

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

Monday, December 7, 2009

9:00 A.M. Worksession

MINUTES

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

Present: Chairman Michael D. Page, Vice-Chairman Ellen W. Reckhow, and Commissioners Joe Bowser, Becky M. Heron, and Brenda A. Howerton.

Absent: None

Presider: Chairman Page

Election of Chairman and Vice Chairman of the Board of County Commissioners

County Attorney Lowell Siler presided over the election of the Board's Chairman.

Vice-Chairman Reckhow stated that she wished to nominate Commissioner Michael D. Page to serve as chairman of the Board of County Commissioners, seconded by Commissioner Heron.

County Attorney Siler called for further nominations. As no additional nominations were made, he closed the nominations and requested a vote.

The motion carried unanimously.

County Attorney Siler congratulated Chairman Page on his reappointment as Chair of the Board of County Commissioners.

Newly-elected Chairman Page presided over the election of the Vice Chairman.

Commissioner Bowser stated that he wished to nominate Commissioner Ellen W. Reckhow as vice chairman of the Board, seconded by Commissioner Heron.

No further nominations were made; therefore, Chairman Page closed the nominations and called for a vote.

The motion carried unanimously.

Chairman Page thanked everyone for coming to the Worksession. He stated that he looked forward to working with the citizens of Durham as well as the Commissioners in the upcoming year.

Approval of Public Official Bonds

The Board of Commissioners is required to approve the bonds of public officials on the first Monday of December of each year. Following approval, the bonds would be recorded in the Register of Deeds' office and then sent to the Clerk of Superior Court for safekeeping.

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

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

The motions carried unanimously.
The Public Official Bond Certificate follows:

NORTH CAROLINA

DURHAM COUNTY

CERTIFICATE

As Chairman of the Board of County Commissioners of Durham County, North Carolina, this is to certify that on Monday, December 7, 2009, the following Public Official Bonds were approved by the Board of County Commissioners of Durham County; the Public Official, the amount of bond, and the bond number with the name of the surety were set forth:

<u>POSITION</u>	<u>PUBLIC OFFICIAL</u>	<u>AMOUNT OF BOND</u>	<u>SURETY</u>	<u>BOND #</u>
Financial Officer	George Quick	\$250,000	Hartford	20BSBAY8705
Tax Collector	Kenneth L. Joyner, Jr.	\$250,000	Hartford	20BSBEY6989
Sheriff	Worth Hill	\$ 25,000	Hartford	20BSBBY9698
Register of Deeds	Willie L. Covington	\$ 50,000	Hartford	20BSBBT7709

Each bond is executed under seal in the name of the surety by an agent or attorney in fact. The clerk of the Durham County Board of Commissioners has been instructed to record each of the bonds enumerated herein with the power of attorney attached thereto in the office of the Register of Deeds of Durham County, together with a copy of this Certificate attached to each bond. After said bonds have been duly recorded in the Office of the Register of Deeds, the original of bond together with the power of attorney and a copy of the Certificate shall be deposited with the Clerk of Superior Court of Durham County.

Michael D. Page
Chairman, Board of County Commissioners

Sworn to and subscribed before me this
The 7th day of December, 2009

Angela M. McIver
NOTARY PUBLIC
My Commission expires: March 26, 2011

Citizen Comment—Mr. John Everett

Mr. John Everett requested time on the agenda to speak to the Commissioners about the foreclosing of his property, located at 1001, 1007, and 1009 Holloway Street; however, he was not in attendance.

Per Commissioner Heron's request, County Attorney Siler explained the reason why the item was being presented to the Board.

Commissioner informed the Board that Mr. Everett contacted him about the tax matter; therefore, he proceeded to inform Mr. Everett of the procedures as it relates to speaking to the Commissioners. He replied to Commissioner Heron's concerns and reiterated the discussion that was held at the ethics session pertaining to public comments per North Carolina law.

County Manager Mike Ruffin clarified the Board's Rules and Procedures that allow citizens the opportunity to speak to the Commissioners.

Chairman Page dismissed staff that was present to address Mr. Everett's concerns.

Review of November BOCC Directives

It was requested that at each month's worksession, the Board of County Commissioners have the opportunity to review the previous month's directives for staff and make comments as necessary.

Laura Jensen, Assistant to the County Manager, discussed the directives from the past four months. She stated that the list of November directives show what had been completed and what was currently outstanding. Also, she noted that an email was sent to the Board that showed other outstanding directives.

Vice-Chairman Reckhow made comments about the Urban Ministries report that relates to security issues. She suggested that the Sheriff's Department drive by the facility to create a security presence.

Commissioner Heron commented about the Economic Development update for the Durham Chamber of Commerce. She wondered why Durham Technical Community College (DTCC) was not listed in the initial listing.

Ms. Jensen stated that she would contact Casey Steinbacher, Durham Chamber of Commerce, about including DTTC and Durham Public Schools to the listing.

Commissioner Heron commended Ms. Jensen on her work with the directives.

Appearance Advocacy Group Report

Sylvia Goff, RBA Co Chair for Community Appearance, introduced this item. She stated that the Durham Appearance Advisory Group (DAAG) is a work group that emerged from

the implementation of community outcomes from Results-Based Accountability initiative. DAAG was created specifically to deal with appearance issues in Durham.

