**Orange County**
**Board of Commissioners**

# Agenda

**Regular Meeting**
February 19, 2013
7:00 p.m.
Southern Human Services Center
2501 Homestead Road
Chapel Hill, NC 27514

**Note:** Background Material on all abstracts available in the Clerk's Office

**Compliance with the "Americans with Disabilities Act"** - Interpreter services and/or special sound equipment are available on request. Call the County Clerk's Office at (919) 245-2130. If you are disabled and need assistance with reasonable accommodations, contact the ADA Coordinator in the County Manager's Office at (919) 245-2300 or TDD# 644-3045.

## 1. Additions or Changes to the Agenda

**PUBLIC CHARGE**

*The Board of Commissioners pledges to the residents of Orange County its respect. The Board asks its residents to conduct themselves in a respectful, courteous manner, both with the Board and with fellow residents. At any time should any member of the Board or any resident fail to observe this public charge, the Chair will ask the offending person to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chair will recess the meeting until such time that a genuine commitment to this public charge is observed. All electronic devices such as cell phones, pagers, and computers should please be turned off or set to silent/vibrate.*

## 2. Public Comments (Limited to One Hour)

(We would appreciate you signing the pad ahead of time so that you are not overlooked.)

a. Matters not on the Printed Agenda (Limited to One Hour – THREE MINUTE LIMIT PER SPEAKER – Written comments may be submitted to the Clerk to the Board.)

*Petitions/Resolutions/Proclamations and other similar requests submitted by the public will not be acted upon by the Board of Commissioners at the time presented. All such requests will be referred for Chair/Vice Chair/Manager review and for recommendations to the full Board at a later date regarding a) consideration of the request at a future regular Board meeting; or b) receipt of the request as information only. Submittal of information to the Board or receipt of information by the Board does not constitute approval, endorsement, or consent.*

b. Matters on the Printed Agenda
(These matters will be considered when the Board addresses that item on the agenda below.)

## 3. Petitions by Board Members (Three Minute Limit Per Commissioner)

## 4. Proclamations/ Resolutions/ Special Presentations

a. Resolution Acknowledging February 26, 2013 as Spay Neuter Day in Orange County and Community Spay and Neuter Program Presentation

5. **Consent Agenda**
   - Removal of Any Items from Consent Agenda
   - Approval of Remaining Consent Agenda
   - Discussion and Approval of the Items Removed from the Consent Agenda

   a. Minutes
   b. Motor Vehicle Property Tax Release/Refunds
   c. Property Tax Releases/Refunds
   d. Resolution Creating a Special Board of Equalization and Review
   e. Fiscal Year 2012-13 Budget Amendment #7
   f. Letter of Support for Durham County's Recreational Trails Grant Application

6. **Public Hearings**

   a. Senior Care of Orange County, Inc. – Lease Agreement
   b. Lease of the County-owned Building at 500 Valley Forge Road to the Piedmont Food and Agricultural Processing Center, Inc.
   c. Orange County's Proposed 2013 Legislative Agenda

7. **Regular Agenda**

   a. North Carolina State Clearinghouse Request for Intergovernmental Review of Proposed Private Crossing Closures with the North Carolina Railroad (NCRR)-Norfolk Southern (NS) Railway
   b. Next Steps Regarding Proposed Establishment of Three (3) New Fire Service Districts
   c. Jordan Lake Allocation Process and Requirement

8. **Reports**

   a. Update on Status/Implementation of Addressing and Road-Naming Ordinance

9. **County Manager's Report**

10. **County Attorney's Report**

11. **Appointments**

    a. Orange County Nursing Home Community Advisory Committee – Appointment
    b. Small Business Loan Program Board – Appointment

12. **Board Comments** (Three Minute Limit Per Commissioner)

13. **Information Items**

    - February 5, 2013 BOCC Meeting Follow-up Actions List
    - Tax Collector's Report – Numerical Analysis
    - Structure of Mental Health Services in Orange County
    - BOCC Chair Letter Responding to Petitions from Commissioner Bernadette Pelissier during January 24, 2013 Regular Meeting

**14. Closed Session**

Pursuant to G.S. § 143-318.11(a)(3) "to consult with an attorney retained by the Board in order to preserve the attorney-client privilege between the attorney and the Board."

**15. Adjournment**

**A summary of the Board's actions from this meeting will be available on the County's website the day after the meeting.**

*Note: Access the agenda through the County's web site, www.orangecountync.gov*

**ORANGE COUNTY**
**BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**
**Meeting Date:** February 19, 2013

**Action Agenda Item No.** 4-a

**SUBJECT:** Resolution Acknowledging February 26, 2013, as Spay Neuter Day in Orange County and Community Spay and Neuter Program Presentation

**DEPARTMENT:** Animal Services

**PUBLIC HEARING:** No

**ATTACHMENT(S):**
Spay Neuter Day Resolution

**INFORMATION CONTACT:**
Bob Marotto, Director, Animal Services 919-968-2287
Sarah Fallin, Program Director, Animal Services, 942-7387, ext. 224
Susan Elmore, DVM, Chair, Animal Services Advisory Board, 919-967-4172

**PURPOSE:** To consider a resolution officially acknowledging February 26, 2013 as "Spay Neuter Day" in Orange County and to receive an update about the County's Community Spay and Neuter Program.

**BACKGROUND:** Animal Services staff and the Animal Services Advisory Board (ASAB) recommend that the BOCC adopt a resolution making February 26, 2013, "Spay Neuter Day" in Orange County. The Humane Society of the United States (HSUS) has nationally designated the last Tuesday of each February as "World Spay Day".

"Spay Day USA" has been celebrated since it was created in 1995. This year HSUS is recasting the day as an international rather than national event called "World Spay Day". As a result of efforts over the years, participants have spayed or neutered more than a million animals, preventing millions of potential births. As a result, millions of taxpayer dollars have been saved that may have otherwise been needed to care for the offspring of these animals.

In Orange County, the issue of pet overpopulation is a high priority. In a January 2010 work session, the BOCC approved ***Managing Pet Overpopulation: A Strategic Plan for Orange County, North Carolina*** (http://www.co.orange.nc.us/animalservices/spayneuter.asp). Working together, Animal Services staff and the ASAB prepared this strategic plan on the basis of best practices in the field of animal welfare and public policy. Fundamental to this plan is targeting spay and neuter in the County to decrease the rate of reproduction of dogs and cats and thereby contain the number of animals that must be sheltered and the costs of caring for those animals.

Since the creation of the County's Community Spay and Neuter Fund, Animal Services staff has worked with the ASAB to establish a proactive and cost-effective spay and neuter program. It is

often referred to as a model program in the state and in 2010 it received an Outstanding Program Award from the North Carolina Association of County Commissioners.

Significant developments in calendar year 2012 include:

- Spaying and neutering a total of 512 cats and dogs in total on the basis of the partnership between Animal Services and AnimalKind (which offers The $20 Fix);
- Spaying and neutering 402 dogs and cats belonging to clients of the Department of Social Service (DSS) on a “no pay” basis due to collaboration with DSS.
- Reducing the number of animals admitted to Orange County’s Animal Services Center from an annual average of 4,315 for 2005-2009 to 3,396 in 2011 to 3,460 in 2012.

These and other highlights of recent efforts will be reviewed in a brief power point presentation prepared for the BOCC. The presentation will also provide additional detail on the partnership between Animal Services, DSS and AnimalKind (The $20 Fix).

As part of the “Spay Neuter” celebration this year, Animal Services will again work with Pet Overpopulation Patrol-NC (POP-NC ) to spay or neuter up to 30 cats and or dogs from families who receive service from DSS. In addition, all of these activities are part of the department’s public outreach campaign called Beat the Heat! Its intent is to sterilize as many dogs and cats as possible before they have the opportunity to procreate and add to the number of “surplus” pets that need to be sheltered during the summer months when the animal shelter population peaks.

**FINANCIAL IMPACT:** Neither the presentation nor the resolution have any financial impact. Events and outreach occurring in conjunction with this year’s World Spay Day involve budgeted expenditures from the County’s Community Spay and Neuter Fund. POP-NC sterilization services will be obtained via an annual agreement that that includes several spay and neuter events.

The FY2012-13 operating budget for the Community Spay and Neuter Fund is $75,000. These funds primarily come from the $20 differential cost for licenses for a reproductive cat or dog versus a spayed or neutered cat or dog, combined with reimbursement from the North Carolina Spay Neuter Reimbursement Program. As of June 30, 2012, there was $98,902 in the fund balance account for this program. These funds have accrued from the licensing differential, donations and reimbursements from the state program, and they are dedicated to promoting targeted spay and neuter in accordance with ***Managing Pet Overpopulation: A Strategic Plan for Orange County, North Carolina***.

**RECOMMENDATION(S):** The Manager recommends the Board adopt the proposed resolution, authorize the Chair to sign the resolution, and provide staff with comments on the presentation.

**ORANGE COUNTY BOARD OF COMMISSIONERS**
**2013 SPAY NEUTER DAY RESOLUTION**

WHEREAS, cats and dogs provide companionship to and share the homes of thousands of individuals in Orange County; and

WHEREAS, spayed and neutered animals are less likely to have certain health problems or exhibit certain undesirable behaviors that can create community problems and use community resources; and

WHEREAS, the problem of pet overpopulation costs the taxpayers of Orange County hundreds of thousands of dollars annually through animal control and sheltering programs aimed at coping with unwanted and homeless cats and dogs; and

WHEREAS, humane societies and shelters throughout the country have to euthanize approximately four million cats and dogs each year, although many of them are healthy and adoptable, due to the lack of critical resources such as money, space, and good adoptive homes; and

WHEREAS, the Animal Services Advisory Board and the Animal Services Department have made correcting pet overpopulation a priority, and prepared ***Managing Pet Overpopulation: A Strategic Plan for Orange County***; and

WHEREAS, Animal Services has partnered with AnimalKind and the Department of Social Services to offer “low cost” and “no cost” spay and neuter for cats and dogs, and has to date performed more than 1800 overall and more than 1200 for pets belonging to DSS clients; and

WHEREAS, spaying and neutering cats and dogs, among other animal companions, has helped to reduce the intake rate of animals from 36 to 25 per 1000 human residents between 2005 and the present and the number of animals euthanized from approximately 1900 in 2005 to 1129 in 2012; and

WHEREAS, the County received an Outstanding County Program Award from the North Carolina Association of County Commissioners in 2010; and

WHEREAS, veterinarians, animal care and control organizations, national and local animal welfare organizations, and private individuals work together each year to ensure the spaying or neutering of thousands of companion animals through “World Spay Day”; and

WHEREAS, veterinarians, animal care and control organizations, national and local animal welfare organizations, and private individuals have joined together again this year to advocate and support the spaying and neutering of companion animals on “World Spay Day 2013.”

Now, therefore be it RESOLVED by Orange County that February 26, 2013 is declared “Spay Neuter Day”, and the Board of County Commissioners calls upon the people of Orange County to observe the day by having their own cats or dogs spayed or neutered or by sponsoring the spaying or neutering of another person’s cat or dog.

This the 19th day of February, 2013.

_____
Barry Jacobs, Chair
Orange County Board of Commissioners

**ORANGE COUNTY**
**BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**
**Meeting Date:** February 19, 2013

**Action Agenda**
**Item No.** 5-a

**SUBJECT:** MINUTES

**DEPARTMENT:** County Commissioners **PUBLIC HEARING: (Y/N)** No

**ATTACHMENT(S):**

Draft Minutes

**INFORMATION CONTACT:**
Donna Baker, 245-2130

**PURPOSE:** To correct and/or approve the minutes as submitted by the Clerk to the Board as listed below:

| | | |
|---|---|---|
| Attachment 1 | November 13, 2012 | BOCC Work Session |
| Attachment 2 | November 20, 2012 | BOCC Regular Meeting |
| Attachment 3 | December 3, 2012 | BOCC Regular Meeting |
| Attachment 4 | February 1, 2013 | BOCC Retreat |

**BACKGROUND:** In accordance with 153A-42 of the General Statutes, the Governing Board has the legal duty to approve all minutes that are entered into the official journal of the Board's proceedings.

**FINANCIAL IMPACT: NONE**

**RECOMMENDATION(S):** The Manager recommends the Board approve minutes as presented or as amended.

**DRAFT** **Attachment 1**

**MINUTES**
**ORANGE COUNTY BOARD OF COMMISSIONERS**
**WORK SESSION**
**November 13, 2012**
**7:00pm**

The Orange County Board of Commissioners for a Work Session on Tuesday, November 13, 2012 at 7:00 p.m. at the Southern Human Services Center, in Chapel Hill, N.C.

**COUNTY COMMISSIONERS PRESENT**: Chair Bernadette Pelissier and Commissioners Alice M. Gordon, Barry Jacobs, Pam Hemminger, Earl McKee, and Steve Yuhasz
**COUNTY COMMISSIONERS ABSENT**: Valerie Foushee
**COUNTY ATTORNEY PRESENT**: John Roberts
**COUNTY STAFF PRESENT**: County Manager Frank Clifton, Assistant County Manager Michael Talbert and Clerk to the Board Donna S. Baker (All other staff members will be identified appropriately below)

Chair Pelissier said that Commissioner Foushee would be unable to attend because she was out of town.

She pointed out the yellow sheet, which included the definitions related to fire districts as requested by Commissioner Gordon earlier today.

**1. Whitted Building – Former Library Space Adaptive Re-use**

Jeff Thompson made a PowerPoint presentation.

**Whitted Building Former Library Space Adaptive Re-use**
November 13, 2012

**Background**

- 2010-11:
  - Library Move; 2nd Floor Vacancy
  - Link BOCC Meeting Room Study
  - Health Department Renovation
    - Sprinkler system
    - Structural reinforcement
- 2012:
  - Orange County Cultural Center Discussions
  - Hillsborough Joint Meeting Discussions
- ***Full summary presented to the BOCC within 2/6/12 Manager's memo attached***

**Guiding Principals**

- ***Adequate Parking for Multiple Uses***
  - BOCC Needs
  - County Departments
  - County Recreation Activities
  - Visitor's Bureau
  - Orange County Arts Council
  - Others (OCCC, Hillsborough)

- ***Effective BOCC Meeting Space***
  - Best Practices Site Tour
  - Elements of Link Space Plan
- ***Flexibility of Use***
  - Orange County Schools
  - Visitor's Bureau
  - Orange County Arts Commission
  - Orange County Library
  - Town of Hillsborough
  - Orange County Cultural Center

Mark Hammersley presented the parking portion of the PowerPoint.

**Parking**

- ***Existing Count: 219***
  - 197 on County Property
  - 22 On-Street Spaces
- **Addt'l Potential: 257**
  - Costs Vary By Area
- **Total Capacity: 476**
- ***Hillsborough UDO:***
  - Based Upon Square Footage;
  - Daytime vs. Evening Use;

**Restrooms and Egress**

- ***Fire Egress***
  - Effect of Sprinkler System
  - Areas for Rescue Assistance
- ***Hand Railing***
- ***Handicap Egress***
- ***Restrooms***
  - Facilities to meet maximum need

**County Uses**

- ***BOCC Needs***
  - Permanent Dais
  - Adequate A/V, Acoustics
  - Public Meeting Room
  - Executive Meeting Room
  - Flexible Pre-Function Areas
- ***Other County Needs***
  - Visitor's Bureau, OC Arts Council
  - Performances
  - School Uses
  - Departmental Uses
  - Exhibit Space

**Other Uses**

- ***Town of Hillsborough***
- ***Orange County Cultural Center ("OCCC")***

**Financial Impact**

- ***Schematic Budget:***
  - ***$1.2 million - $1.4 million***
- ***$425,000 budgeted within current CIP (Link Upfit); however debt not sold***
- ***Should Project Move Forward:***
  - ***Debt Financing would be recommended (current rates are favorable)***
  - ***Financing would not hinder the County's debt capacity***
  - ***Savings generated from recent refundings of debt would offset any increase in debt service for the project.***

Commissioner Jacobs said that the parking spaces on the south side of parking deck are not full size spaces, near Weaver Street. He said that the Town has flexibility in their standards when it comes to size of parking spaces.

Commissioner Jacobs said that the trees beside the Health Department were planted as memorials for 9/11, and this needs to be noted before deciding to do away with those.

Commissioner Hemminger said that area 3 could be used better and should be done even if nothing is done with the room. She would prefer to work on areas 1 and 3 first.

Commissioner Jacobs made reference to lighting for parking and said that they should consider buffers if lighting is used. He said that it has already been a sore point related to the parking deck downtown.

Mike Hammersley said that anything that is done would have to follow the Town's ordinances and he has calculated this into his drawings with the parking.

Commissioner Gordon said that the zoning is residential and she is concerned about the impact of bringing people into a residential area at night if there were night meetings.

Ken Redfoot went through the two floor plans on the PowerPoint. There is a 13,000 square foot footprint. The existing library would be very accommodating for a meeting room for the Board of County Commissioners and a theatrical facility. He went through the blueprint of the building. There would have to be some improvements, which would include a handicapped ramp. The meeting room would include 133 seats, with an array of seating. The next plan adds more seating with up to 280 seats.

Commissioner Hemminger said that she is excited about this opportunity for a meeting room and a theatrical facility. She thinks that this is a good fit. She asked about the acoustics.

Ken Redfoot said that any further planning should include an acoustical engineer.

Frank Clifton said that the discussions with the arts group are that the County would construct the shell building and supply it with meeting support structure, and then if the County entered into an agreement with the cultural arts group then this group would bear the finances that would apply to a theatrical unit. He said that this is a feasible opportunity if the Town will work with the County.

Commissioner Gordon asked about the size of the meeting space and the cost of building a new meeting room. Ken Redfoot said about 4,900 square feet. A new building construction would cost around $300-400 per square foot.

Commissioner Gordon said that according to page 4, it does not look like the Town wants to take responsibility. She said that her personal opinion is that the County Commissioners' meeting room needs to be near the east or west campus downtown. She said that the staff needs to be able to reach this facility easily and the Whitted site does not meet that criterion as well as a site downtown. She said that the parking deck is under-utilized, so

there should be enough parking downtown. She thinks that the Whitted building could be a great arts facility but not a County Commissioners' meeting room.

Commissioner Jacobs said that he would like to hear from the cultural arts people.

Orange County Cultural Center Chair John Delconte said that the need for a large performance space has been around for a while and they have been petitioning to use this space for many years. The need is for a space for 300 people along with space for art classes and summer programs and possibly some studio and/or gallery space.

Commissioner Gordon asked John Delconte about experience in sharing space in other places. He said that sharing space by different cultural arts groups can pose scheduling conflicts.

Commissioner Gordon said that it seemed to her that if there is a need for a cultural center, then it should be just a cultural center and not a multi-purpose facility. She said that this group would need a permanent stage and permanent space. She applauds the effort to try and do all of these things in one facility, but as of now, there is not a permanent space they can control and this group needs that in the long term. She said that the Commissioners should also have their own meeting room. She said that this is why she cannot support this.

Commissioner McKee said that he has questions about accommodation from the Town of Hillsborough, especially regarding parking. He is supportive of having a multi-use facility rather than a building strictly for a meeting room.

Commissioner Yuhasz said that the Board of County Commissioners and the residents of Orange County deserve a permanent meeting room and too many uses would not fit that picture. He said that everyone that wants to use it will cause scheduling conflicts. He questioned what would happen to this facility if it is not used for one of these proposed uses. He would not want to delay for a few more years because of not doing this. He spoke in support of finding a permanent meeting room downtown that all governmental entities can share.

Commissioner Jacobs said that the Board of County Commissioners needs a meeting room in Hillsborough that can be set up for easy access, but he is in favor of adaptive reuses. However, if a new facility is built, it will be low on the priority list, so he thinks that this is a good start to meet multiple needs. He would like to make a decision and move forward. The arts community has been looking for a long time for a usable place. He is in favor of moving ahead.

Chair Pelissier agreed with Commissioner Jacobs. She said that this is not ideal, but it is workable. She does not see this as boxing the County in for the long-term.

Commissioner Hemminger said that she is supportive of this proposal.

Frank Clifton said that the next step will be to approach the Town of Hillsborough about the parking issue. This building is 75-80 years old and not the best meeting space but it is the largest facility that can be turned into a meeting space. He said that if the County does build a meeting space then this can be turned over to someone else or used for storage.

Chair Pelissier said that though three of them are saying yes tonight, there are three new Board of County Commissioners coming on the Board of Commissioners and they will be involved in future discussions.

Commissioner Gordon said that if it costs $300 per square foot to build a new meeting space, then it would cost $1.5 million to build a 5,000 square foot meeting room and it could be an addition to the Link Government Services Center. She said that the County Commissioners should look at their long-term space needs. She is supportive of a cultural center at the Whitted building, but not a meeting room.

**2. Proposed Revisions to Energy, Water and Fuel Conservation Policies**

Wayne Fenton from Asset Management Services said that staff is bringing back these policies which have been updated. He made a PowerPoint presentation.

**Policies for Utility and Fuel Conservation**

**Purpose**

- Review and consider modifications to existing Conservation Policies adopted by Board December 5, 2005:
  - Energy Conservation Policy
  - Water Conservation Policy
  - Vehicle Fuel Conservation Policy

**Background**

- As part of the larger "Environmental Responsibility County Government" goal adopted by the Board at its December 5, 2005 meeting, additional policies were adopted
- These were aimed at conserving energy, water and fuel
- Numerous changes in the structure of Orange County government have occurred since these policies were adopted
- Asset Management Services (AMS) is the County department with lead responsibility for utility and fuel management
- AMS manages most County facilities and vehicles, including utilities and fuel

**Focus for Proposed Policy Modifications**

- Key Proposed Modifications include:
  - Combining energy and water policies into a single utility policy
  - Replacement of "Energy Conservation Task Group" with focused, quicker responding "Conservation Management Team"
  - Conservation Team includes departments with primary responsibilities for conservation
    - Asset Management Services
    - Department of Environment, Agriculture, Parks and Recreation

**Unchanged in Modified Policies**

- Responsibility for employees to take ownership of conservation activities
- Responsibility for department heads to promote conservation
- Focus on "action items" in the form of annual plan
- Focus on items with greatest potential for reduction (within available budgets)
- Questions & Comments

Commissioner Jacobs said that he does not see anything about pursuing alternative energy sources or seeking grants to acquire alternative energy sources. He said that Orange County has lighting standards and these should be applicable to the County buildings, such as using energy efficient light bulbs, etc.

Wayne Fenton made reference to light bulbs and said that each year staff plans to bring forward to the Board different things to continue to meet this goal. He thinks that the County has done a great job with lighting efficiency.

Commissioner Jacobs said that it would be good for the document to state that it is the policy to continue to look at this issue. He made reference to page 14 and fuel for County vehicles that is acquired through a card system. He suggested putting "allocation system" so that the wording does not have to be changed every time the system changes.

Chair Pelissier asked about the scorecard results and Wayne Fenton said that the scorecard is outside of the budget process.

Chair Pelissier said that she would like to see the scorecard as part of the budget process.

Commissioner McKee and Commissioner Gordon supported the scorecard being a part of the budget process and getting it out to the public.

**3. Review the Concept of Establishing Three (3) New Fire Service Districts to Improve Property Insurance Ratings and Lower Homeowners' Insurance Costs**

Michael Talbert said that this is a recommendation coming to the Board from the Emergency Services Work Group for three new fire service districts. He made reference to the yellow document with the email exchanged with Commissioner Gordon and the memo from September 1st that talks about Fire Protection Districts and Fire Service Districts. The County has 12 Fire Protection Districts. The County contracts with the individual fire departments to provide fire services within those districts. The districts were established by election in the 1960's and 1970's. Changing those districts becomes difficult. Not long ago, the General Assembly gave counties the option of establishing service districts. A service district is defined by the Board of County Commissioners and is a fairly simple process. Attachment N outlines this process. The third term is a Fire Insurance District. This is a term for the State. This is in Attachment F. He said that there were agreements between Eno and Caldwell recently and insurance districts were created, but the fire protection districts did not change.

Commissioner Gordon said that it seems that fire protection district and fire tax district are similar. Michael Talbert explained the difference.

Michael Talbert said that right now the County has three Fire Insurance Districts that encompass four different Fire Protection Districts – Damascus, Southern Triangle, Chapel Hill, and South Orange. The proposal is to reconfigure the lines for all of those and come up with three new services. There would be three separate districts with three different providers and three different insurance districts. The insurance district and the service district would be one and the same.

Michael Talbert further clarified and made reference to Attachment B. The map is the northern part of the Southern Triangle district (yellow and green). The two gray areas were what was left after annexation of adjacent areas by the Town of Chapel Hill. The area in yellow represents 112 property owners that have an insurance rating of 10. Either they pay double or triple rates or cannot get insurance at all. The goal was to solve this for the 112 property owners and eliminate the two donut holes in gray.

Attachment A is a map of the existing South Orange Fire Insurance District. Due to the Town of Chapel Hill annexations, the South Orange Fire Insurance District has been split. The Town of Carrboro provides fire protection in the South Orange Fire Insurance District and now

has to travel through the Town of Chapel Hill to respond to a fire call off Mt. Carmel Church Road. Attachment B shows a detail map of the area and Chapel Hill Fire Station # 5 that is less than one (1) mile from the area outlined in gray. The Town of Chapel Hill is better positioned and willing to provide fire protections for this area in gray. The Town staff is prepared to make that recommendation to the Chapel Hill Town Council. This issue has also been discussed with the Town Manager for the Town of Carrboro. The Town Manager is prepared to recommend to the Carrboro Board of Aldermen that the Town provide fire protection to the proposed new Fire Insurance District (see Attachment C) if the tax rate is adjusted to be revenue neutral for the Town.

The area in gray on Attachment B represents 100 parcels and $36,003,769 of real property value. When vehicles and personal property values are added to the real property total, an estimated $37,673,414 of taxable value would be removed from the existing South Orange Fire Insurance District. Attachment D shows the existing property valuation of $556,977,528 for the South Orange Fire Insurance District, the reduction of $37,673,414 of taxable value, and the remaining property valuation of $519,304,114. The estimated tax valuation reduction from the existing South Orange Fire Insurance District equals 6.8% of the total. A fire district tax increase from 7.85 cents to 10 cents would be required to insure that this change is revenue neutral for the Town of Carrboro. This would raise about $75,000 more for the district and the Town of Carrboro.

**North Chatham Fire Service District**

Orange County had received a letter from North Chatham Volunteer Fire Department (Attachment E) indicating that the Department will charge a tax rate of 8.8 cents beginning July 1, 2013. This is the same rate currently charged in Chatham County and a 76% increase over the existing 5 cents. Attachment F is a map of the existing North Chatham Fire Insurance District. Included on Attachment B, in yellow, are 112 homeowners located more than six (6) road miles from the nearest North Chatham Station, but less than three (3) road miles from Chapel Hill Fire Station #5. These homeowners have an insurance rating of 10 (see Attachment G for an example of insurance premiums related to fire insurance ratings).

Several homeowners in this area have indicated that they cannot get fire insurance or that the rate has doubled. The only logical Fire Department that could provide fire protection for this area is the Town of Chapel Hill. The Town of Chapel Hill is a municipal fire department which relies on hydrants as its water source to fight fires.

The Town of Chapel Hill is better positioned and willing to provide fire protections for this area. Discussions have occurred involving the Town of Chapel Hill Fire Chief and North Chatham Fire Department Chief concerning possible fire and insurance solutions for this area. Attachment H is a map of the existing Greater Chapel Hill Fire Insurance District.

Attachment I is a map of the proposed new Greater Chapel Hill Fire Insurance District that includes not only the area proposed to be deleted from South Orange, but also the 112 homeowners from Attachment B and additional properties included in the Southern Triangle Fire District that have hydrants.

The Town of Chapel Hill staff is prepared to make this recommendation to the Chapel Hill Town Council, and the North Chatham Fire Chief has indicated a plan to make this recommendation to the North Chatham Board of Directors. Attachment J shows a potential new Chapel Hill Fire Service District which includes hydrants.

Attachment K is a projection of property values and revenues for the New North Chatham Fire Insurance District. Attachment L is a map of the proposed New North Chatham Fire Insurance District. With a property tax increase from 5 cents to 8.8 cents and a reduction

of property covered by the district, the net impact for the new district is a revenue increase of $31,441 from $213,325 to $244,766.

**Greater Chapel Hill Fire Service District**

Attachment M is a projection of property values and revenues for the New Greater Chapel Fire Insurance District.

The result of these changes is that the homeowners on Attachment B in yellow will save considerable money on fire insurance. It is very likely that the new district will keep a rating of 3 or no worse than a 6.

Commissioner McKee said that it is critical to get these 112 homeowners out from under that 10 insurance rating.

Frank Clifton said that there are no real issues with North Chatham or the Town of Carrboro with this proposal. The real issue is that by giving fire protection to this area it would not allow Chapel Hill to annex this area in some future time. He said that while they have negotiated with staff on this issue, it still has to go before the elected officials of Chapel Hill for approval.

Commissioner Yuhasz asked what would happen if the County said no to a tax increase.

Frank Clifton said that the fire department could say no to providing service.

John Roberts said that if the fire department says no, then the County would have up to a year to find another service provider. However, it was pointed out by staff that since the existing fire service contracts had been canceled, the County only had until June 30, 2013 to negotiate and sign new contracts.

Commissioner Yuhasz said that it might be better to take the tax burden off some individuals and spread it around to all residents in that area.

Commissioner McKee said that the great majority of these people in Southern Triangle will go to 8.8 cents because North Chatham has to charge them the same as they do in their own district. He said they are not going to discontinue fire service anywhere in Orange County. From February until now the Emergency Services work group has run various scenarios with this proposal. This is not an ideal option and many will get an increase in taxes but with little or no benefits, with the exception of these 112 homes. He said that the 112 homes will get a financial benefit, but the County has to do something to correct the situation. He would have preferred to keep the service district.

Commissioner Gordon said that the County will continue to facilitate fire protection. She said that Commissioner McKee is right in that there will be winners and losers. She asked why the fire chiefs did not want the service districts.

Commissioner McKee said that his perspective and personal opinion is that fire tax districts are set up by vote of the citizens and are very difficult to set up or change. This prevents meddling by any board. Fire service districts are much more easily changed by a board. He thinks that politics can play a much larger role in the service districts. He likes the certainty of where the districts are and what the districts serve.

Commissioner Jacobs asked if the homeowners would be invited to come when this comes back for a vote.

Michael Talbert said that the process would be to come back in December to move forward on this issue and try to get it on the calendar as an informational issue for Chapel Hill and Carrboro. If everyone is on board, there could be a public hearing in January. If everyone is in approval, it will move forward through the budget process to establish the tax rates.

Frank Clifton said that staff could develop a notice or letter to the residents in these areas affected letting them know about the public hearing.

Michael Talbert said that the State needs everything before February 1st.

Commissioner Gordon asked about the residents living in the Southern Triangle being notified and Michael Talbert said that they would be notified during the budget process.

Commissioner Gordon said that she has to object to such a late notification.

Frank Clifton said that there could be a notification in December and January to the whole area.

Commissioner Gordon said that she wants to get all the necessary steps outlined and put into a timeline so that that all the steps can be completed well before the June 30th deadline. She also wants this process to be as transparent as possible. She said that North Chatham and Chapel Hill and Carrboro have been good to provide this fire service over the years and they should be recognized for this.

Chair Pelissier thanked everyone from the work group and those from the towns that worked on this.

A motion was made by Commissioner Jacobs, seconded by Commissioner Gordon to adjourn the meeting at 9:26 PM.

Bernadette Pelissier, Chair

Donna S. Baker, CMC
Clerk to the Board

**DRAFT** **Attachment 2**

**MINUTES**
**BOARD OF COMMISSIONERS**
**REGULAR MEETING**
**November 20, 2012**
**7:00 p.m.**

The Orange County Board of Commissioners met in regular session on Tuesday, November 20, 2012 at 7:00 p.m. at the Central Orange Senior Center in Hillsborough, NC.

**COUNTY COMMISSIONERS PRESENT**: Chair Bernadette Pelissier and Commissioners Valerie Foushee, Alice M. Gordon, Barry Jacobs, Pam Hemminger, Earl McKee, and Steve Yuhasz
**COUNTY COMMISSIONERS ABSENT**:
**COUNTY ATTORNEYS PRESENT**: John Roberts
**COUNTY STAFF PRESENT**: County Manager Frank Clifton, Assistant County Managers Gwen Harvey, Michael Talbert, Clarence Grier, and Clerk to the Board Donna Baker (All other staff members will be identified appropriately below)

**NOTE: ALL DOCUMENTS REFERRED TO IN THESE MINUTES ARE IN THE PERMANENT AGENDA FILE IN THE CLERK'S OFFICE.**

**1. Additions or Changes to the Agenda**

The Chair went through the items at the County Commissioners' places:

- White sheet - PowerPoint for Item 4-a, Presentation of the Comprehensive Annual Financial Report FYE 6/30/2012
- Blue Sheet- Proposed corrections from Commissioner Gordon for Item 5-a, Minutes
- White Sheet - PowerPoint for Item 6-b,Class A Special Use Permit Major Subdivision – Dunhill (Weekly Homes LLC) – Public Hearing Closure and Action (No Additional Comments from the Public or Applicant Accepted)
- White Sheet – PowerPoint for Item 6-c, Zoning Atlas Amendment – Darrell Chandler Conditional Zoning to REDA-CZ-1 – Public Hearing Closure and Action (No Additional Comments from the Public or Applicant Accepted)

**PUBLIC CHARGE**

*The Chair dispensed with the reading of the public charge.*

*At this time, the Board recognized Commissioner Foushee, Commissioner Hemminger, and Commissioner Yuhasz for their service with Resolutions. This is their last meeting on the Board of County Commissioners.*

**Resolution of Commendation for Commissioner Valerie Foushee:**

**ORANGE COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION OF COMMENDATION**
**FOR**
**COMMISSIONER VALERIE P. FOUSHEE**

**WHEREAS,** the residents of Orange County elected Valerie P. Foushee to the Board of County Commissioners in 2004 and re-elected her again in 2008; and

**WHEREAS,** her Board colleagues expressed recognition of, and appreciation for, Commissioner Foushee's service and leadership by electing her as Vice Chair of the Board of Commissioners for 2008 and Chair of the Board of Commissioners for 2009 and 2010; and

**WHEREAS,** Valerie P. Foushee has served the residents of Orange County for many years, not only as a County Commissioner but also as an active member of her community; and

**WHEREAS,** in 2004, Commissioner Foushee became the first female African American to serve on the Orange County Board of Commissioners; and

**WHEREAS,** during her tenure as an Orange County Commissioner, Valerie P. Foushee has shared her talent for leadership and public service through her work on numerous committees, organizations, boards, and institutes of higher learning including the Durham Technical Community College Board of Trustees; President, NC Association of Black County Officials; UNC Board of Visitors; NC Association of County Commissioners (NCACC) Board of Directors; Chair of the NCACC Healthy Living Task Force; NAACP (Chapel Hill-Carrboro Branch;) Orange County Social Services Board of Directors; Chapel Hill/Orange County Visitors Bureau Board of Directors; and the Boys and Girls Club of Eastern Piedmont Board of Directors, and

**WHEREAS,** Commissioner Foushee has fought for the rights of residents of Orange County, her genuine concern for others manifests through her tireless advocacy to improve the quality of life for the people of Orange County; and

**WHEREAS,** there comes a time when a person decides to pass the torch and adjust priorities accordingly;

**NOW, THEREFORE, BE IT RESOLVED** that the Orange County Board of Commissioners officially commends Valerie P. Foushee for her years of distinguished service, salutes her voluntary decision to pursue higher public office, looks forward to her continued contributions to the community, and wishes her and her family the very best in their future endeavors.

**BE IT FURTHER RESOLVED** that this resolution be presented to Ms. Valerie Foushee, with a copy sent to the media, and that the Resolution be spread upon the minutes of this meeting.

This the twentieth day of November 2012.

Commissioner Foushee thanked the residents of Orange County for the opportunity to serve all of them and she thanked them for their support. She looks forward to serving this area in the legislature**.**

**Resolution of Commendation for Commissioner Pam Hemminger:**

**ORANGE COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION OF COMMENDATION**
**FOR**
**COMMISSIONER PAM HEMMINGER**

**WHEREAS,** the residents of Orange County elected Pam Hemminger to the Board of County Commissioners in 2008; and

**WHEREAS,** Pam Hemminger has been a resident of Orange County for over 25 years and has served the residents of Orange County faithfully with honor, integrity and distinction for the past four years, including being elected by her peers as Vice-Chair of the Board of Commissioners for 2012; and

**WHEREAS,** Commissioner Hemminger has always been mindful of the interests and concerns of Orange County residents and has brought new and innovative ideas to the Board of Commissioners while continually encouraging the Board and staff to think “outside of the box”; and

**WHEREAS,** during her tenure as an Orange County Commissioner, Pam Hemminger has shared her talent for leadership and public service through her work on numerous boards and commissions including serving as the Commissioner liaison/member to the Alcoholic Beverage Control (ABC) Board, the Community Home Trust Board, the Orange County Parks & Recreation Council, the Intergovernmental Parks Work Group, the Workforce Development Board-Regional Partnership, Triangle J Council of Governments (Alternate) and the Upper Neuse River Basin Authority (UNRBA), of which she is currently chair;

**NOW, THEREFORE, BE IT RESOLVED** that the Orange County Board of Commissioners officially commends Pam Hemminger for her hard work, dedication and exemplary service to the people of Orange County, and wishes her and her family the very best in their future endeavors.

**BE IT FURTHER RESOLVED** that this resolution be presented to Ms. Pam Hemminger, with a copy sent to the media, and that the Resolution be spread upon the minutes of this meeting.

This the twentieth day of November 2012.

Commissioner Hemminger thanked the Board and said that it was an honor to serve and she enjoyed working with the Board members and getting to know the incredible staff of Orange County. She thanked her family for their support throughout these past 4 years. She is very proud of the work the County Commissioners have all done.

**Resolution of Commendation for Commissioner Steve Yuhasz:**

**ORANGE COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION OF COMMENDATION**
**FOR**
**COMMISSIONER STEVE YUHASZ**

**WHEREAS,** the residents of Orange County elected Steve Yuhasz to the Board of County Commissioners in 2008; and

**WHEREAS,** Steve Yuhasz has served the residents of Orange County with distinction for the past four years, including being elected by his peers as Vice-Chair of the Board of Commissioners for 2011; and

**WHEREAS,** Commissioner Yuhasz has given freely and unselfishly of his time and energy and through his foresight and leadership, helped promote progressive changes and improvements in the operations and services of Orange County government, while all tempered with common sense, good humor and an approachable and open demeanor – thus enhancing the quality of life for all who reside in or visit Orange County; and

**WHEREAS,** during his tenure as an Orange County Commissioner, Steve Yuhasz has shared his talent for leadership and public service through his work on numerous boards, commissions and task forces, including the Orange County Board of Health, the Orange-Person-Chatham Area Programs Board for Mental Health, the OPC Community Operations Center Advisory Board, Communities in Schools (CIS), the Solid Waste Advisory Board ( SWAB), the Solid Waste Elected Officials Work Group, the Durham-Chapel Hill-Orange Work Group, the Rogers Road Water and Sewer Work Group, the Orange County Advisory Board on Aging, Healthy Carolinians, Information Technology Advisory Committee, and the Research Triangle Regional Partnership (RTRP);

**NOW, THEREFORE, BE IT RESOLVED** that the Orange County Board of Commissioners officially commends Steve Yuhasz for his hard work, dedication and exemplary service to the people of Orange County, and wishes him and his family the very best in their future endeavors.

**BE IT FURTHER RESOLVED** that this resolution be presented to Mr. Steve Yuhasz, with a copy sent to the media, and that the Resolution be spread upon the minutes of this meeting.

This the twentieth day of November 2012.

Commissioner Yuhasz said that it has been a pleasure to work with this Board and the staff.

Chair Pelissier said that she has enjoyed so much working with all three out-going Commissioners and she thanked them for their many hours of service to Orange County.

**2. Public Comments**

**a. Matters not on the Printed Agenda**

Don O'Leary said that today he has brought the constitution versus the U. N. ICLEI Charter comparison by Richard Rothchild, a County Commissioner in Maryland. He read from this. The document basically had statements that were contradictory. He said that the Constitution represents freedom, but the Article 21 represents government control of all.

**b. Matters on the Printed Agenda**

(These matters were considered when the Board addressed that item on the agenda below.)

**3. Petitions by Board Members**

Commissioner Jacobs said that he would like to request for staff to take notes at any public information meeting to share with the BOCC as opposed to summarized notes. Commissioner McKee agreed.

Commissioner Jacobs made reference to a petition that he made on November 8th. He said that he did not ask what events were being planned by Orange County. He said that there used to be a person in a position of Veteran's Affairs who organized a Veteran's Day event that was very well attended. He was encouraging the Board to continue this tradition when a new person is hired.

**4. Proclamations/ Resolutions/ Special Presentations**

**a. Presentation of Comprehensive Annual Financial Report FYE 6/30/2012**

The Board received the Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2012.

Assistant County Manager/Chief Financial Officer Clarence Grier said that they will be presenting the CAFR for fiscal year ending June 30, 2012. One of the notable things in the audit is that Orange County has had a substantial increase in the fund balance and most came from internal savings from holding positions vacant and consolidation of departments. The fund balance is approximately 21-22%. The goal is 17%. The audit was performed by Martin Starnes, CPA of Hickory, North Carolina. Crystal Waddell, Audit Manager, performed the audit. She presented the financial statement.

Crystal Waddell said that they are waiting on the Local Government Commission to approve the report, but she anticipates no changes.

**Orange County**
**2012 Audited Financial Statements**
**Audit Highlights**

- Unqualified opinion

Staff was fully prepared and cooperative

Budget vs. Actual
General Fund

Tax Collection Percentages
Fund Balance History (General Fund)
Fund Balance

Available fund balance as defined by the Local Government Commission (LGC) is calculated as follows:

Total Fund Balance
Less: Non spendable (not in cash form, not available)
Less: Stabilization by State Statute (by state law, not available)
Available Fund Balance

This is the calculation utilized as the basis for comparing you to other units and calculating your fund balance percentages.

| | Fund Balance Position-General Fund |
|---|---|
| Total Fund Balance | $47,859,506 |
| Non spendable | - 34,734 |
| Stabilization by State Statute | - 8,399,062 |
| **Available Fund Balance** | **$39,425,710** |

| | |
|---|---|
| Available Fund Balance 2011 | $28,966,701 |
| Increase in Available FB | $10,459,009 |

Available Fund Balance as a Percent of Expenditures and Transfers out–General Fund

**Major Enterprise Funds**

| | **SportsPlex Fund** | **Solid Waste Fund** |
|---|---|---|
| ❖ Total operating revenues | $ 2,785,702 | $ 8,346,142 |
| ❖ Total operating expenses | $ 2,691,802 | $ 10,525,484 |
| ❖ Operating Loss | $ 93,900 | $ (2,179,342) |

**Major Enterprise Funds**

| | **Debt Service** | **Cash Flow From Operations** | **Unrestricted Net Assets** |
|---|---|---|---|
| Solid Waste | $ 554,634 | $ 1,001,323 | $ 1,854,591 |
| SportsPlex | $ 593,685 | $ 381,402 | $ 972,165 |

Clarence Grier said that this report is in draft format because there is a re-funding item that the LGC is still reviewing, but this is 99.9% done.

**b. Government Finance Officers' Association (GFOA) Certificate of Achievement Award**

The Board considered recognizing the Financial Services staff of the Orange County Finance and Administrative Services Department for earning the Government Finance Officers' Association (GFOA) Certificate of Achievement for the June 30, 2011 Comprehensive Annual Financial Report (CAFR).

Clarence Grier said that tonight they get to recognize the Finance staff for this GFOA report. The staff in attendance were Shari Rasberry, Howard Fitz, David Cannel, Michelle Brooks, Kim Cattrell, Katina Perry, and Phyllis Fontes.

Clarence Grier accepted the achievement award on behalf of the Finance department.

**c. Proclamation – Emancipation Proclamation 150th Anniversary**

The Board considered approving a proclamation officially commemorating the 150th anniversary of the Emancipation Proclamation and authorizing the Chair to sign.

Colin Austin, Human Relations Commission Co-Chair, said that one of the activities they have been involved in is to plan to recognize the Emancipation Proclamation. There has been a subcommittee that has been meeting with other community organizations and leaders to plan a series of activities. He read the proclamation.

**PROCLAMATION**

**150TH Anniversary of the**
**EMANCIPATION PROCLAMATION**

WHEREAS, the Orange County Human Relations Commission is committed to promoting equal treatment, opportunity and understanding throughout the community; and

WHEREAS, January 1, 2013 will mark the 150th Anniversary of the issuance of the Emancipation Proclamation by President Abraham Lincoln that declared "that all persons held as slaves" within the rebellious states "are, and henceforward shall be free"; and

WHEREAS, by this act, thousands of enslaved African men, women and children were set free from the degradation of human slavery; and

WHEREAS, this Anniversary commemoration recognizes an important period in our country's history and "provides an opportunity for all people of the United States to learn more about the past and to better understand the experiences that have shaped the Nation"; and

WHEREAS, the Orange County Human Relations Commission encourages Orange County residents to "celebrate in accordance with the spirit, strength, and legacy of freedom, justice, and equality for all people of America"; and

WHEREAS, Orange County is committed to preserving the progress made in the area of equality during the last 150 years since the issuance of the Emancipation Proclamation;

NOW, THEREFORE, We, the Orange County Board of Commissioners, do hereby acknowledge the 150th Anniversary of the Emancipation Proclamation on January 1, 2013 and encourage and challenge all County residents to learn more about this historic document throughout the year.

***This the 20th day of November 2012.***

A motion was made by Commissioner Foushee, seconded by Commissioner Jacobs to approve a proclamation officially commemorating the 150th anniversary of the Emancipation Proclamation and authorize the Chair to sign.
VOTE: UNANIMOUS

**5. Consent Agenda**

- **Removal of Any Items from Consent Agenda**

**a. Minutes**

The Board considered correcting and/or approving the minutes from September 18 and October 2, 2012 as submitted by the Clerk to the Board.

Commissioner Gordon made reference to her proposed corrections to the October 2, 2012 draft minutes on the blue sheet and she read these:

QUESTIONS/ COMMENTS - CONSENT AGENDA - 20 NOV. 2012 From Commissioner Gordon

(I) Item 5-a - October 2, 2012 Minutes

The Implementation Agreement approved by the BOCC on October 2, 2012 (and also the agreement approved by the DCHC MPO Transportation Advisory Committee on October 10, 2012) differs from the signed Implementation Agreement in two ways.

To make the minutes reflect what was actually approved by the BOCC, the following changes should be made. What the BOCC approved in Paragraph 10 was less ambiguous than the signed version, and what the BOCC approved on the signature page did not have a word spelled incorrectly. ("General Council" should be "General Counsel.")

A. Page 18
Change line 21 to read as follows:
The Implementation Agreement, in the form in which it was approved at this meeting, is as follows:

B. Pages 20 and 21
Change line 44 on page 20, and lines 1-4 on page 21 to read as follows:

10. The Parties agree to develop appropriate benchmarks and timeline to evaluate progress in gaining federal and state financial support for the LRT project in the Plan during the four years following execution of this Agreement, to incorporate these benchmarks and timeline into the Plan during the first four year review, and to use these benchmarks and timeline in the reviews set out in paragraph 9 above and in paragraph 13 below.

C. Pages 22 and 23
Change lines 37-40 on page 22 and lines 1-25 on page 23 to read as follows:

Understood and agreed to and effective as of the date written above, by:

_____

Orange County

_____

Durham-Chapel Hill-Carrboro Metropolitan Planning Organization

_____

Research Triangle Regional Public Transportation Authority

A motion was made by Commissioner Gordon, seconded by Commissioner McKee to approve the minutes with the proposed corrections made above.
VOTE: UNANIMOUS

**n. Senior Care of Orange County, Inc. – Revised By-Laws and Lease Agreement**

The Board considered two actions concerning Senior Care of Orange County, Inc. (SC of OC, Inc.): approval of revised by-laws for Senior Care of Orange County, Inc.; and approval of a resolution authorizing a lease agreement with Senior Care of Orange County, Inc. and authorized the Chair to sign.

Commissioner Gordon asked about the by-laws and why it does not say that residents of the facility need to be residents of Orange County. She also asked why it was not more than simple majority on the board of trustees. She asked the Board of County Commissioners if they want to make members in the future be from Orange County, and if they do, then they would ask staff to figure it out.

John Roberts said that any changes the Board of County Commissioners wants to make they can make but whatever changes they make to by-laws may not last because this will no longer be an Orange County board. He said they could tie grant funds to some requirements that they only serve Orange County residents or something of that nature.

Commissioner Gordon asked if Orange County would have oversight for finances and John Roberts said no. He said that the services they provide and the clientele they have presents a substantial risk to Orange County. This is why this organization is being separated.

Commissioner Gordon said that Orange County leases the space to Senior Care of Orange County, Inc., for a dollar. It is a substantial in-kind donation. She said that the value of the lease may be more than the grant funding.

Frank Clifton said that the staff is trying to identify those items that are non-direct cash funding so that future budgets will identify those items and what benefits Orange County is providing.

Commissioner Gordon asked if the lease agreement could be done if the Board wanted until December 11th to consider it and John Roberts said yes.

Commissioner Hemminger said that she is in support of adding something in the lease agreement to be supportive of Orange County residents, but she does not want to change the bylaws.

Commissioner Jacobs suggested asking Janice Tyler to work with the Attorney on this issue and come to the Board at a subsequent meeting for the County Commissioners to review.

Commissioner Yuhasz said that he would want Janice Tyler to weigh in on this issue but he would not want to prevent the preponderance of the people being served at all because the organization could not function financially. He wants to make sure that the facility can be kept open.

A motion was made by Commissioner Gordon, seconded by Commissioner Jacobs to ask staff to bring back this item with recommendations, after the Department on Aging Director and the County Attorney have reviewed it.
VOTE: UNANIMOUS

- **Approval of Remaining Consent Agenda**

A motion was made by Commissioner Hemminger, seconded by Commissioner Foushee to approve the remaining items on the consent agenda.
VOTE: UNANIMOUS

- **Discussion and Approval of the Items Removed from the Consent Agenda**

**a. Minutes**
This item was removed and placed at the end of the consent agenda for separate consideration.

**b. Motor Vehicle Property Tax Release/Refunds**
The Board adopted a resolution, which is incorporated by reference, to release motor vehicle property tax values for thirty (30) taxpayer requests that will result in a reduction of revenue in accordance with NCGS.

**c. Property Tax Releases/Refunds**
The Board adopted a resolution, which is incorporated by reference, to release property tax values for twenty-five (25) taxpayer requests that will result in a reduction of revenue in accordance with North Carolina General Statute 105-381.

**d. Applications for Property Tax Exemption/Exclusion**
The Board approved seven (7) untimely applications for exemption/exclusion from ad valorem taxation for the 2012 tax year.

**e. Approval of Formation of Community Giving Fund for Orange County**
The Board approved the formation of a Community Giving Fund for Orange County to raise and receive donations intended to enhance services and County-supported activities; authorized the Chair to sign an agreement between Orange County and the Triangle Community Foundation to establish, manage and administer this Fund, subject to final review and approval by staff and the County Attorney's Office.

**f. Fiscal Year 2012-13 Budget Amendment #4**
The Board approved budget, grant and capital project ordinance amendments for fiscal year 2012-13 for Department on Aging, Non-Departmental, Emergency Services, New Hope Fire Department, Sheriff's Department, Carry Forward, Animal Services, Library, Community Giving Fund of Orange County, Historic Rogers Road Neighborhood Community Center, and School Capital Projects.

**g. Application for North Carolina Education Lottery Proceeds for Orange County Schools (OCS) and Contingent Approval of Budget Amendment #4-A Related to OCS Capital Project Ordinances**
The Board approved and authorized the Chair to sign the application for NC Education Lottery Proceeds; and approved Budget Amendment #4-A receiving the Lottery Funds and the amended OCS Capital Project Ordinances, contingent on the State's approval of the application.

**h. Proposal to Upgrade the Audio Visual Equipment at Southern Human Services Center, and Approval of Budget Amendment #4-B**
The Board approved the proposal by Sound Advice, Inc. to upgrade the proposed AV equipment at SHSC, and approved Budget Amendment #4-B.

**i. Authorization and Issuance of Up to $20,000,000 General Obligation Refunding Bonds**

The Board adopted a resolution, which is incorporated by reference, authorizing the issuance of general obligation refunding bonds in the maximum amount of $20,000,000 to refinance existing County bonds.

**j. Proposed Land Donation by Dennis and Linda Brooks**

The Board accepted the donation of a 1.07-acre parcel in Cheeks Township from Dennis and Linda Brooks for open space and recreation purposes and authorized DEAPR staff to work with Dennis and Linda Brooks and the County Attorney to prepare a deed for the transfer of the subject property to Orange County.

**k. Terradotta, LLC Lease Renewal – 501 W. Franklin Street; Suites 105 and 106**

The Board renewed a lease with Terradotta, LLC for Suites 105 for $10,728 per year and Suite 106 for $6,432 per year at 501 West Franklin Street through December 2, 2013 and authorized the Chair to sign.

**l. Buckhorn Mebane Utilities Phase 2 Project Easements**

The Board authorized the Chair to sign easement documents on behalf of the Board; authorized the payment of negotiated easement value to individual property owners; and authorized the County Attorney's office to proceed with legal acquisition of utility easements with court filings, as necessary.

**m. Housing Bond Program – Rusch Hollow**

The Board awarded housing bond funds in the amount of $144,304 to Habitat for Humanity for the construction of a rental duplex in the Rusch Hollow subdivision.

**n. Senior Care of Orange County, Inc. – Revised By-Laws and Lease Agreement**

This item was removed and placed at the end of the consent agenda for separate consideration.

**o. Amending the County Manager's Employment Contract**

The Board approved the amendment of the County Manager's employment contract to allow for an amended hire date and a travel allowance.

## 6. Public Hearings

### a. Smoke Free Public Places

The Board conducted a public hearing to receive comments from the public regarding smoke free public places and considered approval, by Ordinance, of the Orange County Board of Health's Smoke Free Public Places Rule adopted by the Board of Health on October 24, 2012 and authorizing the Chair to sign.

Health Director Colleen Bridger introduced this item. She said that the high points are that the Board of Health passed a rule to prohibit smoking in public places, which is defined two ways. First of all, if it is a business where the public is invited indoors, those businesses would be smoke-free. The second group of smoke-free public places would be all of the property and grounds owned by Orange County government or the municipalities - sidewalks, vehicles, grounds, and facilities. She said that if the Board of County Commissioners approves this, the implementation would take effect January 1, 2013 for a soft implementation and then effective July 1st full implementation would occur.

**PUBLIC COMMENT:**

Ariel Smith said that she has been involved with Tobacco Reality Unfiltered and tobacco prevention work for the past two years. She asked how much people valued the right to choose

what they do with their bodies. She said that this goes beyond personal space. She said that if you are close enough to smell tobacco smoke it can adversely affect your health. She said that this ruling is essential. She said that this is the right thing to do.

Laurel McMullan attends UNC-Greensboro and said that she was part of a student group who asked the Board of Health to help reduce secondhand smoke when she was in high school. She said that each year 54,000 people die due to secondhand smoke. Secondhand smoke can cause ear infections and asthma in children.

Melva Fager Okun has a doctorate in public health and has worked as a Senior Program Manager at NC Prevention Partners for 11 years. She said that she is a national expert in the area of tobacco free spaces. She also works with every hospital in North Carolina to go 100% tobacco free campus wide. She said that North Carolina became the first state in the nation to accomplish this. She spoke about the adverse effects of secondhand smoke. She said that Durham County has already passed this resolution. She asked the County Commissioners to please pass this.

Chair of the Board of Health Tony Whitaker thanked the students for encouraging this resolution. He said that the Board of Health took up this matter formally as part of the 2012-2014 strategic planning process. On October 24th, the Board of Health approved the smoke-free public places rule. They are asking for the Board's support of this.

