The Board requested additional information concerning the item.

**Minutes**

Vice-Chairman Heron moved, seconded by Commissioner Cousin, to approve as submitted the February 10, 2005 BOCC/Hospital Corporation Board of Trustees Minutes and the March 14, 2005 BOCC Regular Session Minutes.

The motion carried with the following vote:

Ayes: Cousin, Heron, Page, and Reckhow  
Noes: None  
Absent: Cheek

**“Senior Citizen Day” at the Durham Bulls Ballpark**

Vice-Chairman Heron publicized that the Coordinating Council for Senior Citizens will sponsor with the Durham Bulls to offer “Senior Citizen Day” at the Durham Bulls Ballpark on April 7, 2005, 1:00 p.m. (opening game of the Durham Bulls’ 2005 season). She invited everyone to the game, not just senior citizens, and solicited support for the Durham Bulls on that day. Vice-Chairman Heron thanked Woolly Bull for attending the retirement celebration of Clerk to the Board Garry E. Umstead, which was held prior to tonight’s meeting.

Jack McGhee, resident of Durham Regent Retirement Center, and Woolly Bull, Durham Bulls Mascot, presented information regarding “Senior Citizen Day.” They invited everyone to attend the opening game on April 7. Admission price is \$1.00 off for anyone 60 years of age and older. Goodberry’s will donate a free Ice Cream Social for the first 200 seniors to arrive. Senior citizens will be recognized on the field in pre-game ceremonies. Agency tables with information on senior services in the Triangle area will be on the concourse. Gates will open at 12:00 noon.

**Resolution in Recognition of the 10<sup>th</sup> Anniversary of Durham’s Partnership for Children**

Chairman Reckhow stated that a resolution had been prepared in recognition of the 10<sup>th</sup> Anniversary of Durham’s Partnership for Children, a Smart Start Initiative. Since its inception, this organization has successfully collaborated with appropriate organizations in the community to greatly enhance the quality of early childhood education, to increase school readiness, to help close the “achievement gap”, and to help prepare generations of young children for success in their academic endeavors. She read the resolution into the record:

RESOLUTION

WHEREAS, Durham’s Partnership for Children, a Smart Start Initiative, has increased the number of quality childcare centers in Durham County; and

WHEREAS, Durham’s Partnership for Children has increased the number of children enrolled in quality childcare, increased the percentage of children enrolled in quality care, and increased the percentage of children receiving subsidies in quality programs in Durham County; and

WHEREAS, Durham’s Partnership for Children has played a key role in “professionalizing” the childcare field in Durham by increasing the percentage of early childhood teachers with professional degrees and training; and

WHEREAS, Durham’s Partnership for Children has provided incentives for teachers to stay in early childhood education, thereby decreasing teacher turnover in this field; and

WHEREAS, Durham's Partnership for Children has partnered with Durham Public Schools to increase the "school readiness" of Durham County's children to help close the achievement gap; and

WHEREAS, Durham's Partnership for Children has laid the groundwork for North Carolina's economic future by preparing upcoming generations for school and workplace success and attracting business to the state's skilled workforce; and

WHEREAS, Durham's Partnership for Children has increased the availability of parent education, information, and resources for families through peer support networks and connections to community services, aiding them to make better, more-informed choices regarding their child's care; and

WHEREAS, Durham's Partnership for Children has increased support for Spanish-speaking families and their children, helping them to overcome isolation and language barriers in order to become better parents and to access better care for their children; and

WHEREAS, Durham's Partnership for Children has increased family support, advocacy, and service in providing early intervention for children with, or at-risk for, special needs:

NOW, THEREFORE BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby resolve to pay tribute to

**DURHAM'S PARTNERSHIP FOR CHILDREN, A SMART START INITIATIVE**

on the celebration of its 10<sup>th</sup> Anniversary for the exemplary model of collaboration, which continues to change the landscape of early childhood care for Durham residents and benefit present and future generations of young children and their families.

This the 28<sup>th</sup> day of March, 2005.

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Chairman Reckhow expressed sincere appreciation for the Partnership's 10 years of program excellence.

Executive Director Marsha Basloe, on behalf of the Board of Directors of Durham's Partnership for Children, expressed gratitude to the Commissioners for the resolution. She invited everyone to attend the ten-year celebration at the Museum of Life and Science on April 6.

Commissioner Page voiced his past, present, and ongoing support for Durham's Partnership for Children.