Ms. Goff gave the following presentation:

Durham Appearance Advocacy Group

A Culture & Appearance RBA Outcome Group formed to deal with Durham's appearance issues

Spearhead by:

- Robb Teer, Teer Associates
- Ginny Bowman, Northgate and Associates
- Chris Boyer, City General Services
- Sylvia Le Goff, RBA Co-Chair Culture & Appearance

Participants:

- Wally Bowman, N.C. DOT
- Mike Turner, County General Services
- Ellen Reckhow, County Commissioners
- Mike Woodard, City Council
- Casey Steinbacher, Greater Durham Chamber of Commerce
- Reyn Bowman, DCVB
- E'Vonne Coleman-Cook, DCVB
- Bob Ashley, Herald-Dun
- Dorothea Pierce, KDB
- Mike Schiflett, INC
- Summer Steverson Alston, Citizen
- John Compton, DCC Appearance Commission
- Robert Williams, Solid Waste
- Daryl Hedgspeth, NIS

Durham Appearance Advocacy Group (Organizational Chart)

Successful since July 2008

- Held regular meetings of business leaders, local and state government representatives along with the Chamber of Commerce and DCVB, and with many groups that deal with Durham's appearance and/or have a vested interest in improving Durham's appearance
- Identified evidence that appearance has a relationship to crime reduction and economic development, including the ability to attract visitors, and relocating or expanding businesses, increasing property values, and tax base.
- Studied issues related to litter prevention and the agencies and programs involved. Cities with better appearance, are ones where there is a great emphasis on RECYCLING
- Identified and analyzed "gaps" between agencies involved with appearance and explored solutions to close them
- Studied "best practices" and benchmarked against RTP/RDU Airport

Examples of what we have seen (Images)

- As we exit downtown to N.C. 147—overgrown & weedy lot; boarded up building; unkempt rental property
- Rear of popular eating spot downtown—trash bins...unkempt look as we enter downtown
- Illegal dumping
- Boarded up commercial buildings
- Boarded up housing
- Pot hole entering 751—continually having to be fixed
- Guardrails—overgrown weeds
- Along 751 & Kerley Road—litter pick up & mowing cycles not coordinated
- Woodcroft circle—751 circle, entering Durham

Examples of how Durham should look (Examples)

- RTP—well maintained; no weeds/clean
- Baseline standard

Long-term goals:

The group will work to instill and embed appearance as an overarching community-wide strategy with emphasis on:

- Maintenance and Repair—Establish a Baseline for Appearance (Clean, Orderly, Well-Maintained)
- Upgrading and Enhancement—Greater than Baseline (Notably attractive)
- Beautification and image—Stellar Appearance (Striking, Unique, Inviting)
- Sustainability
- Funding which supports maintenance, upgrades, and beautification endeavors
- Coordination of resources which supports maintenance, upgrades, and beautification endeavors
- A holistic approach to appearance which pervades the work plan of all parties: community groups, elected officials, local government departments, zoning and planning, etc.

Short-term goals:

- Asking officials to begin to Close identified Gaps
- Recycling Education in the schools and for the general public
- Targeting: Hwy147; Hwy40; Hwy85; Hwy70; 15/501; Entrances and Exits
- Neighborhoods Gateways

Request to officials that:

Short-term

- “Appearance” related services be core functions of the City/County and be a priority for continued funding with an emphasis on maintenance & recycling
- City/County Management focus efforts on coordinating and streamlining services that fall under the realm of “Appearance”

Long-term

- Design and implement a County wide “Way Finding” System

- Find creative ways to access revenue
- Part of funding be used to establish and implement an educational curriculum in our schools on “Appearance”
- Benchmark our “Appearance” efforts against the Research Triangle Park and the Raleigh-Durham Airport

Durham Appearance Advocacy Group

- Appearance is related to economic development and job creation.
- Appearance encompasses everything from way finding signage, to street and sidewalk maintenance, to upkeep of median and right of ways, to trees and plantings, to litter and trash removal, to commercial and housing code enforcement, to sign pollution and more
- Appearance is more than just litter, it impacts all aspects of our community

The “Durham Appearance Advocacy Group” is poised to lead these efforts with your backing and cooperation.

Priorities (in order from highest to lowest)

- Litter/Trash Removal & Maintenance
- Coordination
- Code Enforcement/Ordinances
- Recycling
- Funding/support of KDB and Education
- Beautification

Rob Teer, Teer Associates, reiterated the importance of appearance. He spoke about job creation, crime, and increasing tax base. He stressed the significance of promoting economic development. He mentioned the collaboration with County and City staffs, as well as the Department of Transportation (DOT) to come up with ways to establish a baseline on appearance and come back before the Board with ways to finance and fund the initiative.

Mr. Teer replied to Commissioner Howerton’s question about how the County would fund the program and any discussions held with the City related to funding. He recommended a half-cent property increase or prepared food tax.

Commissioner Bowser inquired about the number of youth involved in the summer youth program. He emphasized that the program would be a great resource to address.

Ms. Goff agreed with Commissioner Bowser’s suggestions; however, she stated that while identifying the priorities and the gaps between the agencies, it was determined that discussions would need to come from the leadership of elected officials.

In response to Commissioner Heron’s inquiry about utilizing inmates to clean the roads, Ms. Goff stated that due to an accident in Wake County, North Carolina Department of Transportation (NCDOT) made the decision to curtail the use of inmates.

County Manager responded to Commissioner Heron’s concerns discussing the City of Durham’s Eyes and Ears program that charged all of the outdoor personnel to look and listen

for possible crimes and unsightly nuisances. He added that neighborhood services work with the City's Neighborhood Services Division, which is in charge of enforcing the codes. He did not recall if there was such code for growth of weeds and grass in the County.

County Attorney Siler offered advice pertaining to the role zoning enforcement would play with the initiative. As it relates to weeds and grass, the County does not have the legislation needed to handle the issues. He proceeded to discuss the three-prong attack that would possibly deal with the matter such as: 1) litter control problem, 2) health-related issues, or 3) zoning issues that utilize the Unified Development Ordinance (UDO). However, it depends on the circumstance. He mentioned that the County may be able to attack the problem with rules under General Services.

Ms. Goff addressed Commissioner Heron's question regarding the maintenance of boarded-up buildings.

Vice-Chairman Reckhow made comments about Durham One Call. She agreed with Ms. Goff as it pertains to knowing who to call with these issues and with Commissioner Bowser's comments regarding summer youth. She questioned the County's expansion in terms of having an impact team that could employ the youth, which could be a joint project with the City.

Chairman Page commended Ms. Goff and Mr. Teer on their thorough report. He also made comments about the boarded-up homes in the community. He stated its unattractiveness.

County Attorney offered his assistance with the report. He made a suggestion about researching the material on who to call regarding certain problems and either adjust or amend the information to better educate citizens of who to notify when the issues arise.

The Board and staff held a discussion about collaborating with the City in regards to an action plan based on the recommendations mentioned.