Matthew Kelm is a pharmacist member of the Board of Health. He spoke about his personal experience with this rule in Durham County. He is a manager of a 24-hour hospital pharmacy. There are 50 pharmacists and pharmacy technicians that work for him. He said that prior to his starting this job, about 10% of his staff were smokers. At this point, all but one of his employees has either ceased smoking or is in a smoking-cessation program. He highly recommends that the County Commissioners adopt this resolution.

Brinklee Bailey is a senior at Chapel Hill High School. She is also involved in Tobacco Reality Unfiltered. She is in full support of this resolution in Orange County. She gave some statistics of secondhand smoke. She particularly spoke about having smoke-free parks because parks are full of children.

Stephanie Willis is the coordinator of Health Programs and Services at the Chapel Hill-Carrboro City Schools. She acknowledged the work of the Orange County Health Department Tobacco Reality Unfiltered program, which is a collaboration of the OCS and the CHCCS. She said that this program has been a part of the overall substance abuse prevention program. She said that the students have been taking part in peer education of middle school students of tobacco education. She said that much of the funding for this has been cut at the state level and some of the programs have been lost.

Kurt Ribisl is a professor at the UNC School of Public Health. He has also spent the last 18 years studying tobacco use prevention and control strategies. He is a strong supporter of tobacco-free environments. He spoke about the dangers of cigarette butts such as the dangers of children putting them in their mouths and the fact that they can kill wildlife.

Senator Ellie Kinnaird said that she is here in support of this ordinance. She said that Orange County has been a leader in this state and nation and they should continue to be a leader by passing this ordinance. She said that the cost to the state of smoking-related illnesses is very high. She praised the students of TRU for getting the word out to their peers.

Representative Verla Insko said that she recently received a letter from the North Carolina Restaurant Association praising them for the smoke-free laws passed that affect restaurants and bars. There has been an increase in patronization of restaurants since these laws took effect.

Laura Parkinson was here representing the American Cancer Society. She spoke in support of this resolution.

*The comments below were submitted via email:*

Good Evening. I'm Terri Tyson and I live in Chapel Hill. I have four kids, including triplets and I am a non-smoker. I've worked in Public Health Promotion and Policy research for over two years. As a survey researcher, I have contacted Public Health Directors, elected officials and legislators in all counties in New York and Florida regarding their opinions about local smoking ordinances in their states.

I believe I am very familiar with most of the local smoking legislation that has been proposed or passed in those states.

I don't like smoking and was glad when smoking was banned in restaurants; this seemed reasonable. For me, it was a "Don't Tread on Me" issue. I don't like being around smoke; smokers have brought a self inflicted, highly addictive health hazard upon themselves. However, some compassion should be shown. Smokers huddled under a flagpole seem humiliated. There is only one paragraph in the OC rule describing possible smoking cessation interventions, mainly focused on county employees.

The government highly taxes cigarettes, yet is dependent on the tax revenue that it brings in; the tobacco companies would like to see a profit even while paying out lots in the master settlement agreement, and smokers are caught between the two.

Research shows high taxes do not deter smokers from buying cigarettes; in fact since the tax does not apply to other tobacco products, the sale of candy flavored cigarillos has increased dramatically. This is an example of an unintended consequence. The grape flavored cigarillos are marketed to youth, and for $1.49, they are much cheaper than cigarettes.

Regarding the proposed Orange County smoking rule, I object to the public sidewalk prohibition. Most sidewalks are owned and maintained by the towns and county, so that covers almost everywhere. This is too extensive a rule and is rather draconian. Because smokers are not allowed to smoke anywhere else, including the workplace and the parking lot, they'll be forced to smoke in their cars. Often they are picking up children, so children are riding in smoke filled cars.

As part of my survey research, we contacted parents who smoke who called their state's Quitline. We also asked their children if the parent smokes in the car with the child present.

Your ordinance mentions the harmful effects of smoking in a car even with the windows open. Please don't rush to legislate something that will end up being more harmful.

This is an unintended consequence of your proposed rule.

Smokers are taxpayers, and remember they are part of the public in public health. A bit of smoke on a remote sidewalk is much less harmful than children having to endure smoke in a car.

I highly doubt that prohibiting smoking in all the places mentioned in the rule, including all public sidewalks, will cause smokers to quit. There will be other negative results, if the sidewalk portion of the rule is not modified. Please consider limiting the sidewalk rule to areas where people might congregate, like at a bus stop.

Thanks for your consideration.

Terri Tyson
108 Telluride Trail
Chapel Hill, NC 27514
919-923-2476

From: Melva Fager Okun (unable to attend but sent an email)
I am so thankful that you are considering passing a tobacco-free public spaces ordinance for Orange County. I worked with every hospital in NC to pass tobacco-free campus policies & also helped with our schools going tobacco-free. This will protect everyone from the harmful effects of exposure to secondhand smoke and will encourage tobacco users to quit. I applaud you and strong urge you to pass such an ordinance.

Melva Fager Okun DrPH
NC Prevention Partners
919 969-7022 ext. 224
Follow NCPP on Twitter @ncprevention

From: Don Stanford
Phone Number: (919) 942-2889
Message:
This isn't just the obvious and well-documented primary, secondary, and tertiary smoking problem. Apparently good research suggests that the average smoker consumes 10,000 cigarettes/year yielding about 3.75 lbs of butts/smoker, most of which winds up as litter. This is the most common form of litter, and is extraordinarily toxic. Almost all cigarettes now have filters, and a cigarette filter takes 18 months to ten years (!) to decompose as its contents leach into the environment.
And don't forget the house fire and wildfire problems - millions of dollars in unnecessary property damage, not to mention the lives damaged and lost. Please vote to ban smoking in public places.

A motion was made by Commissioner Yuhasz, seconded by Commissioner Foushee to close the public hearing.

VOTE: UNANIMOUS

Commissioner McKee said that since he was 15 years old until 2007 he grew tobacco. From 1972 to 1983 he was a heavy smoker. He said that this ordinance covers the towns. He asked the Attorney if the towns' ordinances are more or less restrictive.

John Roberts said that this rule would not impact more stringently any town ordinances. If the town ordinance is less stringent, the Board of Health ordinance would take precedence.
Commissioner McKee asked if discussions had been held with the municipalities to make sure that they are all in agreement.
Colleen Bridger said that there was a public leaders' forum for elected officials to express concerns. The leaders in attendance were supportive and were mainly interested in the technicalities surrounding the implementation. She and the Chair of the Board of Health

were invited to a meeting of the Town of Hillsborough where the elected officials officially voiced their concerns. The draft minutes from that meeting are in the packet.

Commissioner Yuhasz said that at the elected officials meeting the Towns of Mebane, Carrboro, and Chapel Hill were represented, but not Hillsborough.

Commissioner McKee made reference to the regulation of smoking on private property "where the public is invited." He asked John Roberts to explain "invited." He is concerned when this affects private property.

John Roberts said that any privately owned commercial establishment where the public would have reason to go to conduct business by invitation or otherwise, that type of establishment would be covered under this. It would not cover private residence.

Commissioner McKee asked about the condominiums and common areas.

John Roberts said that condominium owners only own within the walls of the structure. The association still owns the common areas.

Colleen Bridger concurred with John Roberts regarding the condominiums and that only common areas would be under this regulation. Regarding the businesses, it is only indoors and not outdoors.

Commissioner McKee made reference to the fine of $25 for violators and said that there does not seem to be any consequences if the fine is not paid.

John Roberts said that the statute says nothing more than the payment of the cash penalty.

Chair Pelissier asked Colleen Bridger to talk about what was discussed in the elected officials meeting.

Colleen Bridger said that she needed to clarify the office building issue. She said that the only area that would be covered under this rule would be the common areas in the office building. One of the significant things they wanted to get across is that this is about education and empowerment. They want to make sure that people understand where smoking is allowed and not allowed.

Commissioner Gordon said that she is a strong supporter of smoke-free public places.

Commissioner Yuhasz said that Commissioner McKee did list a wide range of places where this rule would apply and that is accurate and intentional. He said that there is a wide range of places where people have smoke imposed on them against their will. The purpose of this rule is to minimize those types of activities and to protect people who do not want to smoke or breathe other people's smoke.

Chair Pelissier said that to her this is a no-brainer.

ORD-2012-054

**AN ORDINANCE APPROVING AN ORANGE COUNTY BOARD OF HEALTH RULE PROHIBITING SMOKING IN COUNTY AND TOWN BUILDINGS, GROUNDS, VEHICLES, AND PUBLIC PLACES**

WHEREAS, in 2009 the North Carolina General Assembly enacted Session Law 2009-27, which authorized local governments and local boards of health to prohibit smoking in certain areas; and

WHEREAS, rules adopted by local boards of health are generally applicable throughout the county of adoption including within town jurisdictions; and

WHEREAS, on October 24, 2012 the Orange County Board of Health adopted a rule (Attached hereto as Exhibit 1) prohibiting smoking in County and Town buildings, grounds, vehicles, and public places; and

WHEREAS, the Commissioners of Orange County, believing it to be in the best interest of the citizens and residents of Orange County, have determined that the rule by the Orange County Board of Health prohibiting smoking throughout Orange County is approved.

NOW THEREFORE BE IT ORDAINED, by the Orange County Board of Commissioners that the Orange County Board of Health Rule prohibiting smoking in county and town buildings, grounds, vehicles, and public places is approved.

A motion was made by Commissioner Yuhasz, seconded by Commissioner Hemminger to approve by Ordinance, of the Orange County Board of Health's Smoke Free Public Places Rule adopted by the Board of Health on October 24, 2012 and authorize the Chair to sign.
VOTE: Ayes, 6; No, 1 (Commissioner McKee)

Commissioner McKee said that he sees this as government overreach. He supports funding additional educational efforts. He sees this as an overreach on private properties.

Commissioner Jacobs said that he is pleased the County Commissioners are doing this and he feels that this is in correlation with the values they hold dear in Orange County.

**b. Class A Special Use Permit Major Subdivision – Dunhill (Weekly Homes LLC) – Public Hearing Closure and Action (No Additional Comments from the Public or Applicant Accepted)**

The Board received the Planning Board recommendation, considered closing the public hearing, and making a decision on a Class A Special Use Permit application submitted by David Weekly Homes LLC proposing a 26 lot single-family residential development off of Mt Sinai Road in accordance with the provisions of Section(s) 2.7 and 5.15.6 of the Unified Development Ordinance (UDO).

*This item was transcribed verbatim as is required for a Class A Special Use Permit.*

**Michael Harvey:** This is a Class A Special Use Permit request for a major subdivision on Mt. Sinai Road. As is customary, we are going to be asking that this packet of information be entered into the official record in its entirety and that any additional sworn testimony offered this evening also be entered into the record. For everyone's edification, this packet contains the October 3, 2012 Planning Board Abstract Package; additional information supplied to the Planning Board at the October 3, 2012 meeting; excerpts from August 27, 2012 Quarterly Public Hearing minutes; the excerpt of the approved October 3, 2012 Planning Board minutes; a letter, specifically Attachment 5, from the applicant accepting recommended conditions; the Planning Board Recommended Findings of Fact; and last but certainly not least, the script for acting on findings of fact. After a very brief presentation, I will be more than happy to answer any questions you may have.

*Michael Harvey made a PowerPoint presentation.*

**AGENDA ITEM:6B**
**CLASS A SPECIAL USE PERMIT**
**MAJOR SUBDIVISION**
**DUNHILL (WEEKLY HOMES LLC)**

- PROJECT INFORMATION:
- **PIN**: 9881-15-7138
- **Size** : 68.5 acres
- **Zoning**: Rural Buffer
- **Future Land Use Map Designation**: Rural Buffer
- **Growth Management System Designation**: Rural
- **Joint Land Use Plan Designation**: Rural Buffer – Rural Residential Area
- PROPOSAL:
- Lots a minimum of 2 acres in area. Overall density for project is 1 dwelling unit for every 2 acres,
- Roads developed to NC DOT public road standard with DOT assuming maintenance,
- Lots 1-22 served by on-site septic systems. Lots 23-26 served by off-site septic area. Utility easement located outside of proposed right-of-way,
- Development served by community well, located on an open space lot with a picnic shelter for use by residents,
- Type B – 30 foot perimeter buffer along with street trees and foliage planted in between individual lots.

**SITE PLAN:**
**PLANNING BOARD RECOMMENDATION:**

- Reviewed item at its October 3, 2012 regular meeting.
- Determined project density is consistent with Comprehensive Plan and the Joint Planning Land Use Plan.
- Board did not recommend imposition of a condition requiring a trail connecting to TLC owned property.
- Recommended approval finding the applicant complied with the standards of the UDO.

**RECOMMENDATION:**

1. Receive the Planning Board recommendation,
2. If necessary, deliberate further on the application,
3. Close the public hearing,

**Michael Harvey:** There is an existing stream through this portion of the property. You will recall from the August Quarterly Public Hearing we introduced into the record a letter from Orange County Erosion Control relating to the completion of a surface water investigation that certified that the stream does indeed stop and restart, so the applicant is showing the appropriate buffer on the site plan.

Attachment 6 of this packet is the Planning Board's recommendation with various findings. You will recall that with Special Use Permits, decisions are based on competent material and substantial evidence entered into the record. The Planning Board found sufficient evidence in the record that the applicant complied with all requirements in terms of a Class A SUP Application and Major Subdivision Applications; that the applicant complied with all development design criteria; that the applicant had complied with all specific and general standards in the UDO for the issuance of the special use permit. Ultimately, the Planning Board recommended the imposition of numerous conditions, which you will find at the end of Attachment 6 regarding the overall development of this property.

The recommendation tonight is that you receive the Planning Board recommendation; if necessary, deliberate further; close the public hearing; and that you take action on this request by utilizing the script staff has provided to you in Attachment 7 to review and approve the various findings of fact associated with this project; and that ultimately you have a vote to approve the special use permit and impose the recommended conditions as recommended by the Planning Board. What the Planning Board has essentially recommended is that you find the applicant has met their burden with respect to compliance with Section 2.2 and 2.7.3 of the Orange County Unified Development Ordinance and that they have complied with all of the allocations and requirements. You have the opportunity in affirming this to essentially utilize and refer the Planning Board recommendation. Having said that, if the motion is to reject this finding, you're going to have to come up with your rationale for the evidence that's in the record justifying that finding. As I move on, the Planning Board has voted to affirm that the applicant has met their burden with respect to complying with Section 2.7.5 of the UDO. This section deals specifically with public notice and public advertisement. They determined that there was sufficient evidence in the record and to make this an affirmative finding.

The next motion will be concerning to affirm or reject compliance with Section 7.14.2. Once again, the Planning Board voted unanimously to find that there was sufficient evidence in the record to make this determination. The next motion will deal with affirming or rejecting compliance with Section 5.15.6 of the UDO, which deals with the special use permit composed within the subdivision. Once again, the Planning Board voted unanimously to find that the applicant complied.

Next, you're going to be asked to affirm or to reject the Planning Board's finding with respect to compliance with Section 5.3.2b where the applicant is required to demonstrate compliance with the adequacy of proposed sewage storage facilities and adequacy of public safety protection. The Planning Board made an affirmative finding that the developer had met their burden.

Last, but certainly not least, is the finding of the general regulatory standards as contained within Section 5.3.2.a.2.a. The first one being is that the use will maintain or promote the health, safety, or general welfare. Within the script and within Attachment 6, which is the findings of fact, you will note that the Planning Board made several references to evidence entered into the record and how they confirmed their finding. The same with Section 5.3.2.a.2.b, which was a requirement that the applicant demonstrate that the proposed use maintain the value of contiguous property. Again, you will note the Planning Board made an affirmative finding, listing specifically those items in the record that would justify their finding.

Finally the Planning Board made an affirmative finding with respect to 5.3.2.a.2.c that the use is in harmony with the area in which it is to be located and it is in compliance with the plan for

physical development of the County as provided in these regulations, specifically the UDO and the Comprehensive Plan.

Madame Chair, I would be happy to answer questions at this time, however, before questions are asked I would ask that the Board acknowledge and have a motion to place this agenda packet into the record.

A motion was made by Commissioner Hemminger, seconded by Commissioner Yuhasz to place this agenda packet into the record.
VOTE: UNANIMOUS

**Chair Pelissier:** So we can have further discussion before we close the public hearing, because after that, we cannot. Any questions, any comments before we close the public hearing?

**Commissioner Jacobs:** I have several questions. I have a question for the County Attorney about the applicant's assertion that a condition that the Triangle Land Conservancy might close a trail that could result in an invalidation of their special use permit. Have I heard that correctly? Could you just address whether that is in fact a valid assertion?

**John Roberts:** I don't remember hearing that. Is that in the packet somewhere?

**Commissioner Jacobs:** I thought that's what Mr. Harvey said.

**Michael Harvey:** That's correct. It's actually contained in Attachment 2. As a summary, the Triangle Land Conservancy indicated that they would allow a trail to be extended. They require the applicant to bear some financial burden and pay for stewardship and that TLC technically reserves the right to limit or require the trail to close in the event it became a potential hazard on the property. The applicant's response, and I'm paraphrasing somewhat, essentially indicates that they would not want to go to the expense of developing and installing the trail if it is subject to be closed by TLC, and #2, if they are required to have the trail which is subsequently required to be closed they would not want to create a situation causing a technical violation of the SUP and therefore risk having the SUP revoked.

**John Roberts:** I don't know that this Board or any board could mandate that they open a trail on another property. I don't agree that that's something within this Board's power. If the mandate is that they maintain a trail on this portion of the property, all they would have to do is do that to remain in compliance with their special use permit. There can be no mandate that they open a trail on another property.

**Commissioner Jacobs:** If I can follow up, theoretically, if the trail connection is made to the TLC property, then it would be up to either the developer or the homeowners' association to negotiate with Triangle Land Conservancy whether or not there would be an adequate connection.

**John Roberts:** That is correct.

**Commissioner Jacobs:** Another question I had, on page 6, the fifth bullet: "BOCC members requested additional information on the operational parameters of the off-site septic field. The applicant agreed to supply additional information." Is that additional information in here about

how this system is going to work across the property? Let me add that one reason that I ask is, those of us who remember the Piney Mountain subdivision on Mt. Sinai Road, it was a development that had a state-approved system, a pumping system, and it was not adequately installed or maintained, and the City of Durham and OWASA had to come in through the rural buffer and bring water and sewer. I'm sure we don't want to get into a situation where we create a public health hazard. I was hoping that there would be additional explanation of how this was going to work, especially since we're not privy to the details of the homeowners' association based on our own regulations. Do we have more information?

**Michael Harvey:** Commissioner Jacobs, staff has commented on that issue within the abstract. What was provided **to** staff by the applicant in addressing that very question **is** contained within additional correspondence, which you will find beginning on page 10. On page 12, specifically focusing on the trail, this was an email from Jeff Masten. Beginning on page 14, you have the applicant written responses to all questions from the Quarterly Public Hearing, which includes, beginning on page 23, the applicant provided additional groundwater data to address this very issue. Ultimately this represents the applicant's response to your inquiry. I would also remind the Board, at the August Quarterly Public Hearing, a memorandum was entered into the record from the Orange County Health Department. This memorandum contained a statement by the sanitarian indicating he had no concerns over the system. It also contained the state-mandated regulatory requirements for off-site systems, specifying how outside systems are to be operated, functioning, and maintained. I believe comments were made at the August Quarterly Public Hearing that it would be inspected every five years, that there were HOA requirements in terms of maintenance and guaranteeing the adequacy of the system and maintenance of the common septic area. The Planning Board recommended in addition that the easement language be reviewed and approved by Tom Konsler as well as the County Attorney before final project location. Unfortunately, specific information was not provided on the actual pump system proposed for use to get affluent to these off-site septic areas in order to relay that information to you this evening

**Commissioner Yuhasz:** I would like to ask a follow-up question about that. These remote systems are individual systems in a remote area, not a common system, is that correct?

**Michael Harvey:** That's correct, and that's one of the conditions.

**Commissioner Yuhasz:** So, if there was a failure, it would be a failure of just one system.

**Michael Harvey:** That's correct.

**Commissioner Yuhasz:** So it's really not the same kind of situations that we faced at Piney Mountain where there was a community system that failed catastrophically and affected many houses.

**Michael Harvey:** Not knowing much about Piney Mountain, I'm sorry for my ignorance.

**Chair Pelissier:** I want to follow up on that too. I think I read in the abstract somewhere that those sites had to have a repair site as well.

**Michael Harvey:** That's a correct statement.

**Chair Pelissier:** So they have to have a repair field, just like any individual system has to have a repair field.

**Michael Harvey:** Correct, and that's also articulated in the Orange County Health Department's memorandum that was entered into the record at the August 27th Quarterly Public Hearing.

**Commissioner Jacobs:** I suppose either the Attorney or the Planning Director or Mr. Harvey could answer this. We specifically do not ask to see a homeowners' association agreement before we approve a development. Why is that? Is that beyond our purview? Did we decide that it's too intrusive? The reason I ask is because we're being assured by the developer that the homeowners' association is going to be diligent in caring for this, but we don't actually get to see what the agreement is.

**John Roberts:** That is a policy I'll defer to the Planning Director on.

**Michael Harvey:** I can answer unless the Director wishes to respond directly. Typically, one of the reasons we don't ask for that documentation is because it's a private agreement. We impose the conditions that actually stipulate or require the physical development of the project. Private homeowner's documents establish local development criteria controlling development consistent with any imposed conditions or county regulations. Typically this has been a staff review. The condition imposed with most subdivisions is that the County Attorney and Planning Director review and approve the homeowners' association document and certify that it complies with all conditions associated with approval of the project. We typically do not ask that it be created ahead of time because we don't know how it's going to be developed, what conditions are going to be imposed, what's going to be included, or the information that's going to be necessary in order to address any concerns expressed at any of the public hearings.

**Commissioner Jacobs:** So, if I may make a comment. There's a lot of discussion in the last session of the legislature about homeowners' associations and what they do and fail to do. One of the reasons that I asked the developer for more information about how the homeowners association was going to deal with this remote septic area was because we do not get to see the homeowners' association agreement. And since the developer did not aim to give us that information, we're just going to have to hope that a group of people who may not necessarily ever look at that field, because they don't live anywhere near it, are going to maintain its public health and safety.

**Michael Harvey:** I just want to remind the Board that obviously any agreement associated with the outside septic areas is going to be reviewed by the County Attorney and the Engineer. Obviously, Environmental Health has to be involved, not only in permitting, but also in approving the language of the governance of the outside septic.

**Commissioner Gordon**: I would just like the follow up on the off-site septic. So specifically what you're saying is Environmental Health said that this was alright.

**Michael Harvey:** Yes ma'am. They said that the system has to be permitted, but they do not see any issues that would prevent an off-site system from being developed.

**Commissioner Gordon:** In terms of the evidence submitted. Some of it was written evidence. As I recall, there was a lot of evidence that needed follow up. I didn't know the status of that.

**Michael Harvey:** My answer to that is that you have sworn testimony that has been placed into the record, you have written responses to various questions entered into the record, you have staff memorandum detailing the approvability of the project entered into the record, all of which represents the competent testimony and material evidence that can be utilized to render a decision. The Planning Board has obviously determined there is sufficient evidence in the record, including responses to concerns, justifying a recommendation to approve the project. Items that are here this evening will also be entered into the record.

**John Roberts:** The record before you is the only record or evidence that you can consider in making a decision. You're not getting more evidence tonight, because that is not the purpose of what this was, but the Planning Board received considerable additional information that you did not hear at the Quarterly Public Hearing, so what they received is now for your consideration.

**Commissioner Gordon:** The last thing is a requirement about whoever reads the motion. There is a burden to cite evidence. What I recall from other times is, the burden of proof varies. There are all these rules about it, but what seems to be operative here is whichever motion you make, you need to cite the evidence.

**Michael Harvey:** We provided you a script.

**Commissioner Gordon:** I know there is a script, but it says to cite the evidence.

**Michael Harvey:** Yes ma'am. The script actually provides you the mechanism where you can do that if you're affirming the Planning Board recommendation. If you choose not to affirm the Planning Board recommendation, it is up to the councilmember making that motion to enter the evidence into the record justifying that motion. Let me also clarify that when you get to the provisions of Section 5.3.2, a, b, and c, which are the general findings at the end, you will have to indicate that information verbatim as identified in the script. A Commissioner making that motion will have to read that into the record verbatim.

**John Roberts:** If a Commissioner believes that the record does not have enough competent material or substantial evidence to meet the applicant's burden of proof, that can be substituted into some of these motions. You do not have to go back and look at specific line items in the record and say that, 'this is what I don't agree with." You can set aside the entire record and say, "I do not believe that this record has enough competent material and substantial evidence to meet the applicant's burden of proof."

**SCRIPT FOR ACTING ON DUNHILL – DAVID WEEKLY HOMES LLC**

A motion was made by Commissioner Hemminger seconded by Commissioner Yuhasz to close the public hearing.
VOTE: UNANIMOUS

**Chair Pelissier:** We need to turn to motions. We can turn to page 136. Actually it really starts on page 137, the first motion. I will ask that whoever is making the motion read the motion as it is written here and when we get to the part where we have to actually cite the evidence, it's all written here. And we have it up here on the screens.

a. A motion was made by Commissioner Yuhasz, seconded by Commissioner McKee to **affirm** the recommendation of the Planning Board concerning the application's compliance with the provisions of Section(s) 2.2 and 2.7.3 of the Orange County Unified Development Ordinance as detailed within Attachment 6 of the abstract package.

VOTE: UNANIMOUS

b. A motion was made by Commissioner Yuhasz, seconded by Commissioner McKee to **affirm** the recommendation of the Planning Board concerning the application's compliance with the provisions of Section 2.7.5 of the Orange County Unified Development Ordinance as detailed within Attachment 6 of the abstract package.

VOTE: UNANIMOUS

c. A motion was made by Commissioner Yuhasz, seconded by Commissioner McKee to **affirm** the recommendation of the Planning Board concerning the application's compliance with the provisions of 7.14.2 (B) of the Orange County Unified Development Ordinance as detailed within Attachment 6 of the abstract package.

VOTE: UNANIMOUS

d. A motion was made by Commissioner Yuhasz, seconded by Commissioner McKee to **affirm** the recommendation of the Planning Board concerning the application's compliance with the provisions of 5.15.6 of the Orange County Unified Development Ordinance as detailed within Attachment 6 of the abstract package.

VOTE: UNANIMOUS

e. A motion was made by Commissioner McKee, seconded by Commissioner Yuhasz to **affirm** the recommendation of the Planning Board concerning the application's compliance with the provisions of Section 5.3.2 (B) of the Orange County Unified Development Ordinance as detailed within Attachment 6 of the abstract package.

DISCUSSION:

**Commissioner Gordon:** I do not find in the record enough competent material or substantial evidence to meet the applicant's burden of proof.

**Commissioner Jacobs:** You're talking about 'e', Commissioner Gordon?

**Commissioner Gordon:** B, actually. This is the one that has sewage disposal facilities. It is 5.32B.

**Commissioner McKee:** To be specific, I am now reading the handout. I make a motion to **affirm** the recommendation of the Planning Board concerning the application's compliance with

the provisions of Section 5.3.2 (B) of the Orange County Unified Development Ordinance as detailed within Attachment 6 of the abstract package.

**Commissioner Gordon:** What I was going to say is that I did not find enough competent material or substantial evidence in the record to meet the applicant's burden of proof.

**John Roberts:** That's correct, and what that deals with is the standards for a special use permit, "use will maintain and promote public health, safety, and general welfare," etc.

**Commissioner Jacobs:** I agree with Commissioner Gordon, I think the developer could have easily satisfied my concerns and just did not choose to do so. So I left wondering whether we do have sufficient substantial evidence.

**John Roberts:** If I could correct my previous statement. B is for the specific standards.

VOTE: Ayes, 5; Nays, 2 (Commissioner Gordon and Commissioner Jacobs)

f. A motion will need to be made regarding compliance with Section 5.3.2(A)(2) of the Ordinance.

   i. A motion was made by Commissioner McKee, seconded by Commissioner Yuhasz that there **is** sufficient evidence in the record the project complies with Section 5.3.2 (A)(2)(a) of the UDO in that the use will maintain and promote the public health, safety, and general welfare, if located where proposed and developed and operated according to the plan as submitted.

**Chair Pelissier:** I think here we actually have to also add Commissioner McKee to make a complete motion. If you look on page 139 we actually have to cite all material evidence. If you'll just continue the motion starting at the top of 139.

**John Roberts:** You don't have to read each bullet. If you want to site the page number and the bulleted information, I'm comfortable that it's adequate to defend this in the event of any litigation.

**Commissioner McKee:** Then I have one more sentence to read at the top of page 139. This motion is based on competent material and evidence entered into the record of these proceedings, including the bullets listed on the top ¾ of page 139 of Attachment 7.

• The August 27, 2012 Quarterly Public Hearing agenda packet and the October 3, 2012 Planning Board agenda packet containing the following information:
• The application package and project narrative contained within Attachment 1 of the August 27, 2012 Quarterly Public Hearing package.
• A letter from Joe Lyle, real estate broker, indicating the project will not impact the value of adjacent property contained within Attachment 1 of the August 27, 2012 Quarterly Public Hearing package.
• The environmental report contained within Attachment 1 of the August 27, 2012 Quarterly Public Hearing package

• Various letters from the State Department of Cultural Resources indicating no significant impact as the result of the proposed development contained within Attachment 1 of the August 27, 2012 Quarterly Public Hearing package.
• Staff memorandum contained within Attachment 3 of the August 27, 2012 Quarterly Public Hearing package.
• Applicant, engineer, and staff testimony from the August 27, 2012 Quarterly Public Hearing and the October 3, 2012 Planning Board meeting.
• The applicants letters, dated September 25, 2012 and October 2, 2012, addressing questions about the project. and
• A lack of competent material and substantial evidence entered into the record demonstrating the project's lack of compliance with established standards.
If the motion is to find there is insufficient evidence in the record to find the project is in compliance with Section 5.3.2 (A) (2) (a), the Commissioner making the motion will have to specifically denote what is absent and explain what, if any, evidence is in the record disputing the claims of the applicant that they are in compliance with Section 5.3.2 (A) (2) (a).

**Commissioner Gordon:** Again, I don't feel that there is enough competent material or substantial evidence in the record to meet the applicant's burden of proof. These are general findings and the others were specific.

**Commissioner Jacobs:** I think that the fact that we asked for additional information that would have satisfied some of the Commissioners' concerns and it was not given shows that there is disrespect to the Commissioners, the residents, and the environment and we should not just accept that this is the way we do business in Orange County.

VOTE: Ayes, 5; Nays, 2 (Commissioner Gordon and Commissioner Jacobs)

ii. A motion was made by Commissioner McKee, seconded by Commissioner Hemminger finding there **is** sufficient evidence in the record the project complies with Section 5.3.2 (A) (2) (b) of the UDO in that the use will maintain the value of contiguous property. This motion is based on competent material and evidence entered into the record of these proceedings, including the bullets listed in the top ¾ on page 140, Attachment 7.

• The application package and project narrative contained within Attachment 1 of the August 27, 2012 Quarterly Public Hearing package.
• A letter from Joe Lyle, real estate broker, indicating the project will not impact the value of adjacent property contained within Attachment 1 of the August 27, 2012 Quarterly Public Hearing package.
• Applicant testimony from the August 27, 2012 Quarterly Public Hearing and the October 3, 2012 Planning Board meeting. and
• A lack of competent material and substantial evidence entered into the record demonstrating the project's lack of compliance with established standards. If the motion is to find there is insufficient evidence in the record to find the project is in compliance with Section 5.3.2 (A) (2) (b), the Commissioner making the motion will have to specifically denote what is absent and explain what, if any, evidence is in the record disputing the claims of the applicant that they are in compliance with Section 5.3.2 (A) (2) (b).

**Commissioner Gordon:** Again, I don't believe that the record shows enough competent material and substantial evidence to meet the applicant's burden of proof.

VOTE: Ayes, 5; Nays, 2 (Commissioner Gordon and Commissioner Jacobs)

iii. A motion was made by Commissioner Yuhasz, seconded by Commissioner McKee finding there **is** sufficient evidence in the record the project complies with Section 5.3.2 (A) (2) (c) of the UDO in that the use is in harmony with the area in which it is to be located and the use is incompliance with the plan for the physical development of the County as embodied in these regulations and in the Comprehensive Plan. This motion is based on competent material and evidence entered into the record of these proceedings, including: bulleted items at the top of page 141, Attachment 7.

• The application package and project narrative contained within Attachment 1 of the August 27, 2012 Quarterly Public Hearing package.
• Applicant, engineer, and staff testimony from the August 27, 2012 Quarterly Public Hearing and the October 3, 2012 Planning Board meeting.
• The applicants letters, dated September 25, 2012 and October 2, 2012, addressing questions about the project .and
• A lack of competent material and substantial evidence entered into the record demonstrating the project's lack of compliance with established standards.
If the motion is to find there is insufficient evidence in the record to find the project is in compliance with Section 5.3.2 (A) (2) (c), the Commissioner making the motion will have to specifically denote what is absent and explain what, if any, evidence is in the record disputing the claims of the applicant that they are in compliance with Section 5.3.2 (A)(2) (c).

**Commissioner Gordon:** Same statement. There is not enough competent material and substantial evidence to meet the applicant's burden of proof.

VOTE: Ayes, 5; Nays, 2 (Commissioner Gordon and Commissioner Jacobs)

7. A motion was made by Commissioner Yuhasz, seconded by Commissioner McKee to **approve** the Special Use Permit with the conditions attached as listed within Attachment 6.

**Commissioner Gordon:** Mr. Attorney, do I have to make that same statement here?

**John Roberts:** You can again make that statement at that point.

**Commissioner Gordon:** I don't believe there's enough competent material and substantial evidence in the record to meet the applicant's burden of proof.

VOTE: Ayes, 5; Nays, 2 (Commissioner Gordon and Commissioner Jacobs)

**c. Zoning Atlas Amendment – Darrell Chandler Conditional Zoning to REDA-CZ-1 – Public Hearing Closure and Action (No Additional Comments from the Public or Applicant Accepted)**

The Board received the Planning Board recommendation, considered closing the public hearing, and making a decision on a Zoning Atlas amendment request submitted by Mr. Darrell Chandler to rezone a 12-acre portion of a 35.8 acre parcel of property (PIN 0910-34-5040) to NC Highway 57 Speedway Area Rural Economic Development Area (REDA-CZ-1) Conditional Zoning and receiving site plan approval for a proposed self-storage facility.

Michael Harvey went through this item. He said that they are now required to have two separate statements for rezoning. There also has to be a separate resolution establishing the compliance with the Comprehensive Plan or lack thereof. There will have to be two actions. The Board will have to either approve attachment 8 and 10 in that order and then make a decision that the project is consistent with the Comprehensive Plan, or it will deny it and adopting a resolution that the project is inconsistent with the Comprehensive Plan.

**AGENDA ITEM:6C**
**CONDITIONAL ZONING ATLAS AMENDMENT AND SITE PLAN**
**DARRELL CHANDLER SELF STORAGE**

- PROJECT INFORMATION:
- **PIN**: 0910-34-5040
- **Size** : 35.8 acres. Property is separated by Mile Branch Road.
- **Zoning**: Agricultural Residential
- **Future Land Use Map Designation**: Agricultural Residential
- **Growth Management System Designation**: Rural
- PROPOSAL:
- Build out of project will include maximum of 13 individual storage buildings containing approximately 400 individual storage lockers,
- Development intended to be completely located south of Mile Branch Road,
- Site enclosed by chain link fence with barbed wire on top,
- Applicant proposing land use buffer along majority of property line – not proposing to plant foliage along common property line with cement plant
- No septic or well proposed for project,
- Access shall be off of Mile Branch through security gate,
- Applicant intends to have small office for storage rental and some retail (i.e. sale of packing supplies, tape, etc.) associated with storage business. This office will be located across the street from the self-storage lockers,
- Applicant is proposing limited storage of vehicles on property (i.e. outdoor storage of parked vehicles)
- SITE PLAN – PHASE I:
- SITE PLAN – BUILD OUT:

**PLANNING BOARD RECOMMENDATION:**

- Reviewed item at its October 3, 2012 regular meeting.
- Board members determined proposed land use buffers along NC 57, Mile Branch Road, and adjoining property lines were acceptable and did not recommend augmentation.
- Board members recommended a condition requiring a well be installed after Phase 1 of the project is completed
- Board voted unanimously to recommend approval

**RECOMMENDATION:**

- Receive the Planning Board recommendation,
- If necessary, deliberate further on the application,
- Close the public hearing

The conditions are on pages 92-93 and there are 14 of them, and he listed them:

1. The property shall be utilized only as a self-storage facility developed consistent with the submitted site plan.
2. Staff shall prepare a "Declaration of Development Restrictions and Requirements" outlining all conditions and development limitations associated with this project that the applicant shall record within the Orange County Registrar of Deeds office within 12 months of approval.

   This document shall include an explanation of the allotment of impervious surface limits supporting the development of the proposed self-storage facility as well as the applicant's remaining property.
3. The proposal calls for the development of the project is 2 phases. Prior to the commencement of the earth disturbing activity for Phase 2 of the project, the applicant shall apply for and install a well in accordance with applicable Orange County Health Department requirements.
4. Retail sales from the proposed rental office shall be limited to packing supplies (i.e. boxes, table, packing materials, etc.) and shall not involve the sale of general retail items such as food, drinks, or other similar items not consistent with the use of the property as a self-storage facility.
5. The applicant shall be required to obtain final approval for the proposed dumpster pad location from Orange County Solid Waste prior to the commencement of earth disturbing activity.
6. The applicant shall be required to obtain stormwater and erosion control permits from Orange County Erosion Control prior to the commencement of earth disturbing activity.
7. The applicant shall be required to obtain a driveway permit from the North Carolina Department of Transportation prior to the commencement of earth disturbing activity.

   The applicant shall provide the Orange County Planning Department with a copy of this permit.
8. The applicant shall be required to obtain building permits from the Orange County Inspections Department prior to the commencement of construction activity.
9. The applicant shall be required to obtain sign permits from the Planning Department in accordance with the provisions of the Orange County Unified Development Ordinance.
10. The applicant shall be required to maintain all required land use buffers in perpetuity in accordance with the requirements of Section 6.8 of the Orange County Unified Development Ordinance.
11. No ancillary commercial or residential use of individual storage facilities shall be permitted. This includes the use of storage facilities for automotive repair or retail sales.

    The applicant shall include this prohibition within storage unit lease documents informing clients of the prohibition.

12. No hazardous materials shall be stored on the property.

    The applicant shall include this prohibition within storage unit lease documents informing clients of the prohibition.

13. All required landscaping, as denoted on the site plan, shall be installed prior to the issuance of a Certificate of Occupancy allowing for the units to be rented/occupied.
14. The applicant shall contract with a private solid waste contractor to remove trash from the site consistent with the submitted site plan and in accordance with the Orange County Solid Waste Management Ordinance.

Commissioner Yuhasz asked about condition 2 and said that it is not tied to any specific development activity.

Michael Harvey suggested that when making the motion to revise condition 2 that staff **record the final agreement within 90 days from approval.**

John Roberts asked Mr. Chandler if he was ok with the condition and he said yes.

Commissioner Jacobs made reference to condition #13 and landscaping. He said that the accepted build out for Phase I did not have landscaping.

Michael Harvey said that if the site plan is approved then the landscaping has to be installed as construction commences **consistent with this approval.**

Commissioner Jacobs said that staff was good enough to provide the information that was requested. He made reference to page 61 and said that he cannot tell about the buffer on this page or on page 54.

Michael Harvey said that on page 61 there is a continuous buffer. Regarding page 54, this is an intermittent buffer.

Commissioner McKee made reference to page 54 and said that a buffer will be much smaller when it is planted.

A motion was made by Commissioner Hemminger, seconded by Commissioner McKee to close the public hearing.
VOTE: UNANIMOUS

A motion was made by Commissioner Yuhasz, seconded by Commissioner Hemminger to amend condition 2 to read as follows:

"Staff shall prepare a 'Declaration of Development Restrictions and requirements' upon the approval of this conditional use and that such declaration shall be recorded at the Orange County Registrar of Deeds office prior to commencement of construction activity.
VOTE: UNANIMOUS

A motion was made by Commissioner McKee, seconded by Commissioner Hemminger to approve, with the amended language for condition 2, the Ordinance Amending the Orange County Zoning Atlas, including the imposition of recommended conditions, as contained within Attachment 8.

Commissioner Hemminger said that she wants this project to move forward but she still has concerns about the well.

Commissioner Gordon said that she would like to amend the motion to revise condition 3 to have a well built at the beginning of Phase 1 rather than the end.

John Roberts said that if another condition is changed then they would have to reopen the public hearing.

Commissioner McKee said that he is one that has concerns about this well but this has gone through the entire process and now it is so late in the game to amend a major part of this parcel.

VOTE ON COMMISSIONER GORDON'S AMENDMENT: Ayes, 1 (Commissioner Gordon); Nays, 6

Motion failed.

VOTE ON ORIGINAL MOTION: Ayes, 6; No, 1 (Commissioner Gordon – because of the well)

A motion was made by Commissioner Yuhasz, seconded by Commissioner Hemminger to approve the Resolution Concerning Statement of Consistency with the Comprehensive Plan as contained within Attachment 10.

Commissioner Jacobs said that he has concerns about the landscaping. He hopes that this will work out well for everyone concerned.

VOTE: UNANIMOUS

Commissioner Jacobs requested that they switch item 7-e and d and all agreed. (MOVE 7-e up).

**7. Regular Agenda**

**a. Comprehensive Assessment of Emergency Medical Services and 911/ Communications Center Operations Study**

The Board considered accepting the Comprehensive Assessment of Emergency Medical Services & 911/Communications Center Operations Study dated October 2012, which has been reviewed and evaluated by the Emergency Services Workgroup (ESW) along with input from stakeholders.

Michael Harvey introduced this item.

The Orange County 911 Center is the public safety answering point for residents to access emergency services agencies. It originated in the former Orange County Sheriff's Office at Columbia and Rosemary Streets in Chapel Hill. It is a branch of Orange County Emergency Services and is staffed by dedicated professionals around the clock.

On December 13, 2011 the Board discussed the Emergency Medical System Delivery and E911 Communications Center improvements. There was consensus that the County needed to develop a strategic plan to improve the County's Emergency Management Services Delivery System and E911 Communications Center. The Charge for the ESW included reviewing alternatives and making recommendations for the following:

- System improvements for EMS Ambulance response times including but not limited to equipment, staffing, facilities and/or a strategic plan, to define data elements for meaningful analytical data as related to ambulance response time and to discuss and review that data.

- Improvements for the E911 Communications Center including but not limited to technology, equipment, staffing, training and/or a strategic plan.

On March 22, 2012 the Board approved a contract with Solutions for Local Government, Inc. to develop a multi-year strategic plan addressing Emergency Medical Services System and E911 Communications Center needs.

At the August 30, 2012 Board Work Session, Mr. Steve Allan presented the final draft of the Comprehensive Assessment of Emergency Medical Services & 911/Communications Center Operations Study. Mr. Allan held meetings with stakeholders, presented and discussed the Report, answered questions and solicited input. There was also one meeting for the general public on September 27, 2012. The Final Report is presented for the Board to accept. There is no financial impact to accepting the Comprehensive Assessment of Emergency Medical Services & 911/Communications Center Operations Study. Recommendations from the Emergency Services Workgroup were incorporated in the Fiscal 2012-13 Annual Budget and Capital Investment Plan. Additional recommendations, from the Emergency Service Workgroup, will be presented to the Board regarding the implementation of recommendations included in the Study.

A motion was made by Commissioner McKee, seconded by Commissioner Foushee to accept the report.
VOTE: UNANIMOUS

Commissioner McKee said that it has been brought to his attention that since the work group has worked on these, the Board may want to hold R-7 for now. There have been some questions related to this recommendation.

**b. Implementation Strategy from the Emergency Services Workgroup on Recommendations from the Comprehensive Assessment of Emergency Medical Services & 911/Communications Center Operations Study, and Approval of Budget Amendment #4-C**

The Board received an implementation strategy from the Emergency Services Workgroup regarding recommendations included in the Comprehensive Assessment of Emergency Medical Services & 911/Communications Center Operations Study, considered approving Budget Amendment #4-C for $414,500 in the current fiscal year, and incorporating the recommendations into the Budget & Capital Investment Plan (CIP) process for Fiscal Year 2013-14.

Michael Talbert reviewed these recommendations and said that the work group agreed with these but wanted to move faster on some.

Emergency Services Workgroup is recommending the following implementation strategy from the recommendations included in Comprehensive Assessment of Emergency Medical Services & 911/Communications Center Operations Study.

**R-1. OCEMS should adjust Medic 5 and Medic 8 coverage hours.**
The Workgroup recommends keeping 5 ambulances operational around the clock and add new 12 hour peak load ambulances as new ambulances are staffed and placed in service.

**R-2. OCEMS should add an additional ALS Ambulance 9:00 am-9:00 pm, 12 hours/day, 7 days/week.**

The Workgroup recommends a new 9am – 9-pm peak load ambulance and evaluate after 6 months to verify that the new ambulance has helped bring down the average number of move-ups. This ambulance was approved in Fiscal 2012/2013 and will be placed in service as soon as new staff is trained and the new unit is available.

**R-3a. Utilize available SORS/BLS ambulance for non-emergency patient transports.**

**R-3b. OCEMS should bring on line and staff a BLS ambulance to provide non-emergency patient transports.**

The Workgroup recommends combining R-3 & R-3b into one recommendation. County staff and SORS are directed to collect & analyze additional call volume data bring back a recommendation to the Emergency Services Workgroup by January, 2013.

**R-4. Assess Fire Department capabilities to meet BLS First Responder response time objectives.**

**R-5a. Schedule and implement Fire Department, Medical First Responder initiative which includes performance objectives.**

**R-5b. Staff and equip four (4) EMS Quick Response Vehicles (QRV's) for assignment, initially, 12hours/day, 7 days/week with shift start/end times to be determined by EMS.**

The Workgroup recommends combining R-4, R-5a, and 5b into one recommendation. A working group, comprise of Emergency Services staff, representatives from Chief's Council, representatives from South Orange Rescue Squad and the County Medical Director is directed to discuss these issues and bring back a recommendation to the Emergency Services Workgroup by January, 2013.

**R-6. Staff & equip six (3) 12 hour/7 day ALS ambulances at appropriate staging/base facility locations within (1) Zones 1 & 2, (2) Zones 5 & 7 and (3) Zones 6 & 8.**

The Workgroup recommends that EMS staff and the County's Medical Director prepare a detailed 5-year implementation schedule for recommendation R-6 and brings back a recommendation to the Emergency Services Workgroup by December 11, 2012.

**R-7.DEFER --Hire a Paramedic Level Shift Supervisor @ 24/7.**

The Workgroup recommends hiring 4 new Paramedic Level Shift Supervisor positions immediately. The Study recommends 5.1 position for a 24/7 Shift Supervisor, but Emergency Services staff recommended only 4 positions. This is recommended to be funded in the current fiscal year, at an estimated annual cost of $267,500.

**R-8. Prepare a detailed Space Needs Assessment that addresses the essential building and site requirements to accommodate a stand-alone, functional, code compliant EMS base facility that can serve as a prototype for all future facilities.**

**R-9. Identify a minimum of nine (9) strategic locations, preferably no less than one (1) location within each major zone previously identified, for the potential location in each of a future EMS base.**

**R 10. The County should purchase/obtain identified sites (and/or buildings) for development.**

**R 11. Procure EMS base planning and design services.**
**R 12. Advertise, bid, and commence construction on designated EMS base facilities.**
*The Workgroup recommends tabling recommendations R-8, R-9, R-10, R-11 and R-12. EMS staff is directed to proceed with a space needs assessment while simultaneously exploring the option of co-locating EMS Ambulances at fire departments. Staff is to bring back a recommendation to the Emergency Services Workgroup by January, 2013.*

**R-13. Hire a full-time, dedicated Data System Manager to be located as close as possible, preferably adjacent to the Communications Center, and answerable first to the Communications Center Operations Manager.**
The Workgroup recommends hiring a dedicated full-time Data System Manager immediately in the current fiscal year, at an estimated annual cost of $74,250.

**R-14. Hire a full-time, dedicated Training/Quality Assurance Officer to be located as close as possible, preferably adjacent to the Communications Center, and answerable first to the Communications Center Operations Manager.**
The Workgroup recommends hiring a dedicated full-time Training/Quality Assurance Officer immediately in the current fiscal year, at an estimated annual cost of $72,800.

**R-15. Anticipating increasing responsibilities due to the number of new personnel forthcoming, hire an additional full-time Training/Quality Assurance Officer no later than the end of year-3.**
The Workgroup recommends hiring an additional dedicated full-time Training/Quality Assurance Officer during year-2 or Fiscal 2014/2015, at an estimated annual cost of $72,800.

**R-16. Prepare a schedule for the hiring and training of the identified Telecommunicator positions and identify the date to begin solicitation and acceptance of applications.**

**R-17. Hire 17 new, full-time Telecommunicators.**
The Workgroup recommends combining R-16 and R-17 into one recommendation. The Fiscal 2012/13 Budget includes 4 new full-time Telecommunicators, which are included with the total of 17 recommended by the Study. The Workgroup recommends combining R-16 & R-17 to hire and train 13 new full-time Telecommunicators over 3 Fiscal Years. Recommending that 4 fulltime Telecommunicators be added in Fiscal 2013/14, 4 additional Telecommunicators in Fiscal 2014/15, and 5 Telecommunicators in added in Fiscal 2015/16. The total position added over 3 years will be 13 Telecommunicators, with the estimated total cost of $585,000.

**R-18. Purchase necessary AVL vehicle hardware for each new EMS vehicle purchased to enable compatibility with newly purchased CAD software and existing AVL system hardware.**
Necessary AVL vehicle hardware already in place, no action needed.

**R 19. Following the installation of recently purchased Communications Center software and the training of in-house personnel; organize and provide informational meetings to emergency service system members, particularly Fire Departments and Law Enforcement, with regards to the system's capabilities and the information that will be available to them for their use.**
OSSI Software has been purchased and the 12 month installation process has started. The Workgroup recommends that the 911 Users Group be resurrected to meet at least 6 times per

year and provide input for the 911 Communications installation and setup of the OSSI system.

**R 20. From the Workgroup:**
The Workgroup recommends that Page Track software, currently in use by the Fire Departments, be incorporated into the OSSI system if possible and utilized by 911 Communications. If Page Track remains a standalone system, it is recommended that 911 Communications use the system to support OSSI when possible.

The Workgroup recommends funding $414,500 as outlined in the recommendations background in the current fiscal year and incorporate the remaining recommendations into the Fiscal Year 2013-14 Annual Budget & CIP process.

*Chair Pelissier took a poll to see if Board of County Commissioners wanted to continue past 10:30pm. The Board all agreed.*

A motion was made by Commissioner McKee, seconded by Commissioner Foushee to receive the implementation strategy from the Emergency Services Workgroup regarding recommendations included in the Comprehensive Assessment of Emergency Medical Services & 911/Communications Center Operations Study; approve Budget Amendment #4-C for $414,500 in the current fiscal year; and incorporate the recommendations into the Budget & Capital Investment Plan (CIP) process for Fiscal Year 2013-14.
VOTE: UNANIMOUS

The Board thanked Steve Allen for working on this report for Orange County.

**c. Establishment of a Community Loan Fund for the Water and Sewer Connections for Efland and Rogers Roads Residents, and Approval of Budget Amendment #4-D**

The Board considered approving the establishment of a Community Loan Fund for water and sewer connections for residents of the Efland and Rogers Road areas of Orange County, and approving Budget Amendment #4-D.

Clarence Grier introduced this item. He said that in previous discussions with the Board, it was decided to start a small loan fund for this purpose. The recommendation is to start a Community Loan Fund with a $100,000 appropriation from the General Fund available fund balance. All loans would range from $3,500 to a max of $10,000, and carry a low interest rate of 1-2% over a maximum period of 10 years. A 0.25% administrative fee would be added to each loan to cover the administration of the loan.

Frank Clifton said that this loan is to assist people from running water and sewer lines from the street to their homes.

Commissioner Jacobs said that he thought the County had developed a loan fund through OCIM for people in Efland. Clarence Grier said that this is part of that discussion instead of going through OCIM.

A motion was made by Commissioner Foushee, seconded by Commissioner Hemminger to approve the establishment of a Community Loan Fund for water and sewer for residents of the Efland and Rogers Road areas of Orange County, and approve Budget Amendment #4-D an appropriation of General Fund available fund balance of $100,000.
VOTE: UNANIMOUS

**d. Recommended Uses of General Fund Unassigned Fund Balance, as of June 30, 2012**

The Board considered recommendations for the use of the General Fund unassigned Fund Balance in excess of the BOCC's fund balance policy.

Clarence Grier introduced this item.

On April 5, 2011, the BOCC adopted a fund balance policy that states:

> *The County will strive to maintain an unassigned fund balance in the General Fund of 17% percent of budgeted general fund operating expenditures each fiscal year. The amount of unassigned fund balance maintained during each fiscal year should not fall below 8% percent of budgeted general fund operating expenditures, as recommended bythe North Carolina Local Government Commission (Attachment 1).*

Over time, the County's financial reserves grew. On June 30, 2012, the general fund's unassigned fund balance totaled $39.6 million (Attachment 2). Of this amount, $3.2 million was appropriated, prior to the end of the fiscal year. After these appropriations, the general fund's unassigned fund balance was $36.4 million, which illustrated a 125% increase in the unassigned fund balance since June 30, 2009 (Attachment 3). Additionally, this represented 20.77% of budgeted general fund operating expenditures or $6.6 million, as of June 30, 2012. For the current fiscal year, the County has appropriated $4.8 million of the excess fund balance. The $3 million appropriated to establish and fund the Other Post Employment Benefit (OPEB) Trust was a Manager recommendation as part of the fiscal year June 30, 2013 Operating Budget to fully fund the total required OPEB contribution for the current fiscal year. It has been recommended by the Local Government Commission (LGC) and the Bond Rating Agencies that the County addresses the funding of its OPEB liability. Without addressing this growing liability, which currently totals $64 million, the LGC and the Bond Rating agencies have informed staff that the County's ability to issue debt in the future could be limited. Additionally staff recommends that the BOCC consider the suggested uses of the $1.86 million available unassigned balance outlined in attachment 2.

Clarence Grier said that if this is addressed, then Orange County would be an AAA County.

A motion was made by Commissioner Jacobs, seconded by Commissioner Foushee to appropriate the Other Post Employment Benefit (OPEB) money of $3 million and defer the other items until the regular budget cycle.

VOTE: UNANIMOUS

**e. Review of Draft Recommendations from the Historic Rogers Road Neighborhood Task Force**

The Board considered the draft recommendations from the Historic Rogers Road Neighborhood Task Force and provided guidance to the Task Force and the Assembly of Governments.

Michael Talbert said that the task force is not ready to disband yet and they want to continue their work. He said that attached to the abstract are draft recommendations prior to the joint meeting with the AOG. He read the draft recommendations.

**Recommendations to the Assembly of Governments**
**Historic Rogers Road Neighborhood Task Force**
**November 14, 2012**
**Recommendations:**

1. That the Task Force continue to meet, to address the Charge of the Task Force, for an additional 6 months with the original composition of the Task Force.

2. That the costs of both a New Community Center and Sewer Improvements be shared by the local governments, at the same costs sharing percentages as outlined in the 1972 Landfill Agreement, 43% for Orange County, 43% for The Town of Chapel Hill and 14% for The Town of Carrboro.
3. That the governing boards continue to appropriate funds, originally budgeted to reimburse the Solid Waste fund for the purchase of the Greene Tract, for both a New Community Center and Sewer Improvements. Funds budgeted in Fiscal 2012/2013 for the Greene Tract are as follows; $90,549 for Orange County, $90,549 for The Town of Chapel Hill and $29,524 for The Town of Carrboro. The governing boards are also encouraged to locate other funding sources for a New Community Center and Sewer Improvements.