**Herman Alston—March Anchor Award Winner**

Chairman Reckhow revealed that Herman Alston, Durham County Deputy Tax Collector, was selected to receive the March Anchor Award. Mr. Alston was being recognized for

assisting the Tax Department in achieving a collection rate that exceeded 98% during Fiscal Year 2003-04.

Tax Administrator Ken Joyner introduced Mr. Alston, while mentioning the following:

- Through Mr. Alston's leadership, Delinquent Tax Collections exceeded \$500,000 each month of the 2003-2004 Fiscal Year.
- Additionally, the department has started this year off by ending January with a collection rate of 93.76%, which represents an increase of 1.12% at the same point in time last year.
- Mr. Alston's long reputation for fairness and honesty has reached many citizens of Durham County.

Mr. Alston stated that he was honored to receive the Anchor Award. He expressed appreciation to his Division Manager, Gene Hodges, for nominating him. Mr. Alston also wished to publicly thank Tax Administration employees, stating that the glory of the award would be shared with them.

Chairman Reckhow presented the Anchor Award, the honorary check, and the \$200 check to Mr. Alston, while congratulating him for his service to Durham County.

### **Resolution in Recognition of Retiring Clerk to the Board Garry E. Umstead**

Chairman Reckhow stated that a retirement celebration was held prior to this meeting in honor of Garry E. Umstead, Durham County's long-time Clerk to the Board of Commissioners, who will retire effective April 1 following 32 years of dedicated service. Mr. Umstead became Clerk to the Board in 1986 and is most proud of the fact that he has served with every Durham County Manager except the first, Mr. D. W. Newsome.

Chairman Reckhow noted in a release distributed earlier this year, "Garry Umstead has served Durham County diligently and capably ...and has helped make County government accessible to citizens by responding to requests for information in a timely manner. Garry has been a faithful and hard-working public official who comes to work early, leaves late, and often works weekends. I wish him the best in his well-deserved retirement."

Chairman Reckhow read the following resolution into the record:

#### **RESOLUTION**

WHEREAS, Garry Ewell Umstead has worked for Durham County for 32 years; and

WHEREAS, Garry began his career with Durham County in 1973 as an accountant and served in several positions including Interim Finance Director and Assistant to the County Manager; and

WHEREAS, Garry became Clerk to the Board in 1986, and has served with many County Commissioners and every Durham County Manager except the first one, Mr. D. W. Newsome; and

WHEREAS, Garry is a Certified Municipal Clerk (CMC) having completed a rigorous course of study by the International Institute of Municipal Clerks (IIMC), an organization whose mission is to promote professionalism in local government through education; and

WHEREAS, during his tenure Garry held many offices with the North Carolina Association of County Clerks to the Board of County Commissioners including Director, Treasurer, and Secretary. He also is a graduate of the County Administration Course and the Special Clerks' School at the University of North Carolina's Institute of Government; and

WHEREAS, over the last 32 years Garry has done an excellent job preparing Board meeting agendas, maintaining and transmitting official meeting minutes, and keeping an historical record of Durham County:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby resolve to pay tribute to

MR. GARRY EWELL UMSTEAD

for his sincere dedication and service to Durham County Government and the citizens of the Durham community for 32 years.

This the 28th day of March, 2005.

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Chairman Reckhow extended best wishes and sincere thanks to Mr. Umstead for 32 years of outstanding service to Durham County Government.

Mr. Umstead expressed gratitude to the Commissioners for the resolution and for allowing him to be a part of the Durham County Government "family" for many years.

Mr. Umstead received a standing ovation.

Dr. E. Lavonia Allison, P.O. Box 428, Durham, NC 27702, Chair of the Durham Committee on the Affairs of Black People, complimented Mr. Umstead, thanking him for providing her with the utmost respect and responsiveness during her tenure as Committee Chair.

### **Consent Agenda**

Vice-Chairman Heron moved, seconded by Commissioner Cousin, to approve the following consent agenda items:

- \*a. Property Tax Releases and Refunds for Fiscal Year 2004-05  
(accept the property tax release and refund report for