County Manager stated that staff would review and have discussions with City Manager Tom Bonsfield about the suggestions.

Vice-Chairman Reckhow replied to Commissioner Heron's question about the 2-1-1 call center which is being handled by United Way. She informed the Board that the 2-1-1 call center offers advice on human service issues.

Commissioner Bowser voiced his opinion about pot holes in the community. He spoke about how it impacts the area and needs to be resurfaced. He expressed concerns about how to bring the State, the City, and the County together to fix Durham County's problems. He felt that if the County had responsibility in the community the issues would be resolved. He made comments about the dysfunction of the City's one call center and stated that he would not support the County having anything to do with the department until the issues are addressed.

Commissioner Heron added that the Transportation Advisory Committee (TAC) receives local funds to fix the streets and felt as though the priorities are based on TAC's operations.

Chairman Page thanked staff for the report.

Directives

1. Consider getting the neighborhoods involved as it relates to summer youth jobs.
2. Consider people power to avoid raising the tax rates.
3. Consider cross-training the County as it relates to the Eyes and Ears program.
4. Staff to provide an update to the Board on where the program is regarding homes or land that the County acquired on tax foreclosure.

Human Rights Day and Bill of Rights Day Proclamation

Joan Walsh, Durham Bill of Rights Defense Committee and the Durham Immigrant Solidarity Committee, presented the proposed language for this year's Proclamation for Human Rights Day and Bill of Rights Day. Curtis Massey, Durham County Sheriff's Legal Advisor, reviewed the proclamation, as proposed by Ms. Walsh, and raised a concern with the following language in the last paragraph, "... (b) that when required to provide identification, any resident may show a valid identification card provided by another country that includes a photo, date of birth, and current local address, and this will be respected."

Mr. Massey expressed concerns based on the fact that the Sheriff traditionally declined to accept identification cards issued by foreign governments because of the potential for counterfeiting and the inability to validate such identification cards. Therefore, Mr. Massey proposed a revised proclamation, which did not include the aforementioned language. The County Attorney shared the concern of the Sheriff and his Legal Advisor.

Ms. Walsh made the following remarks:

"Thank you, Commissioners and County staff, for allowing us to come here and speak with you. We represent the Durham Bill of Rights Defense Committee and the Durham Immigrant Solidarity Committee, and as you know, we are here to advocate for a strong, pro-immigrant Proclamation in honor of Human Rights Day and Bill of Rights Day this month.

We are concerned about the human and civil rights of all the people of Durham County, and in particular those people whose rights are in danger. Our Federal Immigration System is severely broken. Starving people who cannot feed their families in other lands come here in order to survive, as has been the case throughout our history. My own great-grandparents came here during the Irish famine of the mid-19th century, and I'm sure there are many of you here with similar histories. In those days, there were no restrictions on immigration, other than known communicable disease or criminal record. Unfortunately, that's changed drastically over the last half of the 20th century.

The vast majority of modern immigrants have no criminal record or communicable disease. What they do have is tremendous energy and determination to work hard to make it possible for themselves and their families to live with hope and dignity. The problem is that they cannot obtain legal documentation under our broken system. For nearly all of today's immigrants, if documentation is possible at all, it takes 15 or more years to obtain. Hungry people who cannot feed their children in their country

or origin can't wait 15 years, so they take great risks, often of their lives, to come here to work.

Immigrant workers enrich our communities and our economy. Nearly, all pay taxes, despite the fact that they cannot access many benefits they pay for, such as social security. In fact, until a few years ago, North Carolina accepted a tax identification number, used or payment of taxes, to obtain a driver's license. Now this is prohibited, making it impossible for many immigrants to learn the rules of the road, buy insurance, and drive legally. This hurts all of us.

In the last few years, the Immigration and Customs Enforcement system, or ICE, has instituted programs to enlist local law enforcement, mainly at the County level, in the arrest and deportation of immigrants. Two such programs are 287(g) and Secure Communities. These programs are sold as helping to apprehend and deport felons from other countries: those guilty of murder, rape, drug smuggling, or other serious crimes – a goal that anyone would support. In fact, however, most arrests and deportations are not of felons, but of hard-working, law-abiding people, breaking up families and causing untold suffering for children, as well as their parents. This has been happening regularly in our nearby counties of Wake and Alamance, as well in some other North Carolina counties.

Durham County has the so-called Secure-Communications program, creating a direct link between all fingerprints taken at our County jail and the ICE system. Any undocumented immigrant who is arrested becomes subject to detention and deportation. We can all agree that any individual suspected of a serious crime should be arrested. However, arrests are often made for minor traffic infractions, as minor as a broken taillight, if a driver does not have proper identification.

For this reason, we request that this year's proclamation include your encouragement for development of a policy that would protect law-abiding immigrants from being arrested for minor infractions for which others would merely be cited. The consequences of arrest are often devastating, now that all fingerprints are sent through ICE, and it is not fair or just that this process be set in motion for a minor traffic infraction. Everyone in our community should be treated equally. We ask for your statement of agreement with this principle, and look forward to working with you on the details of such a policy.

Thank you for your time, and for considering these important proclamation statements in favor of human rights, fairness, and community solidarity.”

Staff made comments about cases that involved the violation of people's rights.

County Attorney Siler commended the work that was being done. However, an agreement was not reached regarding the appropriate language. He acknowledged that some things must be cleared with the Sheriff as well as the Chief of Police.

Chairman Page requested that the item be deferred until an agreement on the wording is reached; subsequently, the County Attorney would bring the item back before the Board for approval at the December 14 Regular Session.

Mr. Massey differentiated between probable cause and reasonable suspicion per Ms. Walsh's request.

Commissioner Heron made a comment about laws and regulations while driving, citing that everyone must abide by the rules.

Commissioner Howerton responded to the issues of human rights. She explained the problems of driving as an African American and how unintended consequences on both sides could be experienced.

Commissioner Bowser echoed Commissioner Howerton's comments. He asked the following: 1) Is the County stuck on the legalities of what is wanted or is it philosophical; and 2) Is the Chief of Police and the Sheriff on the same page in terms of providing insight on the issues. He stated that law enforcement would follow the rules and regulations set forth by the State, and he would like to see everyone treated fairly. He also stated his position to see a proclamation that protects the rights of everyone notwithstanding the fact that law enforcement has to enforce the rules and regulations on the road to safeguard the public and not abuse the power that is given.