**Rogers Road Neighborhood Community Center:**
1. That the Hogan-Rogers House no longer be considered as an option for a Neighborhood Community Center. The St Paul's AME Church is working with the Chapel Hill Preservation Society to save the structure.
2. That the Managers recommend to the Task Force a contract between Habitat, Orange County, the Town of Carrboro, and the Town of Chapel Hill for the construction of a new Rogers Road Community Center with a budget not to exceed $700,000 that is in compliance with North Carolina public bidding requirements and is approved by County and Towns Attorneys.
3. That the County creates long-term agreements, as need, with Habitat and the Rogers Eubanks Neighborhood Association. The agreement(s) shall provide for the construction, operation, and maintenance of a new Rogers Road Neighborhood Community Center. Additional agreements, if needed, shall provide for services, programs & activities to be provided in the Center. All agreements will be reviewed and approved by County Attorney.

**County Sewer District:**
1. That the Managers explore the creation of a County Sewer District for all property owners in the Historic Rogers Road Neighborhood that are not currently served by a municipal sewer system and would benefit from the installation of sewer infrastructure to serve the Rogers Road Neighborhood.
a. That the towns participate with the possible creation of a County Sewer District, which could overlap town boundaries, by resolution to such inclusion.
b. That a County Sewer District would make special assessments against benefited property within the district to cover the costs of constructing, extending or improving sewage disposal system. The basis of any special assessment would be determined at a later date after investigating development potential and the number of possible dwelling units. A special assessment would share the costs of the sewer system with current benefited property (homeowners) and undeveloped land for future development.
c. That the Managers work with the Attorneys to create criteria that would enable homeowners, that have lived in the Historic Rogers Road Neighborhood before 1972, to connect from the sewer system free of charge and recommend a sliding scale fee structure for homeowners that move to the Neighborhood between 1972 and 2012.

Commissioner Hemminger made reference to recommendation #1 and said that the representation shall remain the same parties and not necessarily the same people. She said that there had been a neighborhood meeting where individuals came to the meeting and people went door to door if people were interested in sewer connections, and there was interest.

Commissioner Foushee said that she is pleased that the Board of County Commissioners allowed her to serve on this task force and that she is proud that this Board

stepped up and did the best they could for this community. She said that if the Board wanted her to stay and work for the next 6 months then she would.

Commissioner Hemminger said that she would also be willing to stay and work with this task force if needed.

Commissioner McKee made a motion to continue the appointments of Commissioner Foushee and Commissioner Hemminger on this task force.

Commissioner Hemminger said that the composition would have to be changed in order to do this.

Commissioner McKee withdrew his motion.

Commissioner Hemminger said that they could be appointed as ex-officio officers. She said that the two County Commissioners coming on have been involved in the meetings.

Commissioner McKee said that in the interest of continuity, he would like to see them continue in some manner.

Commissioner Hemminger said that she and Commissioner Foushee would be at the Assembly of Governments meeting to answer questions.

Commissioner Jacobs endorsed Commissioner McKee's sentiment and said that at the December 11th meeting they can raise this issue and find a way to engage Commissioner Hemminger and Commissioner Foushee.

Commissioner Jacobs asked Commissioner Hemminger and Commissioner Foushee if they envision that before the six months expires that this group will talk about other phases of what can be done or if this would conclude the work of the task force.

Commissioner Hemminger said that they were concerned about the water and sewer issue and this is why they asked to extend the task force.

Commissioner Jacobs asked if there was any thought of any charge going beyond the community center and Commissioner Hemminger said that there was none discussed.

Commissioner Foushee said that what has made this task force so successful is that they knew the charge and they never strayed from that charge.

Commissioner McKee made reference to item 1-b on the sewer item and asked if the sewer district would include the historic neighborhood.

Michael Talbert said that this is the intent. The Planning Directors from the Towns of Carrboro and Chapel Hill are going to figure out how many lots would benefit from this system.

Commissioner McKee said that his concern would be assessments against some of the historic homes and he is not sure how this will be implemented. He does not want these folks to be burdened with an assessment.

Frank Clifton said that one of the underlying issues is that once sewer is brought into this neighborhood, the property will be changed dramatically and some properties will be ready for development expansion. They are trying to come up with some methodology that any development that comes in will have to bear some of the cost of the water and sewer.

Commissioner Yuhasz made reference to the payments budgeted for the Greene Tract that were earmarked for the Solid Waste Enterprise Fund. He asked if there were plans to make up the $200,000+ from the Enterprise Fund.

Frank Clifton said that the purpose of the Managers recommending continuation of those funds is because they are already budgeted with each budget as an annual expense out of the general fund. The Enterprise Fund will be reimbursed within the next years.

Commissioner Jacobs made reference to the historic neighborhood and said that there is another hurdle regarding protecting the integrity of the existing historic Rogers Road community when you change the character of the development that is possible. He hopes that there is discussion about staying ahead of the curve instead of playing catch up. Once the

sewer goes in, there will be other pressures on the neighborhood. He wants the neighborhood to be in control of its destiny instead of the development community being in control.

Commissioner Foushee agreed and said that this should be a discussion point in the AOG meeting.

Commissioner Gordon said that it seems to her that they needed clarification on some issues. For the community center, she wants to make it clear that they need to finish the task and then keep moving forward with the center.

Michael Talbert said that the intent of the task force is to continue to meet for 6 months. He said that the report at the AOG is just an interim report.

Commissioner Hemminger said that the task force wanted the AOG to bless their community center on December 6th.

Frank Clifton said that Orange County will continue to be the lead agency.

**8. Reports**

NONE

**9. County Manager's Report**

Frank Clifton commended Commissioner Foushee, Commissioner Hemminger, and Commissioner Yuhasz for their service to Orange County on the Board of County Commissioners.

**10. County Attorney's Report**

John Roberts agreed with Frank Clifton and commended Commissioner Foushee, Commissioner Hemminger, and Commissioner Yuhasz.

**11. Appointments**

**a. Human Relations Commission – Appointment**

The Board considered making an appointment to the Human Relations Commission.

A motion was made by Commissioner Hemminger, seconded by Commissioner Foushee to appoint Matthew Prentice to the Carrboro position with a first partial term expiring June 30, 2014.

VOTE: UNANIMOUS

**12. Board Comments (Three Minute Limit Per Commissioner)**

Commissioner Gordon said that the DCHC MPO TAC approved the MPO boundaries between the Burlington-Graham MPO. There was also a public hearing on the 2040 Metropolitan Transportation Plan and the preferred option, and that will be coming to the Board for comment. There was also a public hearing on the 2014-2020 Draft Transportation Improvement Program, which will also be coming back for comment.

Commissioner McKee said that he appreciated having served with Commissioner Foushee, Commissioner Hemminger, and Commissioner Yuhasz.

Commissioner Hemminger said that she is sad to be leaving and she has loved this experience.

Commissioner Foushee thanked the residents of Orange County for this opportunity. She said that Orange County's staff is second to none. She said that she takes no credit for anything they have done because this is a team.

Commissioner Yuhasz said that he appreciated the opportunity to serve in this government.

Commissioner Jacobs said that he and the Chair met with elected officials in Chapel Hill about the library progress on interoperability. There will be a meeting with Chapel Hill in March

on some of the progress made. Hopefully, they will come back in the fall with more detail on how to work together on library services.

Commissioner Jacobs said that the County Commissioners got a letter from an elected official who wants to serve on one of the County's boards not as an elected official. He thinks that there is a policy related to this and it should be shared with this elected official because it has come up before. He said that the County does not do this.

Commissioner Jacobs expressed appreciation to Commissioner Foushee, Commissioner Hemminger, and Commissioner Yuhasz. He said that he considered them his friends.

Commissioner Gordon thanked Commissioner Foushee, Commissioner Hemminger, and Commissioner Yuhasz for their outstanding service to Orange County.

## 13. Information Items

- November 8, 2012 BOCC Meeting Follow-up Actions List
- Tax Collector's Report for Period Ending November 1, 2012
- Solid Waste Convenience Center Salvage Shed Policy Revision
- Eno Economic Development District Engineering Progress Update
- BOCC Chair Letter Regarding Request from Commissioner Gordon – Proposed Letter to Chancellor Holden Thorpe Thanking UNC for Land Allocation to NC Botanical Gardens
- BOCC Chair Letter to UNC Chancellor Holden Thorpe Expressing Gratitude for Land Allocation to NC Botanical Gardens Mason Farm Biological Reserve
- BOCC Chair Letter Regarding Request from Commissioner Barry Jacobs - BOCC Recognitions at Meetings to Honor Local Residents and their Contributions
- BOCC Chair Letter Regarding Two Requests from Commissioner Barry Jacobs - Elections Report and Veterans Recognition

## 14. Closed Session

## 15. Adjournment

A motion was made by Commissioner Hemminger, seconded by Commissioner Foushee to adjourn the meeting at 10:52 p.m.
VOTE: UNANIMOUS

Bernadette Pelissier, Chair

Donna S. Baker, CMC
Clerk to the Board

DRAFT Attachment 3

**MINUTES**
**BOARD OF COMMISSIONERS**
**REGULAR MEETING**
**December 3, 2012**
**7:00 p.m.**

The Orange County Board of Commissioners met in regular session on Monday, December 3, 2012 at 7:00 p.m. at the Central Orange Senior Center in Hillsborough, NC.

**COUNTY COMMISSIONERS PRESENT**: Chair Barry Jacobs and Commissioners Mark Dorosin, Alice M. Gordon, Earl McKee, Bernadette Pelissier, Renee Price and Penny Rich
**COUNTY COMMISSIONERS ABSENT**:
**COUNTY ATTORNEYS PRESENT**: John Roberts
**COUNTY STAFF PRESENT**: County Manager Frank Clifton, Assistant County Managers Gwen Harvey, Michael Talbert, Clarence Grier and Clerk to the Board Donna Baker (All other staff members will be identified appropriately below)

**NOTE: ALL DOCUMENTS REFERRED TO IN THESE MINUTES ARE IN THE PERMANENT AGENDA FILE IN THE CLERK'S OFFICE.**

**Oaths of Office for Board Members**

N.C. House Representative Angela Bryan administered the oath to Mark Dorosin
N.C. State Senator Ellie Kinnaird administered the oath to Bernadette Pelissier
N.C. State Senator Ellie Kinnaird administered the oath to Renee Price
N.C. State Senator Ellie Kinnaird administered the oath to Penny Rich

**Board Organization**

The Clerk distributed the ballots

Election of Chair –Barry Jacobs (7-0)
Election of Vice-Chair- Earl McKee (7-0)

Chair Jacobs asked each of the new Commissioners if they would like to make any comments or recognize anyone with them this evening.

Commissioner Dorosin noted that his family was in attendance

Commissioner Price noted that her parents were here from New York, along with several other family members

Commissioner Rich noted that her family and several friends were in attendance

**a. Designation of Voting Delegate for all NCACC and NACo Meetings for Calendar Year December 1, 2012-2013.**

***This item was deferred until the December 11th meeting.***

**Appointments**

**a. Manager**

A motion was made by Commissioner McKee, seconded by Commissioner Gordon, to appoint Frank Clifton at the County Manager.

VOTE: UNANIMOUS

**b. Clerk to the Board**

A motion was made by Commissioner Gordon, seconded by Commissioner Rich, to appoint Donna Baker as Clerk to the Board.

VOTE: UNANIMOUS

**c. County Attorney**

A motion was made by Commissioner Gordon, seconded by Commissioner Price, to appoint John Roberts as the County Attorney.

VOTE: UNANIMOUS

**1. Additions or Changes to the Agenda**

Chair Jacobs noted the item

- Yellow sheet - Item 7a from Commissioner Gordon regarding Senior Care of Orange County Inc. Revised By-Laws and Lease Agreement.

**PUBLIC CHARGE**

*The Chair dispensed with the reading of the public charge.*

**2. Public Comments (Limited to One Hour)**

**a. Matters not on the Printed Agenda**

Don O'Leary extended a welcome to the three new Commissioners. He reminded them that they were elected by the citizens and swore an oath to serve the constitution. He expressed his hope and plea that the board and its new members would discontinue their association with ICLEI, which he referenced as a "hardcore communist organization that wrote Agenda 21 for the UN". He questioned the UN running Orange County as it controls Africa and other third world nations. He expressed his feeling that this Agenda has nothing to do with environmental issues and everything to do with takeover, enforcing overregulation

that makes it impossible for anyone to comply. He referenced the notion that he is a disruptive element and asserted his affiliation with Orange County United Christian Fellowship of North Carolina, a division of Christian Party of NC, Patriot Institute and several other organizations comprised of patriots determined to preserve the Constitutional Republic. He professed his Christian faith and his desire for continued dialogue with the board regarding ICLEI.

**b. Matters on the Printed Agenda**

These matters were considered as the Board addressed those items on the agenda below.

**3. Petitions by Board Members (Three Minute Limit Per Commissioner)**

Commissioner Gordon said that she would like to petition the Board to review the 2013 meeting calendar so that they may get input from the new Board of County Commissioners to revise the calendar and submit it for approval as soon as is practical. Discussion was heard regarding timing and this item was deferred to the Chair and Vice-Chair agenda review.

Commissioner McKee said that football teams at two of our local schools advanced to state level competitions. Carrboro High School advanced to state finals, and Orange County High School advanced to the semi-finals. He would like to take the opportunity to recognize them at a future meeting.

Chair Jacobs piggybacked with UNC women's soccer team finishing with another national championship.

Commissioner Gordon recommended that a check be done of all the sports teams' achievements to make sure all achievements are noted. She believes that Carrboro had two athletic teams advancing to state level finals.

These were referred to the Chair/Vice-Chair agenda review.

**4. Proclamations/ Resolutions/ Special Presentations**

**a. North Carolina 9-1-1 Board Recognition of Orange County Emergency Services Telecommunicator Thomas Holmes, Jr.**

The Board will provide the opportunity for North Carolina 9-1-1 Board Executive Director Richard Taylor to recognize Thomas Holmes, Jr., an Orange County Emergency Services 9-1-1 Telecommunicator, for professional and outstanding performance during the extraordinary circumstances in assisting with the birth of a baby on November 7, 2012 in Chapel Hill, NC.

Dinah Jeffries introduced the guest presenter tonight. Richard Taylor has been in Emergency Services for 20+ years and has served as the local and national president of NENA. He has been very progressive in pushing for standards for telecommunicators across the state.

Richard Taylor spoke about the thousands of 911 calls placed across North Carolina, from stolen bicycles to heart attacks. Every call is answered by someone who genuinely cares. He praised the workers, who are paid so little but work so hard under so much stress. He praised their dedication. He noted that Orange County is no different. Unfortunately, we hear more about the things that go wrong at the call center

than the many good things. Mr. Taylor said he had not met Tommy Holmes until today, but he had heard about and read about him and his actions. Almost a month ago, on Wednesday morning, November 7th, Mr. Holmes received a 911 call. The call was from an individual assisting a lady who was having a baby. The woman in labor was at a bus stop in Chapel Hill and she could not speak English. Mr. Taylor said he does not know what Mr. Holmes was thinking when he received that call, but he knows the training that those telecommunicators have and the leadership in that call center. He said he had listened to that call and he heard the excitement in Mr. Holmes voice. He said Mr. Holmes did everything perfectly and did an outstanding job. He said they would like to recognize Tommy Holmes, Jr. tonight. Mr. Holmes was called forward and presented a plaque from the N.C. 911 for "Grateful appreciation for providing outstanding 911 service on November 7, 2012". Thanks were extended from the board.

Tommy Holmes said that he was honored. He referenced the support of his call center. He said this was one of the good calls. He said if he did not enjoy he would not do it. Mr. Taylor said the 911 Board meets this Friday and they have invited Mr. Holmes and will listen to his call.

Chair Jacobs said on behalf of the Board of County Commissioners that they much appreciated the service he and the other Orange County telecommunicators provided and continue to provide to Orange County. He spoke about a recent study regarding the role of emergency service and the efforts to expand those services. He thanked Mr. Holmes for his commitment.

**5. Consent Agenda**

**- Removal of Any Items from Consent Agenda**

NONE

- **Approval of Remaining Consent Agenda**

A motion was made by Commissioner McKee, seconded by Commissioner Gordon to approve the remaining items on the consent agenda.
VOTE: UNANIMOUS

**a. Minutes**

The Board approved the minutes from October 4, 9 and November 19, 2012 as submitted by the Clerk to the Board.

**b. Motor Vehicle Property Tax Releases/Refunds**

The Board adopted a resolution, which is incorporated by reference, to release motor vehicle property tax values for fourteen (14) taxpayer requests that will result in a reduction of revenue in accordance with NCGS.

**c. Property Tax Releases/Refunds**

The Board adopted a resolution, which is incorporated by reference, to release property tax values for twelve (12) tax notices which require a property tax release and/or refund that will result in a reduction of revenue accordance with North Carolina General Statute 105-381.

**d. Applications for Property Tax Exemption/Exclusion**

The Board approved seven (7) untimely applications for exemption/exclusion from ad valorem taxation for the 2012 tax year.

**e. Comprehensive Plan and Unified Development Ordinance Amendment Outline/Schedule for UDO Text Amendments to Revise Section 1.6.5 – (Planning Board) Rules of Procedure**

The Board approved the process components and schedule for minor "housekeeping" amendments to the Unified Development Ordinance (UDO) text, currently scheduled for the February 25, 2013 Quarterly Public Hearing.

**6. Public Hearings--NONE**

**7. Regular Agenda**

**a. Senior Care of Orange County, Inc. – Revised By-Laws and Lease Agreement**

The Board considered two actions concerning Senior Care of Orange County, Inc. (SC of OC, Inc.): Approval of revised by-laws for SC of OC, Inc.; and Approval of a resolution authorizing a lease agreement with SC of OC, Inc. and authorize the Chair to sign.

John Roberts said this item was on the 11/20 agenda on the consent agenda and there were some questions about it at that time. The goal is to get at arm's length from this non-profit organization, which works next door to the Senior Center, providing adult healthcare/day care services for seniors with health issues that require them to have care during the day.

He said this non-profit was created in 2004 and was never intended to be an Orange County agency. However, since 2004 the county has had a significant role in and control of this organization and its' board of directors. The action under consideration attempts to limit the County's exposure to potential liability by getting this organization at arm's length and removing county control over it. He said the county will continue to fund or partially fund the organization, as they want it to be successful and still be able to provide services. However, the county's liability needs to be limited.

He said they would like to amend the by-laws and reduce Orange County's control and also to authorize a lease that recognizes their services and does not impact them in a negative financial way. He would like to discuss this and approve the lease and the by-laws.

Chair Jacobs asked if he had looked at Commissioner Gordon's recommendations.

John Roberts said he has no legal concerns about the recommendations. They are mostly policy issues, and he stays out of the policy aspects.

Commissioner Gordon noted that all this does is suggest that we approve the by-laws as written, but with the resolution to approve an additional "whereas" statement that mentions that the first priority of the adult day health center should be to provide services to Orange County residents. The action is to adopt that amendment and then to amend the lease agreement similarly to say that the tenant acknowledges that the tenant's first priority is to provide services to Orange County residents. The suggestion is to approve the lease agreement and then authorize the Chair to sign and then when

it is brought back to them next year, to get a report describing the residency of those who receive adult day care services during the period of October 2012 to September 2013.

Commissioner Gordon made the following recommendation:

Agenda Item 7-a, Senior Care of Orange County, Inc. - Revised By-Laws and Lease Agreement

At their Nov. 20, 2012 BOCC meeting, the Commissioners noted that the lease agreement had no provision specifying that the adult day care services offered by Senior Care should serve Orange County residents, even though the lease amount was going to be $1 per year. The Commissioners requested information concerning whether the lease could be changed to add that provision.

The agenda materials state that Department on Aging Director Janice Tyler indicated that it is certainly acceptable to ask that Senior Care's first priority be to serve the residents of Orange County.

Therefore I will be recommending at the December 3 BOCC meeting that the following motion be adopted.

MOTION
A. By-Laws
Approve the revised by-laws as written.

B. Resolution
(1) Amend the resolution to add the following "Whereas" statement between the current third and fourth "Whereas" statements:

"Whereas, Senior Care's first priority for the Adult Day Health Center should be to provide services to Orange County residents;"

(2) Adopt the amended resolution.

C. Lease Agreement
(1) Amend the lease agreement to add the following sentence at the end of section 3 (Term and Rental), paragraph (c):

"Tenant acknowledges that the Tenant's first priority for the Adult Day Health Center is to provide services to Orange County residents."

(2) Approve the amended lease agreement.

C. Signature
Authorize the Chair to sign the amended resolution and amended lease agreement.

D. Lease Renewal and Report
Bring back the lease renewal for approval no later than November 2013, along with a report describing the residency of those who received adult day care services during the period beginning October 2012 and ending September 2013.

A motion was made by Commissioner Gordon, seconded by Commissioner McKee to approve the revised by-laws for Senior Care of Orange County, Inc.; and to approve the amended resolution and revised lease agreement with Senior Care of OC, Inc., as stated in the above language submitted by Commissioner Gordon; and authorize the Chair to sign.

Commissioner Dorosin said that, being new, he had not seen the old bylaws and what was changed. John Roberts said there were senior staff members, the Assistant County Manager and the Director of Aging, appointed to the board. The reason this ties the County to the Board is not any liability issue. This is a public records case. There was a public records request for the non-profit agency. The court held that the non-profit had to respond because there were so many ties between the non-profit and the county that it was a branch of the county government or a government agency. The two primary changes as a result are that staff members are no longer appointed to the board of directors and the Board of County Commissioners no longer can approve any changes to the bylaws.

Commissioner Dorosin asked if staff were prohibited from being on the board.

John Roberts said they are not prohibited from being on the board, but that they are no longer required by the bylaws to be on the board.

Frank Clifton said they worked very closely on a professional level with this non-profit. He said that they will continue to work with them through Social Services and the Department of Aging. It will be more of a support role instead of management role.

VOTE: UNANIMOUS

**b. Schools Adequate Public Facilities Ordinance (SAPFO) – Approval of Membership and Capacity Numbers**

The Board considered approval of November 15, 2012 membership and capacity numbers for both school districts (Orange County and Chapel Hill-Carrboro City Schools) which will be used in developing 10-year student membership projections and the 2012 SAPFO Technical Advisory Committee (SAPFOTAC) Report.

Planning Director Craig Benedict said this item is to approve the November 15, 2012 numbers submitted from our two school districts. These capacity numbers include elementary, middle, and high school. Pages 3-8 of the agenda package itemized specific capacities within each school. He said one change was submitted from Orange County High school, which was recently downgraded by the Department of Public Instruction. It used to have a capacity of 1518 students and now it is set at 1399, with a decrease of 119 students. That is rarely done. Changes in capacity do not normally occur through re-rating. There was a re-rating a few years ago due to class size changes, which changed the capacity of the school. The membership does

change each year, on November 15th, roughly the 45th day of school. Based on the SAPFO and that is reflected in the charts on attachment 1 in the far right column. They accept numbers as history, and if the Board of County Commissioners approves they will develop figures for the future. He said SAPFO says to take these new numbers, from November 15 and they take a look about 8 years back and then they develop 5 projections for the future. He said they will average those 5 projections to come up with what they think the membership will be in the future. They will use this as part of their capital improvement program. The group that does this projection is the SAPFOTAC (School of Adequate Public Facilities Technical Advisory Committee) and is made up of staff members from local governments and school boards. This process will start with the efforts tonight and will develop a 2013 School Public Facilities Report that will talk about the projections and the needs for future schools. That report will be available as capital improvement programs for the 2013/2014 budget are done. The purpose of tonight is to accept what was received from the school boards and to begin the process of creating that SAPFOTAC report.

Commissioner Dorosin clarified that this is just a formality.

Craig Benedict said that this is a formality at this stage. After the report is created, it will be presented to the Commissioners and local governments and school boards for feedback moving into early next year. He said that he had the agenda there and noted that the commissioners had spoken to the school board about pre-K enrollment. That is not reflected in the capacity numbers and is being discussed for inclusion in the future. He also noted that there are impacts when you affect the capacity numbers.

Commissioner Dorosin asked for clarification that the pre-k programs are not counted now, but do exist in the schools, so they are taking up seats in the buildings.

Commissioner Jacobs asked for a summary for the public of what these numbers tell us about capacity of the schools versus student membership.

Craig Benedict responded that the way SAPFO works is to add all of the elementary schools capacity for a school district. All of the CHCCS capacities add up to 5244 seats. (Reference attachment 2) The ordinance says that 105% of that capacity number is what a reasonable number is before a new school is built. This program lets them foresee three to four years in advance that they need to get started. So for example, the Chapel Hill Schools' elementary schools capacity at 105% level would be 5506. Looking at this year, there are 5543 students, which is 37 students over the allowed number at 105%. He stated that this is not an issue this year, because after seeing this coming a few years ago, they started construction on a new school. He noted that enrollment has continued to rise irrespective of the recession. There is a similar mathematical comparison at the middle and high school level. He said that they do not look at individual school numbers, but look at the schools' enrollment as a whole and leave it up to the school board to manage individual inequities in enrollment at each school.

Chair Jacobs thanked Mr. Benedict for his summary.

A motion was made by Commissioner Gordon, seconded by Commissioner Price to approve the November 15, 2012 membership and capacity numbers for both school districts (Orange County and Chapel Hill-Carrboro City Schools) which will be used in

developing 10-year student membership projections and the 2012 SAPFO Technical Advisory Committee (SAPFOTAC) Report.

VOTE: UNANIMOUS

**8. Reports-NONE**

**9. County Manager's Report**

Frank Clifton welcomed new members of the Board and recognized the seated members and others. He said that about four years ago, they were in much more difficult times financially with recession and property re-evaluations and the Board in its wisdom adopted some strong financial policies and made some difficult budget decisions. He recognized that thanks to those decisions, we are in much better financial shape. He gave credit to the board and the financial staff.

He said the county has just been recognized by a AAA bond rating. He noted that this means lower interest on debt and more assurance that bondholders will be paid. He recognized the county staff for this achievement.

Chair Jacobs asked about a press release regarding a new emergency services director.

Frank Clifton said that this will be presented at the December 11th meeting when the director is officially on board.

**10. County Attorney's Report**

John Roberts said in this past spring there were problems with the Orange County and Durham County line. He said they had just fixed the Alamance and Orange County line, but the Durham County line is different. They do know that the Durham County line is on maps. It was established by a court decision in the 1960's and can be mapped with current technology. The problem is that during the 1960's, 70's and 80's taxes were collected by Orange County on properties that are on the Durham County side of the line and vice versa. From this taxation, somehow, elections and schools have gotten mixed up with this as well. He said that when tax directors get together and start collecting, quite a few residences and apartment complexes in the CHCCS district may end up being shifted and going to Durham County schools. Durham County staff is not interested in taking this to their boards and the tax administrators are meeting tomorrow. They have statutory requirements regarding discovery of properties. There is no way to do an inter-local meeting to keep kids in their school districts without involving the school boards or doing a local act similar to that of Alamance. The Durham staff does not appear interested in doing that. He said after the tax administrators meet, he will generate a report. The Board of County Commissioners may want to meet with their counterparts in Durham to see if there is any desire to fix this problem.

Chair Jacobs asked about the nature of the changes and Mr. Roberts clarified that the properties in question were mostly going from Orange to Durham. Orange County would not acquire more property and might have a little less.

**11. Appointments-NONE**

## 12. Board Comments

Commissioner Rich had no comments.

Commissioner Gordon said that she and Chair Pelissier went with staff and consultants to present the Southern Human Services Center master plan to the Chapel Hill Community Design Commission. She said it went well and a report will be forwarded. She said there will be other committees that will need to look at the plan. The plan will go to the Chapel Hill Town Council on January 23.

Commissioner McKee congratulated the management staff and others that put in time to get the higher bond rating. He welcomed all new members and said that it was good to have a board meeting where all the votes were unanimous. He reminded them that this is not always the case. He noted that the he often makes it a point to represent the minority view as a matter of protocol. He ended with a quote from John Quincy Adams, "Always vote for principle, though you may vote alone, and you may cherish the sweetest reflection that your vote is never lost."

Commissioner Pelissier said on Thursday at the State of the Mobility annual meeting, Orange County and Durham County will be recognized for their work on transit.

Commissioner Price thanked the seated board members and staff for making this transition easy.

Commissioner Dorosin thanked everyone, with special note of his seating arrangement on the left. He said many thought it was a crazy idea for him to run for County Commissioner. He referenced a quote from a poet who said "You will do foolish things in your life. Do them with enthusiasm."

Chair Jacobs reminded the Board that Robert Wilson, the Manager of the City of Mebane, is retiring. He said there is a reception for him at city hall on Friday at 3:00pm.

He also reminded the Board members who had not made comments, that the retreat committee would be meeting Wednesday morning at 10AM and he encouraged them to give any ideas, comments or protests to the Clerk to be shared at this time.

Chair Jacobs said that it is interesting being here and seeing how the electoral process works and gives the citizens of Orange County the chance to make change. He said he looks forward to serving and then quoted from Harry Truman, "Always be sincere, even if you don't mean it."

## 13. Information Items

- November 20, 2012 BOCC Meeting Follow-up Actions List
- Tax Collector's Report for Period Ending November 15, 2012
- Report on November 2012 Election
- BOCC Chair Letter Regarding Request from Commissioner Jacobs to Consider Staff Keeping Notes on Future Public Information Meetings
- BOCC Chair Letter Regarding Request from Commissioner Jacobs to Suggest County Pursue Ways to Recognize Veterans as Part of Veteran's Day Activities in Orange County

**14. Closed Session**

A motion was made by Commissioner McKee seconded by Commissioner Price to go into closed session at 8:05 p.m. for the purposes below:

“Pursuant to G.S. § 143-318.11(a) (3) "to consult with an attorney retained by the Board in order to preserve the attorney-client privilege between the attorney and the Board.”

Approval of Closed Session Minutes

VOTE: UNANIMOUS

**RECONVENE INTO REGULAR SESSION**

A motion was made by Commissioner McKee, seconded by Commissioner Gordon to reconvene into regular session at 8:30 p.m.

VOTE: UNANIMOUS

**15. Adjournment**

A motion was made by Commissioner Gordon, seconded by Commissioner Dorosin to adjourn the meeting at 8:30 p.m.

VOTE: UNANIMOUS

Barry Jacobs, Chair

Donna Baker, CMC
Clerk to the Board

**DRAFT** **Attachment 4**

**ORANGE COUNTY BOARD OF COMMISSIONERS**
**PLANNING RETREAT**
**SOUTHERN HUMAN SERVICES CENTER**
**February 1, 2013**
**9:00 a.m.**

The Orange County Board of Commissioners met for a Board retreat on Friday, February 1, 2013 at 9:00 a.m. at the Solid Waste Administrative Offices in Chapel Hill, North Carolina.

**COUNTY COMMISSIONERS PRESENT:** Chair Barry Jacobs and Commissioners Mark Dorosin, Alice Gordon, Earl McKee, Bernadette Pelissier, Renee Price and Penny Rich
**COUNTY ATTORNEY PREENT:** John Roberts
**COUNTY STAFF PRESENT:** County Manager Frank Clifton, Assistant County Managers Clarence Grier and Michael Talbert and Clerk to the Board Donna S. Baker.

Jim Groves, Gayle Wilson, Dwane Brinson, Carla Banks, Nicole Clark, Nancy Coston, Janet Sparks, Tara Fikes, Lucinda Munger, Janice Tyler, Tracy Reams, Bob Marotto, Rich Shaw, Brantley, Craig Benedict, Jim Northup, Jeff Thompson, Wayne Fenton, Rich Shaw, Greg Wilder

**Facilitator:** Cynthia Brown

## AGENDA

| | |
|---|---|
| **9:15 – 9:30** | Welcome and Agenda Review |
| **9:30 – 10:00** | Financial/Budget Overview |
| **10:00 – 11:15** | Review BOCC Goal #1 and Priorities |
| **11:15 – 11:25** | Break |
| **11:25 – 11:55** | Review BOCC Goal #5 and Priorities |
| **11:55 – 12:30** | Review BOCC Goal #4 and Priorities |
| **12:30 – 1:00** | Lunch |
| **1:00 – 2:15** | Review BOCC Goal #3 and Priorities |
| **2:15 – 2:25** | Break |
| **2:25 – 3:10** | Review BOCC Goal #2 and Priorities |
| **3:10 – 3:40** | Review BOCC Goal #6 and Priorities |
| **3:40 – 4:00** | Reflection and Next Steps |

## MEETING NOTES

**Welcome and Agenda Review**

Commission Chair Barry Jacobs opened the meeting, introduced the staff and then introduced the retreat facilitator Cynthia Brown. She in turn reviewed the **Retreat Goals** as follows:

1. To provide all Commissioners with an Orange County Financial Overview
2. To review for some and introduce to others the Orange County Board of Commissioners FY 2009-2010 Goals and Priorities (adopted in 2009)
3. To explore potential new County priorities and determine Commissioner's willingness to devote staff time to those priorities.

After providing an overview of the agenda, Cynthia Brown asked and received agreement from everyone to adhere to the following **Group Agreements** (Ground Rules) during the day:

- **Speak Your Truth**– Speak from the "I" position, rather than detaching from your perspective ("you") or universalizing your perspective ("we").
- **Lean into Discomfort and Lean into Each Other** - By design, authentic dialogue challenges participants. Discomfort signals that you are being challenged and perhaps even growing from the experience. Support each other to participate fully. Step up and practice asserting if you tend to be reserved or quiet. Step back and practice listening if you tend to be talkative.
- **Expect and Be Willing to Accept Non closure -** Embrace the process as the task. While this process might be designed to resolve an immediate question, it will raise far more questions than answers about the larger issues uncovered through the dialogue. Engaging in the dialogue and process of working together will reap far greater rewards than simply making a decision about what "to do."
- **Have Fun , Take Risks**
- **Think out of the Box/Be Creative** (Don't feel compelled to do things the way they've always been done)
- **Speak one at a time**
- **Accept other's truth –** Which doesn't require your agreement but acknowledges the fact that for people their perception is 100% of reality.
- **Listen for Understanding**
- **Leave your Ego at the Door** – ***Ego*** That part of us that continues to worry, live in doubt, is afraid, judges people, is afraid to trust, needs proof, believes only when it is convenient, fails to follow-up, refuses to practice what it preaches, needs to be rescued, wants to be a victim, beats up on "self", needs to be right all the time and continues to hold on to what does not work. *Taken from the Introduction of "One Day My Soul Just Opened Up: 40 Days & 40 Nights Towards Spiritual Strength & Personal Growth" by Iyanla*

**Financial/Budget Overview**

Clarence Grier, Assistant County Manager/Financial Services Director, gave an overview of the Fiscal Year 2013- 2014 budget. He said the economy is still weak but expected maybe 2% growth.

**Budget Discussion Highlights**:

- There's potential that the county will no longer administer the funding for the childcare program – it was anticipated that the state would take over the childcare program in June 2012 but did not. Even if the county doesn't receive that funding, the childcare program will continue to operate under state control.
- He said preliminary revenues: $180,002,776
- Expected adjustments to Expenditures: $8, 692,572
- TOTAL preliminary expenditures—$188, 695, 348
- Potential Property Tax rate impact to balance FY 2013/14 budget 1.11 cents which would be about $1.5 million.
- Fund Balance is at 22% now up from $16.8% last year.
- School funding target of 48.9%– not a hard rule – policy only
- Relative flow of funds – state reimbursement policy after expenses incurred impacts budgeting practices.

## Requests for Staff

- Track and provide data about the county's ***debt capacity***
- Track how the county is doing in terms of ***educational spending*** from 2000 to present. Other education funding comments:
  - In the area of school funding-we don't want to set up unrealistic expectations for this funding.
  - Send message that County Commissioners are committed to education and we are not going to reduce school funding.
  - It was suggested that the education funding discussion could continue with the school boards at joint meeting or at school collaboration and not at joint meetings-this group decides the agenda for the joint meetings- and they could bring it up.
- It is wrong to compartmentalize any county service to make it sacrosanct –our budget allocations should be based on need at any given time. Need to do a better job of looking at county needs and priorities holistically.
- In the future the County may need to fund charter school construction.

## Review BOCC Goal #1 and Priorities

### Goal#1: Promoting Well-Being of All Residents (*Network of human services and infrastructure*)

### Brief Overview/History:

In 2009 with a sinking economy that would affect the county's safety net, the Board of County Commissioners wanted to affirm their unwavering commitment to basic services –for health, safety, etc. that promoted this goal. This goal permeates all of their services throughout the county

### Staff Update/Status

Much of this discussion focused on homelessness, poverty, and the need for affordable housing in Orange County.

1. **Affordable Housing Update from Tara Fikes**:
   a. ***Section 8*** stagnant, just able to maintain current caseload of 620 families with housing assistance. Closed waiting list in 2010 like many others in the state because there was no funding to assist more families. Due to the economy, don't foresee families in the program coming off anytime soon.
   b. ***Home Investment Partnership Program*** has had a 48% reduction last year but hope not to get additional cuts because this program funds local groups like Habitat, CASA, Empowerment and Community Home Trust
   c. ***Housing Bond Program*** **-**Update
   d. ***Urgent Home Repair*** – This resource is just for home owners who can receive up to $5,000 for urgent home repairs.

### Orange County Poverty Overview (***Gene Nichol***, *UNC Center on Poverty, Work, and Opportunity*)

**Highlights of his comments:**

- Federal poverty level is $23,000 for a family of 4—but this fails to take into consideration food costs, other costs of living in designated geographic areas, age, etc.
- We have much larger gaps between rich and poor; if you are born poor the likelihood is that you will stay that way and vice versa.
- Mr. Nichol said in N.C. – 25% of our kids live in poverty and 40% are kids of color.
- N.C. 12$^{th}$ highest poverty level in the nation; poverty in a land of plenty.

- Median Income has fallen below where it was 30 years ago; top 1%'s income has more than tripled.
- Orange County has remarkable levels of poverty compared to the rest of the world. Poverty in Orange County and N.C. is invisible and political parties are oblivious to the poverty.
- In Orange County – federal census data—23% of residents live in poverty; 21% of kids- are in poverty – out of this 42% are children of color; and 41% are Latino.
- 12,000 of us receive food assistance; and our median income is $56,000 – higher than the norm; poverty rate though is higher in Orange County. Figures distorted due to UNC students who show up as low income but not impoverished.
- Racial disparity in Orange County's poverty numbers; 13% of white, and 42% black live in poverty. Racial wealth disparity is worse than income disparity and Orange County is one of the worst.
- Higher percentage living in poverty since the recession and since 2008. Even though Orange County is better than most of the state, the worst income disparity in N.C. is in Orange County.
- Economic inequality – two studies –found out of 818 counties – Orange County has greater income equality than 98% of the rest of these counties; Orange County – 5th highest income inequality – even if these numbers are off the numbers are still revealing and stark.
- For Board of County Commissioners – high wealth, high poverty, high income disparity = need for affordable housing.
- Mr. Nichol made the following recommendations to the BOCC for a Legislative agenda
    - They should vocalize opposition to existing and proposed state policies that would make our counties and our state's low income residents poorer. (i.e. don't cut unemployment benefits)
    - Assess any proposed state policy by asking what will be its impact on the bottom third of Orange County's residents

## Commissioner Discussion Highlights

***Orange County Challenges to Affordable Housing Development***

**a.** The cost of affordable housing development is prohibitive because of rules related to land use (where we can or cannot build; restrictions on allowed lot size in urban and rural areas etc.)

**b.** Because there are limitations on where utilities can be located that impacts where housing can be built.

**c.** Orange County is legally prohibited from having rent controlled apartments.

**d.** There's a problem with defining affordable housing because it is generally focused solely on affordability and doesn't take into consideration the need for better housing conditions for some.

***People Need Increased Wages -*** If you have decent wages it would significantly diminish our county's need for affordable housing.

***Making Progress Addressing Poverty and Engaging Those Most Affected -*** Although the Commissioners are committed to services, not only are they not making much progress decreasing poverty those who are most affected don't come to Commission meetings. It was suggested that Commissioners need to:

a. Think outside of the box.

b. Go out into communities and talk with people because residents don't know the commissioners.

c. Make an honest assessment of what has been done to address the needs of those living in poverty and their impacts. Affordable housing serves a target audience – but fails to reach the

more deeply poverty stricken families. We need to look at gaps in services and examine the different approaches needed to address rural versus urban poverty.

d. Be honest about the extent of the problems of poverty and raise the profile of the issue.
e. Recruit businesses to the county that pay living wages, and
f. Take county business to those who pay living wages.

***Affordable Housing Ideas to Consider***

1. Land bank for Affordable Housing development
2. Develop a coherent strategy to promote manufactured housing in rural areas and continue this housing in urban areas.
3. Because of vacant Home Trust Units, allow home rental rather than requiring home purchase. The program is in conflict with reality - they have artificial standards for those trying to move into Home Trust Homes.
4. Need to look at lot size regulations in rural areas and consider revising that policy.
5. Explore models of environmentally responsible water/septic systems to enable housing development in areas currently prohibited due to environmental impact concerns. Think creatively about using this technology to develop rural villages.
6. Consider changing land use regulations that restrict manufactured homes. Some people can only afford a mobile home in particular those who are aging and/or on limited incomes.

***Housing for Homelessness and Domestic Violence Victims***

1. Commissioners need to determine how they will address homelessness because the current Homeless Shelter is shifting to transitional housing within the next couple of years. There are 17 temporary beds until IFC changes to its new purpose.
2. There has been no response to appeals to the BOCC for a shelter for domestic violence victims.
3. The negative of locating a homeless shelter at Southern Human Services Center due to closeness to women's shelter and senior center.
4. It was suggested that the board wait to determine how they will address the issue of homelessness after the Partnership to End Homelessness completes its work. This body includes service providers and Orange County BOCC members.

***Local and State and Federal Strategies*** will be required to address the issue of poverty in Orange County.

**Review BOCC Goal #5 and Priorities**

**Goal#5: Create, Preserve & Protect Natural Environment**

**Brief Overview/History:**

This goal is the foundation for life; everyone has access to environment- public parks, public recreation, and public land. Foundational principle for Orange County is to first to have a land use plan; watershed protection; rural buffers; fits into other efforts they have. Protect and enhanced agriculture in Orange County. For a high quality of life we maintain stewardship of the natural environment – it is our duty to protect the air and water for human health.

**Staff Update/Status**

**Lands Legacy Program Update provided by Dave Stancil:**

a. Commissioners were provided an inventory of the land purchased in the Lands Legacy Program using a combination of resources from bonds, partnerships with towns, other counties and nonprofits.

b. Blackwood Farm—has a plan with no money to fund- designated for some active recreation; he reviewed some areas with active parks.
c. Property purchased by Lands Legacy put them there through bonds. Future lands are different.
d. Some properties are donated, so Orange County is not putting in more money.
e. Conservation money is spent, but there is some money left from 2001 Parks and Open Space Bond.

### Discussion Highlights

1. Majority of land in the Lands Legacy program are for conservation, what about active recreation? McGowan Trail and Twin Creeks Park could be active but don't know time frame for development yet.
2. Costs for increased staff and expenses associated with installing infrastructure delays implementation of planned recreation facilities. In response to that observation, a Commissioner suggested prioritizing passive recreation that wouldn't require the higher level of investment.
3. Orange County owns 1000 acres of parkland they can't afford to develop and because some of that land is located within proximity to water and sewer, this property could contain an incubator site for economic development or affordable housing.
4. It is a concern that the land purchased with money specifically designated for parks, recreation or conservation be used for that purpose instead of some other purpose.

### Requests for Staff

1. Provide Commissioners with maps of where Orange County owned lands are located.
2. Organize a field trip for Commissioners to see the land owned by Orange County.

**<u>Review BOCC Goal #4 and Priorities</u>**

**Goal#4: High Performing County Government** *(Investment in County facilities, diverse workforce & technology)*

### Brief Overview/History:

This goal demonstrated the Commission's commitment to high-performance that would be accomplished using technology for public and staff to access information. There was an ongoing concern that the workforce didn't reflect the County's diversity. For example there are minimum handicapped and Latino employees.

### Staff Update/Status

A strategic Information Technology Plan was developed and adopted last year. The County recruits its workforce through community colleges, targeting students who are just entering or who are graduating and through social services work training programs. Outreach/recruitment material is published in multiple languages. Although we readily recruit and train diverse candidates, especially in leadership, we lose quality staff to other entities. There have been no layoffs, workforce reduction achieved through attrition. There is no fixed meeting space in northern Orange County.

### Discussion Highlights

***Investment in County Facilities***

1. There's a discrepancy of spending on schools versus county services and facilities like the Waste Convenience Centers.

2. Need to consolidate services to fewer locations on a transportation route.
3. Southern Human Services Center – looking into future facilities (updating of Master Plan and transportation, location, etc.)

***Workforce Diversity***

1. Ongoing concern that our workforce doesn't reflect our County's diversity.
2. There needs to be enhanced focus on recruitment and training to retain the best employees.

***Technology Access/Closing the Digital Divide***

1. The County needs a better way for residents to navigate the website and get information. It was suggested that if the website was more accessible, it could reduce the number of calls that Commissioners receive.
2. It would help to get a person when you call the County, if it is possible, the County should budget for a receptionist position again so when people call they get a live voice to make government feel more accessible.
3. There's a digital divide in the northern part of the county- no cable service – dial up only. To address the inability to reach 1/3rd of the county due to technology challenges, the County could post county information on bulletin boards at convenience or grocery stores. There are bulletin boards in county facilities. We could co-locate internet cables on existing Emergency Service Communications cables in areas without internet access.
4. There is no protocol for how Commissioners should respond to citizen's requests, so it is left to Commissioner's discretion. Although the staff has the answers to resident's questions, they sometimes contact Commissioners because they want to relate to their representative in county government or they just want the human contact rather than go through technology.
5. IT Director Jim Northup said the strategic plan addresses the website to update it and address some of the concerns mentioned today. He said despite the challenges raised, they get 4000 hits per day on the Orange County website.

**Requests for Staff**

1. When Orange County resident's concerns and information requests are referred to County staff, Commissioners need a feedback loop so they know how resident issues are resolved.
2. Provide the Commission with Orange county workforce demographic data.
3. Modify the current system that requires residents to download the entire Orange County BOCC meeting agenda when all they want is one item.
4. Utilize non-electronic means to recruit County workforce for those without access to technology.

**<u>Review BOCC Goal #3 and Priorities</u>**

**Goal#3: Balanced, Dynamic, Sustainable Economic Development**

**Brief Overview/History:**

The new board in 2008 recognized they needed a diverse economic development strategy because they recognized that economic vitality is important to all they do in Orange County and that, land use planning, zoning, and transportation are important to economic development

Commissioners recognized that in some Orange County areas there was limited water and sewer. They wanted to develop infrastructure to pull density to where it can best be served. They implemented a ¼ cent sales tax, worked hard with entities like Hillsborough, Durham County and Mebane- partnerships to make water and sewer available to more areas.

Orange County has suffered from the perception that they were averse to economic development.

## Staff Update/Status

1. **Economic Development Update provided by Steve Brantley**:
   a. Annually, 15,000 communities compete for approximately 1500 economic development projects and you are lucky if you get a share. Orange County with its many attributes, should appeal to potential businesses. Orange County development promotes tourism, arts and agriculture. He said they are now getting multiple projects visiting Orange County. Companies are looking at us and eliminating other sites because we now have zoning and water and sewer. What we lack is the availability of empty facilities to promote to potential investors.
   b. The County has partnered with Chapel Hill with an incubator; and with Carrboro on a water line.
   c. In our Small Business Loan Program there are eight (8) outstanding loans and we have never had any defaults.
2. Staff pursuing economic incentives, of minimal exposure to taxpayers because they are tied to future revenues for these companies so there is no risk to Orange County.

## Discussion Highlights

In addition to the current economic development strategies, the Commissioners discussed potential placed based economic development approaches that build on the local assets. Their ideas included:

***Agricultural Strategies***

***1.*** Food is a large economic engine in Orange County, so we should explore development of an Agriculture Support Enterprises Plan to determine what can be done in rural Orange County that preserves the rural character. (i.e. agri-tourism, value added agriculture production, etc.)

***2.*** It was noted that restrictions on value added agriculture is a barrier to development in this area and that the vast amount of agriculture in Orange County is commercial. The County could focus on recruitment of businesses that support commercial agriculture.

***3.*** Sponsor small agricultural shows to give visibility to youth farmers and promote agriculture.

***4.*** It will be important to identify compatible uses adjacent to Ag Development because of the impact of noise, light, and traffic.

***County Fair***

***1.*** Sponsoring a County Fair would provide an opportunity to highlight local art and agriculture; bring together rural and urban residents in Orange County and the surrounding area; highlight Lands Legacy Program work and can serve as an economic development tool. There was a question about whether a Fair would stimulate economic development.

***2.*** Staff with input from Commissioners will assess feasibility of a County Fair. (*see more details below, under Requests of Staff*)

***3.*** If the idea is feasible, a larger group will be established that will involve Staff, Commissioners and Community Representatives.

***Economic Development Infrastructure Enhancements***

***1.*** Explore potential of creating Economic Development Districts

***2.*** Digital infrastructure is as important as water and sewer for economic development

***Arts*** We need to identify what economic opportunities are related to local Arts like promoting studio tours.

***UNC-Chapel Hill Partnership -*** Explore potential economic opportunities that could be derived from partnering with UNC- Chapel Hill.

## Requests for Staff

1. Assess the potential for establishing Economic Development Zones in rural areas where commercial business would be feasible by assessing environmental impact, land cost, etc.
2. Staff should assess the fiscal and technical realities regarding feasibility of a County Fair (i.e. cost, staff capacity, scale of an event, where they have succeeded and failed and why, impact of similar competing events in Orange County towns, etc.)
3. Staff should identify 3-4 different kinds of County Fair events that could be a model that would be modified to suit the needs of Orange County, and then arrange Commissioner Site visits to each type of event so they better understand what is required to sponsor each type.

## Review BOCC Goal #2 and Priorities

## Goal#2: Promote Interactive & Transparent Governance System

### Brief Overview/History:

This goal is based on the Commissioners' belief that government should be accessible to all residents.

### Staff Update/Status

**Public Affairs/Communications Update provided by Carla Banks, Director of Public Affairs:**
Carla Banks has been hired as the Orange County Director of Public Affairs to bring a comprehensive approach to communications. She wants to get the community more familiar with Orange County through press releases, future implementation of a county newsletter and speaker's bureau. Because many people don't know what the Board of County Commissioners actually does, she hopes to initiate a citizen's academy.

### Town/County/University Relations Presentation (***Carl Stenberg***, *Institute of Government)*

**Highlights of his comments**:

1. Three recent trends, "the New Normal"
   a. 1st Trend is fend for yourself localism- more budget cuts on the horizon.
   b. 2nd Shifting of responsibilities to local governments from state and federal governments
   c. 3rd More unfunded mandates
2. These trends are negative because revenues aren't growing; personnel cuts will be implemented again resulting in reduced scope of services that can be offered.
3. The positive is that these trends will motivate more collaboration between entities because we are not alone in this recession – we're working across boundaries because collaboration is now imperative. Many local governments are service sharing instead of duplication; tax base sharing. While this is good on paper, it is not good in reality; payment in lieu of taxes.
4. Transparent governance – use technology to get information out to the public and to receive information from the public.
5. Two challenges:
   a. What do citizens want and expect from county government?
   b. Building successful diverse collaborations with neighbors: UNC-CH; schools, towns, non-profits and for profit organizations.
6. To improve Orange County's relationship with UNC-Chapel Hill, Carl Stenberg suggested that trust and communications are important.

### Discussion Highlights

1. Commissioners need more two way dialogue with the community.

2. In addition to increasing the public's access about the way County government works and what they do, we should be publicizing the positive things Orange County is doing.
3. There is no web streaming – no interactive sign up for emails.
4. Linda Convissor from UNC-Chapel Hill commented about the very different cultures between UNC (totally decentralized structure) and Orange County (hierarchical & top down). She concurred about the importance of trust building between the two entities in addition she suggested that both the University and County should create opportunities and commit the time to interact to achieve mutual understanding and have ongoing communication.

**Requests for Staff**

1. Continue to pursue goals of public affairs office and incorporate strategies to publicize the positive Orange County activities.
2. Work with the County Commissioners to identify ways to improve relations between Orange County and UNC-Ch.
3. Develop a Strategic Communications Plan, Web access to meetings and a identify a permanent meeting space in Hillsborough.

**Review BOCC Goal #6 and Priorities**

**Goal#6: Ensure Life Long Learning** *(Champion Diversity, Education, Libraries, Parks, Recreation and Animal Welfare)*

**Brief Overview/History:**

This became a "catch all" goal for all the remaining Commission priorities that assists with promoting a high quality of life and address inequities between old and new schools. It was understood that even though diversity is a part of this goal that the goal of diversity should permeate throughout each goal in the plan.

**Staff Update/Status**

Dave Stancil distributed a hand out to update the Commissioners on the status of the parks plan. In the process of his report, he gave updates on various park activities.

**Discussion Highlights**

1. Need to address improvement of older schools.
2. Commissioners should address the need for Libraries in southern and northern Orange County.
3. To promote the goal of diversity within the County:
    a. All goals and services should be accessible to everyone in the county.
    b. Promote and maintain diversity within the community so it does not become homogeneous.
    c. Various advisory boards and commissions should have racial, ethnic, income, and geographic diversity.

**Requests for Staff**

**1.** Staff needs to schedule future conversation about whether to create a separate goal related to diversity in the BOCC Goals and Priorities.

**Reflection and Next Steps**

The facilitator summarized discussion highlights and the major requests of staff (*see above)* then asked if there were any corrections or additions. There was one related to the need for old schools

needing improvement. She informed the Commissioners that the meeting notes would be available within 2 weeks and thanked them for allowing her to serve as their facilitator for the day.

Board Chair Jacobs thanked Cynthia Brown for facilitation and the meeting was adjourned promptly at 4:00 p.m.

**ORANGE COUNTY**
**BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**
**Meeting Date:** February 19, 2013

**Action Agenda Item No.** 5-b

**SUBJECT:** Motor Vehicle Property Tax Releases/Refunds

**DEPARTMENT:** Tax Administration

**PUBLIC HEARING: (Y/N)** No

**ATTACHMENT(S):**
Resolution
Releases/Refunds Data Spreadsheet
Reason for Adjustment Summary

**INFORMATION CONTACT:**
Dwane Brinson, Tax Administrator,
919-245-2726

**PURPOSE:** To consider adoption of a resolution to release motor vehicle property tax values for thirty (30) taxpayers with a total of thirty-three (33) bills that will result in a reduction of revenue.

**BACKGROUND:** North Carolina General Statute (NCGS) 105-381(a)(1) allows a taxpayer to assert a valid defense to the enforcement of the collection of a tax assessed upon his/her property under three sets of circumstances:

(a) "a tax imposed through clerical error", for example when there is an actual error in mathematical calculation;
(b) "an illegal tax", such as when the vehicle should have been billed in another county, an incorrect name was used, or an incorrect rate code (the wrong combination of applicable county, municipal, fire district, etc. tax rates) was used;
(c) "a tax levied for an illegal purpose", which would involve charging a tax which was later deemed to be impermissible under state law.

NCGS 105-381(b), "Action of Governing Body" provides that "Upon receiving a taxpayer's written statement of defense and request for release or refund, the governing body of the taxing unit shall within 90 days after receipt of such a request determine whether the taxpayer has a valid defense to the tax imposed or any part thereof and shall either release or refund that portion of the amount that is determined to be in excess of the correct liability or notify the taxpayer in writing that no release or refund will be made".

For classified motor vehicles, NCGS 105-330.2(b) allows for a full or partial refund when a tax has been paid and a pending appeal for valuation reduction due to excessive mileage, vehicle damage, etc. is decided in the owner's favor.

**FINANCIAL IMPACT:** Approval of these release/refund requests will result in a net reduction of $2,361.74 to Orange County, the towns, and school and fire districts. Financial impact year to date for FY 2012-2013 is $40,170.07.

**RECOMMENDATION(S):** The Manager recommends that the Board:

- Accept the report reflecting the motor vehicle property tax releases/refunds requested in accordance with the NCGS; and
- Approve the attached refund resolution.