- February 2005 and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- \*c. Request Approval of Right-Of-Way Agreement with Duke Energy Corporation (DEC) For East Branch Library (authorize the Manager to enter into the Agreement);
  - d. Request for Authorization to Enter into Contract with Active Data Services (authorize the Register of Deeds to enter into a service contract with Active Data Services for \$122,824.80);
  - e. Records Retention and Disposition Schedule for Register of Deeds (2003 and Amendments) (approve the Records Retention Schedule and Plan issued by the North Carolina Department of Cultural Resources);
  - \*f. Budget Ordinance Amendment No. 05BCC000048—Social Services—Recognizing Additional Smart Start Revenue (approve for a total increase of \$369,000);
  - \*g. Budget Ordinance Amendment No. 05BCC000049—General Services—Recognizing Revenue from the North Carolina Department of Environment and Natural Resources (approval for a total increase of \$8,087 from NCDENR, Division of Environmental Health, Public Health Pest Management for “State Aid for Mosquito Control/Matching Grant”);
  - h. Voice Over IP Project (approve the bid and authorize the Manager to sign the appropriate documents to accept the bid and close the transaction with SunTrust Leasing Corporation); and
  - i. Appointment of Vonda Sessoms as Interim Clerk to the Board (appoint Deputy Clerk Vonda Sessoms as Interim Clerk to the Board effective April 4, 2005).

The motion carried with the following vote:

Ayes: Cousin, Heron, Page, and Reckhow  
Noes: None  
Absent: Cheek

\*Documents related to these items follow:

Consent Agenda Item No. a. Property Tax Releases and Refunds for Fiscal Year 2004-05 (accept the property tax release and refund report for February 2005 and authorize the Tax Assessor to adjust the tax records as outlined by the report).

Due to property valuation adjustments for over assessments, listing discrepancies, duplicate listings, and clerical errors, etc., the report details releases and refunds for the month of February 2005.

Releases & Refunds for 2004 Taxes:

Real Estate	\$	24,749.72
Personal	\$	7,148.26
Registered Vehicles	\$	21,523.52
Vehicle Fees	\$	275.00
Solid Waste Fees	\$	<u>300.00</u>
Total for 2004 Taxes and Fees	\$	53,996.50

Prior years' (2002-2003) releases and refunds for February 2005 are for \$13,238.81. The total current year and prior years' releases and refunds amount to \$67,235.31.

(Recorded in Appendix A in the Permanent Supplement of the March 28, 2005 Regular Session Minutes of the Board.)

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Consent Agenda Item No. c. Request Approval of Right-Of-Way Agreement with Duke Energy Corporation (DEC) For East Branch Library (authorize the Manager to enter into the Agreement).

STATE OF NORTH CAROLINA  
COUNTY OF DURHAM

RIGHT OF WAY AGREEMENT

KNOW ALL MEN BY THESE PRESENTS, That the COUNTY OF DURHAM, hereinafter called "Grantor" (whether one or more), in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, does hereby grant unto DUKE ENERGY CORPORATION, and its successors and assigns, subsidiaries and divisions, hereinafter called "Grantee," the perpetual right, privilege and easement to go in and upon that certain land of Grantor (hereinafter "premises") situated in said County and State, property described as:

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and over and across said premises within a right-of-way strip (check applicable):

X having a width of 15 feet on each side of a centerline determined by the centerline of the electrical facilities as installed, to construct, maintain and operate with poles, crossarms, wires, guys, anchors, cables, transformers and other apparatus and appliances, overhead lines for the purpose of transporting electricity and for the communications purposes of the Grantee and regulated telephone utilities. The following rights are also granted to Grantee: to enter said premises to inspect said lines, to perform maintenance and repairs, and to make alterations and additions thereto, to remove from the right-of-way strip, now or at any time in the future, trees, structures or other obstructions that may endanger the proper maintenance and operation of said lines and trees of any species that Grantee determines will grow at maturity to a height that will endanger the proper maintenance and operation of said lines; to trim or remove and to keep trimmed or remove dead, diseased, weak or leaning trees or limbs outside of the right-of-way strip which, in the opinion of the Grantee, might interfere with or

fall upon the electric or communications facilities within the right-of-way strip; and to install guy wires and anchors extending beyond the limits of the right-of-way strip.

X having a width of 7.5 feet on each side of a centerline determined by the centerline of the electrical facilities as installed, to construct, maintain and operate underground lines and conduits with other apparatus and appliances, either above ground or below ground, to include transformers and service connections, for the purpose of transporting electricity and for the communications purposes of Grantee and its licensees. The following rights are also granted to Grantee: to enter said premises to inspect said lines, to perform maintenance and repairs, and to make alterations and additions thereto; and to clear the land within the right-of-way strip and to keep it clear of trees, structures or other obstructions; and to clear that land outside the right-of-way strip within ten feet of the service door of any transformer or cabinet located within the right-of-way strip and to keep the area within ten feet of said door clear of trees, structures or other obstructions. All underground facilities are to be installed in accordance with the provisions of Grantee's Underground Distribution Installment Plan, NCUC Docket E-7, Sub 552, receipt of a copy of which is acknowledged by Grantor.