Vice-Chairman Reckhow agreed to the language proposed by Commissioner Bowser.

County Attorney answered that it is unknown at this point whether or not the Chief of Police and the Sheriff are on the same page. Nevertheless, the main concern is what message must be sent to law enforcement, primarily because of the policy issues that law enforcement is asked to consider.

Chairman Page provided clarification to Ms. Walsh regarding citizen comments at a Worksession. He thanked everyone that came to support the Bill of Rights proclamation and looked forward to hearing their comments at the December 14 Regular Session.

County Manager Ruffin recommended that this item be added to the December 14 agenda as a regular item.

Triangle Tomorrow—Reality Check Guiding Principles for Quality Growth

Pam Wall, Executive Director, Triangle Tomorrow, introduced this item, stating that the Triangle Tomorrow and the Urban Land Institute collaborated to develop a joint vision for growth and land use for the 15-county Triangle region. "Reality Check" provides guiding principles for local governments to use in its charge to ensure for quality growth. The Board was requested to consider the adoption of a resolution endorsing the "Reality Check Principles for Quality Growth."

Ms. Wall gave the following presentation:

A Regional Visioning Partnership
Urban Land Institute Triangle

- The mission of ULI is to provide leadership in the responsible use of land and in creating and sustaining thriving communities worldwide.

Triangle Tomorrow

- Triangle Tomorrow, a program of the Research Triangle Regional Partnership, works closely with business and community leaders to improve the quality of life and economic competitiveness of the 13-County Research Triangle Region.

Why a Reality Check?

- ✓ For two reasons: to grow well and to remain competitive in a global economy. By 2030 our 15-County region is projected to increase by:
 - New households—500,000
 - New jobs—700,000
 - New residents—1,200,000
 - New vehicle trips—5,000,000

Who was a part of Reality Check?

- ✓ Joint initiative between Triangle Tomorrow & the Urban Land Institute Triangle
- ✓ Involved the public, private, civic, & non-profit sectors from a 15-County Region.
- ✓ Almost 300 diverse stakeholders participated in a visioning exercise and more than 600 attended a report summit – forming consensus on the equality growth of our region.

Reality Check – February 24, 2009 (The Exercise)

Lego Placement was based on Guiding Principles for Quality Growth

A Clear Vision for How We Want to Grow

- Consensus was formed on Guiding Principles for Quality Growth. These are ideas and guidelines used when planning for growth that will help sustain and develop the ideal community for our residents and visitors. A vision for a successful future!

#1 Transit

- Improve regional transit and match land use decisions with transits investments

#2 Vibrant Centers

- Reinvest in City and town centers, promote compact development, density and mixed use, including a balance of jobs and housing

#3 Green Space

- Defining appropriate growth and preservation areas to protect open space, agricultural land, and natural resources, especially water supply and quality.

The Power of Reality Check

- Reality Check can be used as the platform to promote quality growth in our region. Both public and private sectors can build on the consensus from the Reality Check Exercise and Results Summit to:
 - Promote Quality Growth Choices
 - Adopt the three guiding principles
 - Overcome Barriers
 - Provide Solutions
 - Implement Strategies

Reality Check Action Committee Leading Implementation

Triangle Tomorrow's Action Committee, with input from ULI Triangle, has developed a Quality Growth Initiative

- Created Guiding Principles task forces & action plans
- Addressing barriers and solutions through education & outreach
- Developed action steps to provide resources for City & County government with business and citizen input

Quality Growth Action Plan

Transit – Vibrant Centers – Green Space

- ✓ What We Are Working On:
 - Transit task force has used the consensus on improved transit to garner support for HB 148. Will continue to work on transit initiatives with transit leadership.
 - Vibrant Centers task force is promoting vibrant centers through education on compact development, walkable, mixed use, balance of jobs and housing.
 - Green Space task force has convened representatives from the 15-County Region to expand and update the “Greenprint”.

Communications task force has convened representatives throughout the region to encourage City and County governments to adopt or support the Guiding Principles. To date, Town of Pittsboro, and Orange County have passed resolutions in favor.

Values = Choices

- Our region has choices to make about growth, air quality, traffic, housing affordability, and other important issues.
- Our values will guide our choices.
- We ask that the Durham County Commission adopt, endorse, or support the Guiding Principles for Quality Growth

Commissioner Heron commended Ms. Wall on an excellent presentation. She requested that Ms. Wall stay for the next discussion about preserving farmlands in Durham.

Ms. Wall explained what the initiative would do for Durham and how it would be beneficial. She responded to questions regarding how many communities have adopted the resolution.

Commissioner Bowser voiced concerns about the perception that Durham is polluting the water quality. He wondered how Wake and Durham Counties could work together on the matter. He applauded the efforts and hoped that cities and counties unite to reach a conclusion about what the sources are and fix the problem. He concluded with comments about farmlands.

Ms. Wall responded to Commissioner Bowser's concerns regarding water quality citing that more regional discussions need to be held regarding the matter.

Commissioner Heron disagreed with Commissioner Bowser's comments about farmlands polluting Durham's lakes and streams.

Vice-Chairman Reckhow asked ~~the~~ Ms. Wall to stay for the farmland presentation since one of the tools identified is a recommendation in the agricultural plan. She explained that the tool identified as receiving zones may be on transit quarters for higher density and sending zones, which are Ag areas where money is needed to buy conservation easements. Chairman Page thanked Ms. Wall on her presentation.

Presentation of the Durham County Agricultural Development and Farmland Preservation Plan

Eddie Culberson, Director of Soil and Water Conservation, led the presentation, stating that the Soil and Water Conservation Department and the Durham County Farmland Protection Advisory Board requested that the Board of County Commissioners (BOCC) receive a presentation on the final draft of the Durham County Agricultural Development and Farmland Preservation Plan.