**NORTH CAROLINA** RES-2013-010

**ORANGE COUNTY**

**REFUND/RELEASE RESOLUTION (Approval)**

**Whereas,** North Carolina General Statutes 105-381 and/or 330.2(b) allows for the refund and/or release of taxes when the Board of County Commissioners determines that a taxpayer applying for the release/refund has a valid defense to the tax imposed; and

**Whereas,** the properties listed in each of the attached "Request for Property Tax Refund/Release" has been taxed and the tax has not been collected: and

**Whereas,** as to each of the properties listed in the Request for Property Tax Refund/Release, the taxpayer has timely applied in writing for a refund or release of the tax imposed and has presented a valid defense to the tax imposed as indicated on the Request for Property Tax Refund/Release.

**NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY THAT** the recommended property tax refund(s) and release(s) are approved.

Upon motion duly made and seconded, the foregoing resolution was passed by the following votes:

Ayes: Commissioners _____

_____

Noes: _____

I, Donna Baker, Clerk to the Board of Commissioners for the County of Orange, North Carolina, DO HEREBY CERTIFY that the foregoing has been carefully copied from the recorded minutes of the Board of Commissioners for said County at a regular meeting of said Board held on _____, said record having been made in the Minute Book of the minutes of said Board, and is a true copy of so much of said proceedings of said Board as relates in any way to the passage of the resolution described in said proceedings.

WITNESS my hand and the corporate seal of said County, this _____day of _____, 2013.

_____
Clerk to the Board of Commissioners

Clerical error 105-381(a)(1)a.(Incorrect rate)
Illegal tax 105-381(a)(1)b.
Appraisal appeal 105-330.2(b)

# BOCC REPORT REGISTERED MOTOR VEHICLE
# FEBRUARY 19, 2013

| NAME | ABSTRACT NUMBER | BILLING YEAR | ORIGINAL VALUE | ADJUSTED VALUE | FINANCIAL IMPACT | REASON FOR ADJUSTMENT |
|---|---|---|---|---|---|---|
| Al Bjaly, Jad Gorge Tawfeeq | 986179 | 2012 | 9,750 | 9,750 | (30.47) | Incorrect rate code (Clerical error) |
| Armstrong, Nancy Anne | 614552 | 2012 | 11,910 | 9,528 | (36.70) | High mileage (Appraisal appeal) |
| Arrington, Herbert | 614561 | 2012 | 3,520 | 1,760 | (19.79) | Total loss title (Appraisal appeal) |
| Bergland, Gregory | 614814 | 2012 | 22,490 | 18,892 | (47.78) | High mileage (Appraisal appeal) |
| Boswell, Kelsey | 1021693 | 2012 | 16,430 | 0 | (153.06) | County changed to Alamance (Illegal tax) |
| Bridgwater, Floyd | 615048 | 2012 | 12,310 | 10,587 | (26.53) | High mileage (Appraisal appeal) |
| Brown, Thomas | 615136 | 2012 | 10,120 | 8,703 | (12.87) | High mileage (Appraisal appeal) |
| Brown, Thomas | 954114 | 2012 | 27,900 | 27,300 | (2.72) | High mileage (Appraisal appeal) |
| Clark, Brian Robert | 1022705 | 2012 | 7,070 | 0 | (65.86) | County changed to Caswell (Illegal tax) |
| Cox, Katherine | 986677 | 2012 | 13,500 | 10,800 | (24.43) | High mileage (Appraisal appeal) |
| England, Robert | 1020887 | 2012 | 3,050 | 0 | (28.41) | County changed to Durham (Illegal tax) |
| Fesel, Frederick | 1021125 | 2012 | 2,780 | 0 | (24.98) | County changed to Durham (Illegal tax) |
| Fine, James | 616543 | 2012 | 5,480 | 5,480 | (54.33) | Incorrect rate code (Clerical error) |
| Fine, James | 1009559 | 2012 | 3,000 | 3,000 | (43.32) | Incorrect rate code (Clerical error) |
| Gigliotti, Shannon | 1020991 | 2012 | 6,600 | 6,600 | (60.58) | County changed to Durham (Illegal tax) |
| Hardesty, Eva | 1003460 | 2012 | 9,280 | 9,280 | (192.81) | County changed to Henderson (Illegal tax) |
| Hoopes, Kyle | 984896 | 2012 | 8,940 | 7,331 | (26.32) | High mileage (Appraisal appeal) |
| Human Kindness Foundation | 1012548 | 2012 | 3,370 | 0 | (32.48) | Property exempt (Illegal tax) |
| Lee, Nancy Suman | 618407 | 2012 | 11,720 | 8,438 | (50.56) | High mileage (Appraisal appeal) |
| Mahmoud, Tamer | 1022098 | 2012 | 25,210 | 0 | (418.34) | County changed to Durham (Illegal tax) |
| Mcmillan, Donald Jonathan | 1018966 | 2012 | 22,830 | 20,939 | (30.93) | Price Paid (Appraisal appeal) |
| New South Building Co. | 1005062 | 2012 | 6,230 | 6,230 | (61.14) | Incorrect rate code (Clerical error) |
| Picotte, Vincent | 619735 | 2012 | 10,470 | 5,235 | (48.05) | High mileage and damage (Appraisal appeal) |
| Reily, William | 1022067 | 2012 | 20,880 | 15,622 | (49.82) | High mileage and damage (Appraisal appeal) |
| Richards, Thomas | 620043 | 2012 | 18,970 | 18,495 | (4.26) | High mileage (Appraisal appeal) |
| Schultz, Hannah | 620396 | 2012 | 7,540 | 7,540 | (82.58) | Incorrect rate code (Clerical error) |
| Shreve, Mark | 620541 | 2012 | 12,600 | 10,332 | (37.09) | High mileage (Appraisal appeal) |
| Siler, Sean | 1018605 | 2012 | 31,510 | 22,448 | (139.60) | High mileage and damage (Appraisal appeal) |
| Siler, Sean | 1018112 | 2012 | 13,370 | 8,824 | (70.03) | High mileage (Appraisal appeal) |
| Soo, Mary | 954434 | 2012 | 3,140 | 500 | (24.23) | Holds an antique plate (Appraisal appeal) |
| Stamer, William | 1021694 | 2012 | 13,280 | 0 | (119.33) | County changed to Durham (Illegal tax) |
| Teer, Dorothy | 1020801 | 2012 | 6,330 | 0 | (255.01) | County changed to Durham (Illegal tax) |
| Tepperman, Barbara | 986787 | 2012 | 8,140 | 8,140 | (87.33) | Incorrect rate code (Clerical error) |
| | | | | Total | (2,361.74) | |

**Military Leave and Earning Statement**: Is a copy of a serviceman's payroll stub covering a particular pay period. This does list his home of record, which is his permanent state of residence where he would pay any state income taxes.

# Vehicle Titles

**Salvaged and Salvage Rebuilt**: Any repairs that exceed 75% of the vehicle's market value using NADA, Kelly Blue Book and various other publications.
When the insurance company has totaled the vehicle, and the customer has received the claim check, four things can happen:

- Insurance company can keep the vehicle.
- Customer can keep the vehicle. The customer is instructed to contact the local DMV inspector to have an initial inspection done, for vehicles 2001 to 2006 (these dates change yearly, example in 2007 the models will be 2002-2007).
- Affidavit of Rebuilder- The inspector lists each part that needs to be repaired.
- Final inspection- if all work is cleared and approved by the inspector then the rebuilt status is then removed (salvaged status remains).

**Note: Finance companies will not finance a salvaged vehicle.**

**Total Loss**: Repairs were more than the market value of the vehicle and the insurance company is unwilling to pay for the repairs.

**Total Loss/Rebuilt**: Whatever the repairs were to make the vehicle road worthy after a Total Loss status has been given. Vehicle must be 5 years old or older. Vehicle status then remains as salvaged or rebuilt.

**Certificate of Reconstruction**: When work has been done on (vehicles 2001-2006 in year 2006) this is issued when the inspector didn't see the original damaged and the vehicle has been repaired.

**Certificate of Destruction**: NC DMV will not register this type of vehicle. It is not fit for North Carolina roads.

**Custom Built**: When the customer has built this vehicle himself or herself. Ex. parts taken from various vehicles to build one vehicle. Three titles are required from the DMV in this case. 1) Frame 2) Transmission 3) Engine.
Then an indemnity bond must be issued. An indemnity bond must also be issued when the vehicle does not have a title at all.

**ORANGE COUNTY**
**BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**
**Meeting Date:** February 19, 2013

**Action Agenda**
**Item No.** 5-c

**SUBJECT:** Property Tax Releases/Refunds

**DEPARTMENT:** Tax Administration

**PUBLIC HEARING: (Y/N)** No

**ATTACHMENT(S):**
Resolution
Spreadsheet

**INFORMATION CONTACT:**
Dwane Brinson, Tax Administrator,
(919) 245-2726

**PURPOSE:** To consider adoption of a resolution to release property tax values for six (6) taxpayers with a total of (12) twelve bills that will result in a reduction of revenue.

**BACKGROUND:** The Tax Administration Office has received six taxpayer requests for release or refund of property taxes. North Carolina General Statute 105-381(b), "Action of Governing Body" provides that "upon receiving a taxpayer's written statement of defense and request for release or refund, the governing body of the Taxing Unit shall within 90 days after receipt of such a request determine whether the taxpayer has a valid defense to the tax imposed or any part thereof and shall either release or refund that portion of the amount that is determined to be in excess of the correct liability or notify the taxpayer in writing that no release or refund will be made". North Carolina law allows the Board to approve property tax refunds for the current and four previous fiscal years.

**FINANCIAL IMPACT:** Approval of this change will result in a net reduction in revenue of $4,221.67 to the County, municipalities, and special districts. The Tax Assessor recognized that refunds could impact the budget and accounted for these in the annual budget projections.

**RECOMMENDATION(S):** The Manager recommends the Board approve the attached resolution approving these property tax release/refund requests in accordance with North Carolina General Statute 105-381.

**NORTH CAROLINA** RES-2013-011

**ORANGE COUNTY**

**REFUND/RELEASE RESOLUTION (Approval)**

**Whereas,** North Carolina General Statutes 105-381 and/or 330.2(b) allows for the refund and/or release of taxes when the Board of County Commissioners determines that a taxpayer applying for the release/refund has a valid defense to the tax imposed; and

**Whereas,** the properties listed in each of the attached "Request for Property Tax Refund/Release" has been taxed and the tax has not been collected: and

**Whereas,** as to each of the properties listed in the Request for Property Tax Refund/Release, the taxpayer has timely applied in writing for a refund or release of the tax imposed and has presented a valid defense to the tax imposed as indicated on the Request for Property Tax Refund/Release.

**NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY THAT** the recommended property tax refund(s) and release(s) are approved.

Upon motion duly made and seconded, the foregoing resolution was passed by the following votes:

Ayes: Commissioners _____

_____

Noes: _____

I, Donna Baker, Clerk to the Board of Commissioners for the County of Orange, North Carolina, DO HEREBY CERTIFY that the foregoing has been carefully copied from the recorded minutes of the Board of Commissioners for said County at a regular meeting of said Board held on _____, said record having been made in the Minute Book of the minutes of said Board, and is a true copy of so much of said proceedings of said Board as relates in any way to the passage of the resolution described in said proceedings.

WITNESS my hand and the corporate seal of said County, this _____day of _____, 2013.

_____
Clerk to the Board of Commissioners

Releases/refund both clerical errors
and illegal tax - GS 105-381

# BOCC REPORT- REAL/PERSONAL
# FEBRUARY 19, 2013

| NAME | ABSTRACT NUMBER | BILLING YEAR | ORIGINAL VALUE | ADJUSTED VALUE | FINANCIAL IMPACT | REASON FOR ADJUSTMENT |
|---|---|---|---|---|---|---|
| Horton, Randy T. | 230056 | 2009 | 193,145 | 153,100 | (655.06) | Clerical error |
| Horton, Randy T. | 230056 | 2010 | 193,145 | 153,100 | (655.06) | Clerical error |
| Horton, Randy T. | 230056 | 2011 | 193,145 | 153,100 | (655.06) | Clerical error |
| Horton, Randy T. | 230056 | 2012 | 193,145 | 153,100 | (655.06) | Clerical error |
| Laslo, Timothy Michael | 288935 | 2012 | 10,950 | 0 | (112.78) | Not located in Orange County (Illegal tax) |
| Laslo, Timothy Michael | 288935 | 2011 | 11,894 | 0 | (132.51) | Not located in Orange County (Illegal tax) |
| Laslo, Timothy Michael | 288935 | 2010 | 12,520 | 0 | (137.90) | Not located in Orange County (Illegal tax) |
| Laslo, Timothy Michael | 288935 | 2009 | 13,440 | 0 | (175.07) | Not located in Orange County (Illegal tax) |
| Morrissey, Michael | 324402 | 2012 | 1,435 | 1,118 | (4.23) | Incorrect assessment (Clerical error) |
| Phelps, Margaret Walker | 284751 | 2012 | 58,875 | 0 | (905.50) | Voided bill in error (Clerical error) |
| Riley, Lenora | 313396 | 2012 | 7,210 | 0 | (67.22) | Doubled billed (Clerical error) |
| Rodriquez, Rodrigo | 324528 | 2011 | 5,966 | 0 | (66.22) | Doubled billed (Clerical error) |
| | | | | Total | (4,221.67) | |

January 16, 2013 thru
January 30, 2013

**ORANGE COUNTY**
**BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**
**Meeting Date:** February 19, 2013

**Action Agenda**
**Item No.** 5-d

**SUBJECT:** Resolution Creating a Special Board of Equalization and Review

**DEPARTMENT:** Tax Administration

**PUBLIC HEARING: (Y/N)** No

**ATTACHMENT(S):**
Resolution

**INFORMATION CONTACT:**
Dwane Brinson, Tax Administrator,
(919) 245-2726

**PURPOSE:** To consider a resolution providing for the establishment of a special Board of Equalization and Review to carry out the statutory responsibilities of ensuring that tax lists and tax records comply with the provisions of the North Carolina Machinery Act, and to delegate certain authorities to the Assessor (Note: Board of Commissioners approval of similar resolutions occurs on a regular basis in Orange County and across the State.).

**BACKGROUND:** North Carolina General Statute 105-322 outlines the powers, duties, and procedures of a county's board of equalization and review, and it specifies that the board of equalization and review shall be comprised of the board of county commissioners unless the commissioners adopt a resolution to appoint a special board of equalization and review.

North Carolina General Statute 105-312(k) authorizes a board of county commissioners to delegate to the special board of equalization and review the authority to compromise the county's claim for unpaid taxes resulting from discoveries.

North Carolina General Statute 105-325 authorizes a board of county commissioners to delegate certain authorities to the assessor.

If so adopted, the resolution shall provide for the membership, qualifications, terms of office, compromise powers, filling of vacancies on the special Board of Equalization and Review, and the delegation of certain authorities to the Assessor. The Board of County Commissioners shall also designate the chair of the special Board of Equalization and Review. The resolution must be entered into the minutes of the meeting of the Board of County Commissioners and a copy forwarded within 15 days of adoption to the North Carolina Department of Revenue. The statute also requires that the Board of County Commissioners fix the compensation and allowances to be paid to the Board of Equalization and Review members.

Members will likely have to make a substantial time commitment to serve on the special Board of Equalization and Review during the review and appeals process from April to June. To enhance the likelihood of assuring a quorum for each meeting, staff suggests that the Board of Equalization and Review be comprised of three (3) regular members and seven (7) alternates.

The alternates would attend meetings, hear appeals, and vote in place of any regular member unable to attend a scheduled meeting.

While there are not specific qualifications/categories associated with Board of Equalization and Review appointees, it may be a benefit for the members to have expertise in areas related to property appraisal, real estate, and tax issues. Potential appointees could include real estate agents, residential appraisers, commercial appraisers, homebuilders/developers and real estate attorneys. The Clerk to the Board's Office will lead the recruitment process for prospective appointees. As in past years, the recruitment process receives greater emphasis and would likely include paid advertising, press releases, and posting on the County website.

**FINANCIAL IMPACT:** As has been the practice for the past few years, staff suggests that the Board of County Commissioners consider fixing compensation at $75 per meeting attended. Staff also suggests that the Board of Equalization and Review Chair receive $100 per meeting attended because of additional responsibilities involved with that position. Funds to cover the compensation for Board of Equalization and Review members are available in the Revaluation Fund.

**RECOMMENDATION(S):** The Manager recommends that the Board adopt and authorize the Chair to sign the attached resolution to establish a special Board of Equalization and Review, delegate certain authorities to the Assessor, and establish the recommended level of compensation as noted above for members of the Board of Equalization and Review. Further, the Manager recommends that the Board direct the appropriate staff to recruit applicants for the Board of Equalization and Review, with appointments to be made at a future Board of County Commissioners meeting.

RES-2013-012

## ORANGE COUNTY BOARD OF COMMISSIONERS

## A RESOLUTION PROVIDING FOR THE APPOINTMENT OF A SPECIAL BOARD OF EQUALIZATION AND REVIEW WITH COMPROMISE AUTHORITY AND TO DELEGATE CERTAIN AUTHORITIES TO THE ASSESSOR

**WHEREAS,** North Carolina General Statute 105-322 authorizes the Orange County Board of Commissioners to appoint a special Board of Equalization and Review to carry out the duties imposed therein; and

**WHEREAS,** North Carolina General Statute 105-312(k) authorizes the Orange County Board of Commissioners to delegate compromise powers to the special Board of Equalization and Review; and

**WHEREAS,** North Carolina General Statute 105-325 authorizes the Orange County Board of Commissioners to delegate certain authorities to the Assessor; and

**WHEREAS,** the Orange County Board of Commissioners deem it advisable to appoint a special Board of Equalization and Review and by this resolution provide for the membership, qualifications, terms of office, compromise power, and the manner of filling vacancies on the special Board of Equalization and Review, and to delegate certain authorities to the Assessor;

**NOW, THEREFORE, BE IT RESOLVED BY THE ORANGE COUNTY BOARD OF COMMISSIONERS THAT:**

1. The special Orange County Board of Equalization and Review is hereby created in order to carry out the duties imposed in North Carolina General Statute 105-322, including the duties set forth in North Carolina General Statute 105-322(g)(5).

2. The special Orange County Board of Equalization and Review is delegated authority to compromise pursuant of North Carolina General Statute 105-312(k).

3. The special Orange County Board of Equalization and Review shall consist of 3 regular members and 7 alternate members, each to serve for a term of two years. All terms begin April 1 of each odd-numbered year.

4. Two members of the special Orange County Board of Equalization and Review shall constitute a quorum.

5. If a vacancy occurs on the special Orange County Board of Equalization and Review before an incumbent member's term expires, the appointment of a successor shall be for the unexpired term of the member vacating the position.

6. A vacancy occurring and existing shall be filled by the Orange County Board of Commissioners at its next regular meeting after the occurrence of the vacancy.

7. Each member of the special Orange County Board of Equalization and Review shall be a resident of Orange County, should have paid all Orange County taxes currently owed, and have the statutory qualifications necessary to hold the public office of Orange County Commissioner.

8. The Orange County Board of Commissioners shall appoint members to the special Orange County Board of Equalization and Review in the same manner as it uses for other appointments.

9. After the members of the special Orange County Board of Equalization and Review have been appointed, the Orange County Board of Commissioners shall designate a chairperson.

10. The Orange County Board of Commissioners shall fix the compensation for the members of the special Orange County Board of Equalization and Review at $75 per meeting attended for regular members, and $100 per meeting attended for the Chair.

11. Pursuant to North Carolina General Statute 105-325(b), the Assessor is delegated the authorities in North Carolina General Statute 105-325 except for the authority in North Carolina General Statute 105-325(a)(6).

This, the 19th day of February 2013.

_____

Barry Jacobs, Chair
Orange County Board of Commissioners

ORD-2013-008

**ORANGE COUNTY**
**BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**
**Meeting Date:** February 19, 2013

**Action Agenda Item No.** 5-e

**SUBJECT:** Fiscal Year 2012-13 Budget Amendment #7

**DEPARTMENT:** Finance and Administrative Services

**PUBLIC HEARING: (Y/N)** No

**ATTACHMENT(S):**
Attachment 1. Budget as Amended Spreadsheet
Attachment 2. Year-To-Date Budget Summary

**INFORMATION CONTACT**:
Clarence Grier, (919) 245-2453

**PURPOSE:** To approve budget, grant, and capital project ordinance amendments for fiscal year 2012-13.

**BACKGROUND:**

**Social Services**

1. The Department of Social Services has received $10,000, in pass-through revenue, from the Alcoholic Beverage Control Board to administer the Orange County Drug Treatment Court. The department will provide court-appointed drug screenings for offenders and be reimbursed, by the State. This budget amendment provides for the receipt of these reimbursable funds, for the above stated purpose. (See Attachment 1, column 1)

**Library**

2. The Orange County Library has received donations totaling $12,115. The Friends of the Orange County Library has donated $11,615 for an additional self-checkout unit on the second floor, of the Main Library. The Greenwald Family, from the Triangle Community Foundation, has donated $500, which the department will use to supplement reading prizes for its Children, Teen and Adult summer programs. This budget amendment provides for the receipt of these donated funds, for the above stated purpose. (See Attachment 1, column 2)

**Health Department**

3. At its January 24, 2013 meeting, the Board of County Commissioners approved an appropriation of $25,000 from the County's Unassigned General Fund fund balance to support the Health Department's five-month Nicotine Replacement Therapy (NRT) pilot project (leaving an Unassigned General Fund fund balance of approximately $28,367,741). This project will help assess if providing free NRT can significantly increase the number of smokers who quit in Orange County. This budget amendment provides for the fund balance appropriation of $25,000 from the General Fund for the above stated purpose. (See Attachment 1, column 3)

4. The Health Department has received additional revenues for the following programs:

   - **Diabetes Prevention Program** - additional $1,500 from the Chronic Disease and Injury Branch of the N.C. Division of Public Health. These funds will be used to support the department's existing Diabetes Prevention and Control Program through education and outreach.
   - **Human Papilloma Virus (HPV) Education Grant** – notification of the receipt of a $10,000 grant to develop Teen Health Educator groups in County schools for the period of February 1, 2013 – September 30, 2013. This budget amendment provides for the receipt of funds to be received in this fiscal year ($5,714), while the remaining portion of the grant funds ($4,286) will be received next fiscal year and will be included in the department's FY 2013-14 budget request. The effort will be modeled after the Tobacco Reality Unfiltered (TRU) group, which has been highly successful. The group will be trained in safe sex practices with a focus on appropriate referral sources for teens and the promotion of Human Papilloma Virus vaccine. Parental permission to participate will be required.

   This budget amendment provides for the receipt of these additional funds mentioned above. (See Attachment 1, column 4)

**Department of Social Services/Housing, Human Rights and Community Development**

5. At its January 24, 2013 meeting, the Board of County Commissioners approved the acceptance of an Emergency Solutions Grant Program award of $162,673 from the North Carolina Department of Health and Human Services (DHHS). The purpose of the Emergency Solutions Grant Program is to provide homelessness prevention assistance to households who are at risk of homelessness, and assist with emergency shelter operations, as well as provide assistance to rapidly re-house persons who are homeless. This budget amendment provides for the receipt of these grant funds, and establishes the following Grant Project Ordinance: (See Attachment 1, column 5)

***Emergency Solutions Program Grant: (Project #71084)***

Revenues for this project:

| | FY 2012-13 Current Budget | FY 2012-13 Amendment | FY 2012-13 Revised |
|---|---|---|---|
| Emergency Solutions Grant | $0 | $162,673 | $162,673 |
| **Total Project Funding** | **$0** | **$162,673** | **$162,673** |

Appropriated for this project:

| | FY 2012-13 Current Budget | FY 2012-13 Amendment | FY 2012-13 Revised |
|---|---|---|---|
| Emergency Solutions Grant | $0 | $162,673 | $162,673 |
| **Total Costs** | **$0** | **$162,673** | **$162,673** |

## Orange County Schools Capital Project Ordinances

6. The Orange County Board of Education, at its February 11, 2013 meeting, approved the repurposing of available budgeted Capital project funds based on current needs of the school district. The Board of Education approved the repurposing of funds from the following projects to the HVAC Project # 51013 (for Orange High School Chiller Replacement) and to the Athletic Facilities Project # 51027 (for A.L. Stanback Track Renovation):

| **Description and Reason Funds are Available to be Repurposed** | **Funds Transferred from Project #** | **Transfer to HVAC Project # 51013** | **Transfer to Athletic Facilities Project # 51027** |
|---|---|---|---|
| Cameron Park Chiller Replacement -- (Lottery funds—project completed) | 50001 | | $ 35, 821 |
| Cameron Park Elementary - Chiller Replacement (Pay-as-you-go funds—project completed) | 50001 | $ 11,822 | $ 17,323 |
| Hillsborough Elementary – Boiler (project completed) | 50005 | | $ 2,101 |
| Orange High School - Field House Locker Replacements (project completed) | 50006 | $ 322 | |
| Orange High School - Boiler Replacement (project completed) | 50006 | $ 68 | |
| Orange High School – Renovations (project completed) | 50006 | $ 51 | |
| Orange High School - Baseball/Softball Field Lighting (project completed) | 50006 | $ 227 | |
| A.L. Stanback Middle - HVAC Air Balancing (project completed) | 50000 | | $ 20,000 |
| Classroom/Building Improvements/Orange High damaged ceiling tiles replacement (duplicate funding exists for this work) | 51025 | $25,000 | |
| Athletic Facilities/OHS athletic offices renovation (work to be delayed) | 51027 | $20,000 | |
| **Total Repurposed Funds** | | **$ 57,490** | **$75,245** |

Below is a description detailing the need for the repurposing of these budgeted funds:

**A.L. Stanback Track Renovation** – the track, constructed in 1995, has failed and is unsafe for use. Remediation efforts have not been successful and a complete renovation of the track is recommended at a cost of approximately $75,000.

**Orange High School Chiller** – the chiller at Orange High School is approximately 25 years old. Maintenance costs continue to escalate on the unit. For example, at this time, one of the four compressors has failed, which represents considerable additional expense to repair. The chiller is recommended for immediate replacement at a cost of $57,490.

This budget amendment provides for the re-purposing of available funds and amends the following School Capital Project Ordinances:

***Cameron Park Elementary: (Project #50001)***

Revenues for this project:

| | FY 2012-13 Current Budget | FY 2012-13 Amendment | FY 2012-13 Revised |
|---|---|---|---|
| From General Fund | $455,600 | ($64,966) | $390,634 |
| 1997 Bonds | $135,000 | $0 | $135,000 |
| **Total Project Funding** | **$590,600** | **($64,966)** | **$524,634** |

Appropriated for this project:

| | FY 2012-13 Current Budget | FY 2012-13 Amendment | FY 2012-13 Revised |
|---|---|---|---|
| Renovations | $590,600 | ($64,966) | $524,634 |
| **Total Costs** | **$590,600** | **($64,966)** | **$524,634** |

***Hillsborough Elementary: (Project #50005)***

Revenues for this project:

| | FY 2012-13 Current Budget | FY 2012-13 Amendment | FY 2012-13 Revised |
|---|---|---|---|
| From General Fund | $365,000 | ($2,101) | $362,899 |
| **Total Project Funding** | **$365,000** | **($2,101)** | **$362,899** |

Appropriated for this project:

| | FY 2012-13 Current Budget | FY 2012-13 Amendment | FY 2012-13 Revised |
|---|---|---|---|
| Renovations | $365,000 | ($2,101) | $362,899 |
| **Total Costs** | **$365,000** | **($2,101)** | **$362,899** |

***Orange High School: (Project #50006)***

Revenues for this project:

| | FY 2012-13 Current Budget | FY 2012-13 Amendment | FY 2012-13 Revised |
|---|---|---|---|
| From General Fund | $559,435 | ($668) | $558,767 |
| **Total Project Funding** | **$559,435** | **($668)** | **$558,767** |

Appropriated for this project:

| | FY 2012-13 Current Budget | FY 2012-13 Amendment | FY 2012-13 Revised |
|---|---|---|---|
| Renovations | $559,435 | ($668) | $558,767 |
| **Total Costs** | **$559,435** | **($668)** | **$558,767** |

***Orange High School: (Project #50000)***

Revenues for this project:

| | FY 2012-13 Current Budget | FY 2012-13 Amendment | FY 2012-13 Revised |
|---|---|---|---|
| From General Fund | $32,000 | ($20,000) | $12,000 |
| **Total Project Funding** | **$32,000** | **($20,000)** | **$12,000** |

Appropriated for this project:

| | FY 2012-13 Current Budget | FY 2012-13 Amendment | FY 2012-13 Revised |
|---|---|---|---|
| Construction | $32,000 | ($20,000) | $12,000 |
| **Total Costs** | **$32,000** | **($20,000)** | **$12,000** |

***Classroom/Building Improvements: (Project #51025)***

Revenues for this project:

| | FY 2012-13 Current Budget | FY 2012-13 Amendment | FY 2012-13 Revised |
|---|---|---|---|
| From General Fund | $473,067 | ($25,000) | $448,067 |
| QSC Bonds | $3,669,440 | $0 | $3,669,440 |
| **Total Project Funding** | **$4,142,507** | **($25,000)** | **$4,117,507** |

Appropriated for this project:

| | FY 2012-13 Current Budget | FY 2012-13 Amendment | FY 2012-13 Revised |
|---|---|---|---|
| Construction | $4,142,507 | ($25,000) | $4,117,507 |
| **Total Costs** | **$4,142,507** | **($25,000)** | **$4,117,507** |

***HVAC Upgrade/Improvements: (Project #51013)***

Revenues for this project:

| | FY 2012-13 Current Budget | FY 2012-13 Amendment | FY 2012-13 Revised |
|---|---|---|---|
| From General Fund | $713,850 | $57,490 | $771,340 |
| **Total Project Funding** | **$713,850** | **$57,490** | **$771,340** |

Appropriated for this project:

| | FY 2012-13 Current Budget | FY 2012-13 Amendment | FY 2012-13 Revised |
|---|---|---|---|
| Construction/Equipment | $713,850 | $57,490 | $771,340 |
| **Total Costs** | **$713,850** | **$57,490** | **$771,340** |

***Athletic Facilities: (Project #51027)***

Revenues for this project:

| | FY 2012-13 Current Budget | FY 2012-13 Amendment | FY 2012-13 Revised |
|---|---|---|---|
| From General Fund | $518,322 | $75,245 | $593,567 |
| **Total Project Funding** | **$518,322** | **$75,245** | **$593,567** |

Appropriated for this project:

| | FY 2012-13 Current Budget | FY 2012-13 Amendment | FY 2012-13 Revised |
|---|---|---|---|
| Construction/Renovations | $518,322 | $75,245 | $593,567 |
| **Total Costs** | **$518,322** | **$75,245** | **$593,567** |

**FINANCIAL IMPACT:** Financial impacts are included in the background information above.

**RECOMMENDATION(S):** The Manager recommends the Board approve budget, grant, and capital project ordinance amendments for fiscal year 2012-13.

**Attachment 1. Orange County Proposed 2012-13 Budget Amendment**

*The 2012-13 Orange County Budget Ordinance is amended as follows:*



**Note:** reflects encumbrance carry forwards as authorized by the annual budget ordinance

| | Original Budget | Encumbrance Carry Forwards | Budget as Amended | Budget as Amended Through BOA #6 | BOCC approved a fund balance appropriation of $154,240 from the Emergency Telephone Funds' Unassigned fund balance to cover the replacement cost of the current 9-1-1 Recorder | Budget as Amended Through BOA #6A | #1 Social Services receipt of $10,000, in pass-through revenue, from the ABC Board to administer Drug Treatment Court screenings. | #2 Library Services donations of $12,115 for a self-check-out unit, at the Main library ($11,615), and prizes, for summer reading programs ($500). | #3 Appropriation of $25,000 in fund balance from the General Fund to support the Health Department's Nicotine Replacement Therapy pilot project | $4 Health Department receipt of an additional $1,500 in Diabetes Prevention program funds, and the receipt of $5,714 in Human Papilloma Virus (HPV) Grant funds for FY 2012-13 | #5 Social Services/Housing, Human Rights and Community Development receipt of an Emergency Solutions Grant award of $162,673 from the NC Department of Health and Human Services | Budget as Amended Through BOA #7 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| ***General Fund*** | | | | | | | | | | | | |
| **Revenue** | | | | | | | | | | | | |
| **Property Taxes** | $ 136,928,193 | $ - | $ 136,928,193 | $ 136,928,193 | $ - | $ 136,928,193 | $ - | $ - | $ - | $ - | $ - | $ 136,928,193 |
| **Sales Taxes** | $ 15,742,304 | $ - | $ 15,742,304 | $ 15,742,304 | $ - | $ 15,742,304 | $ - | $ - | $ - | $ - | $ - | $ 15,742,304 |
| **License and Permits** | $ 313,000 | $ - | $ 313,000 | $ 313,000 | $ - | $ 313,000 | $ - | $ - | $ - | $ - | $ - | $ 313,000 |
| **Intergovernmental** | $ 13,595,810 | $ - | $ 13,595,810 | $ 18,045,744 | $ - | $ 18,045,744 | $ 10,000 | $ - | $ - | $ 7,214 | $ - | $ 18,062,958 |
| **Charges for Service** | $ 9,292,257 | $ - | $ 9,292,257 | $ 9,375,179 | $ - | $ 9,375,179 | $ - | $ - | $ - | $ - | $ - | $ 9,375,179 |
| **Investment Earnings** | $ 105,000 | | $ 105,000 | $ 105,000 | $ - | $ 105,000 | $ - | $ - | $ - | $ - | $ - | $ 105,000 |
| **Miscellaneous** | $ 798,340 | | $ 798,340 | $ 853,129 | | $ 853,129 | | $ 12,115 | | | | $ 865,244 |
| **Transfers from Other Funds** | $ 1,040,000 | | $ 1,040,000 | $ 1,087,700 | | $ 1,087,700 | | | | | | $ 1,087,700 |
| **Fund Balance** | $ 2,187,872 | $ 781,630 | $ 2,969,502 | $ 8,092,611 | | $ 8,092,611 | | | $ 25,000 | | | $ 8,117,611 |
| ***Total General Fund Revenues*** | $ 180,002,776 | $ 781,630 | $ 180,784,406 | $ 190,542,860 | $ - | $ 190,542,860 | $ 10,000 | $ 12,115 | $ 25,000 | $ 7,214 | $ - | $ 190,597,189 |
| **Expenditures** | | | | | | | | | | | | |
| **Governing & Management** | $ 15,339,623 | $ 231,691 | $ 15,571,314 | $ 15,615,577 | $ - | $ 15,615,577 | $ - | $ - | $ - | $ - | $ - | $ 15,615,577 |
| **General Services** | $ 17,910,408 | $ 120,317 | $ 18,030,725 | $ 18,135,374 | $ - | $ 18,135,374 | $ - | $ - | $ - | $ - | $ - | $ 18,135,374 |
| **Community & Environment** | $ 5,851,987 | $ 67,971 | $ 5,919,958 | $ 5,960,794 | $ - | $ 5,960,794 | $ - | $ - | $ - | $ - | $ - | $ 5,960,794 |
| **Human Services** | $ 30,711,556 | $ 160,216 | $ 30,871,772 | $ 34,662,226 | $ - | $ 34,662,226 | $ 10,000 | $ - | $ 25,000 | $ 7,214 | $ - | $ 34,704,440 |
| **Public Safety** | $ 20,121,532 | $ 201,435 | $ 20,322,967 | $ 20,588,169 | $ - | $ 20,588,169 | $ - | $ - | $ - | $ - | $ - | $ 20,588,169 |
| **Culture & Recreation** | $ 2,332,405 | $ - | $ 2,332,405 | $ 2,355,167 | $ - | $ 2,355,167 | $ - | $ 12,115 | $ - | $ - | $ - | $ 2,367,282 |
| **Education** | $ 82,300,134 | | $ 82,300,134 | $ 82,300,134 | $ - | $ 82,300,134 | $ - | $ - | $ - | $ - | $ - | $ 82,300,134 |
| **Transfers Out** | $ 5,435,131 | | $ 5,435,131 | $ 10,925,419 | | $ 10,925,419 | | | | | | $ 10,925,419 |
| ***Total General Fund Appropriation*** | $ 180,002,776 | $ 781,630 | $ 180,784,406 | $ 190,542,860 | $ - | $ 190,542,860 | $ 10,000 | $ 12,115 | $ 25,000 | $ 7,214 | $ - | $ 190,597,189 |
| | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - |
| **Emergency Telephone System Fund** | | | | | | | | | | | | |
| **Revenues** | | | | | | | | | | | | |
| Charges for Services | $ 490,672 | | $ 490,672 | $ 490,672 | | $ 490,672 | | | | | | $ 490,672 |
| Grant Funds | $ - | | $ - | $ - | | $ - | | | | | | $ - |
| From General Fund | $ - | | $ - | $ 904,367 | | $ 904,367 | | | | | | $ 904,367 |
| Appropriated Fund Balance | $ - | | $ - | $ 385,478 | $ 154,240 | $ 539,718 | | | | | | $ 539,718 |
| ***Total Revenues*** | $ 490,672 | $ - | $ 490,672 | $ 1,780,517 | $ 154,240 | $ 1,934,757 | $ - | $ - | $ - | $ - | $ - | $ 1,934,757 |
| **Expenditures** | | | | | | | | | | | | |
| Emergency Telephone System Fund | $ 490,672 | | $ 490,672 | $ 1,780,517 | $ 154,240 | $ 1,934,757 | | | | | | $ 1,934,757 |

**Attachment 1. Orange County Proposed 2012-13 Budget Amendment**
*The 2012-13 Orange County Budget Ordinance is amended as follows:*



**Note:** reflects encumbrance carry forwards as authorized by the annual budget ordinance

| | Original Budget | Encumbrance Carry Forwards | Budget as Amended | Budget as Amended Through BOA #6 | BOCC approved a fund balance appropriation of $154,240 from the Emergency Telephone Funds' Unassigned fund balance to cover the replacement cost of the current 9-1-1 Recorder | Budget as Amended Through BOA #6A | #1 Social Services receipt of $10,000, in pass-through revenue, from the ABC Board to administer Drug Treatment Court screenings. | #2 Library Services donations of $12,115 for a self-check-out unit, at the Main library ($11,615), and prizes, for summer reading programs ($500). | #3 Appropriation of $25,000 in fund balance from the General Fund to support the Health Department's Nicotine Replacement Therapy pilot project | $4 Health Department receipt of an additional $1,500 in Diabetes Prevention program funds, and the receipt of $5,714 in Human Papilloma Virus (HPV) Grant funds for FY 2012-13 | #5 Social Services/Housing, Human Rights and Community Development receipt of an Emergency Solutions Grant award of $162,673 from the NC Department of Health and Human Services | Budget as Amended Through BOA #7 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| ***Grant Project Fund*** | | | | | | | | | | | | |
| **Revenues** | | | | | | | | | | | | |
| **Intergovernmental** | $ 175,584 | | $ 175,584 | $ 275,038 | | $ 275,038 | | | | | $ 162,673 | $ 437,711 |
| **Charges for Services** | $ 24,000 | | $ 24,000 | $ 72,000 | | $ 72,000 | | | | | | $ 72,000 |
| **Transfer from General Fund** | $ 71,214 | | $ 71,214 | $ 71,214 | | $ 71,214 | | | | | | $ 71,214 |
| **Miscellaneous** | $ - | | $ - | $ 6,000 | | $ 6,000 | | | | | | $ 6,000 |
| **Transfer from Other Funds** | $ - | | $ - | $ - | | $ - | | | | | | $ - |
| **Appropriated Fund Balance** | $ - | $ 30,595 | $ 30,595 | $ 30,595 | | $ 30,595 | | | | | | $ 30,595 |
| ***Total Revenues*** | $ 270,798 | $ 30,595 | $ 301,393 | $ 454,847 | $ - | $ 454,847 | $ - | $ - | $ - | $ - | $ 162,673 | $ 617,520 |
| **Expenditures** | | | | | | | | | | | | |
| NCACC Employee Wellness Grant | | | $ - | $ - | | $ - | | | | | | $ - |
| Electric Vehicle Charging Stations | | $ 20,955 | $ 20,955 | $ 20,955 | | $ 20,955 | | | | | | $ 20,955 |
| **Governing and Management** | $ - | $ 20,955 | $ 20,955 | $ 20,955 | $ - | $ 20,955 | $ - | $ - | $ - | $ - | $ - | $ 20,955 |
| NPDES Grant (Multi-year) | | $ - | $ - | $ 60,525 | | $ 60,525 | | | | | | $ 60,525 |
| NC Tomorrow CDBG (Multi-year) | | $ - | $ - | $ - | | $ - | | | | | | $ - |
| Jordan Lake Watershed Nutrient Grant | | $ - | | $ 13,750 | | $ 13,750 | | | | | | $ 13,750 |
| Growing New Farmers Grant | | | $ - | $ - | | $ - | | | | | | $ - |
| **Community and Environment** | $ - | $ - | $ - | $ 74,275 | $ - | $ 74,275 | $ - | $ - | $ - | $ - | $ - | $ 74,275 |
| Child Care Health - Smart Start | $ 63,588 | | $ 63,588 | $ 64,996 | | $ 64,996 | | | | | | $ 64,996 |
| Scattered Site Housing Grant | | | $ - | $ - | | $ - | | | | | | $ - |
| Carrboro Growing Healthy Kids Grant | | | $ - | $ - | | $ - | | | | | | $ - |
| Healthy Carolinians | | | $ - | $ - | | $ - | | | | | | $ - |
| Health & Wellness Trust Grant | | | $ - | $ - | | $ - | | | | | | $ - |
| Senior Citizen Health Promotion(Wellness) | $ 98,604 | $ 9,640 | $ 108,244 | $ 162,244 | | $ 162,244 | | | | | | $ 162,244 |
| Dental Health - Smart Start | | | $ - | $ - | | $ - | | | | | | $ - |
| Intensive Home Visiting | | | $ - | $ - | | $ - | | | | | | $ - |
| Human Rights & Relations HUD Grant | | | $ - | $ - | | $ - | | | | | | $ - |
| Senior Citizen Health Promotion (Multi-Yr) | | | $ - | $ - | | $ - | | | | | | $ - |
| SeniorNet Program (Multi-Year) | | | $ - | $ - | | $ - | | | | | | $ - |
| Enhanced Child Services Coord -SS | | | $ - | $ - | | $ - | | | | | | $ - |
| Diabetes Education Program (Multi-Year) | | | $ - | $ - | | $ - | | | | | | $ - |
| Specialty Crops Grant | | | $ - | $ - | | $ - | | | | | | $ - |
| Local Food Initiatives Grant | | | $ - | $ - | | $ - | | | | | | $ - |
| Reducing Health Disparities Grant (Multi-Yr | $ 78,996 | | $ 78,996 | $ 67,767 | | $ 67,767 | | | | | | $ 67,767 |
| Emergency Solutions Grant Program | | | | | | | | | | | $ 162,673 | $ 162,673 |
| FY 2009 Recovery Act HPRP | | | $ - | $ - | | $ - | | | | | | $ - |
| **Human Services** | $ 241,188 | $ 9,640 | $ 250,828 | $ 295,007 | $ - | $ 295,007 | $ - | $ - | $ - | $ - | $ 162,673 | $ 457,680 |
| Criminal Justice Partnership Program | $ 29,610 | | $ 29,610 | $ 29,610 | | $ 29,610 | | | | | | $ 29,610 |
| Hazard Mitigation Generator Project | | | $ - | $ - | | $ - | | | | | | $ - |
| Buffer Zone Protection Program | | | $ - | $ - | | $ - | | | | | | $ - |
| 800 MHz Communications Transition | | | $ - | $ - | | $ - | | | | | | $ - |
| Secure Our Schools - OCS Grant | | | $ - | $ - | | $ - | | | | | | $ - |
| Citizen Corps Council Grant | | | $ - | $ - | | $ - | | | | | | $ - |
| COPS 2008 Technology Program | | | $ - | $ - | | $ - | | | | | | $ - |
| COPS 2009 Technology Program | | | $ - | $ - | | $ - | | | | | | $ - |
| EM Performance Grant | | | $ - | $ 35,000 | | $ 35,000 | | | | | | $ 35,000 |
| 2010 Homeland Security Grant - ES | | | $ - | $ - | | $ - | | | | | | $ - |
| 2011 Homeland Security Grant - ES | | | $ - | $ - | | $ - | | | | | | $ - |
| Justice Assistance Act (JAG) Program | | | $ - | $ - | | $ - | | | | | | $ - |
| **Public Safety** | $ 29,610 | $ - | $ 29,610 | $ 64,610 | $ - | $ 64,610 | $ - | $ - | $ - | $ - | $ - | $ 64,610 |
| ***Total Expenditures*** | $ 270,798 | $ 30,595 | $ 301,393 | $ 454,847 | $ - | $ 454,847 | $ - | $ - | $ - | $ - | $ 162,673 | $ 617,520 |

# Year-To-Date Budget Summary

*Fiscal Year 2012-13*

## General Fund Budget Summary

| | |
|---|---|
| Original General Fund Budget | $180,002,776 |
| Additional Revenue Received Through Budget Amendment #7 (February 19, 2013) | |
| Grant Funds | $124,736 |
| Non Grant Funds | $4,539,938 |
| General Fund - Fund Balance for Anticipated Appropriations (i.e. Encumbrances) | $781,630 |
| General Fund - Fund Balance Appropriated to Cover Anticipated and Unanticipated Expenditures | $5,148,109 |
| **Total Amended General Fund Budget** | **$190,597,189** |
| Dollar Change in 2012-13 Approved General Fund Budget | $10,594,413 |
| % Change in 2012-13 Approved General Fund Budget | 5.89% |

**Paul Laughton:** $24,597 to cover remaining costs of Pay and Class Study allocation; $49,327 to cover 2nd Primary Election costs (BOA #1); $25,500 to cover Sheriff Office vehicle purchase (BOA #1); $904,367 to resolve matter with NC 911 Board regarding past use of E911 Funds (BOA #2-A); $104,397 to help with purchase of OSSI-CAD system (BOA #2-B);$43,310 to cover additional hours and days of early voting period (BOA #3); $380,000 to establish a Historic Rogers Road Community Center Capital Project (BOA #3-B); $40,000 for an increased allocation to Pretrial Services (BOA #4); $50,000 for a Needs Assessment for the VIPER system (BOA #4); $19,350 for carry forward budgeted funds from FY 11-12 (BOA #4),$10,000 to establish the Community Giving Fund of Orange County; $150,000 for construction of Rogers Road Community Center (BOA #4); $75,261 to upgrade AV equipment at SHSC (BOA #4-B); $147,000 to hire 2 new staff in Emergency Services (BOA #4-C); $100,000 to establish a Community Loan Fund for water/sewer connections (BOA #4-D); $3,000,000 for OPEB funding (BOA #4-E); $25,000 to support the Health Department's Nicotine Replacement Therapy pilot project (BOA #7)

## Authorized Full Time Equivalent Positions

| | |
|---|---|
| Original Approved General Fund Full Time Equivalent Positions | 801.425 |
| Original Approved Other Funds Full Time Equivalent Positions | 86.750 |
| Position Reductions during Mid-Year | (3.000) |
| Additional Positions Approved Mid-Year | 3.500 |
| **Total Approved Full-Time-Equivalent Positions for Fiscal Year 2012-13** | **888.675** |

**Paul Laughton:** 3.0 FTE Time-limited Grant positions within the DSS Homelessness Grant

**Paul Laughton:** .50 FTE Medical Office Assistant position approved on 1/24/13 as part of a reclassifying and reallocation of existing budgeted funds within the Health Dept; 3.0 FTE Time-limited positions in

**ORANGE COUNTY**
**BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**
**Meeting Date:** February 19, 2013

**Action Agenda**
**Item No.** 5-f

**SUBJECT:** Letter of Support for Durham County's Recreational Trails Grant Application

**DEPARTMENT:** Environment, Agriculture, Parks and Recreation

**PUBLIC HEARING: (Y/N)** No

**ATTACHMENT(S):**
Draft Letter of Support

**INFORMATION CONTACT:**
David Stancil, 245-2510
Rich Shaw, 245-2514
Marabeth Carr, 245-2516

**PURPOSE:** To consider sending a letter of support for Durham County's application for a grant from the North Carolina Recreational Trails Program for construction of facilities at the planned Hollow Rock Access Area.

**BACKGROUND:** The planned Hollow Rock Access Area is a 75-acre site located south of Erwin Road near the intersection with Pickett Road. The property straddles the Orange-Durham county line, and is comprised of multiple land parcels owned separately by Orange County, Durham County, the Town of Chapel Hill and the Triangle Land Conservancy. New Hope Creek forms the western boundary of the property.

In April 2010 the Board adopted a master plan for a planned multi-jurisdictional public park located along New Hope Creek. The master plan was developed by a 13-member Hollow Rock Master Plan Committee co-chaired by Commissioner Barry Jacobs and also including Commissioner Alice Gordon and representatives from Orange County advisory boards. The master plan was also adopted in 2009/10 by Durham County, the City of Durham, and the Town of Chapel Hill.

Durham County has submitted an application to the North Carolina Recreational Trails Program for funding of the Hollow Rock trailhead parking and amenities. Durham requested $200,000 in State funds, which would require $50,000 in matching funds. If awarded, the grant funds will help fund essential elements of the master plan – specifically a parking lot and the construction of four pedestrian bridges for trails located on portions of the Hollow Rock property owned by Orange and Durham counties. The grant award will be announced by the State in August 2013.

**FINANCIAL IMPACT:** There is no financial impact associated with Orange County's support of the grant application. If the requested $200,000 in State grant funds were awarded, the required $50,000 local matching funds would be provided by Durham County.

**RECOMMENDATION(S):** The Manager recommends that the Board authorize the Chair to sign the letter of support for Durham County's grant application to the NC Recreational Trails Program for construction of facilities at the planned Hollow Rock Access Area, and direct the Clerk to the Board to submit the letter and also provide copies to Durham County and the Town of Chapel Hill.

**[Orange County BOCC Letterhead]**

DRAFT

February 19, 2013

Darrell McBane
N.C. Trails Program Manager
NCDENR Division of Parks and Recreation
1615 Mail Services Center
Raleigh, NC 27699-1615

Dear Mr. McBane:

On behalf of Orange County, I am pleased to provide this letter of support for the grant application submitted to the NC Recreational Trails Program by Durham County for the Hollow Rock Access Area.

The Hollow Rock area has long been designated as a future low-impact recreation and trail access point on New Hope Creek, and connects to permanent open space owned by Orange County and Durham County as part of the larger New Hope Creek Preserve.

In April 2010 the Orange County Board of Commissioners adopted the Hollow Rock Access Area Master Plan. The master plan was developed in 2009 by a 13-member committee with representatives from four partner jurisdictions (Chapel Hill, Orange County, Durham County and City of Durham) with assistance from the Triangle Land Conservancy and others.

The grant funds will provide critical funding needed to construct essential elements from the master plan, including a trail head parking area and small bridges over streams. Safe parking is needed in order to open this popular area for public use.

The official opening of the Hollow Rock Access Area will be a major milestone in the implementation of the New Hope Creek Corridor trail effort, which has been underway since the 1980s and has involved the combined efforts of Orange County, Durham County, the City of Durham, the Town of Chapel Hill, the Triangle Land Conservancy, and many volunteers.

Thank you for your consideration of this important recreational trails project. If you have any questions about Orange County's involvement with this project, please contact David Stancil, Director of the Department of Environment, Agriculture, Parks and Recreation at 919-245-2510.

Sincerely,

Barry Jacobs, Chair
Orange County Board of Commissioners

**ORANGE COUNTY**
**BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**
**Meeting Date:** February 19, 2013

**Action Agenda Item No.** 6-a

**SUBJECT:** Senior Care of Orange County, Inc. – Lease Agreement

**DEPARTMENT:** County Manager, County Attorney

**PUBLIC HEARING: (Y/N)** Yes

**ATTACHMENT(S):**

Resolution Approving Lease to Senior Care of Orange County
Lease Agreement with Senior Care of Orange County Together with Insurance Certificate

**INFORMATION CONTACT:**

Janice Tyler, Aging, 919-968-2071
John Roberts, County Attorney, 919-245-2318
Jeff Thompson, Asset Management Services, 919-245-2658

**PURPOSE:** To conduct a statutorily required public hearing and consider approval of a resolution authorizing a lease agreement with Senior Care of Orange County, Inc. ("SC of OC").

**BACKGROUND:** SC of OC, Inc. administers adult day care services, known as the Florence G. Soltys Program, designed for the welfare of maturing residents, particularly within central and northern Orange, to maintain each participant's independence and capacity for self-care and to promote his/her social, physical and emotional well-being, with the aim of preventing inappropriate or premature institutionalization.

The Master Aging Plan (MAP) approved by the BOCC in March 2001 identified an adult day health program as one of its top priorities. The BOCC approved the adult day health initiative and set aside $40,000 for the planning and implementation of adult day health center, under the guidance and direction of the Aging Department, in November 2001. From the beginning it was agreed the initiative would be a community partnership and not an on-going County program. The adult day health center opened its doors in March 2003.

The adult care facility from inception was co-located with the central Orange County Senior Center in the Meadowlands office park. When the senior center moved into new space built adjacent with the SportPlex, SC of OC, Inc. also moved within the overall capital project to maintain coordination of senior services. Orange County has not had a formal lease agreement with SC of OC, Inc. at either physical location.

SC of OC, Inc. occupies approximately 3,550 of rentable, conditioned square feet with a 750 square foot exterior secure patio. The current market lease for this space would fall between

$11 and $13 per square foot per year, with the tenant paying for its own utilities and janitorial, resulting in an annual lease payment to the County of $39,048 - $46,152.

County Management and the County Attorney advise that a formal lease agreement with SC of OC, Inc. needs to be approved by the BOCC to clarify its relationship to Orange County government and distinguish its independence as a community-based private nonprofit. A term lease payment of $1 is recommended in light of SC of OC, Inc.'s limited financial resources with a written understanding that Orange County can re-evaluate the lease payment amount should the nonprofit's economic circumstances change and/or the rental space discontinue public purpose use. The lease is renewable for a period of five years.

**FINANCIAL IMPACT:** There is no financial impact associated with BOCC approval of the resolution approving the lease agreement with SC of OC, Inc.

**RECOMMENDATION(S):** The Manager recommends the Board open the public hearing, receive public comments, close the public hearing, approve and authorize the Chair to sign the resolution authorizing the lease to Senior Care of Orange County, Inc., and ratify the signed lease agreement.

RES-2013-013

**ORANGE COUNTY BOARD OF COMMISSIONERS**
**RESOLUTION LEASING PROPERTY UP TO TEN YEARS**

***Whereas***, Orange County owns the Adult Day Health Center located at the Central Orange Senior Center, 103 Meadowlands Drive, Hillsborough, NC 27278, comprising approximately 3,550 conditioned square feet and approximately 750 square feet of patio space (the "Premises"); and

***Whereas,*** Senior Care of Orange County, Incorporated, a North Carolina Nonprofit Corporation, desires to lease the Premises; and

***Whereas,*** Senior Care of Orange County, Incorporated provides valuable services to the citizens and residents of Orange County valued at $3,846.00 per month and the lease and any renewal will reflect an in-kind payment; and

***Whereas,*** Senior Care of Orange County should maintain as the first priority for the Adult Day Health Center the provision of services to Orange County residents; and

***Whereas***, North Carolina General Statute 160A-272 authorizes the lease of county-owned properties for terms of up to ten years upon resolution of the Board of Commissioners at a regular meeting after ten days' public notice; and

***Whereas***, in consideration of the valuable services provided to the citizens and residents of Orange County by Senior Care of Orange County, Incorporated valued at $3,846.00 per month, the Board of Commissioners of Orange County desires to lease the Premises to Senior Care of Orange County, Incorporated, the required notice has been published and the Board of Commissioners is convened at a regular meeting.

***THEREFORE BE IT RESOLVED,*** that Board of County Commissioners hereby approves the lease of the County property described above to Senior Care of Orange County, Incorporated for a term of five years commencing February 1, 2013 with a potential renewal term of five years, ratifies the signed lease, and directs the execution, registration, and filing of all necessary instruments accordingly.