This right-of-way is given to permit the construction of facilities presently proposed. Facilities at other locations and future extensions of presently constructed facilities are not permitted by this agreement. The foregoing notwithstanding, Grantee may relocate its facilities and right-of-way strip over the premises to conform to any future highway or street relocation, widening or improvement.

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Consent Agenda Item No. f. Budget Ordinance Amendment No. 05BCC000048—Social Services—Recognizing Additional Smart Start Revenue (approve for a total increase of \$369,000).

DURHAM COUNTY, NORTH CAROLINA  
FY 2004-05 Budget Ordinance  
Amendment No. 05BCC000048

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2004-05 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental	\$262,992,941	\$369,000	\$263,361,941

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$321,933,211	\$369,000	\$322,302,211

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 28 day of March, 2005.



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Consent Agenda Item No. g. Budget Ordinance Amendment No. 05BCC000049—General Services—Recognizing Revenue from the North Carolina Department of Environment and Natural Resources (approval for a total increase of \$8,087 from NCDENR, Division of Environmental Health, Public Health Pest Management for “State Aid for Mosquito Control/Matching Grant”).

DURHAM COUNTY, NORTH CAROLINA  
FY 2004-05 Budget Ordinance  
Amendment No. 05BCC000049

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2004-05 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental	\$263, 278,821	\$8,087	\$263,286,908

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
General Government	\$ 25,039,924	\$8,087	\$ 25,048,011

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 28 day of March, 2005.

**Federal Farm and Ranchlands Protection Grant Request and Farmland Conservation Easements**

Jane Korest, Open Space & Real Estate Manager, requested that the Board approve the submission of a Federal Farm and Ranchlands Protection Grant for \$343,043 and the use of a combination of grant and county capital project funds towards the preservation of approximately 173 acres of farmland with permanent conservation easements. The potential acreage encompasses the majority of two farms located in northern Durham within the Flat River Agricultural Priority Area. The Board established Agricultural Priority Areas in November 2003 as a first step towards directing the expenditure of funds towards the preservation of permanent farmland using conservation easements. The Federal Farm and Ranchlands Protection Program has provided the first substantial funding opportunity for Durham County to protect farmland in a cost-efficient manner. The program is anticipated to have two more cycles after this year. The County applied for its first federal farmland grant in April 2004, and received \$251,000 in August 2004 towards the acquisition of conservation easements on approximately 156 acres of the Russell Farm in northern Durham, with portions in both the Flat River and Little River Agricultural Priority Areas. The easements

are expected to close within the next month, and will increase the amount of Durham County preserved farmland to 238 acres.

For this grant submittal, the first farm consists of 98 acres on Tilley Farm Road owned by Arthur Tilley, who has expressed interest in permanently preserving his farm. The Tilley farm has been in continuous farming for approximately 200 years. The home site on the farm is thought to date back to approximately 1855 and was summarized in the Durham County Historic Architecture Inventory. The property also includes a former one-room schoolhouse. Approximately 70 acres of the farm would qualify for the federal farmland grant based on the amount of open land presently on the property. If received, the federal grant will provide 50 percent of the appraised value of the conservation easement with the remainder provided as the local match. Mr. Tilley has offered to donate 25 percent of the appraised value of the easement, which reduces the County's match for the proposed easement to 25 percent of the easement's value. The value of the conservation easements has been appraised at \$4,171 per acre, meaning that Durham County's required match for the acquisition would be \$1,042.75 per acre for a total of \$74,035. In addition, Mr. Tilley has further expressed interest in permanently preserving another 21 acres of his farm that would not score high on the farmland grant. In his letter, Mr. Tilley indicates his desire to donate a conservation easement on this additional 21 acres if the conservation easement is acquired on the first 70 acres.