Mr. Culberson stated that the overall goal of the Agricultural Development and Farmland Preservation Plan (ADFPP) is to create a profitable and sustainable agricultural sector in Durham County that can assure a healthy farm landscape and access to fresh, local foods for the next generation. The Durham County ADFPP would be an asset to the County in assessing the current state of farming in Durham County, coordinate the future activities, agencies and funding for agriculture and farmland preservation, and recognize the existing challenges and opportunities to family-owned farms and the local agricultural economy.

Jennifer Brooks, Watershed Conservationist, discussed the following:

Background

- FPAB has identified:
 - Increased interest in farmland protection
 - Need for more support and services for agricultural sector of Durham economy
- Direct benefit to County:
 - NCDA & CS Agricultural Development & Farmland Preservation Trust Fund grant applicant with Plan, 15% match
 - ADFP Trust Fund grant applicant without approved Plan, 30% match
- 2008: FPAB applied for and was awarded \$30,000 NCADFP Trust Fund grant to develop Plan

Consultant: Gerry Cohn

- Former Southeast Director of American Farmland Trust
- Charter member NCADFP Trust Fund Advisory Committee
- Worked on ADFP Plans for Buncombe, Polk, and Alamance Counties
- Southeast coordinator, Organic Valley Co-op

Methodology

- Baseline data collection
- Review current land use plans, ordinances, and regulations

- Interviews with County officials and leaders of farm and business sectors
- Farmers Market survey
- Determine infrastructure needs/marketing opportunities
- Public outreach meetings
- Draft & revise plan according to feedback

Input/Assistance provides by...

- Farmland Protection Advisory Board
- Soil & Water Conservation District
- Open Space & Real Estate Division
- Planning Commission
- Environmental Affairs Board
- City/County Planning Department
- Cooperative Extension Service
- Farm Bureau
- Triangle Land Conservancy
- SEEDS
- Durham Central Park
- Inter-Faith Food Shuttle
- Farmers, Landowners, and Citizens of Durham County

Farm Plan Contents

- Durham County Profile (p14)
- Durham County Agriculture (p19)
- Land Use Planning (p45)
- Farmland Preservation (p57)
- Recommendations (p76)
- Implementation Matrix (p87)

What's Unique about Durham?

- Urban/Rural Mix
- Black Farming History
- Mix of Crops and Livestock
- Strong Local Market and Agritourism Opportunities
- Expanding Urban Agriculture Interest
- Farmland/Watershed proximity
- Government Support for Farmland Preservation

Durham County Ag Statistics—2007 USDA Census of Agriculture
Durham County Ag

- 242 farms
 - 2% increase from 2002
- 26,150 acres
- Average Age: 57
- Market value of products sold = \$7.6M

Orange County

- Market value of products sold = \$28M

Chatham County

- Market value of products sold = \$171M

Key Issues (p12)

1. Changing farming economy
2. Generational transitions in land ownership
3. Need to attract new farmers
4. Need to restore agricultural education
5. Limited County agricultural extension resources
6. Livestock sector needs extension support
7. Farmers need business development assistance
8. Need for regional agricultural planning cooperation
9. Land use planning
10. Farmland Preservation Ordinance due for revision
11. Need for a dedicated County farmland preservation funding source
12. Impact of State-level watershed rules
13. Need for food security for all Durham citizens

Recommendations (p76)

- a. Transition
- b. Farmland Protection Advisory Board
- c. Rural-Urban Connection
- d. Marketing
- e. County Government
- f. Regionalism
- g. Farming Communities

Recommendations Identify...

- Suggested Lead Implementer
- Suggested partners
- Implementation Timeline
 - #1 within 18 months, short-term
 - #2 within 2-3 years, mid-term
 - #3 over the next 5 years, long-term

a. Transition

1. Cultivate new farmers for leadership opportunities
2. Identify and communicate with landowning families to assist in their process of planning for the future of their farms
3. Outreach to assemble and facilitate training of a body of professional with experience in the particular needs and opportunities associated with the ownership of rural land.
4. Link prospective new farmers with current landowners.

b. Farmland Protection Advisory Board

1. Develop an amended farmlands preservation ordinance
2. Broaden board membership and attempt to fill all available slots

- c. Rural-Urban Connection
 1. Support expanded urban agriculture opportunities
 2. Explore becoming Regional Outreach Training Center or urban agriculture
 3. Expand linkages between farming generations
 4. Support and promote agricultural 4-H programs
 5. Advocate for the expansion of agricultural education in the schools
- d. Marketing
 1. Promote local farms
 2. Explore local food purchasing program
 3. Facilitate the development of new Community Supported Agriculture (CSA) connections
 4. Focus efforts on developing locally grown meats
 5. Link artists with farmers
 6. Highlight the successes of the Durham Farmers Market and increase the Durham farmer presence
- e. County Government
 1. Continue efforts to acquire Conservation Easements
 2. Create a dedicated funding source for the protection of farmland and open space
 3. Urge creation of new staff position(s) to support livestock, forage, field crop and 4-H
 4. Create a new staff position to support agricultural economic development opportunities
 5. Consider modifications to UDO to improve understanding of agriculture
 6. Establish a local Food Policy Council
 7. Coordinate and aggregate to help small farmers achieve economies of scale
 8. Explore the feasibility of a Transfer of Development Rights program
- f. Regionalism
 1. Assure that plans and rules surrounding water protection emphasize the needs and importance of local farms
 2. Continue support and participation in the Piedmont Food & Agricultural Processing Center
 3. Create a “New & Existing Farmers Guide”
 4. Develop a local food distribution facility
- g. Farming Communities
 1. Identify Durham’s unique farming communities...
 2. Prioritize the preservation of existing farming communities
 3. Incorporate forestry education and needs into Farmland Protection strategies

Potential Expenses

- Agricultural Economic Development Coordinator
- Ag Extension and 4-H Extension Agents
- Conservation Easement Funding
- Staff time for planning and implementation
- Piedmont Food & Agricultural Processing Center
- Local Food distribution facility
- Agricultural Economic Development Coordinator