***BE IT FURTHER RESOLVED***, that Resolution 2012-104 is hereby rescinded.

*This the 19th Day of February 2013.*

_____
Barry Jacobs, Chair
Orange County Board of Commissioners

**STATE OF NORTH CAROLINA**
**COUNTY OF ORANGE**

**LEASE**

THIS LEASE, made and entered into as of the 1st day of December, 2012, by and between Orange County, a political subdivision of the State of North Carolina, hereinafter referred to as "County," and Senior Care of Orange County, Inc., a North Carolina Nonprofit Corporation, hereinafter referred to as "Tenant," each of which may be referred to as "Party" or jointly as "Parties."

**WITNESSETH**:

THAT FOR and in consideration of the mutual covenants and conditions hereinafter set forth, the parties hereto do hereby agree as follows:

1. Premises. County does hereby lease and let unto Tenant and Tenant does hereby accept as Tenant those certain premises designated as the Adult Day Health Center located at the Central Orange Senior Center 103 Meadowlands Drive, Hillsborough, NC 27278, comprising approximately 3,550 conditioned square feet and approximately 750 square feet of patio space (the "Leased Premises").

2. Acceptance of Premises. The Tenant represents that the Leased Premises, the sidewalks and structures adjoining the same, any subsurface conditions thereof, and the present uses and non-uses thereof have been examined by the Tenant. The Tenant accepts the same in the condition in which they now are without representation or warranty, express or implied, in fact or by law, by the County, the nature, condition or usability thereof, or the uses to which the Leased Premises may be put. Provided, County shall be responsible for ensuring that the heating/air-conditioning system is in good operating condition; the exterior walls and roof, the lighting system (excluding such additions as may be required for Tenant's particular business operation) and the parking area and sidewalks are in good repair on the date of commencement of the lease term. County represents and warrants to Tenant that it holds fee title to the Leased Premises. The County shall not be responsible for any latent defect or change of condition in such building, improvements and personalty, and the rent hereunder shall in no case be withheld or diminished on account of any defect in such property, any change in the condition thereof, any damage occurring thereto or the existence with respect thereof of any violations of the laws or regulations of any governmental authority, except as hereinafter provided. In addition, Tenant acknowledges that the Leased Premises is a smoke free building and does not permit tobacco use inside of the building.

3. Term and Rental.

(a) This lease shall commence on February 1, 2013, and shall continue for a term of five years ending on January 31, 2018, unless sooner terminated as herein provided.

(b) Tenant and County agree that the fair market lease rate for the Leased Premises is $13.00 per square foot for the conditioned space for a total monthly lease value of $3846.00. Tenant and County agree and acknowledge that the Tenant provides valuable services to the residents of Orange County which services amount to an in-kind payment toward that monthly lease value equaling $3846.00 per month.

(c) The Tenant agrees to pay the County without demand at its office, or at such other place or places as County may from time to time designate in writing, the sum of $1.00 for the five year lease term on or before the fifteenth day of the lease term. Tenant acknowledges this rental rate is discounted in an effort to assist Tenant in providing a public benefit that being adult day care and services and that any renewal of this Lease shall be subject to an increased rental rate as determined by County. Tenant acknowledges that the Tenant's first priority for the Adult Day Health Center is to provide services to Orange County residents.

(d) Upon mutual agreement this Lease may be renewed for one five-year term. The Parties acknowledge that any such renewal may involve renegotiation of the rental rate reflected in Paragraph 3(b) and utility payment reflected in Paragraph 13. Should either Party hereto determine it is in its best interest not to renew this Lease such Party shall notify the other Party in writing not less than nine (9) months prior to the expiration of the initial term of this Lease.

4. Holdover. If the Tenant shall remain in possession of the Leased Premises after the expiration of the original or renewal period as set out above, such possession shall be as a month-to-month tenant. During such holdover month-to-month tenancy Tenant shall pay rent at the fair market rental value.

5. Insurance. The County shall keep in force insurance to provide for property damage to the building for replacement cost purposes. Provided, however, Tenant shall be responsible for and pay to County any increase in County's insurance premium occasioned by the nature of the Tenant's business.

The Tenant shall maintain fire and casualty insurance covering the Tenant's fixtures, equipment and other property located in the Leased Premises.

Tenant shall keep the Leased Premises insured, at its sole cost and expense, against claims for personal injury or property damage under a policy of general public liability insurance, with limits of at least $1,000,000 for bodily injury and $100,000 for property damage. Such policies shall name the County as additional named insured under the policy.

Tenant shall additionally insure the Leased Premises, at its sole cost and expense, against claims for personal injury or property damage under a food and/or beverage preparation and/or distribution or other relevant liability insurance policy with appropriate limits for bodily injury, sickness, or death. Such policy shall name the County as additional named insured under the policy.

The Tenant shall provide the County certificates of such insurance at or prior to the commencement of the term of this lease, and thereafter within ten (10) days prior to the expiration of such policies. Such policies shall provide that the same may not be canceled without at least ten (10) days prior written notice to County.

6. Rental Adjustment. In addition to the base rental, the Tenant shall assume and pay any additional fire insurance premium, hazard insurance premium, or other extended coverage insurance premium required as a result of any particular operation or use of said premises over and above the insurance premium required to be paid by County in the absence of said operation or use.

7. Signs. The Tenant will place and maintain in and about the Leased Premises at appropriately designated places, such neat and appropriate signs advertising the Tenant as

such. Any special Tenant sign will be at the sole cost of the tenant but in the same styling, provided, however, that County shall not unreasonably withhold approval of such signs as Tenant may desire. Upon the termination of this lease the Tenant shall remove all signs and repair any damage to the Leased Premises caused by the erection, maintenance or removal of such signs.

8. Repairs. The County shall maintain the roof and exterior walls of the Leased Premises including exterior paint, provided that in the event Tenant desires to alter the interior color scheme, said alteration must be approved by County and shall be at the Tenant's expense. In addition, County shall maintain the paved parking area and front entry to the building. The Tenant shall not cause or permit any waste, damage or injury to the Leased Premises. The Tenant, at its sole expense, shall keep the Leased Premises clean and in good condition (reasonable wear and tear excepted), and shall make all repairs, replacements and renewals, whether ordinary or extraordinary, seen or unforeseen, including all structural repairs, necessary to maintain the interior of the Leased Premises. All repairs, replacements and renewals shall be at least equal in quality of materials and workmanship to that originally existing in the Leased Premises. The County shall be responsible for repairs and maintenance of the roof and outside walls and other external structural members, including the foundation of the Leased Premises. The County shall be responsible for maintenance of the heating plant and air-conditioning systems in such condition as existed at the commencement of this lease, which County warrants to be in good working condition as of the date of this lease. The County shall be responsible for the removal of snow (in a timely manner) from the parking lot and the walkways. The County shall in no event be required to make any repair, alteration or improvement to the interior of the Leased Premises. Any equipment replaced by the Tenant shall belong to the Tenant, save equipment replaced in connection with Tenant's obligation to maintain the premises in the same condition as exists at the commencement of this lease, and all proceeds from the disposition thereof may be retained by the Tenant. The Tenant shall indemnify the County against all costs, expenses, liabilities, losses, damages, suits, fines, penalties, claims and demands including reasonable attorneys' fees, because of Tenant's failure to comply with the foregoing. Maintenance of the paved parking area shall be defined as and limited to maintaining and keeping the parking area in good condition.

9. Improvements. No substantial alteration, addition or improvement to the Leased Premises shall be made by the Tenant without the written consent of the County. Any alteration, addition or improvement made by the Tenant after such consent shall have been given and any fixtures permanently installed as part thereof, shall at the County's option, become the property of the County upon expiration of or other sooner termination of this lease; provided however, that the County shall have the right to require the Tenant to remove such fixtures at the Tenant's cost upon such termination. This clause shall not preclude Tenant from decorating the interior of the leased premises from time to time in Tenant's discretion. Tenant shall not remove or alter any vegetation on the exterior of the Leased Premises without the prior written approval of County.

10. Liens for Improvements by Tenant. The Tenant shall not permit any mechanic's lien to be filed against the fee of the property by reason of work, labor, services or materials supplied or claimed to have been supplied, whether prior or subsequent to the commencement of the term hereof, to the Tenant or anyone holding the Leased Premises, through or under the Tenant. If any such mechanic's lien shall at any time be filed against the Leased Premises, the Tenant shall, within 30 days after notice of the filing thereof, cause such lien to be discharged of record by payment, deposit, bond, order of a court of competent jurisdiction, or otherwise. If the Tenant shall fail to cause such lien to be discharged within such

30 day period, then, in addition to any other right or remedy of the County, the County may, but shall not be obligated to, discharge such lien either by paying the amount claimed to be due or by procuring the discharge of such lien by deposit or by bonding proceedings, and in any such event the County shall be entitled, if the County so elects, to compel the prosecution of an action for the foreclosure of such mechanic's lien by the lienor and to pay the amount of the judgment for and in favor of the lienor, with interest, costs and all other allowances. Any amount paid by the County for any such purposes, shall be repaid by the Tenant to the County on demand, with interest thereon at the rate of 6% per annum from the date of payment, and if unpaid may be treated as additional rent as provided for elsewhere in this lease. Nothing in this lease shall be construed in any way as constituting the consent or request of the County, express or implied, by inference or otherwise, to any contractor, subcontractor, laborer or materialmen for the performance of any labor or the furnishing of any materials for any property or as giving the Tenant the right, power of authority to contract for or permit the rendering of any service or the furnishing of any material that would give rise to the filing of any mechanic's lien against the fee of the Leased Premises.

11. Tenant's Warranty of Non-Disturbance. Tenant hereby expressly covenants and agrees that the Tenant shall be responsible for controlling the noise level emanating from the Tenant's use of the Leased Premises. Tenant shall be responsible for and pay for the installation of any special padding for other noise suppression devices that may be required for control of the level of sound emanating from the Leased Premises.

12. Tenant's Obligation to Comply with Applicable Laws and Compliance with Requirements of Insurance Policies. The Tenant shall throughout the term of this lease, at its sole expense, promptly comply with all laws and regulations of all federal, state and municipal governments and appropriate departments, commissions, boards and officers thereof, and the orders and regulations of the National Board of Fire Underwriters, or any other body now or hereafter exercising similar function, which may be applicable to the Leased Premises, the fixtures, and equipment therein, and the sidewalks and curbs adjoining the Leased Premises. The Tenant shall comply with the requirements of all policies of public liability, fire and all other types of insurance at any time in force with respect to the building and other improvements on the Leased Premises.

13. Utilities. County currently pays approximately $8,460 annually for utilities (electricity, gas, and water) and $564 for grounds care. Tenant and County agree and acknowledge that the Tenant provides valuable services to the residents of Orange County which services amount to an in-kind payment toward the costs of utilities and grounds care equaling $752.00 per month.

14. Condition of Premises. The Tenant shall, during the term of this lease and any renewal or extension hereof, at its sole expense, cause the Leased Premises to be kept clean and in a manner satisfactory to the County.

15. Surrender in Same Good Order and Condition. The Tenant shall vacate the Leased Premises in the good order and repair in which such property now is, ordinary wear and excepted, and shall remove all its property therefrom so that the County can repossess the Leased Premises no later than Noon on the day upon which this lease ends, whether upon notice or by holdover or otherwise. The County shall have the same rights to enforce this covenant by ejectment and for damages or otherwise as for the breach of any other condition or covenant of this lease. Tenant may at any time prior to or upon the termination of this lease or any renewal or extension thereof remove from the leased property all materials, equipment, and

property of every other sort or nature installed by the Tenant thereon, provided that such property is removed without substantial injury to the leased property. No injury shall be considered substantial if it is promptly corrected by restoration to the condition prior to the installation of such property, if so requested by the County. Any such property not removed shall become the property of the County.

16. Prohibition Against Unlawful or Extra-hazardous Use-Enforcement Against Subtenants. The Tenant may use and occupy the Leased Premises for adult day care and office uses and for no other purpose without the prior written consent of County. Tenant shall not use or occupy nor permit the Leased Premises or any part thereof to be used or occupied for any unlawful business, use or purpose, nor for any business, use , or purpose deemed extra-hazardous, nor for any purpose or in any manner which is in violation of any present or future governmental laws or regulations. The Tenant shall promptly after the discovery of any such unlawful or extra-hazardous use take all necessary steps, legal and equitable, to compel the discontinuance of such use and to oust and remove any subtenants, occupants, or other persons guilty of such unlawful or extra-hazardous use. The Tenant shall indemnify the County against all costs, expenses, liabilities, losses, damages, injunctions, suits, fines, penalties, claims and demands, including reasonable counsel fees, arising out of any violation of or default in these covenants.

17. County's Right to Cause Expiration or Termination upon Listed Defaults

(a) The occurrence of any of the following shall constitute an event of default:

1. Delinquency in the punctual payment of any rent or additional rent payable under this lease when such rent shall become payable. Should such rent payment not be made when due then upon the expiration of five days after the due date, such rent payment shall be delinquent.

2. Delinquency by the Tenant in the performance of or compliance with any of the conditions contained in this lease other than those referred to in the foregoing subparagraph 1, for a period of 30 days after written notice thereof from the County to the Tenant. In the event, Tenant is incapable of curing the default within such thirty (30) day period, the County may in its discretion extend the time for as long as the County deems necessary to cure such default. Provided, however, the Tenant shall promptly and diligently commence action to cure such default and provide County with evidence of Tenant's intent to cure the default. Any additional period of time beyond thirty (30) days granted to Tenant to cure any default shall not be so extended as to jeopardize the interest of the County in this lease or so as to subject the County to any civil or criminal liabilities.

3. Filing by the Tenant in any court pursuant to any statute, either of the United States or any state, or a petition in bankruptcy or insolvency or for reorganization, or for the appointment of a receiver or trustee of all or a portion of the Tenant's property, or an assignment by the Tenant for the benefit of creditors.

4. Filing against the Tenant in any court pursuant to any statute, either of the United States or of any state, of a petition in bankruptcy or insolvency, or for reorganization, or for appointment of a receiver or trustee of all or a portion of the Tenant's property, if within 180 days after the commencement of any such proceeding against the Tenant such petition shall not have been dismissed.

(b) Upon the expiration or termination of this lease, the Tenant shall peacefully surrender the Leased Premises to the County, and the County, upon or at any time after such

expiration or termination, County may, without further notice, reenter the Leased Premises and repossess it by force, summary proceedings, ejectment, or otherwise, and may dispossess the Tenant and remove the Tenant and all other persons and property from the Leased Premises and the right to receive all rental income therefrom.

(c) At any time after such expiration, the County may re-let the Leased Premises or any part thereof, in the name of the County or otherwise, for such term (which may be greater or less than the period which would otherwise have constituted the balance of the term of this lease) and on such conditions (which may include concessions or free rent) as the County, in its uncontrolled discretion, may determine, and may collect and receive the rent thereof.

(d) No such expiration or termination of this lease shall relieve the Tenant of its liability or obligations under this lease, and such liability and obligations shall survive any such expiration or termination. In the event of any such expiration or termination, whether or not the Leased Premises or any part any part thereof shall have been re-let, the Tenant shall pay to the County the rent and additional rent required to be paid by the Tenant up to the time of such expiration, and thereafter the Tenant, until the end of what would have been the term of this lease in the absence of such expiration, shall be liable to the County for, and shall pay to the County, as and for liquidated and agreed current damages for the Tenant's default:

1. The equivalent of the amount of the rent and additional rent which would be payable under this lease by the Tenant if this lease were still in effect, less

2. The greater of:

(a) The fair rental value of the Leased Premises for the remaining term of the lease, after deducting all the County's reasonable expenses in connection with such re-letting, including, without limitation, all repossession costs, brokerage Commissions, legal expenses, reasonable attorney's fees, alteration costs, and expenses of preparation for such re-letting.

(b) The net proceeds of any re-letting effected pursuant to the provisions of paragraph d. of this article, after deducting all the County's reasonable expenses in connection with such re-letting, including, without limitation, all repossession costs, brokerage commissions, legal expenses, reasonable attorney's fees, alteration costs, and expenses of preparation for such re-letting.

(e) The Tenant shall pay such current damages (herein called "deficiency") to the County monthly on the days on which the rent and additional rent would have been payable under this lease if this lease were still in effect, and the County shall be entitled to recover from the Tenant each monthly deficiency as such deficiency shall arise. At any time after any such expiration, whether or not the County shall have collected any monthly deficiency, the County shall be entitled to recover from the Tenant, and the Tenant shall pay to the County, on demand, as and for liquidated and agreed final damages for the Tenant's default, an amount equal to the difference between the rent and additional rent reserved hereunder for the expired portion of the lease of the Leased Premises for the same period. In the computation of such damages the difference between any installment of rent becoming due hereunder after the date of termination and the fair and reasonable rental value of the Leased Premises for the period for which such installment was payable shall be discontinued to the date of termination at the rate of four percent per annum.

(f) The terms "enter", "reenter", "entry", or "reentry" as used in this lease are not restricted to their technical meaning.

18. Lien on Tenant's Improvements and Personal Property. The County shall have first lien paramount to all others on every right and interest of the Tenant in and to this lease, and on any building or improvement on or hereafter placed on the Leased Premises, and on any furnishings, equipment, fixtures, or other personal property of any kind belonging to the Tenant, or the equity of the Tenant therein, on the Leased Premises. Such lien is granted for the purpose of covenanted to be paid by the Tenant, and for the purpose of securing the performance of all of the Tenant's obligations under this lease. Such liens shall be in addition to all rights of the County given under statutes of this state, which are now or shall hereinafter be in effect. The provisions of this paragraph shall not be applicable to liens existing at the commencement of this lease.

Provided, that County may, at his option, agree to subordinate this lien to liens arising in connection with purchased of equipment or leasehold improvement financing by Tenant, which agreement County covenants not to unreasonably withhold.

19. County's Right to Receiver upon Tenant's Default. In addition to any other security for the performance of this lease, the Tenant hereby assigns to the County all of the rents and profits which might otherwise accrue to the Tenant from the use, enjoyment, and operation of the Leased Premises, such assignment to become effective, however, only after default by the Tenant in the performance of its obligations under this lease. If the County, upon default of the Tenant, elects to file a suit in equity to enforce the lease and protect the County's right hereunder, the County may upon notice to the Tenant, as ancillary to such suit, apply to any court having jurisdiction for the appointment of a receiver of the Leased Premises, the improvements and buildings located thereon, the personal property located therein, and thereupon the court may forthwith appoint a receiver with the usual powers and duties of receivers in like cases. Such appointment shall be made by such court as a matter of strict right to the County and without consideration of the adequacy of the value of the Tenant's interest in the lease, or of the value of the property, or the commission of waste thereon, or the deterioration thereof. Nothing herein shall prevent the enforcement of the County's lien for rent in any court or by proceeding authorized to the laws of this state, or the institution by the County of a separate proceeding in equity for the appointment of a receiver as an ancillary remedy to protect the rights and interest of the County. Any and all remedies or proceedings are considered cumulative and not exclusive.

20. Waiver of County's Rights Only by Written Instrument. No failure by the County to insist upon the strict performance of any item or condition of this lease or to exercise any right or remedy available on a breach thereof, and no acceptance of full or partial rent during the continuance of any such breach shall constitute a waiver of any breach or of any such term or condition. No term or condition of this lease required to be performed by the Tenant, and no breach thereof, shall be waived, altered or modified, except by a written instrument executed by the County. No waiver of any breach shall affect or alter any term or condition in this lease, and each such term or condition shall continue in full force and effect with respect to any other then existing or subsequent breach thereof.

21. Performance of Tenant's Obligations - Unpaid Insurance Premiums

(a) If the Tenant shall at any time fail to pay any amount in accordance with the provisions of this lease, or shall fail to take out, keep in force, or shall fail to perform any of its other obligations under this lease, then the County may after notice and opportunity to cure in accordance with the provisions of Paragraph 17(a)2, or without notice if any emergency exists,

and without releasing the Tenant from any obligation of the Tenant contained in this lease, may (but shall be under no obligation to) pay any amount payable by the Tenant hereunder, and perform any other act required to be performed by the Tenant hereunder. The County may enter upon the Leased Premises for such purposes and take any action necessary therefore.

(b) All sums so paid by the County and all costs and expenses incurred by the County in connection with the performance of any such act, together with interest thereon at the rate of 6% per annum from the respective dates of each such payment and such costs and expenses, shall constitute additional rent payable by the Tenant under this lease and shall be paid by the Tenant to the County on demand.

(c) Notwithstanding anything in this lease to the contrary, the County shall not be limited, in the proof any damages which the County may claim against the Tenant by reason of the Tenant's failure to provide and keep insurance in force, to the amount of the insurance premiums not paid or incurred by the Tenant. The County shall also be entitled to recover as damages for such breach the uninsured amount of any loss, together with damages, costs, and expenses of any suit offered or incurred by reason of damage to the Leased Premises occurring during any period when the Tenant shall have failed to provide and keep such insurance in force.

22. Performance of Tenant's Obligations-Taxes. If the Tenant shall default in the performance of any obligation under this lease, the County may, after notice and opportunity to cure in accordance with Paragraph 17(a)2 or without notice if any emergency exists, perform such obligation for the account and at the expense (including reasonable counsel fees) of the Tenant. The amount of any payment made or expense incurred by the County for such purpose, with interest thereon at the rate of 6% per annum, shall be deemed additional rent and forthwith shall be repaid by the Tenant to the County, or, at the County's election, may be added to any subsequent installment of rent due and payable under this lease. Nothing herein contained shall be deemed to waive any right of the County to sue for and recover by action at law any sums of which the County may have incurred under the provisions of this subparagraph. The provisions of this paragraph shall survive the termination of this lease.

23. Right of Entry. The County or its agent shall with twenty-four (24) hours notice have the right to enter the Leased Premises at reasonable times in order to examine it, to show it to prospective purchasers or lessees, or to make such decorations, repairs, alterations, improvements or additions as the County may deem necessary or desirable. The County shall be allowed to take all material into and upon the Leased Premises that may be required therefore without the same constituting an eviction of the Tenant in whole or in part. The rent reserved shall not abate while decorations, repairs, alterations, improvements, or additions are being made, whether by reason of loss or interruption of the business of the Tenant or otherwise. During the last month prior to the expiration of the term of this lease, the County may place upon the Leased Premises the usual notices "To Let" or "For Sale", which notices the Tenant shall permit to remain thereon without molestation. If during the last month of the term the Tenant shall have removed all or substantially all of the Tenant's property therefrom, the County may, with the Tenant's permission, immediately enter and later, renovate and redecorate the Leased Premises without elimination of abatement of rent and without liability to the Tenant for any compensation, and such acts shall have no effect upon this lease. If the Tenant or its employees shall not be personally present to permit entry at any time when an entry therein shall be immediately necessary, as herein provided, the County may enter the premises by such means as may be appropriate, including forcible entry, without rendering the County or such agents liable therefore (if during such entry the County or his agents shall

accord reasonable care to the Tenant's property), and without in any manner affecting the obligations and covenants of this lease. The County's right of reentry shall not be deemed to impose upon the County any obligation, responsibility or liability for the care, supervision or repair of the Leased Premises other than as herein provided. In the event that it becomes necessary for County to replace or repair any major component or any structural or other system in the leased premises, the County shall have full and unrestricted access to the building and the Leased Premises. The County reserves the right temporarily to interrupt, curtail, stop or suspend air-conditioning and heating service, and all other utility or other services, because of accident or emergency or for repairs, alterations, additions, or improvements, or because of the County's inability to obtain, or difficulty or delay in obtaining, labor or materials necessary therefore or compliance with governmental restrictions in connection therewith, or because of any other cause beyond the County's reasonable control, provided that, except in cases of emergency, the County will use its best efforts to limit such stoppage to after-business hours, will notify the Tenant in advance, if possible, of any such stoppage, and, if ascertainable, its estimated duration, and will proceed diligently with the work necessary to resume such service as promptly as possible and in a manner and at times as will not materially interfere with or impair the Tenant's use of the Leased Premises. No diminution or abatement of fixed rent or other compensation shall be claimed by the Tenant, nor shall this lease or any of the obligations of the Tenant hereunder be affected or reduced by reason of such interruption, stoppage, or curtailment, nor shall the same give rise to a claim in the Tenant's favor that such failure constitutes total or partial eviction from the Leased Premises, provided that if the Leased Premises shall be unreasonably unoccupiable for a continuous period of more than five business days by reason of any such stoppage, the fixed rent payable by the Tenant shall abate until the Tenant shall be again able to use the Leased Premises.

24. Destruction by Fire or Other Casualty. In the event the premises or any substantial portion thereof are destroyed by fire or other casualty during the term of this lease, it is understood and agreed that County shall have no obligation to rebuild, and, at the election of County or Tenant the lease may be terminated

.

25. Condemnation. If the whole of the Leased Premises, or such portion thereof as will make the Leased Premises unsuitable for the purposes herein leased, is condemned for any public use or purpose by any legally constituted authority, then in either of such events this lease shall cease from the time when possession is taken by such public authority and rental shall be accounted for between the County and the Tenant as of the date of the surrender of possession. Such termination shall be without prejudice to the rights of either the County or the Tenant to recover compensation from the condemning authority for any loss or damage caused by such condemnation. Neither the County nor the Tenant shall have any rights in or to any award made to the other by the condemning authority.

26. Assignment of Lease. The Tenant shall not assign, mortgage, or encumber this lease, nor sublet or permit the Leased Premises or any part thereof to be used by others, save and except direct clients of Tenant with whom Tenant has contractual agreements, without the prior written consent of the County in each instance. If this lease is assigned, or if the Leased Premises or any part thereof, is sublet, or occupied by anybody other than the Tenant except as stated above, the County may, after an event of default, as hereinabove defined, by the Tenant, collect rent for the assignee, subtenant, or occupant and apply the net amount collected to the rent herein reserved. No such assignment, subletting, occupancy or collection shall be deemed a waiver of this covenant, or the acceptance of this assignee, subtenant, or occupant as tenant, or a release of covenants in this lease. The consent by the County to an assignment or subletting shall not be construed to relieve the Tenant from obtaining the

consent in writing of the County to any further assignment or subletting. Provided, further, County shall not unreasonably withhold consent to assignment.

27. Assignment of Interest in Rents. The County shall have the right, without selling its fee interest in the leased property or assigning its interest in this lease, to assign from time to time the whole of the net rent at any time payable hereunder to persons, firms, corporations, trusts or other entities designated by the County in a written notice to the Tenant, and in any such case the Tenant shall pay the net rent, subject to the terms of this lease, to the County's designee at the address mentioned in any such notice for the period covered by such assignment.

28. Exoneration from Liability. The County shall not be liable for any personal injury to the Tenant or to its officers, agents and employees, or to any other occupant of any part of the Leased Premises, irrespective of how such injury or damage may be caused, whether from action of the elements or acts of negligence of the occupants of adjacent properties, or any other persons; provided that nothing contained herein shall relieve the County of the consequences of his own negligence. The Tenant agrees to defend, indemnify and hold harmless the County from all loss, liability, claims or expense, including attorney's fees, arising out of or related to the Tenant's lease, use, sublease, or occupation of the facility and arising from bodily injury including death or property damage to any person or persons caused in whole or in part by the negligence or misconduct of the Tenant except to the extent same are caused by the negligence or willful misconduct of the County. It is the intent of this provision to require the Tenant to indemnify the County to the fullest extent permitted under North Carolina law.

29. Reimbursement of Expenses. The Tenant shall pay and indemnify the County against all legal costs and charges, including counsel fees lawfully and reasonably incurred, in obtaining possession of the leased premises after default of the Tenant or after the Tenant's default in surrendering possession upon the expiration or earlier termination of the term of the lease or enforcing any covenant of the Tenant herein contained. The Tenant further covenants that in case the County shall be made party to any litigation commenced against the Tenant, due to act or omission on the part of the Tenant alone, then the Tenant shall pay all expenses, costs, and reasonable attorney's fees incurred by or imposed on the County in connection with such litigation, and such expenses, costs, and attorney's fees shall be additional rent due on the last day after services of notice of such payment or payments, together with interest at a rate of 9% per annum from the date of payment, and shall be collected as any other rent specifically reserved herein. Provided that this claim shall not be applicable where the County shall be made a party by reason of any independent liability of the County caused by some act or omission on the part of the County or resulting from any act or omission on the part of both Tenant and County.

30. Smoke Free Facility. Tenant acknowledges that County-owned buildings are smoke-free. Tenant shall ensure that employees, customers or invitees of the Tenant abide by the County's ordinances, which prohibit smoking.

31. Weapons Prohibited. Tenant acknowledges that a County ordinance has been approved by the Board of Commissioners that prohibits weapons in County facilities, except in limited situations Tenant will ensure that employees, customers or invitees of the Tenant abide by the County's ordinance that prohibits weapons in the facility.

32 Notice by Registered or Certified Mail. Any notice under this lease must be in writing and must be sent by registered or certified mail to the last address of the party to whom the notice is to be given, as designated by such party in writing. The County hereby designates its address as:

County of Orange
Attn: County Manager
200 South Cameron Street
PO Box 8181
Hillsborough, NC 27278

The Tenant hereby designates its address as:

Senior Care of Orange County, Inc.
Attn: Executive Director
103 Meadowlands Drive
Hillsborough, NC 27278

33. Grammatical Usage. In construing this lease, feminine or neuter pronouns shall be substituted for those masculine in form and vice versa, and plural terms shall be substituted for singular and singular for plural in any place in which the context so requires.

34. Entire Agreement. This lease contains the entire agreement between the parties, and any executory agreement hereafter made shall be ineffective to change, modify, or discharge it in whole or in part, unless such executory agreement is in writing and signed by the party against whom enforcement of the change, modification or discharge is sought.

IN TESTIMONY WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

**[SIGNATURE PAGE TO FOLLOW]**

**COUNTY:**

BY: _____
Barry Jacobs, Chair

ATTEST:
_____
Donna S. Baker, Clerk to the Board

**TENANT:**
_____
Senior Care of Orange County, Inc.
President

WITNESS:
_____

STATE OF NORTH CAROLINA
ORANGE COUNTY

I, Evelyn M Cecil, a Notary Public for said County and State, do hereby certify that Donna S. Baker personally appeared before me this date and acknowledged that she is the Clerk to the Board of Commissioners of Orange County, and that by authority duly given and as the act of Orange County, the foregoing instrument was signed in its name by Bernadette Pelissier, Chair, sealed with its official seal, and attested by herself as its Clerk.

Witness my hand and official seal, this the 7th day of December, 2012

_____
Notary Public

My Commission expires: 10-13-2014

EVELYN M. CECIL NOTARY PUBLIC ORANGE COUNTY, NC

STATE OF NORTH CAROLINA
COUNTY OF ORANGE

I, V Dawn Smith, a Notary Public, do hereby certify that Mary Anne Peter, personally appeared before me this day and acknowledged the due execution of the foregoing Lease Agreement.

WITNESS my hand and official seal this the 1st day of February, ~~2012.~~ 2013 (VDS)

_____
Notary Public

My commission expires: July 15, 2017

V DAWN SMITH NOTARY PUBLIC ORANGE COUNTY, NC

Client#: 955852 04SENIOCAR1

# ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 01/24/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
BB&T Insurance Services, Inc.
414 Gallimore Dairy Road
Suite F
Greensboro, NC 27409

CONTACT NAME:
PHONE (A/C, No, Ext): 888 743-2217 FAX (A/C, No): 8888279861
E-MAIL ADDRESS:

| INSURER(S) AFFORDING COVERAGE | NAIC # |
|---|---|
| INSURER A : Evanston Insurance Company | 35378 |
| INSURER B : | |
| INSURER C : | |
| INSURER D : | |
| INSURER E : | |
| INSURER F : | |

INSURED
Senior Care of Orange County
PO Box 8181
Attn Day Health Center
Hillsborough, NC 27278-8181

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE | ADDL INSR | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS | |
|---|---|---|---|---|---|---|---|---|
| A | GENERAL LIABILITY | | | SM888119 | 07/13/2012 | 07/13/2013 | EACH OCCURRENCE | $1,000,000 |
| | X COMMERCIAL GENERAL LIABILITY | | | | | | DAMAGE TO RENTED PREMISES (Ea occurrence) | $50,000 |
| | X CLAIMS-MADE ☐ OCCUR | | | | | | MED EXP (Any one person) | $5,000 |
| | X BI/PD Ded:5,000 | | | | | | PERSONAL & ADV INJURY | $1,000,000 |
| | | | | | | | GENERAL AGGREGATE | $3,000,000 |
| | GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☐ LOC | | | | | | PRODUCTS - COMP/OP AGG | $ |
| | | | | | | | | $ |
| | AUTOMOBILE LIABILITY | | | | | | COMBINED SINGLE LIMIT (Ea accident) | $ |
| | ☐ ANY AUTO | | | | | | BODILY INJURY (Per person) | $ |
| | ☐ ALL OWNED AUTOS ☐ SCHEDULED AUTOS | | | | | | BODILY INJURY (Per accident) | $ |
| | ☐ HIRED AUTOS ☐ NON-OWNED AUTOS | | | | | | PROPERTY DAMAGE (Per accident) | $ |
| | | | | | | | | $ |
| | ☐ UMBRELLA LIAB ☐ OCCUR | | | | | | EACH OCCURRENCE | $ |
| | ☐ EXCESS LIAB ☐ CLAIMS-MADE | | | | | | AGGREGATE | $ |
| | ☐ DED ☐ RETENTION $ | | | | | | | $ |
| | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y / N | | | | | | ☐ WC STATU-TORY LIMITS ☐ OTH-ER | |
| | ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? ☐ (Mandatory in NH) | N / A | | | | | E.L. EACH ACCIDENT | $ |
| | If yes, describe under DESCRIPTION OF OPERATIONS below | | | | | | E.L. DISEASE - EA EMPLOYEE | $ |
| | | | | | | | E.L. DISEASE - POLICY LIMIT | $ |
| A | Error & Omissions | | | SM888119 | 07/13/2012 | 07/13/2013 | Limit 1: $1,000,000<br>Limit 2: $3,000,000<br>Deductible: $5,000 | |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Professional Liability Limit #1: 1,000,000 Ded.#1: $5,000.00
Limit #2: 3,000,000

Food and Beverages consumed on insured's premises are covered under the operations coverage of the General Liability policy.

CERTIFICATE HOLDER

Senior Care of Orange County
PO Box 8181
Attn: Day Health Center
Hillsborough, NC 27278-8181

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

James L. Moore

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POLICY NUMBER:

**COMMERCIAL GENERAL LIABILITY**
**CG 24 07 01 96**

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

# PRODUCTS/COMPLETED OPERATIONS HAZARD REDEFINED

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART

**SCHEDULE**

**Description of Premises and Operations:**

(If no entry appears above, information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

With respect to "bodily injury" or "property damage" arising out of "your products" manufactured, sold, handled or distributed:

1. On, from or in connection with the use of any premises described in the Schedule, or
2. In connection with the conduct of any operation described in the Schedule, when conducted by you or on your behalf,

Paragraph **a.** of the definition of "Products-completed operations hazard" in the DEFINITIONS Section is replaced by the following:

"Products-completed operations hazard":

**a.** Includes all "bodily injury" and "property damage" that arises out of "your products" if the "bodily injury" or "property damage" occurs after you have relinquished possession of those products.


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CORD

# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 01/29/13

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Tyson Insurance Services, Inc.
3814-A North Duke Street
P. O. Box 15734
Durham, NC 27704-
Carmon C. Ellis
919-471-8222

CONTACT NAME:
PHONE (A/C, No, Ext):
FAX (A/C, No):
E-MAIL ADDRESS:
PRODUCER CUSTOMER ID #: NANTCAF

INSURED
Nantucket Cafe, Inc.
P. O. Box 2655
Chapel Hill, NC 27515

| INSURER(S) AFFORDING COVERAGE | NAIC # |
|---|---|
| INSURER A: The Harford Mutual Ins. Co. | |
| INSURER B: First Benefits Insurance Co. | |
| INSURER C: Travelers Property/Casualty | |
| INSURER D: | |
| INSURER E: | |
| INSURER F: | |

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE | ADDL INSR | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS | |
|---|---|---|---|---|---|---|---|---|
| A | GENERAL LIABILITY<br>X COMMERCIAL GENERAL LIABILITY<br>CLAIMS-MADE X OCCUR<br>GEN'L AGGREGATE LIMIT APPLIES PER:<br>POLICY PRO-JECT LOC | | | 8136767 | 07/04/12 | 07/04/13 | EACH OCCURRENCE | $ 1,000,000 |
| | | | | | | | DAMAGE TO RENTED PREMISES (Ea occurrence) | $ 500,000 |
| | | | | | | | MED EXP (Any one person) | $ 5,000 |
| | | | | | | | PERSONAL & ADV INJURY | $ 1,000,000 |
| | | | | | | | GENERAL AGGREGATE | $ 2,000,000 |
| | | | | | | | PRODUCTS - COMP/OP AGG | $ 1,000,000 |
| | | | | | | | | $ |
| C | AUTOMOBILE LIABILITY<br>X ANY AUTO<br>ALL OWNED AUTOS<br>SCHEDULED AUTOS<br>X HIRED AUTOS<br>X NON-OWNED AUTOS | | | BA-4C670808-12-SEL | 11/19/12 | 11/19/13 | COMBINED SINGLE LIMIT (Ea accident) | $ 1,000,000 |
| | | | | | | | BODILY INJURY (Per person) | $ |
| | | | | | | | BODILY INJURY (Per accident) | $ |
| | | | | | | | PROPERTY DAMAGE (Per accident) | $ |
| | | | | | | | | $ |
| | | | | | | | | $ |
| A | UMBRELLA LIAB X OCCUR<br>EXCESS LIAB X CLAIMS-MADE<br>DEDUCTIBLE<br>RETENTION $ | | | 7958244 | 07/04/12 | 07/04/13 | EACH OCCURRENCE | $ 1,000,000 |
| | | | | | | | AGGREGATE | $ |
| | | | | | | | | $ |
| | | | | | | | | $ |
| B | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY<br>ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y/N<br>(Mandatory in NH)<br>If yes, describe under DESCRIPTION OF OPERATIONS below | | N/A | WC-5441-2012 | 06/01/12 | 06/01/13 | WC STATU-TORY LIMITS X OTH-ER | |
| | | | | | | | E.L. EACH ACCIDENT | $ 1,000,000 |
| | | | | | | | E.L. DISEASE - EA EMPLOYEE | $ 1,000,000 |
| | | | | | | | E.L. DISEASE - POLICY LIMIT | $ 1,000,000 |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

CERTIFICATE HOLDER

SENICEN

Senior Center of Orange County
fax # 919-245-2018
Attn: Alvonra Baldwin
103 Meadowlands Dr.
Hillsborough, NC 27278

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
Carmon C. Ellis

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# EVANSTON INSURANCE COMPANY

Policy No. SM-888119
Prev. No. SM-880889
Prod. No. CN200

## DECLARATIONS – SPECIFIED MEDICAL PROFESSIONS PROFESSIONAL LIABILITY INSURANCE – CLAIMS MADE COVERAGE

## SPECIFIED MEDICAL PROFESSIONS GENERAL LIABILITY (INCLUDING PRODUCTS AND COMPLETED OPERATIONS LIABILITY) INSURANCE - CLAIMS MADE COVERAGE

**Claims Made Coverage:** The coverage afforded by this policy is limited to liability for only those Claims that are first made against the Insured during the Policy Period or the Extended Reporting Period, if exercised.

**Notice:** This is a duty to defend policy. Additionally, this policy contains provisions that reduce the limits of liability stated in the policy by the costs of legal defense and permit legal defense costs to be applied against the deductible, unless the policy is amended by endorsement. Please read the policy carefully.

1. **NAMED INSURED:** SENIOR CARE OF ORANGE COUNTY, INC.

2. **BUSINESS ADDRESS:**
   105 MEADOWLAND DRIVE
   HILLSBOROUGH, NC 27278

3. **POLICY PERIOD:** From July 13, 2012 to July 13, 2013
   12:01 A.M. Standard Time at address of Insured stated above

4. **PROFESSIONAL SERVICES:**

   Adult Day Care

5. **SPECIFIED PRODUCTS, GOODS, OPERATIONS AND PREMISES COVERED:**
   Adult Day Care; all related premises and operations of the Insured

6. **LIMITS OF LIABILITY:**

   I. For Professional Liability:

      A. Each Claim: $ 1,000,000

      B. Aggregate: $ 3,000,000

   II. For General Liability:

      A. For Coverage A. (Bodily Injury and Property Damage Liability):

         (i) Each Occurrence: $ 1,000,000

         (ii) Damage to Premises – Any One Premises: $ 50,000

      B. For Coverage B. (Personal Injury and Advertising Injury Liability):

         (i) Each Person or Organization: $ 1,000,000

      C. For Coverage C. (Medical Payments):

         (i) Each Injured Person: $ 5,000

      D. Aggregate – All Coverages: $ 3,000,000

**Policy No.** SM-888119

7. **DEDUCTIBLE:**

   I. For Professional Liability:

      A. Each Claim: $ 5,000

   II. For General Liability:

      A. For Coverage A. (Bodily Injury and Property Damage Liability):

         Each Occurrence: $ 5,000

      B. For Coverage B. (Personal Injury and Advertising Injury Liability):

         Each Person or Organization: $ 5,000

8. **RETROACTIVE DATE:**

   I. For Professional Liability: July 13, 2005
   II. For General Liability: July 13, 2005

9. **RATE:** Flat

   **PREMIUM BASE:** Flat

10. **PREMIUM FOR POLICY PERIOD:**

| | | |
|---|---|---|
| Minimum | $ | 4,500.00 |
| Deposit | $ | 4,500.00 |

11. **PREMIUM FOR EXTENDED REPORTING PERIOD:**

    150% for 12 months; 175% for 24 months; or 200% for 36 months

12. The Insured is not a proprietor, superintendent, executive officer, director, partner, trustee or employee of any hospital, sanitarium, clinic with bed-and-board facilities, laboratory, or any business enterprise not named in Item 1. hereinabove, except as follows:

    None

13. **ENDORSEMENTS ATTACHED AT POLICY INCEPTION:**

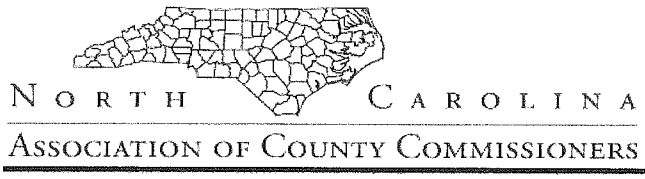
| | |
|---|---|
| 1. EIC 4115-01 | 25% Minimum Earned Premium Endorsement |
| 2. EIC 832-01 | Asbestos Exclusion |
| 3. ZZ-44002-01 | Mold Exclusion |
| 4. MEIL 5229 09 10 | Longer Duration Extended Reporting Period Availability |
| 5. EIC 4638-02 | Certified Acts of Terrorism Endorsement |
| 6. MEIL 5410 02 12 | Amendment of Definitions and Exclusions - Electronic Data and Distribution of Material in Violation of Statutes |
| 7. MEIL 1313 02 12 | Amendment of Definitions and Exclusions - Electronic Data and Distribution of Material in Violation of Statutes |
| 8. MESM 2034 04 11 | DataBreach Coverage Parts Endorsement |
| 9. EIC 4661 | Additional Insured Endorsement for Landlords, Sponsors or Lessors |

Tammy Walton NATL Producer #5542881

**The insurance company with which this coverage has been placed is not licensed by the State of North Carolina and is not subject to its supervision. In the event of the insolvency of the insurance company, losses under this policy will not be paid by any State insurance guaranty fund.**

TAX: $ 225.00

POLICY FEE: $500.00




NCACC Risk Management Pools
Liability and Property

# NCACC LIABILITY AND PROPERTY POOL

## COVERAGE CONTRACT

## GENERAL DECLARATIONS

| | |
|---|---|
| Participant<br>Address | **SENIOR CARE OF ORANGE CO. INC**<br>**105 MEADOWLAND DRIVE**<br>**HILLSBOROUGH, NC 27278** |
| Contract number | **LP-SE-525-12** |
| Contract Period | **July 1, 2012 to July 1, 2013** |
| Effective Time | **12:01 A.M., Eastern Daylight Time** |
| Pool Sponsored by | **North Carolina Association of County Commissioners**<br>**215 North Dawson Street**<br>**Raleigh, North Carolina 27602** |
| Pool Adminstered by | **North Carolina Association of County Commissioners**<br>**215 North Dawson Street**<br>**Raleigh, North Carolina 27602** |
| Claims Administrator | **Sedgwick Claims Management Services, Inc.**<br>**5260 Parkway Plaza Boulevard, Suite 190**<br>**Charlotte, North Carolina 28217** |

NCACC Risk Management Pools
Liability and Property

## SECTION I
## PROPERTY & INLAND MARINE COVERAGE
## CONTRACT DECLARATIONS

| | |
|---|---|
| Participant | **SENIOR CARE OF ORANGE CO. INC** |
| Contract Number | **LP-SE-525-12** |
| Contract Period | **July 1, 2012 to July 1, 2013** |
| Effective Time | **12:01 A.M., Eastern Daylight Time** |

| SCHEDULE OF PROPERTY AND INLAND MARINE LIMITS | |
|---|---|
| Real and Personal Property coverage: Blanket Limit | $8,000 |
| Inland Marine coverage: Blanket Limit (including, but not limited to: Mobile equipment, voting machines, mobile radios, telephone equipment, communications towers, landfill equipment, and miscellaneous equipment. | $0 |
| Dogs or Horses: Declared and Schedule values) | $0 |

| DEDUCTIBLES | |
|---|---|
| Real and Personal Property per Occurrence | $1,000 |
| Inland Marine per Occurrence | $1,000 |
| Flood per Occurrence | $25,000 |
| Earthquake per Occurrence | $25,000 |
| Terrorism per Occurrence | $10,000 |
| Mold per Occurrence | $10,000 |
| 2% Wind Deductible | NO |

The following conditions apply to certain property and inland marine:
Any building over $1,000,000 in value and over fifty (50) years old requires an appraisal if replacement cost is to apply. Otherwise, coverage shall be made on an actual cash value basis.

With regard to Law Enforcement Dogs & Horses values must be declared for coverage to apply.

If a new exposure is acquired by the Participant/Member during the year, such new exposure must be reported for coverage to apply. This applies to exposures for which a limit is not already shown on this Property and Inland Marine Contract Declarations page of automatically covered in the Property Coverage document.

Any single item of Fine Arts valued over $250,000 must be scheduled and have a recent appraisal.

## Coverage Extensions

The following Sub limits apply on a per occurrence basis, unless otherwise stated. Any Sub limit shown as an annual aggregate applies per occurrence and to all losses for that peril/coverage in the aggregate during the contract term.

For additional coverages and sub-limits are found in the Property Coverage document, under 7. Limits of Liability and a description of the coverage is found under the PROPERTY DAMAGE - SECTION B, 3. ADDITIONAL COVERAGES section of the PROPERTY COVERAGE document.

| Coverage | Limits |
|---|---|
| Animal Mortality | Coverage applies if scheduled and endorsed |
| Landfill fires: Cost of extinguishing (any one occurrence/annual aggregate) | $250,000 annual aggregate |

| TIME LIMITS OR LIMITATIONS | |
|---|---|
| In Addition to the time limits shown elsewhere in this Contract, the following apply: | |
| Automatic Coverage | 90 Day Period |
| Interruption by Civil Authorities | 30 Day Period |
| Ingress/Egress | 30 Day Period |
| Extended Period of Indemnity | 180 Day Period |

**Shared Reinsurance Limits:**

Earthquake: $5,000,000 limit per Occurrence subject to a $5,000,000 annual aggregate with a Shared Reinsurance Limit with other members of CRL, Inc. of $300,000,000 annual aggregate.

Flood Coverage (Zones A and V) - $1,000,000 limit per Occurrence with a $1,000,000 annual aggregate with a Shared Reinsurance Limit with other members of CRL, Inc. of a $20,000,000 annual aggregate.

Flood Coverage (Zones other than A and V) - $5,000,000 limit per Occurrence with a $5,000,000 annual aggregate with a Shared Reinsurance Limit with other members of CRL, Inc. of $200,000,000 annual aggregate.

NAMED STORM including storm surge - $50,000,000 limit per member of the Pool with a with a limitation of $200,000,000 for all locations combined within Tier One and Tier Two and with a Shared Reinsurance Limit with other members of CRL, Inc. of a maximum of $300,000,000 for all other locations.

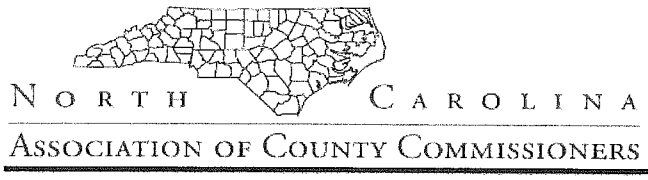
NCACC Risk Management Pools
Liability and Property

## SECTION III
## BUSINESS AUTOMOBILE COVERAGE
## CONTRACT DECLARATIONS

| | |
|---|---|
| Participant | **SENIOR CARE OF ORANGE CO. INC** |
| Contract Number | **LP-SE-525-12** |
| Contract Period | **July 1, 2012 to July 1, 2013** |
| Effective Time | **12:01 A.M., Eastern Daylight Time** |

| SCHEDULE OF COVERAGES AND COVERED AUTOMOBILES | | |
|---|---|---|
| COVERAGE | COVERED AUTOMOBILES | LIMIT (per accident) |
| Automobile Liability | Any Covered Automobile | **$2,000,000** |
| Out of State No-Fault | Any Covered Automobile | **State Law Minimum** |
| Comprehensive and Collision | Automobiles shown on schedule of vehicles to include Automobile Physical Damage coverage | **Actual Cash Value of Vehicle unless otherwise indicated** |
| Comprehensive and Collision | Fire Trucks, Ambulances and other Specialized Vehicles where a Replacment Cost value is shown on the Schedule of Vehicles | **$0** |

| DEDUCTIBLES | |
|---|---|
| Automobile Liability | **$0** |
| Out of State No-Fault | **$1,000** |
| Comprehensive and Collision | **$1,000** |




NCACC Risk Management Pools
Liability and Property

## SECTION IV
## CRIME COVERAGE
## CONTRACT DECLARATIONS

| | |
|---|---|
| Participant | **SENIOR CARE OF ORANGE CO. INC** |
| Contract Number | **LP-SE-525-12** |
| Contract Period | **July 1, 2012 to July 1, 2013** |
| Effective Time | **12:01 A.M., Eastern Daylight Time** |

| SCHEDULE OF COVERAGS AND LIMITS | |
|---|---|
| **COVERAGE** | **LIMIT** |
| Employee Theft (per Loss Coverage) | **$250,000** |
| Forgery or Alteration | **$250,000** |
| Inside the Premises Theft of Money and Securities | **$250,000** |
| Inside the Premises Robbery or Safe Burglary | **$250,000** |
| Outside the Premises | **$250,000** |
| Computer Fraud | **$250,000** |
| Money Orders and Counterfeit Paper Currency | **$250,000** |

| DEDUCTIBLE | |
|---|---|
| Employee Theft (per Loss Coverage) | **$1,000** |
| Forgery or Alteration | **$1,000** |
| Inside the Premises Theft of Money and Securities | **$1,000** |
| Inside the Premises Robbery or Safe Burglary | **$1,000** |
| Outside the Premises | **$1,000** |
| Computer Fraud | **$1,000** |
| Money Orders and Counterfeit Paper Currency | **$1,000** |

NCACC Risk Management Pools
Liability and Property

## SECTION V
## PUBLIC OFFICIALS LIABILITY
## CONTRACT DECLARATIONS

| | |
|---|---|
| Participant | **SENIOR CARE OF ORANGE CO. INC** |
| Contract Number | **LP-SE-525-12** |
| Contract Period | **July 1, 2012 to July 1, 2013** |
| Effective Time | **12:01 A.M., Eastern Daylight Time** |

| SCHEDULE OF COVERAGES AND LIMITS | |
|---|---|
| **COVERAGE** | **LIMIT** |
| | |
| Coverage Agreement 1, Each Wrongful Act | **$2,000,000** |
| | |
| Coverage Agreement 1, Each Person | **$500,000** |
| | |
| Coverage Agreement 2, Contract Period Aggregate | **$1,000,000** |

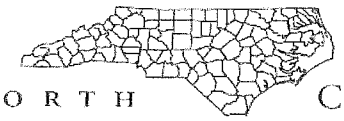
| DEDUCTIBLE | |
|---|---|
| | |
| Coverage Agreement 1, Each Wrongful Act | **$5,000** |
| | |
| Coverage Agreement 2, Each Occurrence | **$5,000** |

NCACC Risk Management Pools
Liability and Property

## SECTION VII
## EMPLOYMENT PRACTICES LIABILITY
## CONTRACT DECLARATIONS

| | |
|---|---|
| Participant | **SENIOR CARE OF ORANGE CO. INC** |
| Contract Number | **LP-SE-525-12** |
| Contract Period | **July 1, 2012 to July 1, 2013** |
| Effective Time | **12:01 A.M., Eastern Daylight Time** |

| SCHEDULE OF COVERAGES AND LIMITS | |
|---|---|
| **COVERAGE** | **LIMIT** |
| | |
| Each Employment Practices Wrongful Act | **$2,000,000** |
| | |
| **DEDUCTIBLE** | |
| | |
| Each Employment Practices Wrongful Act | **$5,000** |
| | |



NORTH CAROLINA
ASSOCIATION OF COUNTY COMMISSIONERS

NCACC Risk Management Pools
Liability and Property

# ENVIRONMENTAL IMPAIRMENT LIABILITY COVERAGE CONTRACT DECLARATIONS

| | |
|---|---|
| Participant | **SENIOR CARE OF ORANGE CO. INC** |
| Contract Number | **LP-SE-525-12** |
| Contract Period | **July 1, 2012 to July 1, 2013** |
| Effective Time | **12:01 A.M., Eastern Daylight Time** |
| Amount of Coverage | **$50,000 aggregate for the entire Contract Period.<br>See Section B (Limit of Liability)** |
| Pool Sponsored by | **North Carolina Association of County Commissioners<br>215 North Dawson Street<br>Raleigh, North Carolina 27602** |
| Pool Adminstered by | **North Carolina Association of County Commissioners<br>215 North Dawson Street<br>Raleigh, North Carolina 27602** |
| Claims Administrator | **Sedgwick Claims Management Services, Inc.<br>5260 Parkway Plaza Boulevard, Suite 190<br>Charlotte, North Carolina 28217** |

**ORANGE COUNTY**
**BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**
**Meeting Date:** February 19, 2013

**Action Agenda Item No.** 6-b

**SUBJECT:** Lease of the County-owned Building at 500 Valley Forge Road to the Piedmont Food and Agricultural Processing Center, Inc.

**DEPARTMENT:** County Manager
County Attorney

**PUBLIC HEARING: (Y/N)** Yes

**ATTACHMENT(S):**
Lease Agreement
Exhibit A Attachment to Lease Agreement

**INFORMATION CONTACT:**
Frank Clifton, 245-2300
John Roberts, 245-2318

**PURPOSE:** To conduct a statutorily required public hearing and consider entering into a lease agreement with the Piedmont Food and Agricultural Processing Center, Inc. regarding the occupation and lease of the building at 500 Valley Forge Road, Hillsborough.

**BACKGROUND:** In 2011 the Piedmont Food and Agricultural Processing Center ("PFAPC") began operations as a County entity, part of the Economic Development Department. The initial intent was for the PFAPC to be a standalone nonprofit entity. For various reasons the PFAPC was not initially incorporated as a nonprofit entity. Operations were and remain housed in the County-owned building at 500 Valley Forge Road.

In July 2012 the PFAPC was registered with the North Carolina Secretary of State as a nonprofit entity. Operations are ongoing and to date the PFAPC has experienced substantial growth and success in its current location. The County and PFAPC desire to have operations remain in the 500 Valley Forge Road location. Because PFAPC is no longer a County entity, the County and PFAPC must enter into a lease of the premises to establish the rights and responsibilities of each party.