The second farm consists of 173 acres located directly adjacent to Arthur Tilley's farm on the south. The owner, Mr. Roger Tilley, has also expressed his interest in conveying permanent conservation easements on his farm. The western portion of the property borders N.C. State Hill Forest and an estimated 100 acres of the farm would be eligible for the federal farmland grant based on the amount of open land on the property. If received, the federal grant will provide 50 percent of the appraised value of the conservation easement. Mr. Roger Tilley has also offered to donate 25 percent of the appraised value of the easement, reducing the county's required share of the easement cost to 25 percent of its appraised value. The value of the conservation easements for this farm has been appraised at \$3,823 per acre, meaning that Durham's County's match for the 100-acre proposed easement acquisition would be \$955.75 per acre for a total of \$97,486.50. Mr. Roger Tilley has further expressed his interest in permanently preserving his entire 173-acre farm. Staff will work with him on a potential donation of the development rights on the remaining 73 acres if the farmland grant is awarded on the first 100 acres.

The Capital Projects Account for Open Space and Farmland Preservation (DC083) has approximately \$211,000 available, which is sufficient to cover the estimated \$186,521 in project costs for these two easement acquisitions. The project costs include Durham County's 25 percent easement match for both farms, plus survey and other associated land transaction costs. The Durham County Farmland Protection Board has discussed the two proposed easements, voting at its February 2005 meeting to recommend that the Commissioners approve the easement acquisitions and submission of the federal farmland grant.

### Federal Farm and Ranchlands Protection Program Overview

#### Program History:

- The federal Farm and Ranchlands Protection Program is designed to supplement funding sources for existing state and local farmland protection programs. The program was revised substantially as part of the 2002 Farm Bill.
- In 2002, N.C. received \$2,193,400 that was awarded to 12 easements. In 2003, N.C. received \$2,116,070, which was awarded to eight easements. In 2004, N.C. received \$2,293,600 that was awarded to five projects.
- For the Spring 2005 cycle, N.C. was allocated \$3,134,867 in grant funds for disbursement to projects.
- The program is authorized through the Spring 2007 cycle; after which it will require federal reauthorization.
- Durham County submitted a \$251,000 grant request in the 2004 cycle, which was fully funded. The funds went to purchasing conservation easements on 156 acres of the Russell farm in northern Durham County.

#### Project Eligibility:

- Potential projects are required to have a written pending offer for the acquisition of conservation easements for the purposes of protecting agricultural use.
- Projects must show proof of local matching funds.
- Projects need to have completed appraisals to be reasonably competitive.

#### Funding Split:

- The federal cost share is a maximum of 50 percent of the eligible costs.
- The remaining 50 percent can either be funded by the local government or split between the local government at 25 percent and through a landowner donation of up to 25 percent of the easement value. (for example, if a proposed easement was valued at \$200,000 the federal grant could be a maximum of \$100,000; the remaining \$100,000 would be paid by the local government or else split with \$50,000 by the local government and 50 percent in value donated by the landowner.)

#### Grant Time Frames:

- The deadline for submittals is April 5, 2005.
- Funding decisions are expected within several months.
- All awarded funds must be encumbered to agreements with entities by September 30, 2005.

#### Projects receive a higher priority for funding that:

- Have permanent easements.
- Have pending offers supported by a signed appraisal.
- Link other federal, state, local, or non-governmental efforts with complementary farmland or conservation programs.
- Are within Counties or agencies that show a record of managing easements.
- Are within Counties or agencies that have established a farmland protection program.

- N.C. is targeting tracts that maximize the percentage of open land in cropland or pastureland (as opposed to forestland) and that maximize the percentage of the proposed easement in prime or locally important soils.

Conservation Easement requirements:

- Properties within the easement area are limited to three percent impervious surface.
- No further subdivision of properties is permitted.
- Only permanent easements have scored high enough to receive funding.
- The landowner must have an approved conservation plan certified by the local NRCS office.
- Most new home sites are prohibited, although a farm homestead and additional farm buildings are permitted.

How a conservation easement works:

- The title to property contains several different rights, referred to as the “bundle of rights”. These include below ground mineral rights, development rights (based on local zoning), air rights, timber rights, etc. A landowner can voluntarily choose to convey some of those rights, such as those for timbering or those for future development by conveying these rights through an easement document to another entity, typically a local government or land trust. The easement is recorded in the Register of Deeds and runs with the land.
- The value of the easement is determined by an appraisal. The appraisal first looks at the value of the property at fair market value before the easement, and then the value of the property with the easement restrictions in place. The difference between the two is the value of the easement. The easement rights can be acquired by purchase or through acceptance of a donated easement from a motivated owner. The value of the easement then counts as a charitable contribution for tax purposes.