- Mid-term priority (2-3 years timeframe)
- Position to bring in grant funding
- Example: Noah Ranells of Orange County, \$1.2 million in grants for one project alone
- Ag Extension and 4-H Extension Agents
 - Joint State/County funded – leverages local funds
 - Important to help livestock farmers explore strategies for profitability
 - Important for developing a path to farming for young people
- Conservation Easement Funding
 - Dedicated source(s) for current general budget items
- Planning and staff time
 - Periodic cost/benefit analysis at stages of process
- Piedmont Food & Agricultural Processing Center
 - Public/private partnership, \$1.1 million grant funding
 - Projected to be financially sustainable in third year through user and program fees
- Local Food distribution facility
 - Offers opportunity for similar public/private partnership

Benefits for the Whole County

- Economic: job creator, agri-tourism
- Public Health: healthy foods
- Environmental: water quality, soils, wildlife, air
- Cultural: rural heritage, history
- Aesthetic: scenic views, recreation

Recommended Corrections

- Based on preliminary review by State officials who advise the NCADFP Trust Fund:
 - Clarification of Timeline Schedule
 - NCADFP Trust Fund will be looking for more defined implementation dates
 - Ex: instead of “within 18 months” have 6/14/12
 - Accountability for Implementation
 - Farmland Board will include status updates in its annual report to the BOCC

Clarification of Timeline Schedule example

Durham Co ADFP Implementation Matrix					
Lead Implementer	Recommendation	Number	Partners	Timeline Priority	Recommended Target date
City-County Planning Office	UDO clarifications	e.5.	CM, FPAB	2	12/14/2012
	Explore Transfer of Development Rights	e.8.	CM, FPAB	3	12/14/2014
Cooperative Extension Service	Expand urban agriculture	c.1.	SEEDS, ADEC	2	12/14/2012
	Urban Ag training	c.2.	SEEDS,	3	12/14/2014

	center			AEDC		
	Agricultural programs	4-H	c.4.	FB	2	12/14/2012

Clarification of changes

- Page 76 & 87 – wording changes to reflect added recommended dates
- Page 88-89 – replace Matrix with new version reflecting dates
- Added statement of accountability
 - Section 10. P 89
- Delete “Implementation Timeline, Priority 1-3” tables (p90-92)
- Table of Contents: Items and page numbers adjusted
- Page 76 – wording change to reflect added recommended dates
 - Paragraph 2, line 4: “potential partners and a priority rating based on recommended target dates have been suggested...”
 - Implementation Timeline Key: Added “Recommended target date, month-day-year” to each Priority
- Page 87 – wording change to reflect added recommended dates
 - Paragraph 1, line2: “...with suggested implementation partners, priority categories and recommended target dates.”
 - Implementation Timeline Key: Added “Recommended target date, month-day-year” to each Priority

Assurance of Accountability

- NCADFP Trust Fund would like to see Counties utilizing the Plans
- Prevents Plans from “sitting on the self” as soon as they are adopted
- Page 89, Section 10

In response to Vice-Chairman Reckhow’s inquiry relating to the basis of the numbers, Lisa Marochak, Administrative Officer, Soil and Water, stated that the numbers were based on the 2007 USDA Census of Agriculture, which is considered the official data collection agency of the United States. She stated that the numbers were based on products sold in the community by local farmers.

Ms. Brooks explained the coordination with the processing plant per Commissioner Heron’s request. She stated that Piedmont Food and Agricultural Processing Facility is a joint multi-county program to start a processing factory where local farmers could take their products.

Vice-Chairman Reckhow made comments about implementation. She was pleased to see a more detailed approach, but she felt as though the targeted dates were not aggressive. She asked the following:

- How it would be monitored?
- Would there be an annual review regarding the progress?
- How are the efforts monitored to ensure if the partnered entities are following through?

Kathryn Spann, Farmland Protection Advisory Board Chair, stated that the status of the plan was to engage people in the community and to initiate dialogue. In terms of how to monitor accountability, the proposal was to include a status update as part of the Farmland Preservation Advisory Board's annual report to the BOCC. In terms of obtaining status updates from other cooperating entities part of it would be facilitated as an attempt to build the Farmland Board with other boards by doing cross membership. Many of the recommendations require multiple entities to work together towards the same goal.

Ms. Spann stated that funding had been previously provided at the State level for some of the extension positions which had been frozen and included on the Farmland Board's agenda to do an outreach with the legislative delegation. However, staff would have a discussion with the Cooperative Extension Director regarding the grant.

County Attorney Siler made comments about Transfer Development Rights (TDR).

County Attorney Siler agreed to look into a pilot authorized by the General Assembly.

Vice-Chairman Reckhow stated that Raleigh and Wake County would be assisting with the preservation of land ~~and in~~ the Falls Lake watershed by setting up a TDR program that focuses on the zone being in Durham's watershed area which would transfer monies between counties to assist with preserving land without it being an economic cost to the property owners.

Commissioner Heron spoke about the disadvantage of not having a farm agent in Durham.

Commissioner Bowser reiterated his statements about the water quality issues. He inquired about active farmlands being used between Durham and Orange counties. He asked about the number of active farmlands are in Durham County

Ms. Spann stated that the soil and water conservation district had been aggressive in promoting and ensuring the installation of best management practices that are ahead of the game with improving water quality issues as it relates to farmland. According to the Census, 26,000 acres were reported in Durham County as active farmlands; however, the majority of it falls in the Falls Lake Reservoir.

Mr. Culberson replied to Chairman Page's inquiry regarding the implications of seeking a grant writer in Durham County. He stated that the position is partly funded by the State and by the County. He discussed his plan to temporarily combine the Ag cost share portion of the position with the Ag Economic Development Coordinator's position
The Board thanked staff for their report.

Directives

1. Submit copies to the Board of the changes made in the report.
2. Place on the consent agenda.

Hollow Rock Master Plan Report and Presentation

Jane Korest, Open Space & Real Estate Manager, stated that the Board requested to receive the Hollow Rock Master Plan Report and Presentation. The Hollow Rock Master Plan was developed by the Hollow Rock Planning Advisory Committee, a group formed by Orange County, Durham County, City of Durham, and Town of Chapel of Hill to guide the park planning. The report sets the vision for site development for this area, which includes 43.2 acres within Orange County, and 31.6 acres within Durham County.