The term of the lease is five years with two optional five year renewals. The County's goal is to assist PFAPC in becoming a self-sustaining nonprofit organization and for that reason a discounted lease rate has been negotiated. The fair market rental rate will not be charged until the final year of the lease term.

North Carolina General Statute 160A-272 authorizes a County to enter into leases of up to 10 years upon resolution of the Board of Commissioners adopted at a regular meeting after 10 days' public notice.

**FINANCIAL IMPACT:** PFAPC will pay the County:

- the sum of one dollar ($1) per month for the first two (2) years of the lease term;
- a sum equal to thirty-three percent (33%) of the fair rental value for the third year of the term commencing on January 2, 2015;
- a sum equal to sixty-six percent (66%) of the fair rental value including the annual percentage increase for the fourth year of the term commencing on January 2, 2016; and
- the fair rental value including the annual percentage increase for the fifth year of the term commencing on January 2, 2017.

**RECOMMENDATION(S):** The Manager recommends the Board open the public hearing, receive public comments, close the public hearing, approve the Lease Agreement, authorize the Vice-Chair to execute the Lease Agreement, and authorize staff to record and file any necessary documentation.

Prepared by: John L. Roberts, P.O. Box 8181 Hillsborough, NC 27278
**9874-31-5787** Return after recording to John L. Roberts

**STATE OF NORTH CAROLINA**
**COUNTY OF ORANGE** **LEASE**

THIS LEASE, made and entered into as of the _____, by and between Orange County, a political subdivision of the State of North Carolina, hereinafter referred to as "County," and the Piedmont Food and Agriculture Processing Center Corporation., a North Carolina Nonprofit Corporation, hereinafter referred to as "Tenant;"

**WITNESSETH**:

THAT FOR and in consideration of the mutual covenants and conditions hereinafter set forth, the parties hereto do hereby agree as follows:

1. Premises. County does hereby lease and let unto Tenant and Tenant does hereby accept as Tenant those certain premises designated as the 500 Valley Forge Road, Hillsborough, Orange County, North Carolina, and having PIN 9874315787 (the "Leased Premises").

2. Acceptance of Premises. The Tenant represents that the Leased Premises including the fixtures, furniture and equipment ("FFE") installed on the premises and listed on Exhibit A attached hereto and incorporated herein, the sidewalks and structures adjoining the Leased Premises, any subsurface conditions thereof, and the present uses and non-uses thereof have been examined by the Tenant. The Tenant accepts the same in the condition in which they now are without representation or warranty, express or implied, in fact or by law, by the County, the nature, condition or usability thereof, or the uses to which the Leased Premises including the FFE installed on the Leases Premises may be put. Provided, County shall be responsible for ensuring that the heating/air-

conditioning system is in good operating condition; the exterior walls and roof, the lighting system (excluding such additions as may be required for Tenant's particular business operation) and the parking area and sidewalks are in good repair on the date of commencement of the lease term. County represents and warrants to Tenant that it holds unencumbered fee title to the Leased Premises. The County shall not be responsible for any latent defect or change of condition in such building, improvements, FFE and personalty, and the rent hereunder shall in no case be withheld or diminished on account of any defect in such property, any change in the condition thereof, any damage occurring thereto or the existence with respect thereof of any violations of the laws or regulations of any governmental authority, except as hereinafter provided. In addition, Tenant acknowledges that the Leased Premises is a smoke free building and does not permit tobacco use inside of the building.

3. Term and Rental.

(a) This lease shall commence on January 2, 2013, and shall end on January 1, 2018, unless sooner terminated as herein provided.

(b) County and Tenant acknowledge the fair rental value of the Leased Premises notwithstanding the rent listed in Section 3(c)(i) is estimated at $2,166.67 per month ($26,000 per annum). The fair rental value shall be subject to a two percent (2%) annual percentage increase. It is acknowledged by Tenant this annual increase for the initial term of this lease is below the average market rate annual increase of five percent (5%) and any renewal or extension of this lease will reflect the fair rental value at the time of the renewal or extension. In any such renewal or extension the fair rental value, as it is determined at the time of the renewal or extension, shall be subject to a five percent (5%) annual percentage increase.

(c) The Tenant agrees to pay the County without demand at its office, or at such other place or places as County may from time to time designate in writing, the following amounts as rent for the Leased Premises:

i) sum of one dollar ($1) per month for the first two (2) years of the term;
ii) a sum equal to thirty-three percent (33%) of the fair rental value for the third year of the term commencing on January 2, 2015;
iii) a sum equal to sixty-six percent (66%) of the fair rental value including the annual percentage increase for the fourth year of the term commencing on January 2, 2016;
iv) the fair rental value including the annual percentage increase for the fifth year of the term commencing on January 2, 2017.

(d) Rent shall be due and payable on or before the fifth day of each month. Tenant acknowledges this rental rate is discounted for a portion of the term in an effort to assist Tenant in providing a public benefit that being regional food and agricultural

processing services and that any renewal of this Lease shall be subject to an increased rental rate as determined by County.

(e) The extension of time for the payment of any installment of rent, or the acceptance by the County of any money other than of the kind herein specified, shall not be a waiver of the right of the County to insist on having all other payments of rent made in the manner and at the time herein specified.

(f) If any installment of rent is not received by the fifth (5th) day of any month it is due, Tenant shall pay as additional rent a late payment fee of Fifty Dollars ($50.00). This additional rent shall be due immediately without demand therefor and shall be added to and paid as a part of the installment payment of rent with respect to which it is incurred.

(g) This Lease may be renewed with the consent of the County for up to two additional five-year terms upon written notice to the County sixty (60) days prior to the expiration of the term.

4. Holdover. If the Tenant shall remain in possession of the Leased Premises after the expiration of the original or renewal period as set out above, such possession shall be as a month-to-month tenant. During such month-to-month tenancy, rent shall be the rent in effect during the last month of the term immediately preceding plus an additional 50%.

5. Insurance and Taxes.

(a) The County shall keep in force insurance to provide for property damage to the building and any County-owned fixtures for replacement cost purposes. County and Tenant agree to, as soon as reasonably possible, develop a listing of all County-owned fixtures and personal property. Fixtures and personal property owned by the County consist of all fixtures and personal property purchased with grant funds.

(b) The Tenant shall maintain fire and casualty insurance covering the Tenant's FFE, equipment and other property located in the Leased Premises.

(c) Tenant shall keep the Leased Premises insured, at its sole cost and expense, against claims for personal injury or property damage under a policy of general public liability insurance, with limits of at least $1,000,000 for bodily injury and $100,000 for property damage. Such policies shall name the County as additional named insured under the policy.

(d) Tenant shall additionally insure the Leased Premises, at its sole cost and expense, against claims for personal injury or property damage under a food and/or beverage preparation and/or distribution or other relevant liability insurance policy with



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appropriate limits for bodily injury, sickness, or death. Such policy shall name the County as additional named insured under the policy.

(e) The Tenant shall provide the County certificates of such insurance at or prior to the commencement of the term of this lease, and thereafter within ten (10) days prior to the expiration of such policies. Such policies shall provide that the same may not be canceled without at least ten (10) days prior written notice to County.

(f) Tenant shall pay all property taxes, if and when they become due.

6. Rental Adjustment. In addition to the base rental, the Tenant shall assume and pay any additional fire insurance premium, hazard insurance premium, or other extended coverage insurance premium required as a result of any particular operation or use of said premises over and above the insurance premium required to be paid by County in the absence of said operation or use.

7. Signs. The Tenant will place and maintain in and about the Leased Premises at appropriately designated places, such neat and appropriate signs advertising the Tenant as such. Any special Tenant sign will be at the sole cost of the tenant but in the same styling, provided, however, that any such signs will comply with all applicable ordinances, laws, and regulations. Upon the termination of this lease the Tenant shall remove all signs and repair any damage to the Leased Premises caused by the erection, maintenance or removal of such signs.

8. Repairs.

(a) The County shall maintain the roof and exterior walls of the demised property including exterior paint, provided that in the event Tenant desires to alter the interior color scheme, said alteration must be approved by County and shall be at the Tenant's expense.

(b) The Tenant shall not cause or permit any waste, damage or injury to the Leased Premises.

(c) The Tenant, at its sole expense, shall keep the Leased Premises clean and in good condition (reasonable wear and tear excepted), and shall make all repairs, replacements and renewals, whether ordinary or extraordinary, seen or unforeseen, including all interior upfit, necessary to maintain the interior of the Leased Premises, except all casualties not covered by insurance.

(d) All repairs, replacements and renewals shall be at least equal in quality of materials and workmanship to that originally existing in the Leased Premises.



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(e) The County shall be responsible for repairs and maintenance of the roof and outside walls and other external structural members, including the foundation of the Leased Premises.

(f) The County shall be responsible for maintenance of the heating plant and air-conditioning systems in such condition as existed at the commencement of this lease, which County warrants to be in good working condition as of the date of this lease.

(g) County shall not be responsible for maintenance, repair, or replacement of refrigeration and/or freezer systems inside or outside the Leased Premises.

(h) County shall maintain the paved parking area and front entry to the building and shall be responsible for the removal of snow (in a timely manner) from the parking lot and the walkways. Tenant shall be responsible for all other maintenance and repair of the parking lot and walkways. Maintenance of the paved parking area shall be defined as and limited to maintaining and keeping the parking area in good condition. Paved parking areas is defined as all concrete surfaces on the exterior of the building, including but limited to, loading dock, sidewalks, handicap parking pads, and garbage corral.

(i) The County shall in no event be required to make any repair, alteration or improvement to the interior of the Leased Premises.

(j) Any equipment replaced by the Tenant shall belong to the Tenant, save equipment replaced in connection with Tenant's obligation to maintain the premises in the same condition as exists at the commencement of this lease, and all proceeds from the disposition thereof may be retained by the Tenant.

(k) The Tenant shall indemnify the County against all costs, expenses, liabilities, losses, damages, suits, fines, penalties, claims and demands including reasonable attorneys' fees, because of Tenant's failure to comply with the foregoing.

9. Fixtures, furniture and equipment ("FFE") and Improvements. No substantial alteration, addition or improvement to the Leased Premises shall be made by the Tenant without the written consent of the County. Any alteration, addition or improvement made by the Tenant after such consent shall have been given and any FFE permanently installed as part thereof, shall at the County's option, become the property of the County upon expiration of or other sooner termination of this lease; provided however, that the County shall have the right to require the Tenant to remove such FFE at the Tenant's cost upon such termination. This clause shall not preclude Tenant from decorating the interior of the leased premises from time to time in Tenant's discretion. Tenant shall not remove or alter any vegetation on the exterior of the Leased Premises without the prior written approval of County.



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10. Liens for Improvements by Tenant. The Tenant shall not permit any mechanic's lien to be filed against the fee of the property by reason of work, labor, services or materials supplied or claimed to have been supplied, whether prior or subsequent to the commencement of the term hereof, to the Tenant or anyone holding the Leased Premises, through or under the Tenant. If any such mechanic's lien shall at any time be filed against the Leased Premises, the Tenant shall, within 30 days after notice of the filing thereof, cause such lien to be discharged of record by payment, deposit, bond, order of a court of competent jurisdiction, or otherwise. If the Tenant shall fail to cause such lien to be discharged within such 30 day period, then, in addition to any other right or remedy of the County, the County may, but shall not be obligated to, discharge such lien either by paying the amount claimed to be due or by procuring the discharge of such lien by deposit or by bonding proceedings, and in any such event the County shall be entitled, if the County so elects, to compel the prosecution of an action for the foreclosure of such mechanic's lien by the lienor and to pay the amount of the judgment for and in favor of the lienor, with interest, costs and all other allowances. Any amount paid by the County for any such purposes, shall be repaid by the Tenant to the County on demand, with interest thereon at the rate of 6% per annum from the date of payment, and if unpaid may be treated as additional rent as provided for elsewhere in this lease. Nothing in this lease shall be construed in any way as constituting the consent or request of the County, express or implied, by inference or otherwise, to any contractor, subcontractor, laborer or materialmen for the performance of any labor or the furnishing of any materials for any property or as giving the Tenant the right, power of authority to contract for or permit the rendering of any service or the furnishing of any material that would give rise to the filing of any mechanic's lien against the fee of the Leased Premises.

11. Tenant's Warranty of Non-Disturbance. Tenant hereby expressly covenants and agrees that the Tenant shall be responsible for controlling the noise level emanating from the Tenant's use of the Leased Premises. Tenant shall be responsible for and pay for the installation of any special padding for other noise suppression devices that may be required for control of the level of sound emanating from the Leased Premises. Tenant shall comply with all applicable noise and/or nuisance ordinances, laws, or regulations. It is not the intent of this paragraph to regulate noise within interior of the Leased Premises.

12. Tenant's Obligation to Comply with Applicable Laws and Compliance with Requirements of Insurance Policies. The Tenant shall throughout the term of this lease, at its sole expense, promptly comply with all laws and regulations of all federal, state and municipal governments and appropriate departments, commissions, boards and officers thereof, which may be applicable to the Leased Premises, the FFE, therein, and the sidewalks and curbs adjoining the Leased Premises. The Tenant shall comply with the requirements of all policies of public liability, fire and all other types of insurance at



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any time in force with respect to the building and other improvements on the Leased Premises.

13. Utilities. Tenant shall transfer all utilities to its name January 2, 2013. The Tenant shall pay charges for gas, electricity, light and power, and water used, rendered or supplied upon or in connection with the Leased Premises.

14. Condition of Premises. The Tenant shall, during the term of this lease and any renewal or extension hereof, at its sole expense, cause the Leased Premises to be kept clean and in a manner consistent with all applicable food industry and state and federal public health standards.

15. Surrender in Same Good Order and Condition. The Tenant shall vacate the Leased Premises in the good order and repair in which such property now is, ordinary wear and excepted, and shall remove all its property therefrom so that the County can repossess the Leased Premises no later than Noon on the day upon which this lease ends, whether upon notice or by holdover or otherwise. The County shall have the same rights to enforce this covenant by ejectment and for damages or otherwise as for the breach of any other condition or covenant of this lease. Tenant may at any time prior to or upon the termination of this lease or any renewal or extension thereof remove from the leased property all materials, equipment, and property of every other sort or nature installed by the Tenant thereon, provided that such property is removed without substantial injury to the leased property. No injury shall be considered substantial if it is promptly corrected by restoration to the condition prior to the installation of such property, if so requested by the County. Any such property not removed shall become the property of the County.

16. Prohibition Against Unlawful or Extrahazardous Use-Enforcement Against Subtenants. The Tenant may use and occupy the Leased Premises for food and agricultural services and office uses and for no other. Tenant shall not use or occupy nor permit the Leased Premises or any part thereof to be used or occupied for any unlawful business, use or purpose, nor for any business, use , or purpose deemed extrahazardous, nor for any purpose or in any manner which is in violation of any present or future governmental laws or regulations. The Tenant shall promptly after the discovery of any such unlawful or extrahazardous use take all necessary steps, legal and equitable, to compel the discontinuance of such use and to oust and remove any subtenants, occupants, or other persons guilty of such unlawful or extrahazardous use. The Tenant shall indemnify the County against all costs, expenses, liabilities, losses, damages, injunctions, suits, fines, penalties, claims and demands, including reasonable counsel fees, arising out of any violation of or default in these covenants.

17. County's Right to Cause Expiration or Termination upon Listed Defaults.



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(a) The occurrence of any of the following shall constitute an event of default:

i) Delinquency in the punctual payment of any rent or additional rent payable under this lease when such rent shall become payable. Should such rent payment not be made when due then upon the expiration of five days after the due date, such rent payment shall be delinquent.

ii) Delinquency by the Tenant in the performance of or compliance with any of the conditions contained in this lease other than those referred to in the foregoing subparagraph 1, for a period of thirty (30) days after written notice thereof from the County to the Tenant. In the event, Tenant is incapable of curing the default within such thirty (30) day period, the County may in its discretion extend the time for as long as the County deems necessary to cure such default. Provided, however, the Tenant shall promptly and diligently commence action to cure such default and provide County with evidence of Tenant's intent to cure the default. Any additional period of time beyond thirty (30) days granted to Tenant to cure any default shall not be so extended as to jeopardize the interest of the County in this lease or so as to subject the County to any civil or criminal liabilities.

iii) Filing by the Tenant in any court pursuant to any statute, either of the United States or any state, or a petition in bankruptcy or insolvency or for reorganization, or for the appointment of a receiver or trustee of all or a portion of the Tenant's property, or an assignment by the Tenant for the benefit of creditors.

iv) Filing against the Tenant in any court pursuant to any statute, either of the United States or of any state, of a petition in bankruptcy or insolvency, or for reorganization, or for appointment of a receiver or trustee of all or a portion of the Tenant's property, if within 180 days after the commencement of any such proceeding against the Tenant such petition shall not have been dismissed.

v) Failure to comply with Federal and/ or state laws, or engaging in activities resulting in the loss or revocation of the Tenant's section 501(c)(3) tax exempt status.

(b) Upon the expiration or termination of this lease, the Tenant shall peacefully surrender the Leased Premises to the County, and the County, upon or at any time after such expiration or termination, County may, without further notice, reenter the



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Leased Premises and repossess it by force, summary proceedings, ejectment, or otherwise, and may dispossess the Tenant and remove the Tenant and all other persons and property from the Leased Premises and the right to receive all rental income therefrom.

(c) At any time after such expiration, the County may relet the Leased Premises or any part thereof, in the name of the County or otherwise, for such term (which may be greater or less than the period which would otherwise have constituted the balance of the term of this lease) and on such conditions (which may include concessions or free rent) as the County, in its uncontrolled discretion, may determine, and may collect and receive the rent thereof.

(d) No such expiration or termination of this lease shall relieve the Tenant of its liability or obligations under this lease, and such liability and obligations shall survive any such expiration or termination. In the event of any such expiration or termination, whether or not the Leased Premises or any part any part thereof shall have been relet, the Tenant shall pay to the County the rent and additional rent required to be paid by the Tenant up to the time of such expiration, and thereafter the Tenant, until the end of what would have been the term of this lease in the absence of such expiration, shall be liable to the County for, and shall pay to the County, as and for liquidated and agreed current damages for the Tenant's default:

i) The equivalent of the amount of the rent and additional rent which would be payable under this lease by the Tenant if this lease were still in effect, less

ii) The lesser of:

1. The fair rental value of the Leased Premises for the remaining term of the lease, after deducting all the County's reasonable expenses in connection with such reletting, including, without limitation, all repossession costs, brokerage Commissions, legal expenses, reasonable attorney's fees, alteration costs, and expenses of preparation for such reletting.
2. The net proceeds of any reletting effected pursuant to the provisions of paragraph d. of this article, after deducting all the County's reasonable expenses in connection with such reletting, including, without limitation, all repossession costs, brokerage commissions, legal expenses, reasonable attorney's fees, alteration costs, and expenses of preparation for such reletting.

(e) The Tenant shall pay such current damages (herein called "deficiency") to the County monthly on the days on which the rent and additional rent would have been payable under this lease if this lease were still in effect, and the County shall be entitled to recover from the Tenant each monthly deficiency as such deficiency shall



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arise. At any time after any such expiration, whether or not the County shall have collected any monthly deficiency, the County shall be entitled to recover from the Tenant, and the Tenant shall pay to the County, on demand, as and for liquidated and agreed final damages for the Tenant's default, an amount equal to the difference between the rent and additional rent reserved hereunder for the expired portion of the lease of the Leased Premises for the same period. In the computation of such damages the difference between any installment of rent becoming due hereunder after the date of termination and the fair and reasonable rental value of the Leased Premises for the period for which such installment was payable shall be discontinued to the date of termination at the rate of four percent per annum.

(f) The terms "enter", "reenter", "entry", or "reentry" as used in this lease are not restricted to their technical meaning.

18. Lien on Tenant's Improvements and Personal Property. The County shall have first lien paramount to all others on every right and interest of the Tenant in and to this lease, and on any building or improvement on or hereafter placed on the Leased Premises, and on any FFE, or other personal property of any kind belonging to the Tenant, or the equity of the Tenant therein, on the Leased Premises. Such lien is granted for the purpose of covenanted to be paid by the Tenant, and for the purpose of securing the performance of all of the Tenant's obligations under this lease. Such liens shall be in addition to all rights of the County given under statutes of this state, which are now or shall hereinafter be in effect. The provisions of this paragraph shall not be applicable to liens existing at the commencement of this lease. Provided, that County may, at his option, agree to subordinate this lien to liens arising in connection with purchased of equipment or leasehold improvement financing by Tenant, which agreement County covenants not to unreasonably withhold.

19. County's Right to Receiver upon Tenant's Default. In addition to any other security for the performance of this lease, the Tenant hereby assigns to the County all of the rents and profits which might otherwise accrue to the Tenant from the use, enjoyment, and operation of the Leased Premises, such assignment to become effective, however, only after default by the Tenant in the performance of its obligations under this lease. If the County, upon default of the Tenant, elects to file a suit in equity to enforce the lease and protect the County's right hereunder, the County may upon notice to the Tenant, as ancillary to such suit, apply to any court having jurisdiction for the appointment of a receiver of the Leased Premises, the improvements and buildings located thereon, the personal property located therein, and thereupon the court may forthwith appoint a receiver with the usual powers and duties of receivers in like cases. Such appointment shall be made by such court as a matter of strict right to the County and without consideration of the adequacy of the value of the Tenant's interest in the lease, or of the value of the property, or the commission of waste thereon, or the deterioration thereof. Nothing herein shall prevent the enforcement of the County's lien

for rent in any court or by proceeding authorized to the laws of this state, or the institution by the County of a separate proceeding in equity for the appointment of a receiver as an ancillary remedy to protect the rights and interest of the County. Any and all remedies or proceedings are considered cumulative and not exclusive.

20. Waiver of County's Rights Only by Written Instrument. No failure by the County to insist upon the strict performance of any item or condition of this lease or to exercise any right or remedy available on a breach thereof, and no acceptance of full or partial rent during the continuance of any such breach shall constitute a waiver of any breach or of any such term or condition. No term or condition of this lease required to be performed by the Tenant, and no breach thereof, shall be waived, altered or modified, except by a written instrument executed by the County. No waiver of any breach shall affect or alter any term or condition in this lease, and each such term or condition shall continue in full force and effect with respect to any other then existing or subsequent breach thereof.

21. Performance of Tenant's Obligations - Unpaid Insurance Premiums

(a) If the Tenant shall at any time fail to pay any amount in accordance with the provisions of this lease, or shall fail to take out, keep in force, or shall fail to perform any of its other obligations under this lease, then the County may after notice and opportunity to cure in accordance with the provisions of Section 17(a)(2), or without notice if any emergency exists, and without releasing the Tenant from any obligation of the Tenant contained in this lease, may (but shall be under no obligation to) pay any amount payable by the Tenant hereunder, and perform any other act required to be performed by the Tenant hereunder. The County may enter upon the Leased Premises for such purposes and take any action necessary therefore.

(b) All sums so paid by the County and all costs and expenses incurred by the County in connection with the performance of any such act, together with interest thereon at the rate of 6% per annum from the respective dates of each such payment and such costs and expenses, shall constitute additional rent payable by the Tenant under this lease and shall be paid by the Tenant to the County on demand.

(c) Notwithstanding anything in this lease to the contrary, the County shall not be limited, in the proof any damages which the County may claim against the Tenant by reason of the Tenant's failure to provide and keep insurance in force, to the amount of the insurance premiums not paid or incurred by the Tenant. The County shall also be entitled to recover as damages for such breach the uninsured amount of any loss, together with damages, costs, and expenses of any suit offered or incurred by reason of damage to the Leased Premises occurring during any period when the Tenant shall have failed to provide and keep such insurance in force.

22. Performance of Tenant's Obligations - Costs. If the Tenant shall default in the performance of any obligation under this lease, the County may, after notice and opportunity to cure in accordance with Section 17(a)(2) or without notice if any emergency exists, perform such obligation for the account and at the expense (including reasonable counsel fees) of the Tenant. The amount of any payment made or expense incurred by the County for such purpose, with interest thereon at the rate of 6% per annum, shall be deemed additional rent and forthwith shall be repaid by the Tenant to the County, or, at the County's election, may be added to any subsequent installment of rent due and payable under this lease. Nothing herein contained shall be deemed to waive any right of the County to sue for and recover by action at law any sums of which the County may have incurred under the provisions of this subparagraph. The provisions of this paragraph shall survive the termination of this lease.

23. Right of Entry. The County or its agent shall within twenty-four (24) hours notice have the right to enter the Leased Premises at reasonable times in order to examine it, to show it to prospective purchasers or lessees, or to make such decorations, repairs, alterations, improvements or additions as the County may deem necessary or desirable. The County shall be allowed to take all material into and upon the Leased Premises that may be required therefore without the same constituting an eviction of the Tenant in whole or in part. The rent reserved shall not abate while decorations, repairs, alterations, improvements, or additions are being made, whether by reason of loss or interruption of the business of the Tenant or otherwise. During the last month prior to the expiration of the term of this lease, the County may place upon the Leased Premises the usual notices "To Let" or "For Sale", which notices the Tenant shall permit to remain thereon without molestation. If during the last month of the term the Tenant shall have removed all or substantially all of the Tenant's property therefrom, the County may, with the Tenant's permission, immediately enter and later, renovate and redecorate the Leased Premises without elimination of abatement of rent and without liability to the Tenant for any compensation, and such acts shall have no effect upon this lease. If the Tenant or its employees shall not be personally present to permit entry at any time when an entry therein shall be immediately necessary, as herein provided, the County may enter the premises by such means as may be appropriate, including forcible entry, without rendering the County or such agents liable therefore (if during such entry the County or his agents shall accord reasonable care to the Tenant's property), and without in any manner affecting the obligations and covenants of this lease. The County's right of reentry shall not be deemed to impose upon the County any obligation, responsibility or liability for the care, supervision or repair of the Leased Premises other than as herein provided. In the event that it becomes necessary for County to replace or repair any major component or any structural or other system in the leased premises, the County shall have full and unrestricted access to the building and the Leased Premises. The County reserves the right temporarily to interrupt, curtail, stop or suspend air-conditioning and heating service, and all other utility or other services, because of accident or emergency or for repairs, alterations, additions, or improvements, or because

of the County's inability to obtain, or difficulty or delay in obtaining, labor or materials necessary therefore or compliance with governmental restrictions in connection therewith, or because of any other cause beyond the County's reasonable control, provided that, except in cases of emergency, the County will use its best efforts to limit such stoppage to after-business hours, will notify the Tenant in advance, if possible, of any such stoppage, and, if ascertainable, its estimated duration, and will proceed diligently with the work necessary to resume such service as promptly as possible and in a manner and at times as will not materially interfere with or impair the Tenant's use of the Leased Premises. No diminution or abatement of fixed rent or other compensation shall be claimed by the Tenant, nor shall this lease or any of the obligations of the Tenant hereunder be affected or reduced by reason of such interruption, stoppage, or curtailment, nor shall the same give rise to a claim in the Tenant's favor that such failure constitutes total or partial eviction from the Leased Premises, provided that if the Leased Premises shall be unreasonably untenantable for a continuous period of more than four business days by reason of any such stoppage, the fixed rent payable by the Tenant shall abate until the Tenant shall be again able to use the Leased Premises.

24. Destruction by Fire or Other Casualty. In the event the premises or any substantial portion thereof are destroyed by fire or other casualty during the term of this lease, it is understood and agreed that County shall have no obligation to rebuild, and, at the election of County or Tenant the lease may be terminated.

25. Condemnation. If the whole of the Leased Premises, or such portion thereof as will make the Leased Premises unsuitable for the purposes herein leased, is condemned for any public use or purpose by any legally constituted authority, then in either of such events this lease shall cease from the time when possession is taken by such public authority and rental shall be accounted for between the County and the Tenant as of the date of the surrender of possession. Such termination shall be without prejudice to the rights of either the County or the Tenant to recover compensation from the condemning authority for any loss or damage caused by such condemnation. Neither the County nor the Tenant shall have any rights in or to any award made to the other by the condemning authority.

26. Assignment of Lease. The Tenant shall not assign, mortgage, or encumber this lease, nor sublet or permit the Leased Premises or any part thereof to be used by others, save and except direct clients of Tenant with whom Tenant has contractual agreements, without the prior written consent of the County in each instance. If this lease is assigned, or if the Leased Premises or any part thereof, is sublet, or occupied by anybody other than the Tenant except as stated above, the County may, after an event of default, as hereinabove defined, by the Tenant, collect rent for the assignee, subtenant, or occupant and apply the net amount collected to the rent herein reserved. No such assignment, subletting, occupancy or collection shall be deemed a waiver of this covenant, or the acceptance of this assignee, subtenant, or occupant as tenant, or a

release of covenants in this lease. The consent by the County to an assignment or subletting shall not be construed to relieve the Tenant from obtaining the consent in writing of the County to any further assignment or subletting. Provided, further, County shall not unreasonably withhold consent to assignment. It is not the intent of this paragraph to include user agreements as subleases or assignments of the Lease. County acknowledges that as part of Tenant's day-to-day operations Tenant shall license users to utilize the facilities situated at the Leased Premises.

27. Assignment of Interest in Rents. The County shall have the right, without selling its fee interest in the leased property or assigning its interest in this lease, to assign from time to time the whole of the net rent at any time payable hereunder to persons, firms, corporations, trusts or other entities designated by the County in a written notice to the Tenant, and in any such case the Tenant shall pay the net rent, subject to the terms of this lease, to the County's designee at the address mentioned in any such notice for the period covered by such assignment.

28. Exoneration from Liability. The County shall not be liable for any personal injury to the Tenant or to its officers, agents and employees, or to any other occupant of any part of the Leased Premises, irrespective of how such injury or damage may be caused, whether from action of the elements or acts of negligence of the occupants of adjacent properties, or any other persons; provided that nothing contained herein shall relieve the County of the consequences of his own negligence. The Tenant agrees to defend, indemnify and hold harmless the County from all loss, liability, claims or expense, including attorney's fees, arising out of or related to the Tenant's lease, use, sublease, or occupation of the facility and arising from bodily injury including death or property damage to any person or persons caused in whole or in part by the negligence or misconduct of the Tenant except to the extent same are caused by the negligence or willful misconduct of the County. It is the intent of this paragraph to require the Tenant to indemnify the County to the fullest extent permitted under North Carolina law.

29. Reimbursement of Expenses. The Tenant shall pay and indemnify the County against all legal costs and charges, including counsel fees lawfully and reasonably incurred, in obtaining possession of the leased premises after default of the Tenant or after the Tenant's default in surrendering possession upon the expiration or earlier termination of the term of the lease or enforcing any covenant of the Tenant herein contained. The Tenant further covenants that in case the County shall be made party to any litigation commenced against the Tenant, due to act or omission on the part of the Tenant alone, then the Tenant shall pay all expenses, costs, and reasonable attorney's fees incurred by or imposed on the County in connection with such litigation, and such expenses, costs, and attorney's fees shall be additional rent due on the last day after services of notice of such payment or payments, together with interest at a rate of 9% per annum from the date of payment, and shall be collected as any other rent



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specifically reserved herein. Provided that this claim shall not be applicable where the County shall be made a party by reason of any independent liability of the County caused by some act or omission on the part of the County or resulting from any act or omission on the part of both Tenant and County.

30. Smoke Free Facility. Tenant acknowledges that County buildings are smoke-free. Tenant shall ensure that employees, customers or invitees of the Tenant abide by the County's ordinances, which prohibit smoking.

31. Weapons Prohibited. Tenant acknowledges that a County ordinance has been approved by the Board of Commissioners that prohibits weapons in County buildings. Should Tenant become aware of any individual possessing a weapon on the Leased Premises Tenant shall report same to the appropriate law enforcement agency. County shall provide a sign at the primary point of entry indicating weapons are not permitted to be carried inside the building.

32. Notice by Registered or Certified Mail. Any notice under this lease must be in writing and must be sent by registered or certified mail to the last address of the party to whom the notice is to be given, as designated by such party in writing.

The County hereby designates its address as:

County of Orange
Attn: County Manager
200 South Cameron Street
PO Box 8181
Hillsborough, NC 27278

The Tenant hereby designates its address as:

PFAPC
Attn: Executive Director
500 Valley Forge Road
Hillsborough, NC 27278

33. Grammatical Usage. In construing this lease, feminine or neuter pronouns shall be substituted for those masculine in form and vice versa, and plural terms shall be substituted for singular and singular for plural in any place in which the context so requires.



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34. Counterparts. This lease may be executed in counterparts each of which shall be deemed to be an original and all of which taken together shall constitute one and the same lease and shall become effective when one or more of the counterparts have been signed by each of the Parties and delivered to the other Party.

35. Dispute Resolution. Any and all suits or actions to enforce, interpret or seek damages with respect to any provision of this lease shall be brought in the General Court of Justice of North Carolina sitting in Orange County, North Carolina. It is agreed by the Parties that no other court shall have jurisdiction or venue with respect to such suits or actions. The Parties may agree to nonbinding mediation of any dispute prior to the bringing of such suit or action.

36. Entire Agreement. This lease contains the entire agreement between the parties, and any executory agreement hereafter made shall be ineffective to change, modify, or discharge it in whole or in part, unless such executory agreement is in writing and signed by the party against whom enforcement of the change, modification or discharge is sought.

IN TESTIMONY WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

**COUNTY**:

BY:_____
Earl McKee, Vice-Chair

ATTEST:

_____
Donna S. Baker, Clerk to the Board

**TENANT**:

_____
Barry Jacobs, Chair
Board of Directors

WITNESS:

_____

STATE OF NORTH CAROLINA
ORANGE COUNTY

I, _____, a Notary Public for _____ County, North Carolina, do hereby certify that Donna S. Baker personally appeared before me this date and acknowledged that she is the Clerk to the Board of Commissioners of Orange County, and that by authority duly given and as the act of Orange County, the foregoing instrument was signed in its name by Bernadette Pelissier, Chair, sealed with its official seal, and attested by herself as its Clerk.

Witness my hand and official seal, this the _____ day of _____, 2013

_____
Notary Public

My Commission expires:_____

STATE OF NORTH CAROLINA
COUNTY OF ORANGE

I, Jeremy Todd Browner, a Notary Public for Durham County, North Carolina, do hereby certify that Barry Jacobs, personally appeared before me this day and acknowledged the due execution of the foregoing Lease Agreement.

WITNESS my hand and official seal this the 5th day of February, 2013.

_____
Notary Public

My commission expires: February 5, 2014

JEREMY TODD BROWNER
NOTARY PUBLIC
COMMISSION EXPIRES 02/05/2014
DURHAM COUNTY, NORTH CAROLINA

| Item Description | Model | Serial # | Orange County Fixed Asset Tag | $ | Location |
|---|---|---|---|---|---|
| Refrigerator | TRAULSON G2000 | T162108E11 | | $3,391 | Wet Kitchen |
| Slicer | ANVIL SLR7912/N | 6149 | | $150 | Wet Kitchen |
| Sealing stand | PFS 600 | None | | $650 | Wet Kitchen |
| Drain pan | custom fabrication | None | | $500 | Wet Kitchen |
| Drain pan | custom fabrication | None | | $500 | Wet Kitchen |
| Range | VULCAN V6B36S34 | 481694221 | | $4,500 | Wet Kitchen |
| Convection oven | SOUTHBEND SLGS/22SC | 11E25187 | 2464 | $6,519 | Wet Kitchen |
| Fryer | FMPH217-4BLCSC | 0311NJ0075 | | $300 | Wet Kitchen |
| Bottle filler | SIMPLEX VS-1 | 8448 | 2429 | $25,504 | Wet Kitchen |
| Table, 30" x 96" | EAGLE T3096SB | 1107230165 | | $428 | Wet Kitchen |
| Table, 30" x 96" | EAGLE T3096SB | 1012231795 | | $428 | Wet Kitchen |
| Table, 30" x 72" | EAGLE T3072SB | 1107232031 | | $342 | Wet Kitchen |
| Refrigerator | TRAULSON G2000 | T162447 | | $3,391 | Dry Kitchen |
| Range | VULCAN V6B36S34 | 481694221 | | $4,500 | Dry Kitchen |
| Convection oven | SOUTHBEND SLGS/22SC | 11E25185 | 2463 | $6,519 | Dry Kitchen |
| Table, 30" x 96" | EAGLE YUT3090-0002-00 | 1103231872 | | $428 | Dry Kitchen |
| Table, 30" x 72" | EAGLE T3060SB | 1107231483 | | $314 | Dry Kitchen |
| Mixer | Varimixer W20 | 1119050003 | | $500 | Dry Kitchen |
| Food Processor | ROBOCOUPE CL52 SERIES D | 31701135 03E-03 | | $3,692 | Dry Kitchen |
| Table, 30" x 96" maple-top | EAGLE MT3096ST | None | | $626 | Dry Kitchen |
| Table, 30" x 72" maple scaling | EAGLE MT3072ST-BS | None | | $860 | Dry Kitchen |
| Table, 30" x 60" | EAGLE T3060SB | 1107231944 | | $314 | Mixed Use |
| Table, 30" x 60" | EAGLE T3060SB | 1107231945 | | $314 | Mixed Use |
| Shrink tunnel | T64SS | T11090-D1 | 2424 | $12,900 | Mixed Use |
| Vacum chamber sealer | MPBS VFDC-860 | P11040710 | 2426 | $22,597 | Mixed Use |
| Dehydrator | EXCALIBUR PROFESSIONAL | 6275 | 2425 | $14,825 | Produce |

| | | | | | |
|---|---|---|---|---|---|
| Produce washer round table | 32-4 Soft Packing Line (8054 11-11, 7945 11-11, 7932 10-11, 9933 11-11, 7944 11-11, 7996 11-11) | RTE32, PMAC1048, SUB32, SUB32, PMAC1048M13, RBC32 | | $8,150 | Produce |
| Fruit Grinder & Juice press | EG 260 / X1-PRESS | 21929-2 | | $30,452 | Produce |
| Tilting kettle | CLEVELAND KGL60-T | 110523057542 | 2428 | $22,967 | Wet Kitchen |
| Pallet jack, hand hydraulic | 5LA79 | | | $343 | Dock |
| Rack, rolling | PR20-3K | | | $200 | Rear Hall |
| Braising pan | VULCAN VG30 | 463002262 | 2425 | $13,500 | Wet Kitchen |
| Label applicator | CYLI SIZE LABO1 | | | $1,034 | Client Office |
| Food processor | ROBOCOUPE CL50 SERIES E | 4500167 03E-04 | | $2,410 | Wet Kitchen |
| Ice machine | HOSHIZAKI KM-600MAH | A01677D | | $4,150 | Produce |
| Microwave | AMANA RMS10TS 1000 COMMERCIAL | 1107411161 | | $300 | Wet Kitchen |
| Computer | LENOVO CS00046452 CS01092312 | | | $1,059 | Client Office |
| Surveillance system, 16 cam | ZMODA | | | $853 | Director Office |
| Racks, antimicrobial | EAGLE 1848EC, P74EC, CSS4-125, A206746 | | | $185 | Dry Kitchen |
| Racks, antimicrobial | EAGLE 1848EC, P74EC, CSS4-125, A206747 | | | $185 | Dry Kitchen |
| Racks, antimicrobial | EAGLE 1848EC, P74EC, CSS4-125, A206748 | | | $185 | Restroom Hall |
| Racks, antimicrobial | EAGLE 1848EC, P74EC, CSS4-125, A206749 | | | $185 | Client Resource |
| Racks, antimicrobial | EAGLE 1848EC, P74EC, CSS4-125, A206750 | | | $185 | Client Resource |
| Table, wood | | | | $85 | Conference |
| Mailbox unit | 3 x 8 SLOT | | | $150 | Client Office |
| Clock | TIMEX | | | $50 | Client Office |
| Multifunction machine | BROTHER MFC | | | $600 | Client Office |
| Cubbies | 3 x (1 x 6) | | | $300 | Restroom Hall |
| Chair, folding x 12 | | | | $720 | Client Resource |
| File cabinet, lateral 3 drawer | | | | $200 | Client Resource |
| Racks, antimicrobial | EAGLE 1848EC, P74EC, CSS4-125, A206746 | | | $185 | Cooler |
| Racks, antimicrobial | EAGLE 1848EC, P74EC, CSS4-125, A206747 | | | $185 | Cooler |
| Racks, antimicrobial | EAGLE 1848EC, P74EC, CSS4-125, A206748 | | | $185 | Cooler |
| Racks, antimicrobial | EAGLE 1848EC, P74EC, CSS4-125, A206749 | | | $185 | Cooler |
| Racks, antimicrobial | EAGLE 1848EC, P74EC, CSS4-125, A206750 | | | $185 | Cooler |
| Racks, antimicrobial | EAGLE 1848EC, P74EC, CSS4-125, A206751 | | | $185 | Freezer |

| | | | | | |
|---|---|---|---|---|---|
| Racks, antimicrobial | EAGLE 1848EC, P74EC, CSS4-125, A206752 | | | $185 | Freezer |
| Racks, antimicrobial | EAGLE 1848EC, P74EC, CSS4-125, A206753 | | | $185 | Freezer |
| Racks, antimicrobial | EAGLE 1848EC, P74EC, CSS4-125, A206754 | | | $185 | Rear Hall |
| Racks, antimicrobial | EAGLE 1848EC, P74EC, CSS4-125, A206755 | | | $185 | Rear Hall |
| Racks, antimicrobial | EAGLE 1848EC, P74EC, CSS4-125, A206756 | | | $185 | Produce |
| Racks, antimicrobial | EAGLE 1848EC, P74EC, CSS4-125, A206757 | | | $185 | Produce |
| Phone | PANASONIC KXTS4200 | | | $150 | Director Office |
| Cart | | | | $100 | Rear Hall |
| Cart | | | | $100 | Rear Hall |
| Trash cans, 6 | | | | $400 | Hall |

**ORANGE COUNTY**
**BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**
**Meeting Date:** February 19, 2013

**Action Agenda Item No.** 6-c

**SUBJECT:** Orange County's Proposed 2013 Legislative Agenda

**DEPARTMENT:** County Commissioners **PUBLIC HEARING: (Y/N)** Yes

**ATTACHMENT(S):**
1) Public Hearing Notice

*UNDER SEPARATE COVER*

*2) Proposed Orange County 2013 Legislative Matters Resolution on Statewide Issues with Exhibit*
*3) Proposed Resolution Regarding Support for Funding for the Clean Water Management Trust Fund*
*4) Background Information on Clean Water Management Trust Fund Resolution*
*5) NCACC 2013-14 Adopted Legislative Goals*

**INFORMATION CONTACT:**
Commissioner Earl McKee, 245-2130
Commissioner Mark Dorosin, 245-2130
Greg Wilder, County Manager's Office, 919-245-2300

**PURPOSE:** To:
1) Conduct a public hearing on Orange County's potential legislative items for the 2013 North Carolina General Assembly Session;
2) Close the public hearing and review and discuss the Legislative Issues Work Group's (LIWG) proposed 2013 legislative package and any other potential items for inclusion in Orange County's legislative agenda package for the 2013 North Carolina General Assembly Session;
3) Consider approval of one proposed legislative matters resolution on Statewide Issues;
4) Consider approval of one proposed resolution regarding support for funding for the Clean Water Management Trust Fund (CWMTF); and
5) Consider identifying three to five specific items from the entire package to highlight for priority discussion at the March 11, 2013 meeting with Orange County's legislative delegation.

**BACKGROUND:** The North Carolina General Assembly convened on Wednesday, January 30, 2013. In past years the Board of Commissioners has appointed two Commissioners to serve on a Legislative Issues Work Group (LIWG) to work with staff to develop a proposed legislative

package for the County. Based on the work of the LIWG, the BOCC has then reviewed and approved packages of legislative items to pursue for the respective North Carolina General Assembly sessions. Commissioners Earl McKee and Mark Dorosin are serving on the 2013 LIWG and have worked with staff on the proposed 2013 legislative package which is attached.

At its February 5, 2013 regular meeting, the Board approved an item on the Consent agenda authorizing a public hearing on Orange County's proposed 2013 legislative agenda during tonight's regular meeting (Attachment 1 - public hearing notice which was published in three different local newspapers). The notice of the public hearing was also posted on the County's website.

After closing the public hearing, the Board will likely want to review and discuss the LIWG's proposed 2013 legislative package items and any other items as may be addressed during the public hearing. The Board will then need to consider the legislative matters resolutions and the CWMTF resolution based on the public hearing and Board discussion.

The first proposed legislative matters resolution (Attachment 2) for Board consideration addresses a broad range of statewide issues. It should be noted that the LIWG has included two versions for language related to Item #1, "Revenue Options for Local Government", and is requesting that the Board select version "a" or version "b" to approve/include.

The other proposed resolution, the Clean Water Management Trust Fund (CWMTF) resolution (Attachment 3), is proposed in follow-up to a request the County received from the CWMTF Board of Directors to consider adoption of a resolution. The background information on the CWMTF resolution request is provided at Attachment 4.

Lastly, in preparation for its March 11, 2013 meeting with Orange County's legislative delegation, the Board may want to consider identifying three to five specific items from the entire package to highlight for priority discussion.

The work of the Legislative Issues Work Group to this point is based on the current information available for the 2013 General Assembly Session. The issues addressed by the Group may evolve and change over the session and require additional attention by the Group and Board of Commissioners. New issues may also arise necessitating additional review.

For reference purposes, staff has provided the North Carolina Association of County Commissioners (NCACC) 2013-14 Adopted Legislative Goals (Attachment 5) which were adopted by NCACC in late January 2013. Some of the items in the first legislative matters resolution regarding statewide issues (Attachment 2) generally coincide with NCACC's goals and those items are noted in the resolution accordingly.

**FINANCIAL IMPACT:** There is no financial impact associated with holding a public hearing other than the newspaper advertisement costs which were included in the approved FY 2012-13 budget.

**RECOMMENDATION(S):** The Manager recommends the Board:

1) Conduct a public hearing on Orange County's potential legislative items for the 2013 North Carolina General Assembly Session;
2) Close the public hearing and review and discuss the Legislative Issues Work Group's (LIWG) proposed 2013 legislative package and any other potential

items for inclusion in Orange County's legislative agenda package for the 2013 North Carolina General Assembly Session;

3) Approve one proposed legislative matters resolution on Statewide Issues;
4) Approve one proposed resolution regarding support for funding for the Clean Water Management Trust Fund (CWMTF); and
5) Consider identifying three to five specific items from the entire package to highlight for priority discussion at the March 11, 2013 meeting with Orange County's legislative delegation.

Attachment 1

**ORANGE COUNTY BOARD OF COMMISSIONERS**
**PUBLIC HEARING NOTICE**
**FOR**
**Tuesday, February 19, 2013 at 7:00 p.m.**

A public hearing will be held on Orange County's potential legislative agenda for the 2013 North Carolina General Assembly Session. The issue areas to be addressed include:

- Revenue and Taxation
- Smart Start/More at Four
- Jail/Inmate Reimbursement
- Adequate School Facilities
- Concealed Weapons in Parks
- Fire Protection/State Compensation
- Transportation Responsibility
- Dangerous Dog Appeals
- Agriculture/Solar Energy
- Zoning Ordinance Challenges
- River Basin Protection
- Sustainable Communities
- Mental Health
- Broadband
- Environment
- E-911 Funds
- Court Facility Fees
- Bio-Solids Disposal
- Clean Water Management & Other Trust Fund Support
- County Civil Rights Ordinance – Additional Authority
- Solid Waste Management Plan Requirements
- Local Government Regulation of Development
- Energy-Efficiency/Local Bldg. Code
- Electronics Advanced Recycling Fee
- Fire Protection/State Compensation
- Bond Referendum for Education
- Wastewater System Classifications for Vol. Fire Depts. and Local Government Facilities

The Board of Commissioners welcomes all comments on all items as may be introduced or addressed at the public hearing. The meeting is open to the public and will be held on Tuesday, February 19, 2013 at the Southern Human Services Center at 2501 Homestead Road in Chapel Hill beginning at 7:00 p.m. If you need additional information, please call Greg Wilder at 919-245-2300.

RES – 2013 – 014 Attachment 2 DRAFT

NORTH CAROLINA

ORANGE COUNTY

RESOLUTION REGARDING LEGISLATIVE MATTERS

BE IT RESOLVED by the Board of County Commissioners of Orange County that the Board hereby requests the Senator and Representatives representing Orange County take the following positions on legislation regarding the following Statewide matters:

1) *** Revenue Options for Local Government** –

(Version "a") Support legislation that authorizes any local government to enact any revenue source that is presently available to one or more local governments in the state. Local governments have experienced significant budget cuts in recent years. Providing flexibility regarding revenue options to fund local government services will allow local governments to tailor their respective funding plans based on individual needs and goals;

**OR**

(Version "b")Support the expansion of revenue options and protection of revenue sources available to county governments;

**An item denoted with a "*" generally coincides with a similar North Carolina Association of County Commissioners (NCACC) 2013-14 Legislative Goal.**

2) **<u>* County Responsibility for Roads</u>** – Oppose legislation shifting the state's existing responsibility for funding transportation construction and maintenance projects to county governments. However, if the responsibility or the sharing of responsibility for secondary road improvements and/or the maintenance of roads is required of county governments, then Orange County requests that counties also be given the authority to levy fees, tolls, and other charges as may be necessary to provide funding to address this new responsibility. A new responsibility should include new revenue opportunities to accomplish the identified needs;

3) **<u>* Bio-solids Disposal</u>** - Support legislation which provides county governments some opportunity to regulate and/or have input into, but not prohibit, bio-solids application activities, including the acceptable "classes" of bio-solids for application and the prohibition of bio-solids application in certain environmentally sensitive areas such as critical watersheds. The appropriate application of bio-solids for agricultural use should be allowed with counties playing a role in the process;

4) **Energy Efficiency Standards in Local Building Codes** - Support changes in State law to allow local governments to include standards for energy efficiency in local building codes that are higher than those contained in the State Building Code;

5) **Broadband** – Support legislation, funding, and other efforts to expand broadband capability to the un-served and under-served areas of the State to enhance quality of life as well as expand opportunities for jobs creation, small business development, and growth in farm enterprises. Orange County opposes legislation limiting local governments' efforts to provide broadband and supports legislation and regulations that would preserve local option and authority where needed to deploy community broadband systems and ensure community access to critical broadband services;

6) *** Sales Tax Exemption** – Support legislation to exempt counties, cities, school boards, community colleges, and the Orange Water & Sewer Authority from payment of state and local sales taxes on purchases within North Carolina. The legislation should contain a provision permitting the state to repay the last refund over a multi-year period to minimize state budget impacts.