Federal Farmland Grant Proposed Conservation Easements

<u>1) Arthur Tilley Farm Proposed Conservation Easement</u>			
<b>Proposed Easement Cost</b>	<b>Acreage</b>	<b>per acre easement value</b>	<b>Total Easement Value</b>
Arthur Tilley Farm	71	\$ 4,171.00	\$ 296,141.00
<b>Proposed Easement Financing</b>			<b>Partner Land Cost</b>
Federal 50% Share			\$ 148,070.50
Durham County			\$ 74,035.25
Arthur Tilley Donation of 25% of Easement Value			\$ 74,035.25
<b>Total Financing</b>			<b>\$ 296,141.00</b>
<u>2) Roger Tilley Farm Proposed Conservation Easement</u>			
<b>Proposed Easement Cost</b>	<b>Acreage</b>	<b>per acre easement value</b>	<b>Total Easement Value</b>
Roger Tilley Farm	102	\$ 3,823.00	\$ 389,946.00
<b>Proposed Easement Financing</b>			<b>Partner Land Cost</b>
Federal 50% Share			\$ 194,973.00

Durham County			\$ 97,486.50
Roger Tilley Donation of 25% of Easement Value			\$ 97,486.50
<b>Total Financing</b>			<b>\$ 389,946.00</b>
<b>Total Federal Farmland Grant Request</b>	<b>Acres</b>	<b>Funds</b>	
Arthur Tilley Farm	71	\$ 148,070.50	
Roger Tilley Farm	102	\$ 194,973.00	
<b>Total Request</b>	<b>173</b>	<b>\$ 343,043.50</b>	
<b>Durham County Overall 2005 Project Costs</b>			
Easement Costs		\$ 171,521.75	
Associated Acquisition Costs - survey, closing costs		\$ 15,000.00	
<b>Total Estimated Durham Co. Costs</b>		<b>\$ 186,521.75</b>	
<b>Durham County proposed cost per acre protected:</b>		<b>\$ 2,729.07</b>	

Chairman Reckhow commended staff for an excellent report, which was, in her opinion, one of the best ever presented to the Commissioners. She noted the article in Saturday's News & Observer about the Tilley farms.

Arthur Tilley, 1807 Tilley Farm Road, Durham, NC 27705, expressed a desire to preserve his farm as an alternative to possible development.

Commissioner Page inquired about strategies to be utilized if the grant is not funded.

Ms. Korest replied that staff would have an opportunity to resubmit next year. The County could fully purchase the farms without the use of grant funds; however, farmland conservation easements have never been acquired without the help of grant funds. \$2.2 million was available last year for the State of North Carolina; every grant submitted was funded. More funding is available this year. The County should employ every opportunity to obtain these funds, as the competition is not as fierce as for other grant funds. Ms. Korest expressed total optimism that the grant would be awarded.

Vice-Chairman Heron mentioned that the Commissioners had visited the farms approximately two years ago. She recalled the beauty of the farms, expressing appreciation of the Tilley's generosity.

Vice-Chairman Heron made the following motion:

- A. submission of a federal farmland grant for \$343,043 to provide 50 percent of the proposed purchase price for permanent farmland conservation easements on 173 acres owned by Arthur Tilley and Roger Tilley;
- B. the use of up to \$186,521 from the Open Space and Farmland Preservation Capital Project Account (DC083) towards Durham County's 25 percent required match on the easement costs plus associated closing costs if the federal grant is awarded in the anticipated amount; and

- C. authorization of the Manager to execute purchase agreements with both Arthur Tilley and Roger Tilley, with the agreements to include a provision that the purchase of the easements is contingent upon the County receiving the Federal Farm and Ranchlands Protection Grant Funds.

Commissioner Cousin seconded the motion.

The motion carried with the following vote:

Ayes: Cousin, Heron, Page, and Reckhow  
Noes: None  
Absent: Cheek

### **Discussion of General Assembly Session and Legislative Update**

Chairman Reckhow announced that staff prepared a status report on the progress of Durham County Legislative issues. In addition to the report, the Board was asked to consider taking a position regarding Senate Bill 702, An Act to Prohibit Students from Dropping out of School Before the Age of Eighteen and to Increase the Penalty for Truancy.

County Attorney Chuck Kitchen commented that the support for this item was approved unanimously as a part of the Commissioners' 2002 Legislative Agenda on May 13, 2002. Initiatives to increase the compulsory school attendance age have not been enacted by the Legislature. Staff requested direction as to whether the Commissioners wish to continue with its prior adopted goals and continue support of this legislation.