Ms. Korest gave the following presentation:

New Hope Creek Effort

- Citizen-driven open space project
- Fee simple acquisition - 41 acres
- Donated conservation easements – 29 acres
- Total protection (Durham & Orange): 106 acres
- Master Plan – 75 acres

Planning Process

- Planning Process set up in Interlocal Agreement
- Partners: Orange County, City of Durham, Chapel Hill Durham County with TLC
- 4 Jurisdictions appointed Advisory Committee
- Committee met for 18 months
- 2 Public meetings

Wendy Jacobs, Chair of the Hollow Rock Planning Committee, responded to questions pertaining to potential closing of Pickett Road.

Staff responded to Commissioner Bowser's question regarding the chance that the State would allow the road to be closed due of the amount of vehicles that do travel the road.

Staff informed the Board that representatives from the City of Durham's Transportation Department as well as Orange County's Transportation Department came together to have discussions with the advisory committee as it relates to what the process would be.

Staff alerted the Board that Trinity School of Durham and Chapel Hill passed a resolution in support of the road closing. The NCDOT representatives from Durham and Orange Counties were part of the process.

Ms. Spann replied to Commissioner Howerton's concerns regarding the closing of the road. She stated that Durham's Transportation Department conducted a preliminary traffic study in that particular area which showed that there would be sufficient capabilities on Randolph Road.

Ms. Korest explained that the plan accommodates Phase I and Phase II of dealing with site development if the road remains open. She shared that the proposed nature trails in Durham County is a modest part of the proposal and is supported by Forest View Elementary which may need to be discussed in future dialogue as it relates to potential cost sharing. However, the plan does not discuss how the cost should be split. She stated that the Town of Chapel Hill and the City of Durham, in their review of the project, are not particularly interested in

continuing to participate in site development or long range management and proposed that it fall with Orange and Durham Counties as the land owners to oversee the plan. She stressed the importance of developing a detailed management plan that ensures, long term, in which all the management entities are in agreement with how to go forward. She stated that an interlocal is needed that addresses site development management.

Vice-Chairman Reckhow raised a point about improvement pertaining to a to-do list that is developed in terms of ~~taking~~ **implementing** the recommendations. She expressed concerns about not having a more specific template as it relates to the to-do list.

Directive

1. Staff to review how to access grant funds to pay for 50% of the cost.
2. Place on the December 14 consent agenda.
3. Consider creating a to-list.

Discussion of Board and Commission Appointment Practices

At the August 3, 2009 Worksession, the Board of County Commissioners asked for staff to survey the other nine largest counties in North Carolina and the City of Durham for their board and commission appointment practices. The Board of County Commissioners received a memorandum on September 30, 2009 with the results of the survey. This discussion is a follow-up to that memorandum.

County Manager Ruffin distilled the following concerns the Board had regarding appointment practices:

- Whether or not to advertise;
- Whether or not recommendations are to be received from boards and commissions;
- Whether or not recommendations should be made prior to the vote being taken
- Whether additional information should be included from the Clerk's office that mirrors Wake & Mecklenburg Counties; and
- The need to ensure the willingness of the individuals whom are recommended.

Commissioner Bowser raised the issues of recommendations out of fairness and felt as though the process should operate differently.

Vice-Chairman Reckhow mentioned Cumberland County policies in terms of recommendations. She stated that the Board is under no obligations to follow the recommendations that are given by the boards and commissions

Commissioner Heron stated that the person applying needs to understand their obligation as a member.

Chairman Page raised an issue regarding diversity. He asked about a blanket statement that indicates the makeup of the community. He discussed how the County could go out and began recruiting for the vacant positions.

County Manager spoke about getting diversity through nonprofits, Neighborhood College, and marketing.

The Commissioners held a brief discussion about interviewing applicants on policy-making boards.

County Manager Ruffin enlightened the Board about County vacancies currently being shown on the Government Channel. He stated that the idea is to move away from paid advertisements but not necessarily away from newspapers.

The Board held a discussion regarding strategies related to Commissioners interviewing applicants that express interest in serving on the boards and commissions.

Chairman Page restated his position about receiving input from citizens that currently serve on the boards and commissions.

Commissioner Bowser recalled an incident where an entire Board had to be removed, and he wondered if going through a thorough process could have prevented the situation. He stressed the importance of knowing something about the individuals that are applying.

County Attorney Siler recapped a recent meeting that was held regarding the expectations on boards and commissions. He suggested that a session be held every six months to keep individuals on track and also include information in a packet for new members that contain the information discussed.

Directives

1. Survey the boards and commissions for suggested improvements to appointment practices.
2. Consider a cooperative process where the Board could sit in on the interview process which would be time effective.
3. Staff to consider a creative approach to reduce the amount being spent.
4. Consider interviewing applicants that apply to major boards.

Board Procedures, Open Meetings, and Ethics

A. Fleming Bell, Professor of Public Law and Government, UNC School of Government continued the following discussions regarding Board procedures, open meetings, and ethics:

How Are Small Board Different?

1. The board often acts informally.
2. The board generally wants to allow active participation by all members
3. The board has continuous existence.
4. The board members may not be able or willing to learn and follow complex procedural rules.

Mason's Ten Principles of Parliamentary Law*

1. The board can take only those actions that it has authority or jurisdiction to take.
2. The board must meet in order to act.
3. All board members must receive proper notice of meetings.
4. The board may act only with a quorum

5. There must be a question for the board on which it can decide. Except when electing their own officers or voting on appointments, legislative bodies proceed by voting yes or no on specific proposals put forward by one or more members. Each member has the right to know at all times:
 - a. What question is before the board; and
 - b. What effect a yes or no vote would have on that question.
6. There must be opportunity for debate.
7. Questions must be decided by vote, not by consensus.
8. Votes are decided by a majority. Usually a simple majority suffices, but sometimes an extraordinary majority is needed
9. There must be no fraud, trickery, or deception in the board's proceeding.
10. The board's rules must be applied consistently.

*Adapted from Mason's Manual of Legislative Procedure

Some Other Important Procedural Principles

1. The board should proceed in the most efficient manner possible.
2. Every member should have an equal opportunity to participate.
3. The board's rules of procedure should be followed consistently.
4. Decisions should be based on the merits, not on manipulation of the rules.
5. Bell's caution: Make sure your rules help, not hinder.