Alternatively, Orange County supports legislation to fully restore public schools' access to sales tax refunds;

7) **Smart Start and More at Four** – Orange County supports legislation to increase and ensure secure and stable funding, enhanced quality early care and education, and family access and benefits in settings public and private. The County advocates sustaining teacher quality; evidence-based learning objectives; healthy life styles; and community engagement. Quality early childhood has proven to help alleviate the achievement gap; curb the need for costly services (including special education); and reduce societal cost by increasing graduation rates. Orange County Schools and Chapel Hill-Carrboro City Schools are ardent allies, equally concerned about State actions that could negatively impact local implementation. Orange County remains strongly supportive of the Orange County Partnership for Young Children in the effective administration and evaluation of services reaching all children throughout the County (Exhibit A is a summary from Partnership Director Margaret Samuels.);

8) **County Jail System/Housing State Inmates Reimbursement** – Orange County seeks legislation to protect the fiscal viability of the county jail system by reinstating a reimbursement rate for state inmates housed in county jails and increasing the reimbursement rate for state inmates awaiting post-trial prison transfer. The County appreciates past efforts, in particular the establishment of a Statewide Misdemeanor Confinement Program to provide housing for misdemeanants serving periods of confinement of more than 90 days and up to 180 days. Orange County does not participate in the program due to limited space in the County Jail. The Program which houses misdemeanants serving periods of confinement of more than 90 days and up to 180 days is working, with Orange County inmates routinely transferred out of Orange County to other facilities;

9) **Agriculture/Solar Energy** – Orange County supports renewable energy initiatives such as House Bill 495/Senate Bill 473 (2011) and Senate Bill 694 (2011) to create a market for agricultural-sourced energy credits. Both provide incentives for farmers to produce renewable energy, which will become increasingly important to preserving and strengthening the agricultural economy and rural infrastructure as

well as maintaining Orange County's rural heritage and culture. The lack of continued effective solar energy incentives is a lost opportunity for all North Carolinians, but this is especially true for the agricultural sector. Farmers use a lot of electrical power and are uniquely positioned to become energy producers. Every south-facing barn roof is a candidate for a photo-voltaic (PV) array, and farms usually have open acreage that can support a stand-alone PV array;

10) **Authority to Amend the Orange County Civil Rights Ordinance** – Orange County seeks legislative action to provide the County the authority to include sexual orientation and sexual identity as protected classes. The Board of Commissioners adopted the Orange County Civil Rights Ordinance in 1994 with the purpose and policy to promote the equal treatment of all individuals. In subsequent years, the County has requested, to no avail, additional legislative authority to amend the Ordinance to include additional protected classes. The Orange County Human Relations Commission formally acted in October 2011 requesting that the Board of Commissioners take the appropriate steps to amend the Orange County Civil Rights Ordinance to include sexual orientation and sexual identity as

protected classes. Approximately 89% of Fortune 500 companies prohibit discrimination based on sexual orientation, including Bank of America, Lowe's, Duke Energy, Branch Banking and Trust (BB&T), and Reynolds American (the five largest North Carolina-based public companies in that order);

11) *** E-911 Funds** - Orange County supports permanently extending the authorization to use E911 funds for all public safety disciplines. Orange County appreciates past efforts and supports future initiatives to expand the uses for these funds within the public safety disciplines related to emergency communications and Emergency Medical Services. North Carolina General Statute (NCGS) 62A-47 Section 9 allowed local governments to use 50% of the funds in the Emergency Telephone System to provide for public safety needs, without limitations imposed under NCGS 62A-46. Public Safety expenditures authorized under Section 9 had to be completed by June 30, 2012;

12) *** Mental Health** – Orange County seeks legislation to ensure that State-funded mental health, developmental disability, and substance abuse services are available, accessible and affordable to all residents and that

sufficient state resources fund service provision costs inclusive of sufficient crisis beds;

13) **Land, Water and Agricultural Preservation Funding** – Orange County supports Park, Agricultural Preservation, Clean Water and other existing trust funds established for the protection of the State's land, water, agriculture, and special places before they are irreversibly lost, and requests that these funds receive additional funding. (See also RES-2013-015 regarding funding for the Clean Water Management Trust Fund);

14) *** Agriculture – Support Conservation of Working Lands and Farmland Preservation** – Orange County supports a conservation option under the Use Value Program and a revision to the revenue and acreage requirements of the Use Value Program to address operations that meet the revenue requirements, but do not meet the minimum ten acres threshold for agricultural operations;

15) **Sustainable Communities** – Orange County appreciates efforts during the 2010 General Assembly Session to establish the North Carolina Sustainable Communities

Task Force and associated Grant Fund and supports future efforts to move these initiatives forward;

16) **Statute of Limitations for Challenging Zoning Ordinances** – Orange County seeks a more appropriate statute of limitations that would authorize the bringing of legal challenges/action within three years of the adoption of a zoning ordinance. Session Law 2011-384 significantly amended the statute of limitations for challenging zoning ordinances by providing that actions challenging the validity of any zoning or unified development ordinance accrue "when the party bringing the action first has standing to challenge the ordinance…". This amendment has the potential to leave lawfully adopted county ordinances open to challenge indefinitely. If an individual purchases a piece of property twenty years after the adoption of a zoning ordinance, pursuant to that amendment, that individual may challenge the validity of the zoning ordinance;

17) **Potentially Dangerous Dog Declarations – Appeals Timetable** – Orange County seeks an amendment to the North Carolina General Statutes to increase the time period to 14 calendar days for the scheduling of a

hearing on an appeal for a potentially dangerous dog declaration. North Carolina General Statute 67-4.1.C states that an "appellate Board shall schedule a hearing within 10 days of the filing of objections" to a potentially dangerous dog declaration. The 10-day timetable to convene a hearing presents a significant challenge. Members of appeals bodies are community residents with many obligations and it is often a struggle to schedule meetings within the mandated 10-day timeframe. It would be a significant improvement to amend the statute to state "within 14 days of the filing of objections";

18) *** Solid Waste Management Plan Requirements** – Orange County supports the streamlining of provisions requiring units of local government to prepare 10-year solid waste management plans in order to simplify the process, reduces State and local government costs, and produce results more relevant for local governments and State government. Currently a plan and any changes to it, including three year mandated updates, must often be approved unnecessarily by multiple units of government, even those that may not utilize local waste disposal facilities. Additionally, a primary reason for requiring 10-year plans was to measure remaining

landfill space to ensure the future space availability. Other State rules require an annual survey of all landfill facilities to calculate remaining space, and with modern Geographical Information Systems, there is no need for the 10 year plan to duplicate this effort;

19) **Machinery Act** – Orange County believes that local governments need more flexibility to remedy measurement and/or condition property appraisal errors related to local property tax functions. North Carolina property tax law substantially limits the ability of local governments to address property tax discrepancies, such as prohibiting the refund of prior years' taxes paid after a measurement and/or condition property appraisal error is discovered. Just as local governments can recoup prior years' property taxes from owners for "discoveries", local governments should likewise be authorized to refund prior years' taxes paid when situations such as measurement and/or condition property appraisal errors are discovered;

20) **Homestead Exemption** – Support revisions to the Homestead Exemption provisions of the Machinery Act to

a) provide greater opportunities for low-income seniors to remain in their homes and not be

displaced due to property tax burdens by approving a one-time ten percent (10%) increase in the income qualification standard; and maintaining the current provisions which increase the income qualification standard each year based on any cost-of-living adjustment made to the benefits under Titles II and XVI of the Social Security Act for the preceding calendar year;

b) diminish the discriminatory features of the current exemption provisions relating to married couples by establishing graduated income qualification standards for single individuals versus married couples; and

c) address the ineffectiveness of the exemption provisions in communities where property values increase at substantial rates over short periods of time by capping the increase in additional taxes to be paid to the increase in the Consumer Price Index (CPI) for the preceding year;

21) *** Court Facility Fees** – Orange County believes counties should be authorized to raise Court Facility Fees to help fund capital or debt service needs associated with ever-increasing judicial activities. In 2010, Orange County completed an $11 million justice facility

expansion, a substantial investment for the County. Like other North Carolina counties, the County receives no State financial support for the construction of judicial facilities as well as the on-going annual facility operation and maintenance;

22) **Open Burning/Burning Permits** – Orange County believes the statutes related to open burning (Chapter 106 Article 78) should be amended to grant authority to local governments to regulate and prohibit open burning during periods of hazardous forest fire conditions, drought periods, or periods of excessive air pollution. Local fire authorities are best suited to assess local conditions and determine whether those conditions pose a threat to the public health, safety, and general welfare;

23) **Herbicide Use Limitations for Right of Way Maintenance** - Orange County supports legislation that would further regulate or prohibit the use of herbicides for the clearing and maintenance of easements and rights of way by utilities. North Carolina and specifically Orange County benefit substantially from organic agriculture. The use of herbicides has a significant negative impact on organic agriculture;

24) **Bond Referendum for Education** – Orange County supports a statewide bond referendum to provide State assistance to meet public school and community college construction needs caused by increased enrollment, mandated reduction in class size and other factors;

25) **Fire Protection/State Compensation** - Orange County supports legislation to provide additional State compensation to municipalities and local fire districts providing fire protection to state-owned buildings;

26) *** Wastewater System Classifications for Volunteer Fire Departments and Local Government Facilities** – Orange County supports actions to change North Carolina Division of Water Quality (DWQ) wastewater system classification rules which currently classify a spray irrigation system such as one utilized by volunteer fire departments and some local government facilities as “commercial”. When the flow generated by the system is domestic quality/non-industrial process wastewater, the system should be held to the same monitoring and testing standards as a residential wastewater system under DWQ jurisdiction. In the alternative, volunteer fire departments and local government facilities should

be excluded entirely from the “commercial” classification or a new revised “non-commercial” classification be developed. The annual inspections and testing costs associated with a “commercial” designation for a spray irrigation system serving a volunteer fire department or local government facility can be several thousands of dollars. Accounting for the type of flow actually treated by a system rather than assigning a blanket “commercial” designation would significantly reduce volunteer fire departments’ and local governments’ annual costs across the state;

27) **Electronics Advanced Recycling Fee** - Orange County supports legislation requiring an advance recycling fee (ARF) – for the collection and recycling of computer, television, cell phone and other discarded electronic equipment – to fund the shortfall from the existing producer responsibility funding. The producer responsibility provisions for electronics recycling require manufacturers to maintain records by category on equipment sales and pay corresponding fees to the State of North Carolina. The State in turn distributes those funds to North Carolina counties. The producer responsibility funds only cover a portion of the expenses that North Carolina counties incur for

electronics recycling (Example: Orange County receives funding equal to approximately ten percent (10%) of its actual electronic recycling expenses);

28) *** River Basin Protection** - Orange County supports legislation to enhance State monitoring for all river basins in North Carolina and to review the rule-making process to enhance regional cooperation and consistency statewide;

29) **Local Government Regulation of Development** - Support legislation nullifying the effect on local governments of the recent Supreme Court decision in *Lanvale Properties, LLC and Cabarrus County Building Industry Association v. County of Cabarrus and City of Locust*, 731 S.E. 2d 800 (2012) ("Lanvale"). The decision of the Supreme Court in Lanvale significantly impedes the authority of local governments to regulate activities associated with development. Counties in particular must ensure there is adequate school capacity to support new residential development. The Lanvale ruling prohibits counties from enacting ordinances to delay development to allow a reasonable time during which a lack of adequate school facilities may be addressed. Providing for this limited authorization to

delay development to address capacity issues would help ensure newly arrived resident children have adequate educational facilities and are not forced to attend classes in substandard facilities; and

30) **Concealed Weapons in Parks** - Seek legislation authorizing counties to fully regulate the carrying of concealed weapons in parks. Specifically the Orange County Board of Commissioners supports revising Session Law 2011-268 and North Carolina General Statute 14-415.23, which limit the authority of local governments to regulate the carrying of concealed weapons in parks and other areas where large numbers of children may congregate. Parks are areas where families with young children spend significant amounts of time. Ensuring there are no firearms present which may accidentally or unintentionally discharge is a legitimate interest of local governments in furthering the safety of their residents.

**An item denoted with a "*" generally coincides with a similar North Carolina Association of County Commissioners (NCACC) 2013-14 Legislative Goal.**

I, Donna Baker, Clerk to the Board of Commissioners for the County of Orange, North Carolina, DO HEREBY CERTIFY that the

foregoing is a true copy of so much of the proceedings of said Board at a meeting held on February 19, 2013 as relates in any way to the adoption of the foregoing and that said proceedings are recorded in Minute Book No. ____ of the minutes of said Board.

WITNESS my hand and the seal of said County, this 20th day of February, 2013.

_____
Clerk to the Board of Commissioners

EXHIBIT A

**Orange County Partnership for Young Children**
**Margaret Samuels, Executive Director**
**Smart Start NC Pre K Information**

**Smart Start 2013-2014:**

- Maintain Smart Start funding or increase funding to prior year levels.
- Continue the focus on developmentally appropriate early literacy and evidence based programs for early care, education and services.
- Increased funds will allow OCPYC to fund necessary programs in our community and expand funding to Early Intervention/Health and Family Support projects. Continued cuts to Smart Start funding over the years has decimated these programs.
- Continue the waitlist reduction in the upcoming year. In 2012, the County waitlist for child care subsidy was significantly reduced from a high of 650 children. This is the first time in several years that hundreds of children have not been waiting for child care subsidy in Orange County.
- Enhance and maintain quality in early care and education in all setting (public and private) by supporting teacher quality; evidence based learning objectives; healthy life styles and community engagement.

**NC Pre K (MAF) 2013-2014:**

- Support and increase funding to serve more children in quality early education.
- NC Pre K should continue to be offered in a variety of setting including child care, public schools, head start, etc. Maintaining this diversity allows the maximum of parent choice and funding.
- Maintain the current definition of "at-risk". At a time when more children are living in poverty, more NC Pre K slots need to be available for children.

OCPYC in conjunction with school districts, CHTOP Head Start and 5 private child care centers continue to work collaboratively to provide some of the best quality Pre K services in the state. Both Chapel Hill Carrboro City School and Orange County School Districts are aware of state issues and concerns and their impact on local implementation. The school district has been supportive of OCPYC and its administration and implementation of NC Pre K in Orange County.

**Conclusion:**

I want to thank the Orange County Board of County Commissioners for the opportunity to give an update on the status of Smart Start and NC Pre K funding. We know that quality early childhood programs help to alleviate the achievement gap, reduce the need for costly services including special education, and reduce overall societal cost by increasing graduation rates. I also want to thank Commissioner Pelissier, County Manager Clifton and Assistant Manager Harvey for their service to the OCPYC Board as well as thanking the County Department Directors who serve on our Board and provide guidance and assistance to early childhood services in Orange County.

Please do not hesitate to contact Margaret Samuels, OCPYC Executive Director at 919-967-9091 or msamuels@orangesmartstart.org if you need any additional information.

# ORANGE COUNTY BOARD OF COMMISSIONERS

## Resolution to Support 2013-2015 Funding for the Clean Water Management Trust Fund

**Whereas,** the 1996 North Carolina General Assembly established the Clean Water Management Trust Fund to provide an innovative and non-regulatory approach to the protection and restoration of the surface waters all across the state; and

**Whereas,** the Clean Water Management Trust Fund is a non-regulatory program established to help meet infrastructure needs of municipalities and counties, restore degraded surface water, protect watersheds, increase recreational opportunities, and enhance quality of life in this state, all critical components for communities to obtain a competitive edge in their economic development; and

**Whereas,** the Clean Water Management Trust Fund has funded 452 infrastructure projects to assist North Carolina communities balance infrastructure needs with environmental protection and to help struggling communities become self-reliant with future infrastructure needs; and

**Whereas,** infrastructure needs across the state addressing drinking water, wastewater, and stormwater are estimated at $16.6 billion between 2005 and 2030; and

**Whereas,** the Clean Water Management Trust Fund has leveraged more than $1 billion of private, local and federal funds to support projects, and Orange County has, either directly or in partnership efforts with other entities, benefited from approximately $2.6 million in grants and approximately $2.3 million in loans from the Fund; and

**Whereas,** the General Assembly has reduced funding for the Clean Water Management Trust Fund by 78% since 2010; and

**Whereas,** limited funding for the Clean Water Management Trust Fund left 88% of 2012 critical local needs unmet; and

**Whereas** our economic vitality, health and ability to sustain ourselves and the natural environment all rely on clean water; and

**Whereas,** surface water must be protected to ensure sufficient drinking water supply for the state's growing industrial base and population; and

**Whereas**, Clean Water Management Trust Fund has provided grant(s) to Orange County to do one or more of the following: to protect, restore or enhance surface water quality for the benefit of the state's agriculture, military, recreation and tourism economies and to protect our natural heritage for the benefit of all North Carolinians;

**NOW, THEREFORE, BE IT RESOLVED** by the Orange County Board of Commissioners at its meeting on February 19, 2013 that Orange County supports the Clean Water Management Trust Fund and requests that the Fund receive an increase in recurring funding from the Governor and the North Carolina General Assembly for the 2013-2015 biennial budget.

This the 19th day of February 2013.

_____

Barry Jacobs, Chair
Orange County Board of Commissioners

Richard E. Rogers, Jr.
Executive Director

cleanwater
MANAGEMENT TRUST FUND

CWMTF TRUSTEES

Chair, John B. McMillan
RALEIGH

Harold Bass
RUFFIN

Ron Beane
LENOIR

Frank Bragg
HUNTERSVILLE

Yevonne S. Brannon
RALEIGH

Karen Cragnolin
ASHEVILLE

John Garrou
WINSTON- SALEM

Joseph M. Hester, Jr.
ROCKY MOUNT

William Hollan
WINSTON -SALEM

George Howard
RALEIGH

Charles Johnson
GREENVILLE

Renee Kumor
HENDERSONVILLE

Kevin Markham
CARY

Christine Mele
ORIENTAL

Preston Pate
NEWPORT

Betty Chafin Rash
CHARLOTTE

Aaron Thomas
PEMBROKE

Stan Vaughan
CHARLOTTE

Charles Vines
BAKERSVILLE

Claudette Weston
WINSTON-SALEM

Jerry Wright
JARVISBURG

November 29, 2012

Dear Colleague,

On behalf of the North Carolina Clean Water Management Trust Fund (CWMTF), I would like for you to support the CWMTF through the adoption of the attached resolution. As the new administration under the direction of Governor Elect McCrory and the new legislature under the direction of Speaker Thom Tillis and President Pro Tempore Phil Berger prepare to initiate their budget development for the next biennium 2013-2015, it is imperative that the CWMTF receive increased funding and is funded as a recurring item in the budget. Because CWMTF was funded as a nonrecurring item in the 2012-2013 budget CWMTF is not assured of any funds in the upcoming budget cycle.

Established in 1996 by the General Assembly to the growing concerns about health of our rivers, streams and other surface water in the state the legislature created a non-regulatory, community focused program to protect and restore surface waters across the state. This non-regulatory program has provided more than 1500 grants to help meet infrastructure needs of municipalities, increase recreational opportunities, and enhance quality of life in this state, all critical components for communities to obtain a competitive edge in their economic development.

Over the past four years the CWMTF has had its funds reduced by more than 89%. In 2012 CWMTF funded less than 10% of the requested project funds.

Your support for CWMTF through this resolution will allow the fund to continue to protect current and future drinking water supplies for our growing population. Your support will enable local governments and communities to address their local needs and support them in their efforts to grow their economies and protect water, a critical resource, for the success of the state today and tomorrow.

Attached is contact information for the Governor-Elect, the Speaker of the House and the President Pro Tempore of the Senate. The 2013-2015 budget is already being developed by the new administration and the legislature so please submit your adopted resolution at your earliest convenience. Please forward your resolution to your local legislative delegations and send a copy to CWMTF as well. If you have questions pertaining to the resolution please contact our Executive Director, Richard Rogers, at richard.rogers@ncdenr.gov or 919-707-9123. Thanks you for your support.

Sincerely,

John B. McMillan

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512 N. Salisbury St., Suite 1209, Raleigh, NC 27604
1651 MAIL SERVICE CENTER, RALEIGH, NC 27699-1651

One North Carolina *Naturally*

**Governor-Elect Pat McCrory**
Address:
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Raleigh, NC 27624
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**Senator Phil Berger**
President Pro Tempore of the Senate
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NC Senate
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Raleigh, NC 27601-2808
FAX:
919-733-5708
Email:
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919-733-8740

**Representative Thom Tillis**
Speaker of the House
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NC House of Representatives
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Phone:
919-733-3451

**Resolution to Support the 2013-2015 Funding for**
**Clean Water Management Trust Fund**

**Whereas** the 1996 General Assembly established the Clean Water Management Trust Fund to provide an innovative and non-regulatory approach to the protection and restoration of the surface waters all across the state; and

**Whereas** the Clean Water Management Trust Fund is a non-regulatory program established to help meet infrastructure needs of municipalities and counties, restore degraded surface water, protect watersheds, increase recreational opportunities, and enhance quality of life in this state, all critical components for communities to obtain a competitive edge in their economic development; and

**Whereas** the Clean Water Management Trust Fund has funded 452 infrastructure projects to assist North Carolina Communities balance infrastructure needs with environmental protection and to help struggling communities become self reliant with future infrastructure needs; and

**Whereas** infrastructure needs across the state addressing drinking water, wastewater, and stormwater are estimated at $16.6 billion between 2005 and 2030; and

**Whereas** the Clean Water Management Trust Fund has leveraged more than $1billion of private, local and federal funds to support projects; and

**Whereas** the General Assembly has reduced funding for the Clean Water Management Trust Fund by 78% since 2010; and

**Whereas** limited funding for the Clean Water Management Trust Fund left 88% of 2012 critical local needs unmet; and

**Whereas** our economic vitality, health and ability to sustain ourselves and the natural environment all rely on clean water; and

**Whereas** surface water must be protected to ensure sufficient drinking water supply for the state's growing industrial base and population; and

**Whereas**, Clean Water Management Trust Fund has provided grant(s) to the _____ _____to do one or more of the following; to protect, restore or enhance surface water quality for the benefit of the state's agriculture, military, recreation and tourism economies and to protect our natural heritage for the benefit of all North Carolinians; and

**NOW, THEREFORE, BE IT RESOLVED BY THE _____ AT ITS MEETING ON _____THAT WE SUPPORT CLEAN WATER MANAGEMENT TRUST FUND AND THAT THE FUND RECEIVE AN INCREASE IN RECURRING FUNDING FROM THE GOVERNOR AND THE NORTH CAROLINA GENERAL ASSEMBLY FOR THE 2013-2015 BIENNIAL BUDGET:**

_____ Title_____

Attachment 5

NORTH CAROLINA
ASSOCIATION OF COUNTY COMMISSIONERS

# Top Five Goals for 2013-14

1. Oppose shift of state transportation responsibilities to counties
2. Reinstate ADM and lottery funds for school construction.
3. Oppose unfunded mandates and shifts of state responsibilities to counties.
4. Ensure adequate mental health funding.
5. Preserve the existing local revenue base.

## Agriculture Legislative Goals

*AG-1: Adequately fund agricultural research and extension services.*
Support legislation to fund the agricultural and research extension offices through the University of North Carolina system, principally at N.C. State University and N.C. A&T State University. Extension offices are located throughout the state and facilitate programs that assist residents in a wide variety of programs focused on agricultural economic development. Adequate funding of these programs benefits the agriculture economy in every county.

*AG-2: Support and promote conservation of working lands and farmland preservation.*
Support legislation to promote and preserve working farmlands by including these lands in the state tourism plan, by retaining the current authority for the present use value system, by maintaining funding for the Ag Development and Farmland Preservation Trust, and by exploring the impacts of transfer of development rights.

## Environment Legislative Goals

*ENV-1: Restore state funding and responsibility for river basin monitoring, streamline rulemaking, and enhance regional cooperation.*
Support legislation to enhance monitoring for all river basins in North Carolina and review the rule-making process to enhance regional cooperation. Increased monitoring would allow jurisdictions to better assess compliance with water quality rules and, over time, allow the Division of Water Quality to make better decisions regarding future promulgation of water-quality rule making.
Seek legislation to streamline local water supply reservoir permitting without sacrificing the scientific rigor of Environmental Impact Assessment and ensure adequate opportunities for public and local official comment. North Carolina is a fast-growing state that has already experienced drought-related challenges to its water supply, impacting both quantity and quality. It is likely that many new sources of drinking water will be needed to meet future demand, yet the timetable to bring a new water reservoir on line can take years, even decades, to satisfy all the environmental permitting requirements mandated by the state.

*ENV-2: Eliminate requirement for a 10-year solid waste management plan and add a requirement in the Solid Waste Management and Facilities annual report for long-term planning.*
Support legislation to eliminate the statutory provisions requiring units of local government to prepare 10-year solid waste management plans in order to simplify the process, reduce costs and produce results more relevant for local governments. Currently, a 10-year plan and any changes to it, including mandatory three-year updates, must often be approved by multiple units of government, even those that may not utilize local waste disposal facilities. The original and primary reason for requiring 10-year plans was to measure remaining landfill space to ensure future space availability. Other state rules require an annual survey of all landfill facilities to calculate remaining space and, with modern Geographical Information Systems, there is no need for the 10-year plan to duplicate this effort.

*ENV-3: Authorize some county oversight of bio-solids application.*
Support legislation that provides county governments some opportunity to regulate and/or have input into, but not prohibit, bio-solids application activities, including the acceptable "classes" of bio-solids for application and the prohibition of bio-solids application in certain environmentally sensitive areas such as critical watersheds. The appropriate application of bio-solids for agricultural use should be allowed with counties playing a role in the process.

*ENV-4: Modify spray irrigation systems classification for volunteer fire departments.*
Support legislation to change North Carolina Division of Water Quality (DWQ) wastewater system classification rules that currently classify a spray irrigation system such as one utilized by volunteer fire departments as "commercial." When the flow generated by the system is domestic quality/non-industrial process wastewater, the system should be held to the same monitoring and testing standards as a residential wastewater system under DWQ jurisdiction. In the alternative, volunteer fire departments should also be excluded entirely from the "commercial" classification. The annual inspections and testing costs associated with a "commercial" designation for a spray irrigation system serving a volunteer fire department can be several thousands of dollars. Accounting for the type of flow actually treated by a system rather than assigning a blanket "commercial" designation to the system would significantly reduce volunteer the annual costs for fire departments across the state, saving taxpayer dollars supporting these services.

*ENV-5: Monitor and protect counties from negative fiscal and environmental impacts caused by natural resource extraction and oppose removal of Virginia's ban on uranium mining.*
Support state legislative and regulatory actions to protect county budgets and services from any negative impacts resulting from natural resource extraction. The state is moving forward in exploring new means of, and additional locations for, natural gas extraction. Such activities have the potential to affect county government operations and quality of life in impacted areas, and therefore could increase county service costs.

## Health & Human Services Legislative Goals

*HHS-1: Ensure adequate mental health funding.*
Seek legislation to ensure that state-funded mental health, developmental disability, and substance abuse services are available, accessible and affordable to all residents and that sufficient state resources fund service provision costs inclusive of sufficient crisis beds and supportive housing. While North Carolina counties largely fund social services administration and health services, the state has been traditionally responsible for mental health expenses.
The state is undertaking a massive restructuring of community mental health services, converting and merging existing local management entities into managed care organizations charged with overseeing a capitated model of funding. State budget cuts and federal policy changes have reduced statewide resources to support crisis services, chronic mental health management, and state psychiatric hospital capacity. Policy changes have shifted public guardianship responsibilities from LMEs to county social services staff.
The state has purchased local hospital beds set aside for the mentally ill, but additional funding is needed for increased bed capacity. Recent federal action to relocate adult care home residents suffering from mental illness to community-based housing will require increased and sustained state funding to build local supportive housing resources and wrap-around services.

*HHS-2: Retain county management of nonemergency Medicaid transport.*
Seek legislation that allows counties to retain the management and coordination of Medicaid nonemergency medical transportation services. A special provision in the 2013 State Appropriations Act directed the N.C. Department of Health and Human Services to develop and issue a request for proposals to privatize the management of nonemergency medical transportation services for Medicaid recipients. A statewide transportation management brokerage firm could remove all coordination efforts currently in place to share transportation services costs amongst funding sources.
North Carolina is recognized nationally for its coordinated system of community human services transit systems. Largely managed by professional transit administrators under the oversight of county management, these coordinated systems provide efficient trip scheduling and travel for an array of human services clients including veterans, elderly citizens, children in daycare, and Medicaid recipients. Shared trips to the same geographic area equate to shared costs among the clientele, with cost efficiencies evidenced by North Carolina's cost-effective per member per month (pmpm) cost of $2.45. Other states have pmpm costs averaging $6 and above.

*HHS-3: Preserve federal block grants and state aid to counties for county-administered programs and oppose unfunded workload mandates.*
Seek legislation and monitor state budget activities to ensure that federal block grant and state aid to counties funds, traditionally used to support county-administered social and health services, are not redirected to offset state administrative expenses. Support human services administrative simplification efforts and resist changes in state policies and procedures that add to county administrative costs.
Counties have already experienced an annual loss of $36 million in federal welfare reform funds and looming federal deficit reduction measures are likely to compound these losses for health, social services, and mental health programs. The state has eliminated its $5.4 million annual appropriation in state aid to counties for social services, although some state aid dollars remain

for county health expenses. The state has backfilled state budget cuts in childcare and other human services programs with federal dollars once designated for direct county programs. County budgets must be protected as the state continues to grapple with anemic revenue growth, and as fewer federal dollars are made available for community-based human services.

*HHS-4: Restore local autonomy to LME/MCO governance structure.*
Seek legislation to restore local autonomy to LME/MCO governance structure, to ensure that each county be allowed to appoint, at a minimum, one county commissioner to its local LME/MCO Board. S191, enacted in the 2012 legislative session, sets maximum size limitations of 21 members on LME/MCO boards, and stipulates board membership composition for 10 of these members to specific consumer, health, insurance and finance disciplines. Counties participating in an LME/MCO with at least 12 county members cannot be assured of appointing one of its county commissioners to represent its interests and that of its constituents on the LME/MCO governance board. LME/MCOs with population catchment areas of 1.25 million or more are exempt from these limitations.

*HHS-5: Oppose weakening of smoke-free restaurant and bars law.*
Oppose any bill or amendment that weakens current statutory regulations requiring smoke-free restaurants and bars. The 2004 General Assembly enacted a comprehensive ban on smoking in all restaurants and bars and set up a regulatory framework to ensure compliance with the smoke-free requirements.

*HHS-6: Increase Nursing Home Community Advisory Committee membership flexibility.*
Seek legislation to provide greater flexibility in the membership of Nursing Home Community Advisory Committees. Per G.S. 131E-128, every county having a nursing home within its boundaries must establish a nursing home advisory committee to monitor nursing home care and resolve grievances of nursing home residents. As a part of its monitoring responsibilities, each advisory committee must visit each nursing home within its jurisdiction at least four times per year. Counties with four or more nursing homes must appoint NHCA subcommittees to manage this on-site workload. Advisory committees and subcommittees cannot include any members who are persons or family members with a financial interest in a home served by the committee, an employee or governing board member of such a home, or an immediate family member of a nursing home resident. These exclusions limit the number of interested parties wishing to serve on an NHCA, and counties throughout the state are having difficulty identifying persons to serve on these committees.

*HHS-7: Increase childcare subsidies to reduce waiting lists and support funding for Smart Start and NC Pre-K.*
Support an increase in childcare subsidies to ensure access to affordable childcare and support funding for early childhood and pre-kindergarten programs. Continuing state budget challenges have diminished state resources to backfill one-time federal dollars for childcare expenses and offset state cuts in childcare subsidies Smart Start and N.C. Pre-K. As of July 2012, nearly 37,500 children were waiting for childcare services, likely preventing their parents from remaining in, or joining, the workforce. Smart Start and N.C. Pre-K faced 20 percent state budget cuts in 2011, despite continued growth in the Pre-K population.

*HHS-8: Increase Medicaid rates to cover costs.*
Support a rate increase for Medicaid services to at least cover cost of service. In an effort to curb Medicaid costs, legislative actions over the past 10 years routinely show a Medicaid service-provider rate reduction or a reduction in the inflationary increases for reimbursement rates, increases to keep pace with medical inflation. Despite a 50 percent plus increase in Medicaid clients, fewer physicians are choosing to treat Medicaid clients given lower reimbursement rates than that offered under private insurance plans.

*HHS-9: Support an increase in food and lodging inspection fees to cover costs.*
Seek legislation to increase food and lodging inspection fees or authorize county governments to charge cost-based fees for restaurant and facility inspections. Unlike other inspection fees such as building inspections fees that can be set to recover costs, food and lodging inspection fees are set statutorily and do not reflect county costs of inspections operations and administration. The state collects the current fee, which is set at $75 per annual business inspection, and returns 66 percent of these revenues to the county of origin. Not only is this fee well below actual inspections costs, no additional fees are permitted should county inspectors need to revisit an individual business multiple times to ensure compliance with health and safety regulations.

*HHS-10: Restore state funding of public health accreditation.*
Seek legislation to restore state funding for the state-mandated accreditation program for county public health departments. G.S. 130A-34.1 requires all local public health departments to obtain and maintain accreditation, which examines a local health department's capacity to provide essential public health services, its facilities and administration, its staffs' competencies and training procedures or programs and its governance and fiscal management. The process includes a self-assessment, a site visit by a team of experts to clarify, verify, and amplify the information in the self-assessment and accreditation approval by the Local Health Department Accreditation Board, which is housed and staffed by UNC's Institute for Public Health. Failure to obtain and maintain accreditation by July 1, 2014, will jeopardize state and federal funding for public health services. The 2012 State Appropriations Act eliminated the $300,000 in recurring funding to support UNC administration of the public health accreditation program.

## Intergovernmental Relations Legislative Goals

*IGR-1: Oppose any shift of state transportation responsibilities to counties.*
Oppose legislation to shift the state's responsibility for funding transportation construction and maintenance projects to counties. Counties cannot afford to assume costs for maintaining secondary roads and/or funding expansion projects. Unlike counties in other states, whose traditional funding responsibilities are secondary roads, North Carolina counties are responsible for the administration of local human services programs, and fund educational operating and capital expenses. The NCACC estimates that a transfer of secondary road maintenance responsibilities would cost counties more than $500 million annually. Some of the more rural counties would have to increase property taxes by as much as 30 cents to generate the amount of revenue needed to maintain the same level of service.

*IGR-2: Allow more cost effective methods for second primary elections.*

Support legislation to authorize alternatives to second primary elections that minimize excessive costs while protecting the integrity of the electoral process. The costs for second primary elections can be very high, especially when compared to voter turnout. New and expanded alternatives, similar to one-stop voting or limited early voting sites and schedules, should be explored and piloted for second primaries and run-off elections.

*IGR-3: Maintain current requirements for county commission approval of Extraterritorial Jurisdictions (ETJ) designations and expansions.*
Support legislation that maintains the current requirements for county approval of ETJ changes. With recently enacted changes to the annexation laws, ETJ will certainly be a focus of planning and growth. In certain jurisdictions with higher populations, current law calls for Board of County Commissioner approval for ETJs beyond any one-mile expansion. Counties would like to maintain that level of input and make sure that the county voice is included in further ETJ expansion.

*IGR-4: Implement combined motor vehicle registration and property tax collection system by July 1, 2013.*
Support legislation to ensure that the combined motor vehicle registration and property tax collection system be implemented by its statutory deadline of July 1, 2013. In 2005, the NCACC included this issue in our legislative goals and supported its passage. Implementation of the combined motor vehicle registration/property tax system has been delayed several times given the complex automation systems needed for operations, but the program is still important to county governments. North Carolina is the only state that continues to collect motor vehicle property taxes in arrears of license plate registration and renewal. Property tax collection rates for motor vehicles alone are 10 percentage points below that of all other property. It is estimated that once this system is up and running, counties will reap more than $50 million annually in currently uncollected property taxes on motor vehicles.

*IGR-5: Allow county participation in the State Health Plan.*
Support continued legislative action aimed at allowing optional participation by counties in the State Health Plan (SHP). Proposed language would allow counties to participate on a short-term basis in order for the State to determine the impacts from the Federal Affordable Health Care Act.

*IGR-6: Support legislation to grant counties the option to provide notice of public hearings and other legal notices through electronic means in lieu of required publication in any newspaper.*
Seek legislation to provide counties with options for notice of public hearings, notice of delinquent taxpayers, and other legal notices, through electronic means. Current statutes require counties to purchase expensive ads in local newspapers when announcing various public hearings, meetings or other items. With many more citizens now getting their news online instead of from traditional newspapers, allowing counties to post these notices on their county-owned Web sites will save taxpayers money and make it easier on taxpayers to find the information at their demand.

*IGR-7: Increase informal let bid threshold for NCDOT local projects.*

Support legislation that increases the informal bid limit of $1.2 million for NCDOT projects. Current law permits local NCDOT divisions to approve projects that are less than $1.2 million in scope instead of completing the more lengthy and cumbersome formal bidding process. Board of Transportation approval is still required, but this informal bid limit does help to streamline and expedite the building process. The $1.2 million cap was established several years ago and has not been adjusted to compensate for increased construction costs involved in road construction.

*IGR-8: Oppose collective bargaining for public employees.*
Oppose legislation to authorize local governments to enter into collective bargaining agreements with public employees, or to mandate dues check-off programs. Salaries and benefits for public sector employees remain strong in North Carolina because different jurisdictions are competing over the same highly skilled and specialized employees, such as police, firefighters, emergency medical personnel and public school teachers. Lifting the state's ban on collective bargaining would require every county in the state to negotiate for salaries and benefits with groups representing local teachers, firefighters, sheriff's deputies, EMS employees and others that are unionized. Collective bargaining for public employees would neither improve county government efficiency nor result in improved services to citizens. The likelihood is that collective bargaining would increase operational costs for county governments, would create an adversarial relationship between management and employees, and would create two classes of employees – those in unions and those not in unions.

*IGR-9: Support maintaining local control of the NC ABC System and preservation of local ABC revenues.*
Support legislation to protect local control of the local ABC system, including all local revenue streams generated through local ABC store operations. Given the state's dire budget situation, legislative leaders have considered privatizing all or parts of the state's system of alcoholic beverage control to generate significant amounts of cash in the short term. Many counties recognize ABC revenues in their budgets. The loss of these revenues would create holes in county budgets. In addition, cities and counties are better suited to make decisions about alcoholic beverage distribution, including where to locate stores and whether to merge with other systems.

*IGR-10: Support release of Help America Vote Act (HAVA) funds to assist counties with election costs.*
Support legislation that provides the state maintenance-of-effort match to draw down the $4 million in remaining federal HAVA funds. Counties use various county, state, and federal funds to operate election services. Taking advantage of Help America Vote Act (HAVA) funds would be very beneficial to ease funding pressures at the county level.

## Justice & Public Safety Legislative Goals

*JPS-1: Seek legislation to limit the amount that providers can charge counties for inmate medical care to no more than what is allowed by the Department of Correction.*
Seek legislation that would authorize medical care providers to charge counties for inmate medical services at a rate not to exceed the rates paid by the State Department of Public Safety to inmate medical providers. Counties are responsible for medical costs when inmates are incarcerated in county jails, and counties often pay full, non-negotiated rates for inmate medical care, resulting in great expense to counties. State reimbursement rates have been capped in recent state budget provisions, and counties seek the same cap on inmate medical expenses to save taxpayer dollars on these costs.

*JPS-2: Seek legislation to expand county governments' use of 911 funds, protect and enhance current funding streams and maintain full operational flexibility and autonomy.*
Seek legislation to protect and enhance current e911 funding streams, as well as increase flexibility in use of those funds for the betterment of county 911 systems. Significant strides were made in 2010 to revamp 911 laws and give counties greater flexibility in utilizing 911 funds. At the same time, the 911 Board was directed to adopt a funding model and standards. Counties have expressed concern about decisions made at the Board level related to the funding model, as well as the adoption of certain standards that would have negative economic impacts on county 911 systems.

*JPS-3: Oppose legislation that would limit a county's ability to operate a pretrial release program.*
Oppose legislation that would limit counties from operating pretrial programs. Such limitations would result in increased costs to counties and put additional burdens on county jails. Counties throughout the state operate pretrial programs that help to evaluate individuals awaiting trial in county jails. These programs assist the judicial system in determining if those individuals can safely be released, saving taxpayer dollars and saving space in county jails. In addition, many pretrial programs offer needed services to individuals awaiting trial in an effort to reduce recidivism rates.

*JPS-4: Support legislation to fully fund the Justice Reinvestment Act of 2011.*
Support increased funding for the Justice Reinvestment Act Initiatives. Last session, lawmakers approved a budget that fell short of fully funding the initiatives included in the legislation. Policies in the comprehensive criminal justice bill include new tools for probation officers to hold offenders accountable, longer sentences for individuals with repeat breaking and entering offenses, and increased funding for drug treatment programs in prison and in the community. Without adequate funding, the programs will not achieve the desired goals.

*JPS-5: Provide greater funding of state crime labs.*
Support legislation to increase state funding for state crime lab operations. Court officials throughout the state have noted that North Carolina's State Crime Laboratory now has fewer resources, money and personnel than in past years. That situation greatly impacts court proceedings by causing defendants and prosecutors to often wait a year or more for results. Without a substantive increase in funding for the lab, criminal court proceedings across the state

will continue to lag. These delays can cause overcrowding in county jails and the need for additional county resources as individuals await trial.

*JPS-6: Preserve current county authority for local electronic offender monitoring.*
Support legislation to maintain county authority for electronic monitoring. In 2011, a bill was passed authorizing counties to collect a fee from individuals ordered to be placed on electronic monitoring as a condition of the offender's bond or pretrial release. Utilization of electronic monitoring helps with county jail overcrowding and also reduces the amount of taxpayer dollars needed for incarceration. The fee allowed by law is capped and cannot be collected from those entitled to court-appointed counsel. Counties want to ensure that the authority for this fee is preserved.

*JPS-7: Provide funding for gang prevention, adolescent substance abuse and domestic violence prevention, intervention and treatment.*
Support legislation to provide state funding for gang prevention, adolescent substance abuse and domestic violence prevention, intervention and treatment. In past budget years, the state budget has included funds for these critical programs. These programs pay dividends because they help reduce criminal activity. Failure to fund these types of programs will result in significantly higher costs to the legal system.

*JPS-8: Request the reduction of detention center space requirements in existing and new detention center facilities in all counties in North Carolina, consistent with the language in N.C. G.S. 153A-221.*
Seek legislation to provide all counties with the authority to house 64 inmates in each county detention dormitory, as permitted for counties with populations in excess of 300,000. Counties with populations of less than 300,000 can only house up to 56 inmates in each dormitory. The same minimum space requirements still apply to these additional inmates. Allowing all counties to have this same authority will make the law consistent for all 100 counties and allow for cost-savings when constructing new jail facilities.

*JPS-9: Restore state funding for Drug Treatment Court (added at Legislative Goals Conference).*
Seek legislation to restore funding to Drug Treatment Courts in North Carolina. In 2011, the General Assembly eliminated all state funding for Drug Treatment Courts. These courts were created by the General Assembly in 1995 and have been utilized across the state to address substance abuse issues in the criminal justice system, reduce alcohol and drug-related caseloads, and promote effective use of resources for substance abuse treatment. Without funding for these courts, many counties have lost a valuable resource for managing judicial caseloads and addressing substance abuse issues.

## Public Education Legislative Goals

*PE-1: Reinstate ADM and lottery funds for school construction.*
Seek legislation to fully reinstate the Average Daily Membership funds and Lottery proceeds to the Public School Building Capital Fund. The Public School Building Capital Fund is housed in the N.C. Department of Public Instruction and is comprised of two sources of revenue: a set-aside from the corporate income tax, known as the ADM fund, which is allotted based on average daily membership (ADM) in each county; and 40 percent of the net proceeds from the N.C. Education lottery. Counties have relied on these funds to repay debt service for public school construction and renovation.
Since 2009, the General Assembly has redirected the ADM Fund's corporate income tax proceeds to offset state dollars for public school operations, costing counties from $50 to $100 million each year. Since 2010, the legislature has set the county lottery appropriation below the statutory 40 percent of net lottery proceeds, with the 2012 allocation appropriated at $100 million or 22.7 percent of expected net proceeds. The total loss for the past two biennia amount to nearly half a billion dollars in school construction funds. Counties are forced to delay school construction projects, use their emergency fund balances to make up the debt service losses, or reduce funding for other essential services.

*PE-2: Maintain state responsibility for replacement and risk management exposures for operation of school buses.*
Seek legislation to ensure that the state retains responsibility for the purchase, repair and replacement of school buses, and to preserve state insurance coverage under the State Tort Claims Act for school bus accidents and other school bus risk management exposures. North Carolina counties are financially responsible for the initial purchase of new school buses, either to service new schools or new routes. Since the 1930s and per G.S. 115C-240(e)(f), the state is financially responsible for school bus replacement, generally based on mileage (250,000 miles) or age (20 years or older). The state's tort claims act has traditionally covered school bus driver negligence. In 2011, in an effort to manage growing state budget deficits, Governor Bev Perdue proposed shifting school bus replacement and tort claim coverage to counties, costing counties $57 million and $4.6 million, respectively, for these new responsibilities. While the House rejected these proposals outright, the Senate initially considered the school bus cost shift to counties. The adopted budget retained state responsibility for both school bus replacement and school bus risk management exposure.

*PE-3: Provide sufficient funds for community college workforce training programs.*
Support legislation to restore and maintain state funding for workforce development training and programs through the community college system. State budget cuts over the past two biennia have reduced community college funding for classroom operations by $83 million. New tuition fee increases have helped minimize the impact of these losses, and several new programs such as non-recurring funds for N.C. Back to Work, a $5 million retaining program for long-term unemployed, have been authorized. Continuing and increased state investments are needed to provide community colleges with 21st century equipment to support training that leads to third party credentials in career areas such as advanced manufacturing and STEM (science, technology, engineering and math).

*PE-4: Restore local control of school calendar.*
Support legislation to restore control of the local school calendar to local boards of education. The General Assembly enacted H1464 in 2004, which restricted a local board of education's ability to open schools prior to Aug. 25 or to close schools prior to June 10. It is believed that the Legislature was reacting to concerns by resort communities regarding earlier school openings, which in turn shortened the summer vacation season and reduced the teen labor force for the service industries. The State Board of Education was authorized to grant waivers based on the number of weather-related closures historically experienced or for good cause based on educational purposes. In 2012, the General Assembly further restricted LEA school calendar control, by eliminating start/end date waivers based on educational purposes.

*PE:5: Authorize the option for counties to acquire, own and construct traditional public school sites and facilities. (added at Legislative Goals Conference).*
Support legislation to authorize counties the option to acquire, own and construct traditional public school sites and facilities. N.C. counties are statutorily responsible for funding the construction, renovation, and maintenance of all school facilities, but schools retain title and ownership of school facilities. This divergence of funding versus ownership requires administrative work-arounds to obtain sales tax refunds on school construction materials and results in an imbalance of liabilities to assets, as county-issued school debt shows as a liability on the county's financial statement, while the building increases the LEA's assets.

## Tax & Finance Legislative Goals

*TF-1: Preserve the existing local revenue base.*
Support legislation that recognizes the importance of county revenues and ensures that the existing tax base is maintained and preserved. During the current recession, one of the means used by the General Assembly to balance the state budget has been to shift some local funds to state use and make cuts in some county programs. For example, in 2009-10, the General Assembly diverted to the state's general fund the portion of the Corporate Income Tax that was dedicated to school construction, costing counties approximately $200 million for the biennium. For 2010-11, the General Assembly reduced the county share of lottery proceeds by $63 million. Counties also saw numerous state cuts to county programs approaching $75 million in 2009-10 alone. Counties face similar revenue declines as that experienced by the state and cannot afford to sacrifice any additional revenues to the state.

*TF-2: Oppose unfunded mandates and shifts of state responsibilities to counties.*
Oppose legislation that establishes new or expanded state mandates without a commensurate increase in state resources to support service provision. A continuing difficult state financial status may increase the likelihood of attempts to balance the state budget by shifting more responsibilities to counties without corresponding funds.

*TF-3: Authorize local revenue options.*
Seek legislation to allow all counties to enact by resolution or, at the option of the Board of Commissioners, by voter referendum, any or all revenue options from among those that have been authorized for any other county. Several counties have access to certain revenues, such as prepared meals taxes, occupancy taxes, and land transfer taxes, that are not available to other

counties. Granting counties the authority to implement these revenue options would lessen the reliance on property tax and give counties more flexibility in designing a revenue system that reflects their community's preferences and is best suited for their tax base.

*TF-4: Protect county revenues in tax reform consideration.*
Support legislation that recognizes the importance of county revenues and secures existing county resources as the state considers tax reform strategies. The General Assembly will be considering comprehensive tax reform this legislative session. Specifics of these changes to tax statutes are uncertain and likely to be fluid throughout the session. County revenues should be protected in any final outcome.

*TF-5: Repeal moratorium on contingency fee audits.*
Seek legislation to repeal the moratorium on contingency fee tax audits beginning July 1, 2013. Allow counties the flexibility to contract for tax audit services by fee-based or contingency-based arrangements. If a repeal of the moratorium is unviable, work with the state Department of Revenue on alternative solutions.

*TF-6: Improve and maintain incentive programs, workforce development and job creation programs, NC's tax credit programs, and increase access to tax credit financing for smaller economic development projects.*
Support legislation to defend and maintain the state's tax credit programs to help stimulate economic development activity in rural and economically distressed counties. In an era of fiscal constraint and economic challenges, North Carolina's legislators may be tempted to terminate the state's tax credit programs in an effort to increase tax revenues. However, these programs – including Historic Preservation Tax Credits, the Renewable Energy Tax Credits, and the Article 3J Tax Credits – stimulate investment and business growth that otherwise might not take place in our state. These tools are particularly important to stimulating economic development in rural and Tier One counties.
Support legislation to improve access to tax credit financing for smaller economic development projects. In order to finance commercial projects, businesses frequently benefit from being able to attract investors who can utilize the tax credits generated by the project to offset their own tax liabilities. However, it is difficult for small business owners to identify investors who may be interested in their tax credits, and it is often prohibitively complicated and costly to broker tax credit finance deals. Furthermore, tax credit investors are typically only interested in multi-million dollar projects – a threshold that excludes many potentially eligible economic development projects, especially in small rural counties. As a result, many tax credit-eligible projects do not move forward because they are not able to access the potential equity generated by their tax credits. The Legislature could help make this process less complicated and more accessible to small businesses by: 1) enabling the "bundling" of multiple smaller projects into projects that are large enough to attract investors; 2) establishing a central tax credit "exchange" that brings tax credit-eligible projects together with potential investors; and 3) supporting increased technical assistance and training in the utilization of tax credits.

*TF-7: Explore and authorize use of alternate, sustainable revenue options and funding sources for beach, inlet and waterway maintenance.*

Support legislation to explore and authorize use of alternate, sustainable revenue options or funding sources like licenses, taxes and/or fees for beach, inlet and waterway maintenance (as proposed via 2009 CRC and CRAC resolution for Trust Fund; Senate DRS85164-SB-12 Beach Management Study Commission Section 2.2 (3) Trust Fund, 2012 Session H1181 Study Municipal Local Option Sales Tax, and 2004 Session H142 Dare County Sale Tax).

*TF-8: Replace current non-profit sales tax refund process with a revenue-neutral exemption.*
Support legislation to eliminate the requirement for tax-exempt non-profit corporations to pay sales tax. The current burdensome process, which requires the eligible non-profits to pay sales taxes and then seek a refund from the State has resulted in significant negative impacts upon county budgets. Sales tax revenues received by the local governments that include payments from tax-exempt corporations overstate the amount of funding actually available to the local government, and state audit adjustments result in unpredictable repayment obligations over which the local government has no control.

*TF-9: Replace current refund sales tax process for public institutions with a revenue-neutral exemption.*
Seek legislation that streamlines the sales tax refund regulatory process by exempting public institutions (counties, cities, school boards, community colleges, local utility authorities, etc.) from payment of state and local sales taxes on purchases within the state and thereby diminish the administrative burden on the local and state level to pursue/account for/recoup sales tax proceeds.

*TF-10: Extend Article 44 hold harmless.*
Seek legislation that extends hold harmless payments for local governments whose expected Article 44 receipts do not replace their repealed state reimbursements. The 2004 Appropriations Act (H1414) amended G.S. 105-521 by guaranteeing hold harmless payments through 2012 for local governments. The 2012-13 payment is scheduled to be the last unless additional legislation is passed. The Article 44 hold harmless payments are approximately $15 million, and these funds are an important source of revenue for the economically distressed counties and municipalities that receive them.

*TF-11: Allow counties to provide triple credit toward renewable energy portfolios.*
Support legislation similar to legislation passed in 2010 (Cleanfields of 2010) to allow counties to provide triple credit toward renewable energy portfolios.

*TF-12: Authorize greater county oversight of legal electronic gaming operations and support legislation to authorize counties to levy privilege license taxes on these operations.*
Support legislation to authorize counties to levy privilege license taxes on internet sweepstakes businesses. Counties do not have the same authority as municipalities to levy a privilege license tax on video sweepstakes businesses, and this disparity may create an incentive for such businesses to locate in rural areas outside the corporate limits of municipalities. Seek legislation similar to H1180 from the 2011-12 session that would give counties and municipalities the same authority to levy privilege license taxes on internet sweepstakes businesses in order to discourage the proliferation of those businesses in rural areas outside corporate limits.

*TF-13: Promote county property tax system modernization.*
Seek legislation that enhances the county property tax system through effective modernization strategies.

*TF-14: Authorize design build option for all counties.*
Seek legislation to authorize for all counties the option of using the "Design Build" process to construct and/or renovate public facilities. A number of counties in North Carolina have special legislation allowing the "Design Build" method, which allows the bidding of design and construction of a project in the same package, often resulting in cost and time savings. The "Design Build" option should be made available as an alternative process for construction/renovation of county facilities and schools statewide.

*TF-15: Require payment of property taxes on manufactured homes and other titled properties before transfer of title.*
Seek legislation to require that all taxes levied on manufactured homes be paid before the home may be moved, repossessed or sold on site. County property tax collection efforts for delinquent taxes on manufactured homes are often hampered by ownership and location transfers.

*TF-16: Clarify centralized listing and assessing of cellular and cable companies.*
Seek legislation to implement the central listing and assessment of cellular and cable companies. The Department of Revenue's Local Government Division would manage the listing and assessment process, similar to its assessment of other utilities such as telephone, power and railroad. DoR supports this change.

*TF-17: Support local county law enforcement and rehabilitation services through an increase in the beer and wine tax revenues.*
Support an increase in the excise tax on beer and wine by 10 cents or 20 cents with the total increased amount distributed to counties. For each 10 cent increase, 7 cents would be dedicated to law enforcement and 3 cents would be dedicated to rehabilitation purposes.

*TF-18: Preserve scrap tire disposal tax proceeds.*
Oppose the use of Scrap Tire Disposal Tax Proceeds for other than what is allowed by current statute (G.S. 105-187.19).

*TF-19: Compensate counties for property acquired by the state and removed from the ad valorem tax base.*
Develop state Payment in Lieu of Taxes (PILT) for game lands or other revenue sharing in lieu of taxes on state-owned wildlife/gamelands. Large portions of some counties are not subject to property taxes because they are owned by the State. Most of these lands are wildlife or game lands. In addition, the state continues to buy land using conservation funds. The lands purchased are already being used for agriculture or timber and therefore require a low level of service. Although transferring the lands to state control does not affect the levels of service provided by counties, it does force the tax burden onto a smaller population.

**ORANGE COUNTY**
**BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**
**Meeting Date:** February 19, 2013

**Action Agenda Item No.** 7-a

**SUBJECT:** North Carolina State Clearinghouse Request for Intergovernmental Review of Proposed Private Crossing Closures with the North Carolina Railroad (NCRR)-Norfolk Southern (NS) Railway

**DEPARTMENT:** Planning and Inspections **PUBLIC HEARING: (Y/N)** No

**ATTACHMENTS:**
1. Figure 1 Project Vicinity Map
2. Revised Gordon Thomas Drive, Greenbriar Drive, and Byrdsville Road Project Study Maps
3. December 20, 2012 Letter from NCDOT Rail Division Addressing Orange County's November 5, 2012 Comments Letter
4. Summary of Public Comments
5. Second Set of Draft Comments for NCDOT

**INFORMATION CONTACT:**
Abigaile Pittman, Transportation/Land Use Planner, 245-2567
Tom Altieri, Comprehensive Planning Supervisor, 245-2579
Craig Benedict, Planning Director 245-2592

**PURPOSE:** To receive information on the North Carolina Department of Transportation (NCDOT) proposal to close private North Carolina Railroad (NCRR)/Norfolk Southern (NS) Railway crossings at Gordon Thomas Drive, Greenbriar Drive and Byrdsville Road in Orange County, and consider a second letter submitting scoping comments related to the project.

**BACKGROUND:** As part of the North Carolina State Clearinghouse Intergovernmental Review process, the Planning and Inspections Department received a solicitation for scoping comments from the NCDOT in September 2012 with regard to the proposed private crossing closures with the North Carolina (NCRR)/Norfolk Southern (NS) Railway crossings at Gordon Thomas Drive (TIP No. P-4405I), Greenbriar Drive (TIP No. P-4405J), and Byrdsville Road (TIP No. P-4405K) in Orange County (Attachment 1). NCDOT requested that Orange County provide scoping comments consisting of any information that would be helpful for evaluating potential community and environmental impacts for these projects, including identifying any permits and/or approvals required by the County. The County's comments will be used in the preparation of a proposed federally-funded Environmental Assessment (EA) in accordance with the National Environmental Policy Act. Provision of scoping comments is an early part of the process for development of the EA.

The railroad track is part of the Southeast High Speed Rail corridor (SEHSR) which, when complete, will provide high speed passenger rail service between Washington, DC and Charlotte, NC. These three private road rail crossings were identified in NCDOT's Private

Crossing Safety Initiative (PCSI) report (2003/updated 2009). That report proposes safety improvements along the Raleigh to Charlotte "Sealed Corridor" that close private road crossings where feasible and protect the remaining open private crossings with crossbucks, automatic flashers and gates, signals and/or locking gates.

In early November 2012 the Planning Director sent a comment letter to the NCDOT Rail Division regarding the three proposed private crossing closures. All comments provided by the BOCC at its October 16 meeting were included in the letter. A response letter from the NCDOT Rail Division was received by the Planning staff in December 2012 (Attachment 3).

Citizens Informational Workshops were held by the NCDOT Rail Division and its consultant, Florence & Hutcheson, on January 7 and 14, 2013 for all three proposed private railroad crossing closures. Revised Project Study Maps for all three locations were introduced at the Workshops (Attachment 2). A summary of public comments received from the Workshop process has been provided to Planning staff (Attachment 4).

Planning staff has reviewed NCDOT's response to the County's comment letter of November 5, 2012, the Revised Project Study Maps, and the public comments from the Citizens Informational Meetings. Overall, greater clarity is needed with regard to which alternate access roads will be publicly improved and/or constructed roads accepted into the state system for maintenance, the proposed site specific right-of-way and pavement widths, storm drainage details, and pavement standards for these roads. Also needed, when available, is the anticipated schedule for required right-of-way acquisition (or easements?), relocation of property structures and buildings where necessary, and construction dates. Similar clarifying detail is needed with regard to improvements to alternate access which is to remain as private roads or drives. A second set of draft comments for NCDOT Rail Division has been drafted to reflect remaining concerns (Attachment 5).