Chairman Reckhow reported that she surveyed other states' school attendance age and conveyed the following:

- Twenty-nine states have designated age 16 as the compulsory attendance age.
- Eight states—age 17.
- Seventeen states—age 18.
- States bordering North Carolina (Tennessee [17], South Carolina [17], and Virginia [18]) have higher age requirements.

Chairman Reckhow highlighted the lifetime benefits of receiving a high school diploma, which increases a person's annual earnings by approximately 50 percent.

Vice-Chairman Heron expressed support for the bill.

Commissioner Page was in support of increasing the age requirement. He asked whether the Commissioners had discussed in the past how to redirect students who were unsuccessful in a classroom environment.

Chairman Reckhow suggested a phased approach for the additional age requirements and additional programming to recapture the interest of students who are struggling or who are

disinterested in school. The increase should be implemented in a planned manner with appropriate resources, additional programs, etc. Pertinent verbiage could be included in the letter to the Delegation. She directed that the letter be emailed to the Commissioners prior to distribution to the Delegation to ascertain satisfactory wording.

Commissioner Page encouraged the transmission of additional language before the Commissioners endorse Bill 702. He inquired about the deadline.

Commissioner Cousin recommended the expansion of options available to students.

Vice-Chairman Heron expressed that a determination must be made as to why students lose interest and how to attract their attention.

Chairman Reckhow called Dr. Allison forward, as she had signed to speak on this agenda item.

Dr. E. Lavonia Allison, P.O. Box 428, Durham, NC 27702, echoed the concerns of Commissioners Page and Cousin. She supported increasing the age but emphatically stressed the importance of vocational education, especially for young African-American males.

County Attorney Kitchen explained Senate Bill 932, An Act to Protect Confidential Information of Public Agencies and Subdivisions, clarifying when a draft becomes a public record and the attorney-client privilege. He asked the Commissioners to support the bill and allow staff to send a letter to the Delegation for endorsement.

Chairman Reckhow requested that Attorney Kitchen verify the amount on the land transfer tax. She also asked the County Attorney to follow up with Representative Luebke regarding lead inspections associated with the sale of housing prior to 1978.

County Attorney Kitchen clarified for Chairman Reckhow the reason for the differing amounts. He then reviewed the Legislative Report and requested direction regarding support for additional legislative issues.

Chairman Reckhow stated that the consensus of the Commissioners is to advise the local Delegation of support for Senate Bill 932 and to draft a letter relating to Senate Bill 702.

### **FY 2005-06 Budget Worksessions Meeting Schedule**

The Commissioners discussed the meeting calendar for scheduling FY 2005-06 Budget Worksessions. The following scheduled meeting dates were agreed upon by the Commissioners:

May 24	12:30 p.m. to 5:00 p.m.
June 1	2:00 a.m. to 5:00 p.m.
June 2	9:00 a.m. to 4:00 p.m.
June 6	9:00 a.m. to 4:00 p.m.
June 13	2:00 a.m. to 6:00 p.m.

June 20 9:00 a.m. to 4:00 p.m.  
June 21 9:00 a.m. to 4:00 p.m.

Chairman Reckhow asked County Manager Mike Ruffin to survey Commissioner Lewis Cheek to determine if the dates and times are agreeable and to send an amended schedule to the Commissioners.

### **Board and Commission Appointments**

Garry E. Umstead, CMC, Clerk to the Board, distributed ballots to make appointments to boards and commissions. He also distributed ballots for the Commissioners to select two or three members of the Durham County Hospital Corporation Board of Trustees to be nominated for an appointment to the Duke University Health System Board of Directors.

Chairman Reckhow referenced the letter received by the Commissioners from Durham County Hospital Corporation Trustees recommending Penelope A. Keady and Eugene F. Dauchert Jr. as the nominations for appointment to the Duke University Health System Board of Directors.

Chairman Reckhow pointed out that George A. Brine, applicant for the Open Space and Trails Commission (Triangle Township position), is currently serving as a commission appointee and wishes to withdraw his request for the Triangle Township appointment.

Chairman Reckhow clarified for Commissioner Page that John W. Parrish, Durham Planning Commission applicant, qualifies for the Oak Grove/Carr Township position. Leonard Kovalick, Wendy Jacobs, and R. Grant Leonard are at-large Planning Commission applicants, but are not indicated as such on the ballot. Chairman Reckhow mentioned that Steven Matherly neither lived in the Triangle Township in the past nor currently lives there; he was previously appointed to the slot because the Board received no other applications for the position.