Six Areas Where Boards Often Have Procedural Problems

1. Setting the Agenda—while the task of preparing a preliminary agenda may be delegated, the board is ultimately responsible for its regular meeting agendas.
2. Determining Which Motion is in Order—only one substantive (main) motion may be pending, but several procedural motions may be handled in the meantime, in order of precedence. Also, are seconds needed for motions with a small board?
3. Postponing and Reviving Matters
 - a. Compare the motions:
 - i. To table (defer consideration);
 - ii. To remove from the table (revive consideration);
 - iii. To prevent reintroduction; and
 - iv. To postpone indefinitely
 - v. Also, the motions to reconsider; and
 - vi. To rescind or repeal.
4. Handling Debate
 - a. All members should have a similar opportunity to speak (see Mason's Principles, No. 6)
 - b. In the interest of fairness, the presiding officer may wish to step down if she/he wishes to debate actively (this may be impractical with a three-member board).
 - c. The motion to "call the previous question: must be voted on by the board.
 - d. The board should decide in advance how it wishes to handle comments from the floor.
5. Some Roles for the Board Chair
 - a. To provide for orderly, fair meetings, where the majority rules, but the minority is heard.

- b. To act as the board's leader, and to work closely with the elections director.
 - c. To interpret the board's rules, with a right for members to appeal the chair's rulings to the board.
 - d. To represent the board in public.
 - e. To make motions and vote.
6. Procedures for Different Types of Meetings
- a. Meetings dealing with administrative and legislative topics: no specific procedural requirements or rules about ex parte contacts apply. "Actions minutes" are enough: record actions and the existence of the conditions need to take action.
 - b. Quasi-judicial proceedings: The board must observe court-like procedures. E.g., no bias; take sworn and relevant testimony; take detailed or verbatim minutes; and provide for cross-examination of witnesses. Members should avoid ex parte contacts.
 - c. Recessed meetings: meetings may be recessed to a time and place certain, if followed correct procedure.

Citizens Participation in Board Meetings: Some Guidelines

1. Some boards choose to hear directly from citizens primarily during general citizen comment periods and legally required public hearings. The board of commissioners must hold at least one public comment period during a regular meeting each month.
2. Boards may establish reasonable rules governing the time, place, and manner in which the public comment period is conducted.
3. The board's rules governing public participation should be explained in advance to the participants.
4. Courtesy is a two-way street.
5. When a board opens the floor to the public for discussion on an issue, it creates a "limited public forum." While courtesy may be requested, it cannot always be demanded.

Additional Information

- Suggested Rules of Procedure for the Board of County Commissioners
- Suggested Rules of Procedure for Small Local Government Boards
- The Zoning Board of Adjustment in North Carolina (rules for quasi-judicial meetings)

Ethics for North Carolina Local Government Elected Officials

- Defining ethics and ethical behavior
- Distinguishing between legal and ethical standards
- Thinking about differences between your public life and your private life
- Making ethical decisions
- Codes of ethics
 - Why Do We Use Them, and What are their Limitations?
 - Drafting a Reasonable Code of Ethics
 - Role of Education
- Conflicts of Interest in Contracting
 - G.S. 14-234 – Conflicts of interest

- G.S. 14-234.1 – Misuse of secret information
- G.S. 133-32 – Gifts and Favors
- Conflicts of Interest in Voting
 - G.S. 153A-44 (counties) and G.S. 160A-55 (cities)

In response to Vice-Chairman Reckhow concerns related to the duty to vote, County Attorney Siler referenced the Durham County Rules of Procedure that states, “Every member must vote unless excused by a majority vote according to law. A member who wishes to be excused from voting shall so inform the Chairman, who shall take a vote of the remaining members prior to any discussion of the item.

G.S. 153A-44 provides members may be excused from voting on matters in which they have a direct financial interest, or on questions involving the Board member's official conduct. The County Attorney may be asked by the individual Commissioner, the Board, or any other interested party to render an opinion on questions of conflicts of interest arising from financial interest, official conduct, or any other circumstance presenting the appearance of conflict of interest of any member”.

Vice-Chairman Reckhow raised an issue regarding a Board member being out of the room at the time of a vote.

County Attorney Siler recognized that the issue is not addressed with the County as it is with the City of Durham; however, the County would need a policy. He stated that the rules would require an amendment to reflect the statutory authority as the City.

Mr. Bell indicated that the chair has the inherit power to declare an apparent recess at any time. He also stated that in North Carolina an item can be added to the agenda all the way up to the end of the meeting.

County Attorney Siler referenced the Rules of Procedure as it pertained to items being added to the agenda which states that, “Any member of the Board, the County Manager, or County Attorney may add any item to the Agenda at the beginning of the meeting by a majority vote of the Board”.

Mr. Bell explained that the agenda that is being proposed is considered to be a proposed agenda unless the chair delegates the authority to someone to prepare a final agenda.

Commissioner Bowser asked questions about the period to resend or repeal. Mr. Bell responded to Commissioner Bowser’s question about the period to resend or repeal. He stated that to reconsider means that someone on the prevailing side has changed their mind about the original vote.

Mr. Bell responded to other questions regarding the following:

- Citizen’s comments
- Negative comments directed to the Board
- Who can testify at a public hearing, (legislative rezoning, special use permit) quasi-judicial hearing, or rezoning
- Keeping record of Commissioners meetings.

- Limited and controlled signage during meetings
- Accepting a gift from anyone who is contracting with the County
- Restricting comments to a register voter, property owner, or taxpayer

Mr. Bell informed the Board about different training courses for Commissioners that would be given in 2010.

Vice-Chairman Reckhow requested that the Clerk's office give copies of the training courses given by the Institute of Government to the Commissioners.

Directive

County Attorney to review the current ethic code to make certain that it complies with the code that was passed by the legislation.

Adjournment

There being no further business to come before the meeting body, Chairman Page adjourned the meeting at 2:24 p.m.

Respectfully submitted,

Angela M. Pinnix
Administrative Assistant
Clerk to the Board