

**REVISED**  
(Addition?Item No. 7a)  
**THE BOARD OF COUNTY COMMISSIONERS**  
**DURHAM, NORTH CAROLINA**  
Monday, March 28, 2005

**AGENDA**  
**"Public Charge"**

The Board of Commissioners asks its members and citizens to conduct themselves in a respectful, courteous manner, both with the Board and fellow citizens. At any time, should any member of the Board or any citizen fail to observe this public charge, the Chairman will ask the offending person to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chairman will recess the meeting until such time that a genuine commitment to the public charge is observed.

As a courtesy to others, please turn off cell phones during the meeting.

***A retirement reception honoring Clerk to the Board Garry E. Umstead will be held at 6:00 p.m.***

7:00 PM Regular Session

1. **Opening of Regular Session**?Pledge of Allegiance
2. **Agenda Adjustments**
3. **Minutes**

- a. February 10, 2005 BOCC/Hospital Corporation Board of Trustees
- b. March 14, 2005 BOCC Regular Session

- 4a. **"Senior Citizen Day" at the Durham Bulls Ballpark**

The Council for Senior Citizens, sponsoring with the Durham Bulls, wishes to publicize "Senior Citizen Day" at the Durham Bulls Ballpark on April 7, 2005, 1:00 p.m. (opening game of the Durham Bulls' 2005 season). 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.

Resource Person(s): Vice-Chairman Becky M. Heron

- 4b. **Resolution in Recognition of the 10<sup>th</sup> Anniversary of Durham's Partnership for Children**

A resolution has 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.

Executive Director Marsha Basloe and Cynthia Marshall from Durham's Partnership for Children will be available to receive the resolution.

County Manager's Recommendation: The Manager recommends that the resolution be presented along with sincere thanks for 10 years of program excellence.

- 4c. **Herman Alston?March Anchor Award Winner**

Herman Alston, Durham County Deputy Tax Collector, has been selected to receive the March Anchor Award. Mr. Alston is recognized for assisting the Tax Department in achieving a collection rate that exceeded 98% during Fiscal Year 2003-04.

- 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.

Chairman Ellen Reckhow will lead the presentation.

County Manager's Recommendation: The Manager recommends that the Board present the March Anchor Award to Herman Alston along with congratulations of the entire organization.

- 4d. **Resolution in Recognition of Retiring Clerk to the Board Garry E. Umstead**

A resolution has been prepared in recognition 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 one, Mr. D. W. Newsome.

Chairman Ellen 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."

County Manager's Recommendation: The Manager recommends that the Board present the resolution to Mr. Umstead, along with best wishes and sincere thanks for 32 years of outstanding service to Durham County Government.

#### 5. **Consent Agenda**

- 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);
- b. Contract Award for County Building Security Services to Wackenhut Corporation (RFP# 05-010) (authorize the Manager to enter into a service contract to provide security services for Durham County buildings at the hourly rate of \$17.14 for security guards and \$25.01 per hour for Company Police Officers for a total contract amount of \$543,086.75 for FY 2005-06);
- 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).

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

The Board is requested to 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 was awarded \$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 highly 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.

Resource Person(s): Jane Korest, Open Space & Real Estate Manager, Mike Giles, Open Space Land Manager

County Manager's Recommendation: The Manager recommends that the Board approve:

- 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.

**7. Discussion of General Assembly Session and Legislative Update**

Staff has prepared a status report on the progress of Durham County Legislative issues. ***The report will be mailed separately to ensure the latest status update on each item.*** In addition to the report, the Board is asked to consider taking a position regarding Senate Bill 702 which is attached.

Resource Person(s): Chuck Kitchen, Durham County Attorney

County Manager's Recommendation: The Manager recommends that the Board review the Legislative Report and direct staff regarding support for additional legislative issues.

**7a. FY 2005-06 Budget Worksessions Meeting Schedule**

**The Board is requested to discuss the meeting schedule and additional dates for holding FY 2005-06 Budget Worksessions. The scheduled meeting dates and times follow:**

**June 2 9:00 a.m. to 4:00 p.m.**

**June 6 9:00 a.m. to 4:00 p.m.**

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

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

**COUNTY MANAGER'S RECOMMENDATION: THE MANAGER RECOMMENDS THAT THE COMMISSIONERS DISCUSS THE MATTER AND ADVISE STAFF IF ADDITIONAL ACTION IS NECESSARY.**

**8. Board and Commission Appointments**

Garry E. Umstead, CMC, Clerk to the Board, will distribute ballots to make appointments to the following board and commissions:

- Adult Care Home Community Advisory Committee
- Animal Control Advisory Committee
- Area Mental Health Board
- Boxing and Wrestling Commission
- Cable TV Advisory Board
- Community Child Protection Team/Child Fatality Prevention Team
- Criminal Justice Partnership Act Advisory Board
- Durham City-County Appearance Commission
- Durham Planning Commission
- Durham Technical Community College
- Industrial Facilities and Pollution Control Financing Authority
- Juvenile Crime Prevention Council
- Nursing Home Community Advisory Committee
- Open Space and Trails Commission
- Transportation Advisory Board
- Women's Commission

Ballots will also be distributed 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.

Resource Person(s): Garry E. Umstead

County Manager's Recommendation: The County Manager recommends that the Board of County Commissioners vote to appoint members to the above-mentioned boards/commissions and to select two or three members of the Hospital Corporation Board of Trustees to be nominated for appointment to the Duke Health System Board of Directors.

**9. Closed Session**

The Board is requested 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).