Commissioner Page confirmed for Chairman Reckhow that Lee Johnson was the formal recommendation to the Durham Technical Community College Board of Trustees.

At the recommendation of County Attorney Chuck Kitchen, the Commissioners concurred to make no Triangle Township appointment to the Durham Planning Commission until the language of the interlocal agreement can be reviewed. The appointment could be made at a future Commissioner meeting.

### **Closed Session**

Chairman Reckhow called Jim Anderson forward, as he had signed to speak on the closed session item.

Mr. Jim Anderson, 204 Edgewater Circle, Chapel Hill, NC 27516, representing Crosland Inc., requested that in addition to his three minutes, he be awarded the three-minute comment period of signed speaker Rudy Barker.



Mr. Anderson asked the Commissioners to consider the following questions when deciding whether to purchase the Preserve at Erwin Trace:

- “What would this decision do to the County’s budget beyond the \$1.6 million purchase price?”
- “What would this purchase replace on established open space and parks and rec (recreation) priority lists?”
- “What would it cost the real missing link to the New Hope greenway system—the Penny tract?”
- “What if you don’t have to spend anything to complete the puzzle?”

Commissioner Cousin moved, seconded by Commissioner Page, to adjourn to Closed Session to instruct staff concerning the position to be taken on the terms of possible acquisition of property known as the Preserve at Erwin Trace, PIN # 0801-03-12-7186, owned by Duke University; and to meet with an attorney and to preserve the attorney-client privilege and consider the case of In Re Time Warner, CSR 5940-E, pursuant to G.S. § 143-318.11(a)(3) & (5).

The motion carried with the following vote:

Ayes: Cousin, Heron, Page, and Reckhow  
Noes: None  
Absent: Cheek

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Prior to the Board adjourning to Closed Session, County Attorney Chuck Kitchen announced the following board/commission appointees:

Adult Care Home Community Advisory Committee

Jacqueline B. Hall  
Regina Stanley-King  
Joyce Loeb sack

Animal Control Advisory Committee

Patricia A. Croom  
Kimberly O’Neil  
Vickie White  
Kimberly E. Willis

Area Mental Health Board

Amelia P. Thorpe (openly declared consumer with mental illness or with developmental disabilities position)

Boxing and Wrestling Commission

Joseph E. Anthony  
Walter P. Keay III

Cable TV Advisory Board

Gregory Thomas

Civic Center Authority

Joshua M. Parker (at-large)

Community Child Protection Team/Child Fatality Prevention Team

Fredericka Ann Carver (law enforcement officer)

Criminal Justice Partnership Act Advisory Board

Lao Rubert

Durham City-County Appearance Commission

John H. Compton (at-large)  
Leonard K. Kovalick (at-large)

Durham Planning Commission

Wendy Jacobs (at-large)

Durham Technical Community College

Lee Johnson Jr.

Industrial Facilities and Pollution Control Financing Authority

Edward F. "Ted" Conner (at-large)  
Charles H. Darwin (at-large)

Juvenile Crime Prevention Council

Jeffrey Jerome Locke, Sr. (Substance Abuse Professional)

Nursing Home Community Advisory Committee

Brenda L. Brown  
Jacqueline B. Hall  
Douglas John Register  
Nancy Winter

Open Space and Trails Commission

Glenn Bowles (Triangle)

Transportation Advisory Board

Joseph S. Kilsheimer

Women's Commission

June W. Michaux (at-large)

Members of the DCHC Board of Trustees nominated for an appointment to the DUHS Board of Directors

County Attorney Kitchen stated that the nomination of MaryAnn Black would be a common law conflict of interest, as she is a Duke employee. Penelope A. Keadey was the only DCHB Board of Trustees member to receive a majority of votes; therefore, the following motion was made:

Commissioner Page moved, seconded by Vice-Chairman Heron, to nominate Eugene F. Dauchert Jr., Exter G. Gilmore Jr., and Penelope A. Keadey for appointment to the DUHS Board of Directors.

The motion carried with the following vote:

Ayes: Cousin, Heron, Page, and Reckhow  
Noes: None  
Absent: Cheek

The Board adjourned to closed session.

Reconvene to Open Session

Chairman Reckhow announced that the Board met in closed session, direction was given to staff, and no action was taken.

Adjournment

There being no further business, Chairman Reckhow adjourned the meeting at 9:41 p.m.

Respectfully submitted,

Vonda C. Sessoms  
Interim Clerk to the Board