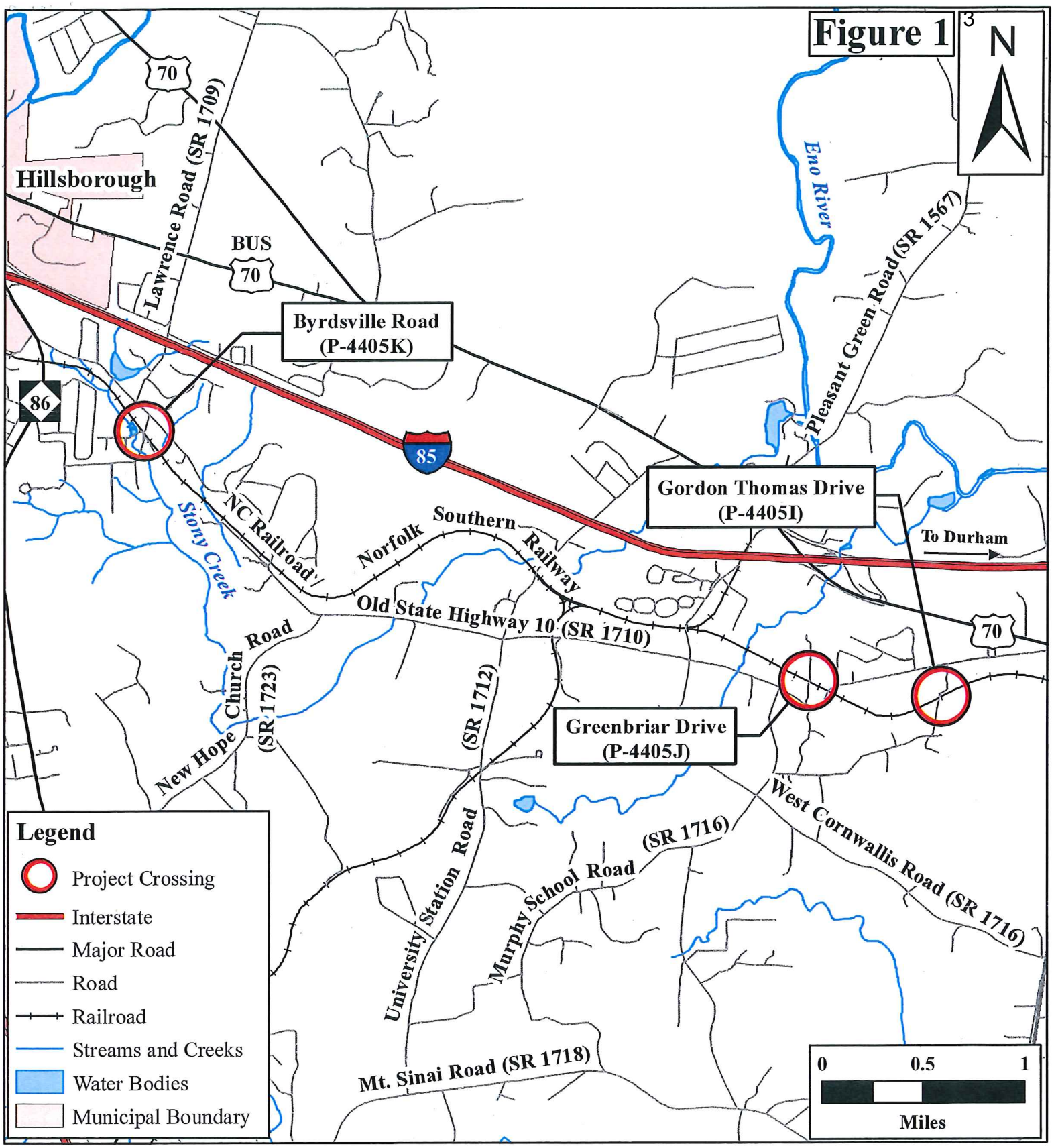
Background information about the three proposed private crossing closures can be found online at: http://orangecountync.gov/planning/transportation.asp

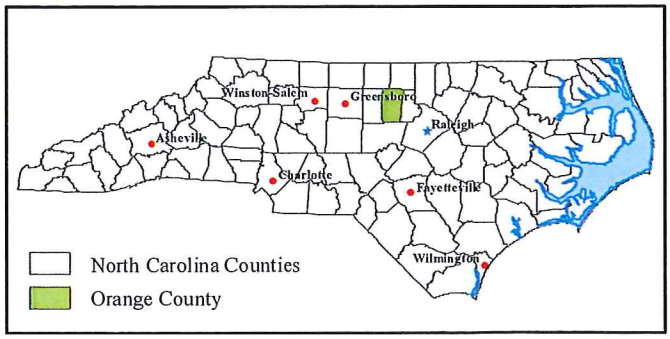
**FINANCIAL IMPACT:** The proposed private railway crossings are described in the State's Transportation Improvement Program (TIP) as part of various passenger rail projects comprising a private crossing safety initiative to close or enhance protection at railroad crossings between Raleigh and Charlotte. These three projects are specifically identified as P-4405I, P-4405J, and P-4405K, to be funded with Stimulus High Speed Rail Funds. The projects are to be performed during the State's FY 2012-FY2016 Work Program.

**RECOMMENDATION(S):** The Manager recommends that the Board:

1) Receive the information on the NCDOT proposal to close private NCRR/NS Railway crossings at Gordon Thomas Drive, Greenbriar Drive and Byrdsville Road in Orange County;
2) Provide any additional comments the Board may have to be added to the attached letter (Attachment 5) submitting a second set of scoping comments to NCDOT; and
3) Authorize Planning staff to send the letter to NCDOT.

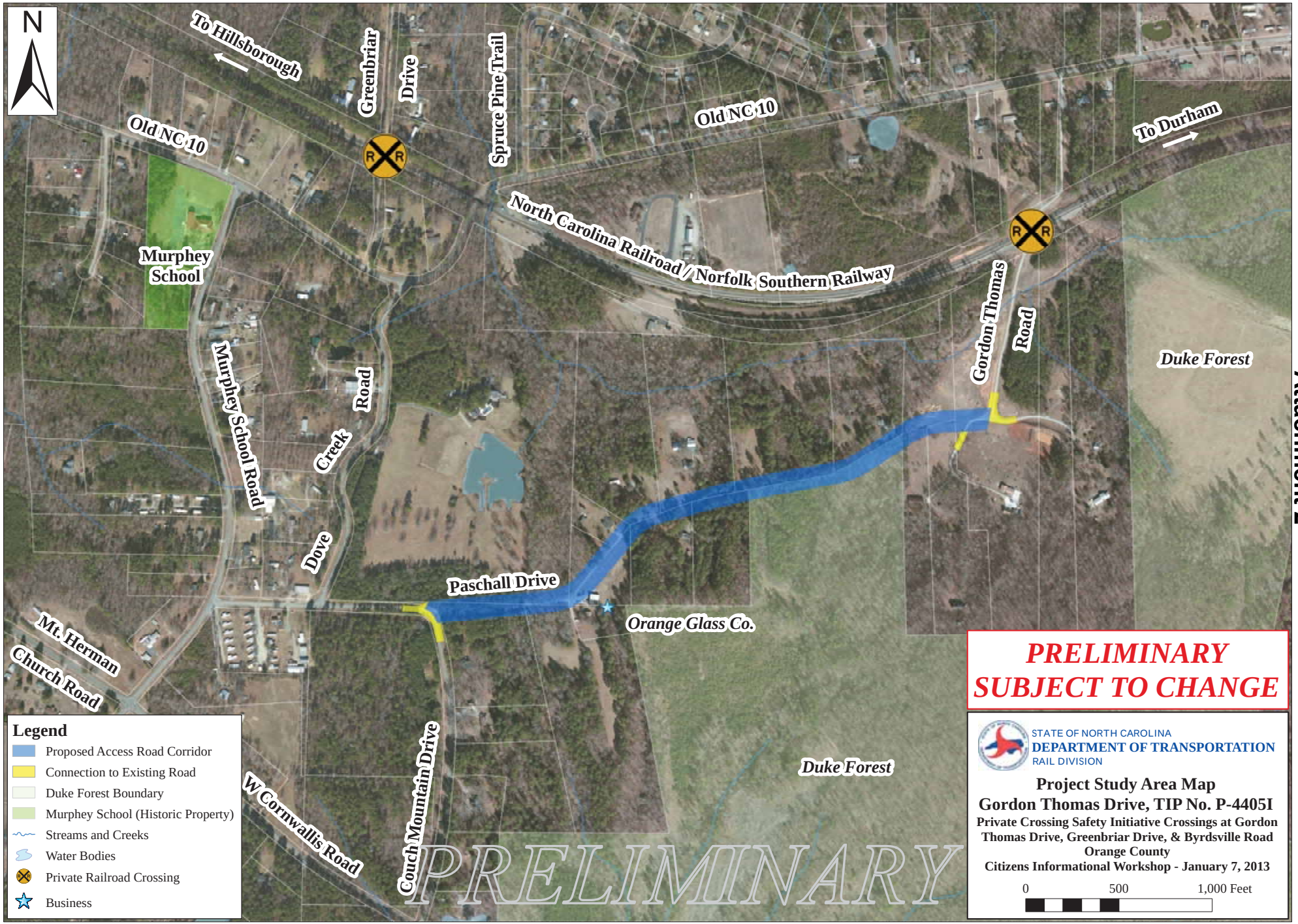
Attachment 1




STATE OF NORTH CAROLINA
**DEPARTMENT OF TRANSPORTATION**
RAIL DIVISION

# Project Vicinity Map
## P-4405I, J, & K
**Private Crossing Safety Initiative Crossings at Gordon Thomas Drive, Greenbriar Drive, & Byrdsville Road**
**Orange County**




Attachment 2

N
PRELIMINARY
Mt. Herman Church Road
85
70
Rhodes Creek
Ponderosa Drive
Hemlock Drive
North Carolina Railroad/Norfolk Southern Railway
To Hillsborough
Greenbriar Drive
Old NC 10
Old NC 10
Spruce Pine Trail
To Durham
Murphey School
Murphey School Road
Dove Creek Road
Legend
Proposed Access Road Corridor, Alternative 1
Proposed Access Road Corridor, Alternative 2
Connection to Existing Road
Murphey School (Historic Property)
Streams and Creeks
Water Bodies
Private Railroad Crossing
PRELIMINARY
SUBJECT TO CHANGE
STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION
RAIL DIVISION
Project Study Area Map
Greenbriar Drive, TIP No. P-4405J
Private Crossing Safety Initiative Crossings at Gordon Thomas Drive, Greenbriar Drive, & Byrdsville Road
Orange County
Citizens Informational Workshop - January 7, 2013
0
500
1,000 Feet

N
PRELIMINARY
Super Walmart
To Hillsborough
North Carolina Railroad / Norfolk Southern Railway
85
Workman Road
Luther Drive
Joppa Oaks
Lonnie Circle
Old NC 10
Stony Creek
The Summit
Wildwood
Jaspers Lane
Walter Clark Drive
Byrdsville Road
C&J Mobile Park
To Durham
Beckett's Ridge
86
Piedmont Electric
Lower Street
Upper Street
Byrdsville Mobile Home Park
Duke Forest
Legend
Proposed Access Road Corridor
Connection to Existing Road
Duke Forest Boundary
Streams and Creeks
Water Bodies
Private Railroad Crossing
PRELIMINARY
SUBJECT TO CHANGE
STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION
RAIL DIVISION
Project Study Area Map
Byrdsville Road, TIP No. P-4405K
Private Crossing Safety Initiative Crossings at Gordon Thomas Drive, Greenbriar Drive, & Byrdsville Road
Orange County
Citizens Informational Workshop - January 14, 2013
0
500
1,000 Feet

STATE OF NORTH CAROLINA
# DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR.
SECRETARY

December 20, 2012

Mr. Craig Benedict, AICP
Orange County Planning & Inspections Department
131 W. Margaret Lane
PO Box 8181
Hillsborough, NC 27878

SUBJECT: Orange County Planning & Inspection Comments for the Federal Environmental Assessment, Proposed Crossing Closures with the North Carolina Railroad (NCRR/Norfolk Southern (NS) Railway at Gordon Thomas Drive (TIP No. P-4405I), Greenbriar Drive (TIP No. P-4405J), and Byrdsville Road (TIP No. P-4405K) in Orange County.

Dear Mr. Benedict,

Thank you for your comments on our Start of Study Letter for TIP Projects P-4405I, P-4405J, and P-4405K. NCDOT values the input from our local government partners and recognize that only through partnership and collaboration can these projects be successful.

In the letter dated November 5, 2012, the Orange County Planning & Inspections Department provided comments on the proposed project. The information below is provided in response to the general and specific comments received from your department. For clarity, we have combined some responses based on subject matter, for questions requiring additional explanation we have provided individual responses.

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**General Comments:**

**Coordination with Orange County and the Town of Hillsborough:**

The Start of Study letter distributed on September 21, 2012 represents initial alternatives considered for the project. We will continue to coordinate with you and the Town of Hillsborough throughout the public involvement and project development phases of this project and other future safety upgrades in Orange County. We recognize your concerns about potential traffic impacts at NC 86, and we are determining the appropriate level of traffic analysis required to assess these issues.

**MAILING ADDRESS:**
NC DEPARTMENT OF TRANSPORTATION
RAIL DIVISION
1553 MAIL SERVICE CENTER
RALEIGH, NC 27699-1553

TELEPHONE: 919-733-4713
FAX: 919-715-6580

*WEBSITE: WWW.BYTRAIN.ORG*

**LOCATION:**
TRANSPORTATION BUILDING
1 SOUTH WILMINGTON STREET
RALEIGH, NC

**Easements, Right-of-Way Issues and Compliance with the Unified Development Ordinance (UDO):**

The intent of the proposed project is to develop project designs that are compliant with the UDO, including the classification of roadways serving parcels. The NCDOT Right of Way Branch will ensure improved roadways are appropriately recorded with the Orange County Registrar of Deeds. The proposed designs will include sufficient right of way for proposed roadway widths, and will avoid the creation of non-conforming lot dimensions, where possible. We will also ensure proper roadway names are identified and recorded.

**Roadway Access and Circulation:**

- The improvements will be planned to maintain access to all affected properties, including the property (PIN 9873-64-6782) located at 2370 NC Highway 86 South. During right of way acquisition, NCDOT will account for established land use buffer requirements.
- Consistent with Article 10 of the UDO, acess at the rear of residences along the improved Walter Clark Road will not be permitted. This will prevent double-frontage lots.
- During right of way acquisition, NCDOT would negotiate with Duke University concerning any property required along the edge of Duke Forest.
- The chain link fencing along the rear property boundaries along Walter Clark Road will be replaced if impacted.

**Roadway Design Standards:**

- New access roads are proposed between Greenbriar Drive and Spruce Pine Trail, and between Walter Clark Drive and the Byrdsville Mobile Home Park road. These two roads will be built to NCDOT standards.
- Other improvements include the extension of private driveways similar in form to existing driveways. These will remain private roads.
- Proposed roadways will comply with NCDOT standards for flood damage prevention, stream buffers, storm water management and erosion control as well as impervious surface limits.
- Side drainage ditches will be incorporated into the roadway design where warranted.
- Greenbriar Drive will not be modified under the proposed project. A new access road is proposed to connect Greenbriar Drive with Spruce Pine Trail.
- All proposed roadway improvements will be designed consistent with NCDOT standards. Adequate storm drainage will be designed and impacts to streams will be avoided, minimized, or mitigated.
- Existing utility connections will be maintained during and after project construction.

**Crossing #735 199Y/MP H 48.49/ Gordon Thomas Drive (P-4405I)**

The following are responses to specific comments on the Gordon Thomas Drive crossing closure (P4405I).

**Comment #4:** *Staff encourages a re-evaluation of the cost-benefit analysis and other alternatives for this closure as there are so few properties receiving access from the crossing vs. the significant impact to this private community.*

**Response: The purpose of the project is to improve railroad and automobile safety. While costs and benefits are important factors, access to these properties will be maintained. Alternatives are being considered to provide access to the nearest public roads, while avoiding or minimizing environmental**

**impacts to the extent possible. A No-Build alternative will also be evaluated. Anticipated impacts to the community and to natural environment features will be assessed and included in the decision making process.**

**CROSSING #726 305F/MP H 47.62/Greenbriar Drive (P-4405J)**

The following are responses to specific comments on the Greenbriar Drive crossing closure (P4405J).

**Comment #1:** *The proposed NCDOT road layout includes a cross access/road mid-way on Greenbriar Drive that does not align with existing lot patterns and appears to serve no practical purpose. This cross access/road would also involve an unnecessary perennial stream crossing.*

**Response: The ultimate location of the "cross access" road has yet to be determined. Alignments which are least disruptive to the community and the environment are being investigated. Where possible, stream crossings will be avoided, and impacts minimized or mitigated.**

**Comment #3:** *This proposed option could potentially involve traffic associated with adjoining non-residentially zoned property, to have ingress/egress through an established single-family residential neighborhood.*

**Response: If the adjoining parcel (Greenbriar Road area) is eventually developed with nonresidential uses, the planned roadway connection to Spruce Pine Trail will be abandoned. It is assumed that once the redevelopment occurs, Orange County will provide alternative access for the Greenbriar Road area.**

**Comment #5**: *Planning staff requests that more viable alternatives other than the current proposal be explored. This location is part of the County designated and zoned Eno Economic Development District (EDD), and is also immediately south of an interchange with 1-85 which is planned for improvements. The adopted Eno EDD Small Area Plan supports an enhanced service road and access system in the area, and includes an approved Transportation Access Management Concept Plan (copy enclosed for reference). Staff would prefer an alternative that considers the larger context of the area's access issues and needs. Pursuing the proposed alternative could exasperate upcoming development efforts for the interchange and the EDD.*

**Response: There are no plans under consideration by NCDOT that would interfere with future plans for the EDD area. The proposed project would not connect to planned service roads and will not prevent the development of the access system or modifications to the I-85/US 70 interchange. As stated previously the NCDOT planned roadway will be abandoned once the Greenbriar area is redeveloped with nonresidential uses.**

**Comment #6:** *The proposed NCDOT road layout involves potential crossing(s) of Rhodes Creek. If there is to be a crossing of this perennial stream, with the associated environmental impacts, there should be multiple purposes for the larger EDD area.*

**Response: Where possible, stream crossing impacts will be minimized or mitigated. There are no plans that would interfere with future plans for the EDD area. According to the Orange County GIS the Greenbriar Road area is surrounded on three sides by streams. Avoiding stream crossings altogether is not possible with a new access road.**

**Comment #7:** *If feasible, perhaps a cross access road could be constructed within or parallel to the railway right-of-way between Greenbriar Drive and Old NC 10, rather than the proposed network of roads that involve substantial road work, new stream crossings, the breaching of subdivisions, and the possible introduction of nonresidential traffic through residential subdivisions.*

**Response: The North Carolina Railroad Company will not permit the construction of a roadway within their right of way. A roadway alignment at the right-of-way line would result in one property taking, a stream crossing, and would result in the new access road entrance on Old NC 10 that is too near the Spruce Pine Trail entrance. These two adjacent entrances are not likely to meet NCDOT design standards.**

**Crossing #735 189T/MP H 43.89/Byrdsville Road (P-4405K)**

The following are responses to specific comments on the Byrdsville Road crossing closure (P4405K).

**Comment #5:** *The unnamed roadway easement (i.e. the road identified by NCDOT as Walter Clark Road) intersects NC 86 at an angle. The proposed road layout would create a road accessing the highway across from the primary access to the Wildwood single-family residential subdivision. Also, a short distance to the south on NC 86 is an entrance to the Becketts Ridge single-family residential subdivision. Staff has concerns regarding both the increase in the amount of traffic that would be utilizing this intersection and the increased danger associated with the angled, slightly off-set intersection that would be created. Staff believes that a traffic study would be necessary, to evaluate if this intersection should be signalized and realigned to address traffic access and congestion management issues. Additionally, some evaluation should be made as to whether north and/or south bound turn lanes would be required on NC 86.*

**Response: Traffic impacts and safety impacts will be considered as part of the intersection design. NCDOT is currently considering the appropriate level of traffic analysis that should be conducted.**

**Comment #14:** *The proposed access network to the west of the twin lakes and the rail crossing does not seem to recognize that there is an existing private road off of Lonnie Drive within the Joppa Oaks development. This existing private road has a sign for the 'C & J Mobile Home Park' and it currently provides access to most if not all of the properties on the western side of the 'red square' (refer to NCDOT Figure 2 Project Study Area Map). Therefore, staff is not certain that this western side of the 'red square' would be necessary.*

**Response: The figures included in the scoping letter provide a variety of access options, not all of which will be constructed. Mapping which provides more refined details on improvements being considered will be provided to Orange County and presented at Citizens Informational Workshops on January 7th and 14th. The C&J Mobile Home Park access road is being considered for access options.**

**Comment #5:** *The Orange Rural Fire Department has commented that there could be an increase in response time for some of the residents of that neighborhood given how the proposed road might be built. This response time would also be true for an ambulance responding to the area.*

**Response: Comment noted. Proposed improvements will ensure access is maintained.**

**Comment #6:** *Approximately 95 properties would be directly impacted by the proposed new access improvements, and the entire Joppa Oaks Subdivision, Wildwood Subdivision, Becketts Ridge Subdivision, C & J Mobile Home Park, and the Byrdsville Mobile Home Park would be impacted by revisions to traffic patterns either in these developments or along NC 86.*

**Response: Comment noted. Safe and efficient access will be provided for all residents in these subdivisions. As stated previously, NCDOT is currently considering the appropriate level of traffic analysis.**

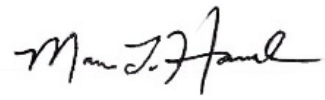
**Comment #7:** *The proposed new access improvements could potentially have significant impacts to a large number of County residents within the lower income Byrdsville community. The staff recommends*

*consideration of alternative routes as well as measures to enhance compatibility and improve the positive aspects of the community's character.*

**Response: Potential impacts to the community, including emergency response, and community impacts will be investigated, and avoided, minimized or mitigated. Public involvement will be included as part of the project development process. Residents will have the opportunity to have input on measures to improve positive aspects of the community's character.**

Again, thank you for your input. We will maintain coordination with Orange County during the development of this project. Please contact me via email at mhamel@ncdot.gov or telephone at 919-707-4705 if you have any additional questions.

Sincerely,



Marc L. Hamel
Rail Environmental Manager
NCDOT Rail Division.

cc. Dan Havener, P.E., Project Engineer
Jahmal Pullen, P.E., Infrastructure Engineering Unit, NCDOT Rail Division
Jason Orthner, P.E., Rail Engineering Manager, NCDOT Rail Division

Florence & Hutcheson
An ICA Company

MEMO TO: FILE

FROM: Mark L. Reep, PE, Project Manager

DATE: January 15, 2013

SUBJECT: Citizens Informational Workshop (CIW) for Orange County Crossing Closures at North Carolina Railroad (NCRR/Norfolk Southern (NS) Railway Gordon Thomas Drive (P-4405I) and Greenbriar Drive (P-4405J).

A Citizens Information Workshop was held between 5:00 p.m. – 7:00 p.m. on January 7, 2013, at the Shared Visions Retreat Center, 3717 Murphey School Road, Durham. The purpose of the meeting was to introduce the project to residents and local officials and to receive comments on the alternatives and issues to be considered during the project development process. Approximately 30 residents and local officials attended the meeting. Below is a summary of comments received. A Spanish-speaking interpreter was present at the meeting.

## GORDON THOMAS DRIVE AREA

**Written Comments**

***Comment:*** Increased traffic would propose a security issue. Residents along Paschall Drive are concerned with more traffic. There would be speeding which would endanger people/pedestrians and animals.

***Comment:*** Increased traffic on Paschall Drive would increase noise levels along the road.

***Comment:*** Surveys for the Paschall Drive roadway improvements should be made available to residents to confirm existing property lines and the amount of right-of-way required.

***Comment:*** What effect will increased rail volumes have on noise levels in the project area?

***Comment:*** Please advise as to whether or not there are private lots between Gordon Thomas Drive and Highway 751 that would be denied right of way to Old NC 10 or US 70 with this change.

***Comment:*** Would right-of-way purchased at the corner of Corner of Couch Mountain and Paschall Drive be taken from the north or south of the road?

**Verbal Comments**

***Comment***: The potential creation of double frontage lots along Walter Clark Drive in the Byrdsville Road Project area would have setback nonconformance with the UDO.

***Comment:*** Residents of Paschall Drive expressed concern about increased traffic from bikers and pedestrians accessing the road from Duke Forest.

***Comment:*** One resident of Paschall Drive expressed concern about existing train noise.

## GREENBRIAR DRIVE AREA

**Verbal Comments**

***Comment:*** Is NCDOT going to move my mailbox that is at the end of the drive?

***Comment:*** Resident expressed a preference for the southern access alignment.

***Comment:*** The majority of Greenbriar Drive residents expressed a preference for the northern access alignment.

***Comment:*** Several residents mentioned the frequent flooding after heavy rain in the area of the southern alignment.

***Comment:*** A resident asked about how the right-of-way acquisition process works.

***Comment:*** A resident asked if the northern alignment would be on the secondary roadway system?

***Comment:*** Greenbriar Drive residents asked if Greenbriar Drive was going to be put on the state road system (state maintained).

***Comment:*** A resident pointed out the southern alternative maybe getting into north side of a property's septic field.

***Comment:*** Residents noted that it would be tight going between Greenbriar Drive homes with a road.

***Comment:*** A planner with Orange County and Planning & Inspections Department commented that an alternate alignment could be developed traveling north of the nearby powerline easement, continuing up to I-85. Part of this plan would be extending Greenbriar Road northward into the EDD to connect to US 70 southeast of I-85. The area south of the powerline is zoned mixed and residential (and there are some wetland and stream issues) so putting a road through the current alternate routes would be difficult from a planning perspective.

Florence & Hutcheson
An ICA Company

MEMO TO: FILE

FROM: Mark L. Reep, PE, Project Manager

DATE: January 18, 2013

SUBJECT: Citizens Informational Workshop (CIW) for Orange County Crossing Closure at North Carolina Railroad NCRR/Norfolk Southern (NS) Railway Byrdsville Road (P-4405K).

A Citizens Informational Workshop was held between 5:00 p.m. – 7:00 p.m. on January 14, 2013, at the Shared Visions Retreat Center, 3717 Murphey School Road, Durham. The purpose of the meeting was to introduce the project to residents and local officials and to receive comments on the alternatives and issues to be considered during the project development process. Approximately 20 residents and local officials attended the meeting. Below is a summary of comments received. A Spanish-speaking interpreter was present at the meeting.

**Written and Verbal Comments**

***Comment:*** Property owners on the north side Byrdsville Mobile Home Park are concerned that having access through the Mobile Home Park will decrease property values of residences.

***Comment:*** If lot lines are restructured due to easements rental incomes could be lost.

***Comment:*** Property owners on the north side of Byrdsville Mobile Home Park do not want to drive through the mobile home park for access.

***Comment:*** Several property owners believe the proposed changes have many negative logistic, legal, and financial ramifications for all the residents of Byrdsville.

***Comment:*** Property owners between the Byrdsville Mobile Home Park and the rail line believe the railroad crossing closure would negatively impact their driveway configurations and the day-to-day living conditions associated with the new exit/entrance to the Mobile Home Park.

***Comment:*** The proposed project would essentially make properties north of the Mobile Home Park a part of the Park.

***Comment:*** Property owners north of the Mobile Home Park do not have a legal easement to the proposed exit through the Mobile Home Park and are concerned about the legal and financial ramifications of acquiring one.

***Comment:*** Property owners north of the Mobile Home Park are concerned that future property sales would be scrutinized by lending institutions as a result of the crossing closure.

***Comment:*** A family of residents in the Byrdsville project area indicated that their concerns about access through the mobile home park would be alleviated if the project included paving the primary road within the trailer park and adding it to the state secondary road system. They would also like to see the trailer lots along the proposed new entrance to the trailer park cleaned up.

***Comment:*** The owner of the Byrdsville Road Mobile Home Park said that he supports the project. He said that there are no recorded easements for any of the roads within the trailer park. He indicated a willingness to relocate the trailers along the new entrance road if the road was paved and added to the state system. He also said that he had several Hispanic rental tenants within the trailer park that would not attend the CIW, but he would advise them of the project later.

**E-Mail Comment**

The following questions and comments were received from individuals that did not attend the workshop.

***Comment:*** Who will be paying for this?

***Comment:*** Will residents only be allowed to access the area through Joppa Oaks Mobile Home Park?

***Comment:*** Will Byrdsville Mobile Home Park mailboxes be moved and would addresses change?

***Comment:*** Plans should include relocation of the mail receptacle to the new entrance on Walter Clark Drive to effect delivery and practical pick up by the customers.

# ORANGE COUNTY PLANNING & INSPECTIONS DEPARTMENT

**Craig N. Benedict, AICP, Director**

**Administration**
**(919) 245-2575**
**(919) 644-3002 (FAX)**
**www.orangecountync.gov**

**131 W. Margaret Lane**
**P O Box 8181**
**Hillsborough, NC 27278**

February 22, 2013

Marc L. Hamel, Rail Environmental Manager
NC DOT Rail Division
Environmental and Planning Branch
1553 Mail Service Center
Raleigh, NC 27699-1553

Subject: Additional scoping comments related to the proposed private crossing closures with the North Carolina Railroad (NCRR)/Norfolk Southern (NS) Railway at Gordon Thomas Drive (TIP No. P-44051), Greenbriar Drive (TIP No. P-4405J), and Byrdsville Road (TIP No. P-4405K) in Orange County

Dear Mr. Hamel:

Thank you for your reply letter of December 20, 2012 on Orange County's scoping comments on NCDOT Rail Division's three proposed private crossing closures with the NCRR/NS Railway referenced above. After reviewing your reply letter, reviewing the revised project study area maps, and considering the public comments provided in response to the associated Citizen Informational Workshops, we offer the following additional comments.

**IN GENERAL:**

1. There is confusion as to whether and/or which improvements will be public or private. The Project Study Maps do not adequately indicate which will be private drives and which will be public roads to NCDOT standards. Can this be clarified on the Study Maps?

2. At the Citizen Informational Workshops there was some confusion and varying comments from DOT staff and consultants concerning NCDOT construction standards (right-of-way width, pavement width, drainage ditches, etc.). For example, there was mention of right-of-way widths possibly being 50 feet rather than 60 feet, and citizens' understanding of pavement widths varied as well. Recognizing that the projects are still in their conceptual stages, please clarify to the best of your ability the construction standards for these three projects.

3. For purposes of applying zoning setbacks, the Orange County UDO would treat lots with two street frontages as double frontage lots.

4. Proposed roadway should comply with local, state and federal standards for flood damage prevention, stream buffers, storm water management and erosion control as well as impervious surface limits.

5. What are the standards for determining when side drainage ditches will be incorporated into a roadway design? When will it be known if side drainage ditches will be part of a particular roadway design?

6. Some of the suggested reroutes (such as the case with Byrdsville) are more circuitous and increase the commute times to Durham.

7. When available, please provide the anticipated schedule for required right-of-way acquisition, relocation of property structures and buildings where necessary, and construction dates.

8. Please keep Orange County Planning staff informed of and copied on revisions to Project Study Maps, as well as more detailed design drawings as your analysis progresses.

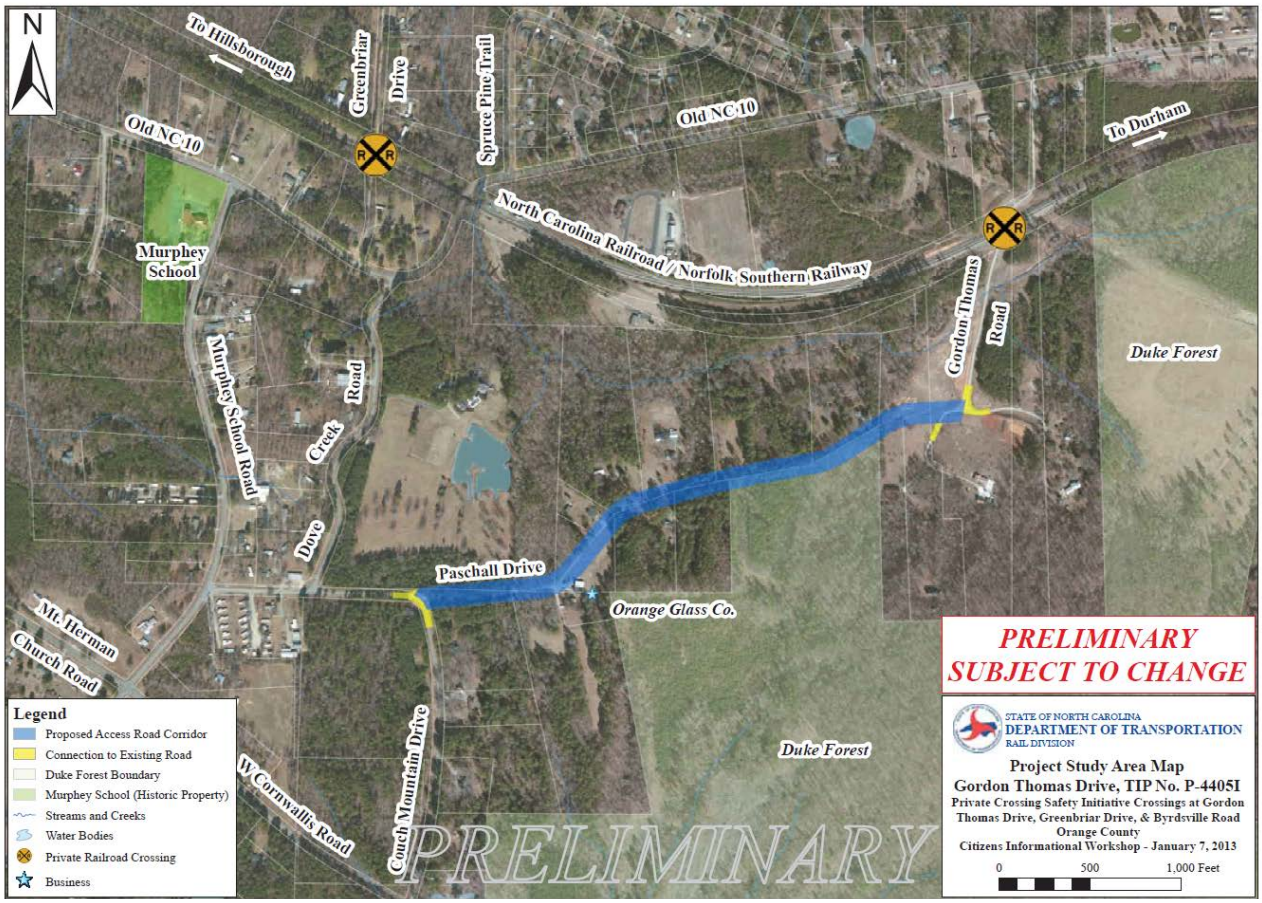
**CROSSING #735 199Y/MP H 48.49/Gordon Thomas Drive (P-4405I)**

NCDOT DESCRIBED IMPROVEMENTS

This crossing provides access to Old NC 10 (SR 1710) for six properties located south of the NCRR. The crossing occurs in an area where NS operates one mainline track and a passing siding. While the track section is straight at this location, it quickly enters a curved section both east and west of the crossing. The sight distance for train crews on either approach to the crossing is limited by heavy foliage on both sides of the track. The crossing is vertically humped and is protected by crossbucks. Much of the property surrounding the six parcels is owned by Duke University and is part of its School of Forestry. Alternative access to these properties will be considered using Paschall Drive west of Gordon Thomas Drive. From there, drivers will be able to access Old NC 10 via Dove Creek Road (SR 115) or Murphy School Road (SR 1714).

COMMENTS

No additional comments.

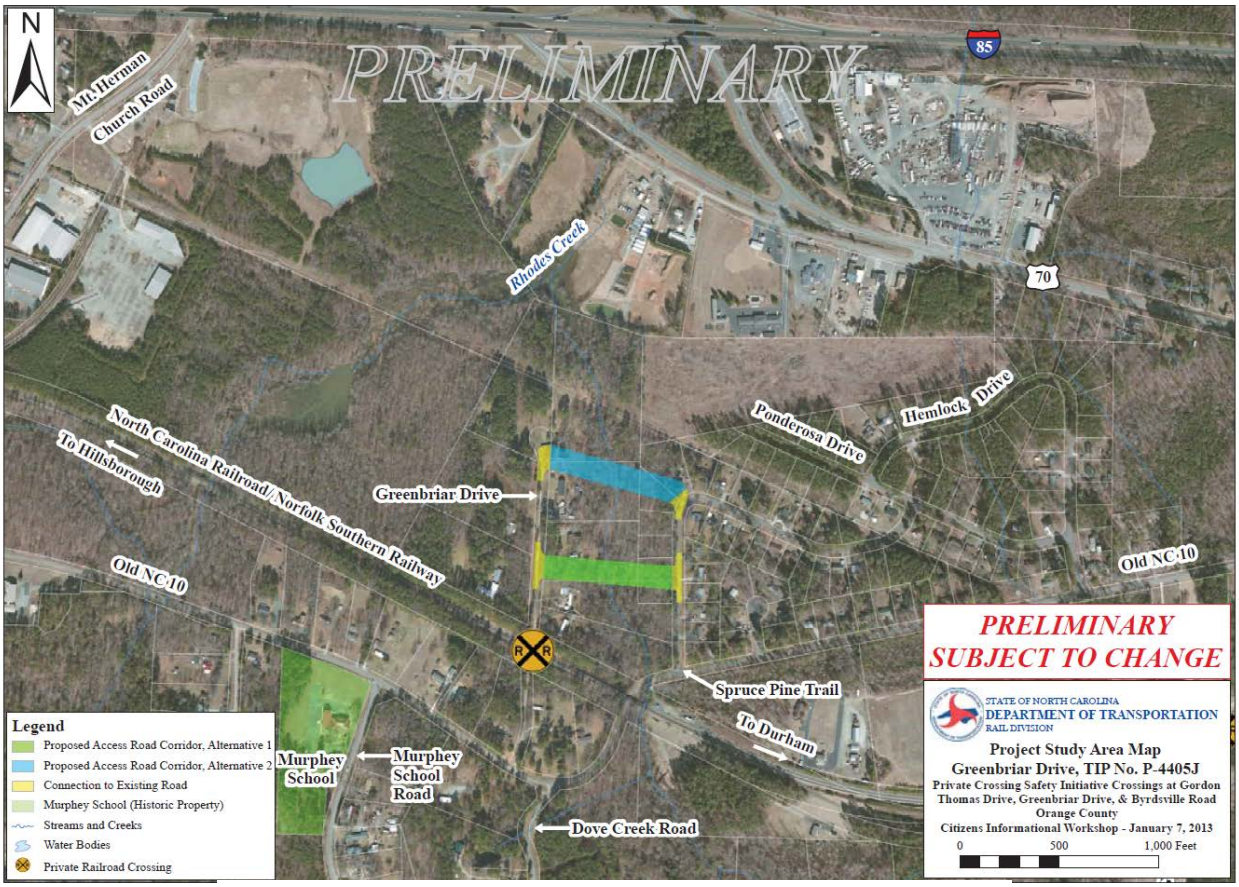



Revised Gordon Thomas Drive Project Study Area

## CROSSING #726 305F/MP H 47.62/Greenbriar Drive (P-4405J)

NCDOT DESCRIBED IMPROVEMENTS

This crossing serves eight residential parcels located north of the railroad and provides access to Old NC 10 (SR 1710). It is located along a straight section of track. There is heavy foliage on all four approaches to the crossing. The roadway approaches are gravel, and the southbound approach is slightly humped. The crossing is protected by crossbucks. The railroad overpasses Old NC 10 approximately 550 feet east of the crossing. The Greenbrier subdivision abuts the Whispering Pines subdivision immediately to the east which has direct access to Old NC 10 without crossing the railroad. Alternative access is being considered parallel to the track to connect Greenbrier Drive to Spruce Pine Trail in the Whispering Pines subdivision. A new roadway will be studied in two locations: One will be from Greenbriar Drive approximately 400 feet north of the railroad crossing to Spruce Pine Trail approximately 450 feet north of Old NC 10. The other will be from the northern end of Greenbriar Drive to Spruce Pine Trial where Spruce Pine Trail turns to the east.




Revised Greenbriar Drive Project Study Area Map

COMMENTS

1. Orange County Planning staff favors Proposed Access Road Corridor Alternative no.1. This alternative is less intrusive on the existing Greenbriar Drive residential neighborhood, and also is in a preferred location for future connectivity with properties to the north upon redevelopment in accordance with the adopted Future Land Use Map of the Orange County Comprehensive Plan.

2. Planning staff continues to strongly encourage an alternative road network that purposely coordinates well with the proposed interchange redesign to the north and enhancement of proposed access road connections for adjoining nonresidential development, in that the constructed road network will readily facilitate the larger context of the area's access issues and needs.

**CROSSING #735 189T/MP H 43.89/Byrdsville Road (P-4405K)**

NCDOT DESCRIBED IMPROVEMENTS

This crossing serves a large subdivision of permanent and mobile homes. The crossing is protected by automatic warning devices. The approach roadway is paved and is approximately 16 feet wide. The westbound approach is curved. The crossing is slightly humped and there is heavy foliage on three of the four approaches. Approximately 70 homes are served by this crossing. Residential areas south of Byrdsville Road are surrounded on three sides by Duke University property (Duke Forest) which will most likely remain undeveloped. Alternatives will be considered for Byrdsville Road to have access to NC 86 to the west. A new roadway is proposed to connect Byrdsville Road to Walter Clark Drive. From there, drivers can follow 'Walter Clark Drive' north to NC 86. Driveway improvements will also be considered in two locations to maintain connectivity to residential areas north of Byrdsville Road.

COMMENTS

1. Property owners north of the Byrdsville Mobile Home Park do not have right of access through the proposed private drive exit through the Mobile Home Park. Alternative access for these northern property owners should be considered to the west through the Joppa Oaks development, or improving the private drive and adding it to the state secondary road system. Alternative access through the Joppa Oaks development would also have the benefit of dispersing traffic to multiple connections with NC 86 if the non-authorized earthen barricade at the end of Japers Lane were removed.

2. Children in the Byrdsville Mobile Home Park currently walk north, across the rail line, and catch the bus at the intersection of Byrdsville Road and Old NC 10. Alternative school bus routes and pick-up location(s) will need to be considered as part of the alternative road plans.

Revised Byrdsville Road Project Study Area Map

Please advise me as to the schedule for the project environmental studies, as well as the anticipated completion date for initial design work.

I invite you to contact me, and/or Tom Altieri and Abigaile Pittman of my staff regarding any comments in this letter.

Sincerely,

Craig Benedict, AICP
Director of Planning and Inspections

**ORANGE COUNTY**
**BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**
**Meeting Date:** February 19, 2013

**Action Agenda Item No.** 7-b

**SUBJECT:** Next Steps Regarding Proposed Establishment of Three (3) New Fire Service Districts

**DEPARTMENT:** Emergency Services

**PUBLIC HEARING: (Y/N)** No

**ATTACHMENT(S):**

1) Old South Orange Fire Insurance District Map
2) Chapel Hill/Southern Triangle District Map
3) New South Orange Fire Insurance District Map
4) Property Tax Revenue Projections – New South Orange Fire Service District
5) Letter from North Chatham Volunteer Fire Department
6) Old North Chatham Fire Insurance District Map
7) Comparison of Insurance Premiums
8) Old Greater Chapel Hill Fire Insurance District Map
9) New Greater Chapel Hill Fire Insurance District Map
10) Greater Chapel Hill Fire Insurance District Map with Hydrants
11) Property Tax Revenue Projections – North Chatham Fire Insurance District
12) New North Chatham Fire Insurance District Map
13) Property Tax Revenue Projections – New Greater Chapel Hill Fire Service District
14) Memorandum from Staff Attorney with North Carolina General Statute 153A-301
15) Southern Orange County Zoning, ETJ, and Rural Buffer Map
16) Town of Chapel Hill Agenda Item #11 for February 11, 2013

**INFORMATION CONTACT:**

Annette Moore, 245-2317
Michael Talbert, 245-2308

**PURPOSE:** To provide direction to staff:

1. To schedule a public hearing for the April 9, 2013 regular Board meeting to consider the establishment of the three new Fire Service Districts - the South Orange Fire Service District, the North Chatham Fire Service District and the Greater Chapel Hill Fire Service District;
2. To authorize staff to move forward with a five-year contract for the Town of Chapel Hill to provide fire protection for the proposed new Greater Chapel Hill Fire Service District at a 15 cent tax levy per one-hundred dollar valuation of real and personal property; and
3. If the Town of Chapel Hill is unwilling to a support a five-year contract and a 15 cent tax levy per one-hundred dollar valuation of real and personal property for a proposed Greater Chapel Hill Fire Service District, instruct staff to request that the Town of Carrboro consider a five-year contract to serve the proposed new Fire Service District at a 10 cent tax levy per one-hundred dollar valuation of real and personal property.

**BACKGROUND:** On September 13, 2011 the Board was presented options for changing fire districts to improve insurance ratings for the 1,156 properties located outside of six (6) road miles from the closest fire station located in their fire insurance district. A County Attorney's memorandum dated September 1, 2011 provided a legal opinion for fire protection tax districts, with the available options are listed below:

1. Realign Fire Insurance District boundaries without changing Fire Tax Districts.
2. Change existing Fire Protection Districts, which would also change the Fire Tax District.
3. Establish one or more Fire Service Districts to replace or overlay existing Fire Protection Districts which could also change Fire Tax Districts.

On March 13, 2012 the Board approved the request from the Orange Grove Fire Department to construct a new fire station #2 that is strategically located in the southeastern part of the Cane Creek Fire District. This newly constructed fire station is providing insurance district coverage for an estimated 400 property owners that were more than six (6) road miles from the Orange Grove Station. The Orange Grove Fire Department is in the planning stages for a new fire station #3 to be strategically located in the western part of the Cane Creek fire district. That new fire station #3 will provide insurance district coverage for an estimated 250 property owners currently more than six (6) road miles from the Orange Grove Station.

The Emergency Services Workgroup has discussed all available options for the 1,156 properties located outside of six (6) road miles from the closest fire station located in their fire insurance district. With the new fire stations in the Cane Creek Fire District, over 600 property owners will be provided insurance district coverage and will be located less than 6-road miles from the nearest Orange Grove Station.

The Emergency Services Workgroup is recommending the creation of three (3) New Fire Service Districts to overlay and replace three (3) existing Fire Protection Districts. With input from the State Fire Marshal's office, the proposal is to modify existing fire insurance districts and create new Fire Service Districts that are exactly the same as the revised fire insurance districts. The three (3) Fire Services Districts are proposed to be the South Orange Fire Service District, North Chatham Fire Service District and Greater Chapel Hill Fire Service District.

**South Orange Fire Service District**

Attachment 1 is a map of the existing South Orange Fire Insurance District. Due to the Town of Chapel Hill annexations, the South Orange Fire Insurance District has been split. The Town of Carrboro provides fire protection in the South Orange Fire Insurance District and now has to travel through the Town of Chapel Hill to respond to a fire call off Mt. Carmel Church Road. Attachment 2 shows a detail map of the area and Chapel Hill Fire Station #5 that is less than one (1) mile from the area outlined in gray. The Town of Chapel Hill is better positioned and may be willing to provide fire protections for this area in gray. The Town Manager presented this possible solution to the Chapel Hill Town Council on January 14, 2013.

The area in gray on Attachment 2 represents 100 parcels and $36,003,769 of real property value. When vehicles and personal property values are added to the real property total, an estimated $37,673,414 of taxable value would be removed from the existing South Orange Fire Insurance District. Attachment 4 shows the existing property valuation of $556,977,528 for the South Orange Fire Insurance District, the reduction of $37,673,414 of taxable value, and the remaining property valuation of $519,304,114. The estimated tax valuation reduction from the existing South Orange Fire Insurance District equals 6.8% of the total. A fire district tax increase of .6 cents, from 7.85 cents to 8.45 cents, would be required to insure that this change is revenue neutral for the Town of Carrboro.

This issue has also been presented to the Town of Carrboro. On December 4, 2012 the Carrboro Board of Alderman Town voted to approve a resolution to modify the existing South Orange Fire Insurance District. The revised South Orange Insurance District will not include the donut hole in gray on Attachment 2 and the Town will continue to contract to provide fire protection to the proposed new Fire Insurance District (see Attachment 3), with a new fire tax rate of 10 cents per $100 of real and person property value.

On December 11, 2012 the Board expressed its intent to establish three new Fire Service Districts; the South Orange Fire Service District, the North Chatham Fire Service District and the Greater Chapel Hill Fire Service District. Staff was instructed to proceed with the necessary steps to establish three new Fire Service Districts.

**North Chatham Fire Service District**

Orange County has received a letter from North Chatham Volunteer Fire Department (Attachment 5) indicating that the Department will charge a tax rate of 8.8 cents beginning July 1, 2013. This is the same rate currently charged in Chatham County and a 76% increase over the existing 5 cents. Attachment 6 is a map of the existing North Chatham Fire Insurance District. Included on Attachment 2, in yellow, are 112 homeowners located more than six (6) road miles from the nearest North Chatham Station, but less than three (3) road miles from Chapel Hill Fire Station #5. These homeowners have an insurance rating of 10 (see Attachment 7 for an example of insurance premiums related to fire insurance ratings). Several homeowners in this area have indicated that they cannot get fire insurance or that the rate has more than doubled.

The Town of Chapel Hill is better positioned and may be willing to provide fire protections for this area in gray. The Town Manager is prepared to make a recommendation to the Chapel Hill Town Council on January 14, 2013. The Town of Chapel Hill is a municipal fire department

which relies on hydrants as its water source to fight fires. Discussions have occurred involving the Town of Chapel Hill Fire Chief and North Chatham Fire Department Chief concerning possible fire and insurance solutions for this area. Attachment 8 is a map of the existing Greater Chapel Hill Fire Insurance District. Attachment 9 is a map of the proposed new Greater Chapel Hill Fire Insurance District that includes not only the area proposed to be deleted from South Orange, but also 112 homeowners from Attachment 2 and additional property included in the Southern Triangle Fire District that have hydrants. The Town of Chapel Hill staff is prepared to make this recommendation to the Chapel Hill Town Manager and the North Chatham Fire Chief has indicated a plan to make this recommendation to the North Chatham Board of Directors.

Attachment 10 shows a potential new Chapel Hill Fire Service District which includes hydrants. Attachment 11 is a projection of property values and revenues for the New North Chatham Fire Insurance District. Attachment 12 is a map of the proposed New North Chatham Fire Insurance District. With a property tax increase from 5 cents to 8.8 cents and a reduction of property covered by the district, the net impact for the new district is a revenue increase of $31,441from $213,325 to $244,766.

**Greater Chapel Hill Fire Service District**

Attachment 13 is a projection of property values and revenues for the New Greater Chapel Hill Fire Insurance District. A map of Southern Orange County, attachment 15, shows zoning, ETJ and the Rural Buffer as it relates to the proposed fire service districts.

At its November 13, 2012 work session, the Board reviewed information regarding the possibility of establishing three (3) new Fire Service Districts and instructed staff to proceed with the steps necessary to establish the new Fire Service Districts. Listed below are actions taken to date concerning the possible creation of three (3) new Fire Service Districts:

- On December 3, 2012, Orange County petitioned the Town of Chapel Hill to consider modifications to the existing Greater Chapel Hill Fire Insurance District as discussed in the background.
- On December 4, 2012 the Carrboro Board of Alderman Town voted to approve a resolution to modify the existing South Orange Fire Insurance District. The revised South Orange Insurance District will not include the donut hole in gray on Attachment 2 and the Town will continue to contract to provide fire protection to the proposed new Fire Insurance District (see Attachment 3), with a new fire tax rate of 10 cents per $100 of real and person property value.
- On January 14, 2013 the Chapel Hill Town Council voted unanimously not to provide Fire Protection for a proposed Greater Chapel Hill Fire Service and requested Orange County Government's Assistance in encouraging the residents of the proposed Chapel Hill Fire Service District to seek annexation into the Town of Chapel Hill.
- On February 11, 2013 the Chapel Hill Town Council again considered the County petition to the Town to consider modifications to the existing Greater Chapel Hill Fire Insurance District as discussed in the background. Several members of the Town Council still consider annexation as the preferred method of providing fire protection and all other Town services to these residents. There was discussion about the 15 cent rate being the maximum rate allowed and Town Council discussed how the tax rate could be increased. The Chapel Hill Town Council voted unanimously to enter into a service agreement to extend the Town's current fire district into the affected neighborhoods for a period of two years and initiate conversations with the County

about how the changes in annexation laws affect the rational planning model established within Orange County.

Listed below are actions need to be taken before three (3) new Fire Service Districts can be created and included in the County's Fiscal 2013/2014 annual budget.

- Approval by the Orange County Board of Commissioners after holding a public hearing on April 9, 2013. Attachment 14 lists the detailed procedures for notifying property owners prior to conducting a public hearing.

- Approval by the North Chatham Fire Department Board of Directors

- Approval by the State Fire Marshal's Office

- Approval of new Fire Protection and Emergency Services Agreements before July 1, 2013 for the three (3) new Fire Service Districts

**FINANCIAL IMPACT:** There is no financial impact to the County, but there is a financial impact on all property owners in the three (3) proposed new Fire Service Districts with higher Fire District Tax rates for the property owners.

**RECOMMENDATION(S):** The Manager recommends that the Board instruct staff:

1. To schedule a public hearing for the April 9, 2013 regular Board meeting to consider the establishment of the three new Fire Service Districts - the South Orange Fire Service District, the North Chatham Fire Service District and the Greater Chapel Hill Fire Service District;
2. To authorize staff to move forward with a five-year contract for the Town of Chapel Hill to provide fire protection for the proposed new Greater Chapel Hill Fire Service District at a 15 cent tax levy per one-hundred dollar valuation of real and personal property. (Note: The standard five-year contract does contain the option to terminate with a one-year notice to the parties.); and
3. If the Town of Chapel Hill is unwilling to a support a five-year contract and a 15 cent tax levy per one-hundred dollar valuation of real and personal property, for a proposed Greater Chapel Hill Fire Service District, instruct staff to requests that the Town of Carrboro consider a five-year contract to serve the proposed new Fire Service District at a 10 cent tax levy per one-hundred dollar valuation of real and personal property.

# Old South Orange Fire Insurance District

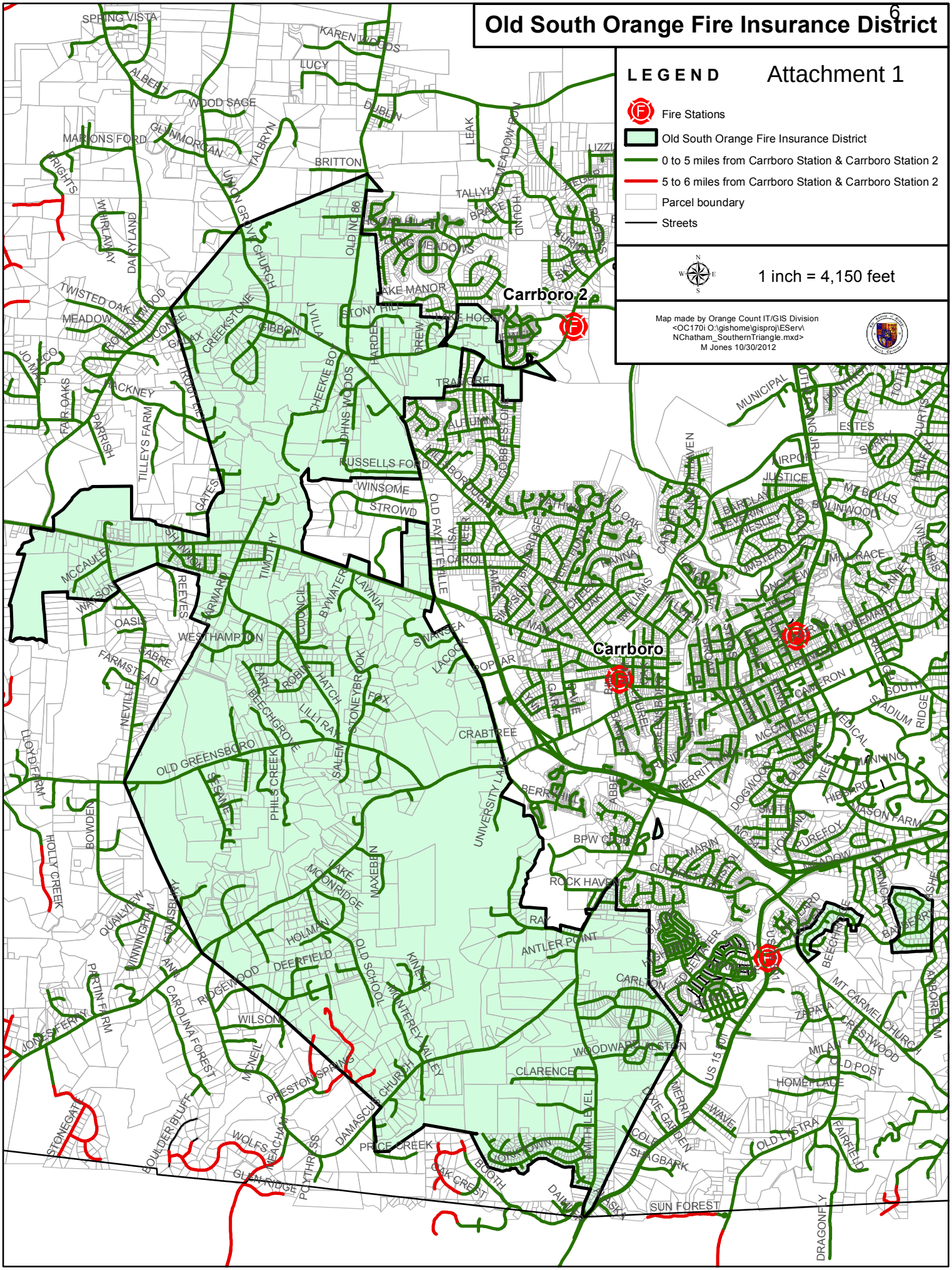
Attachment 1

**LEGEND**

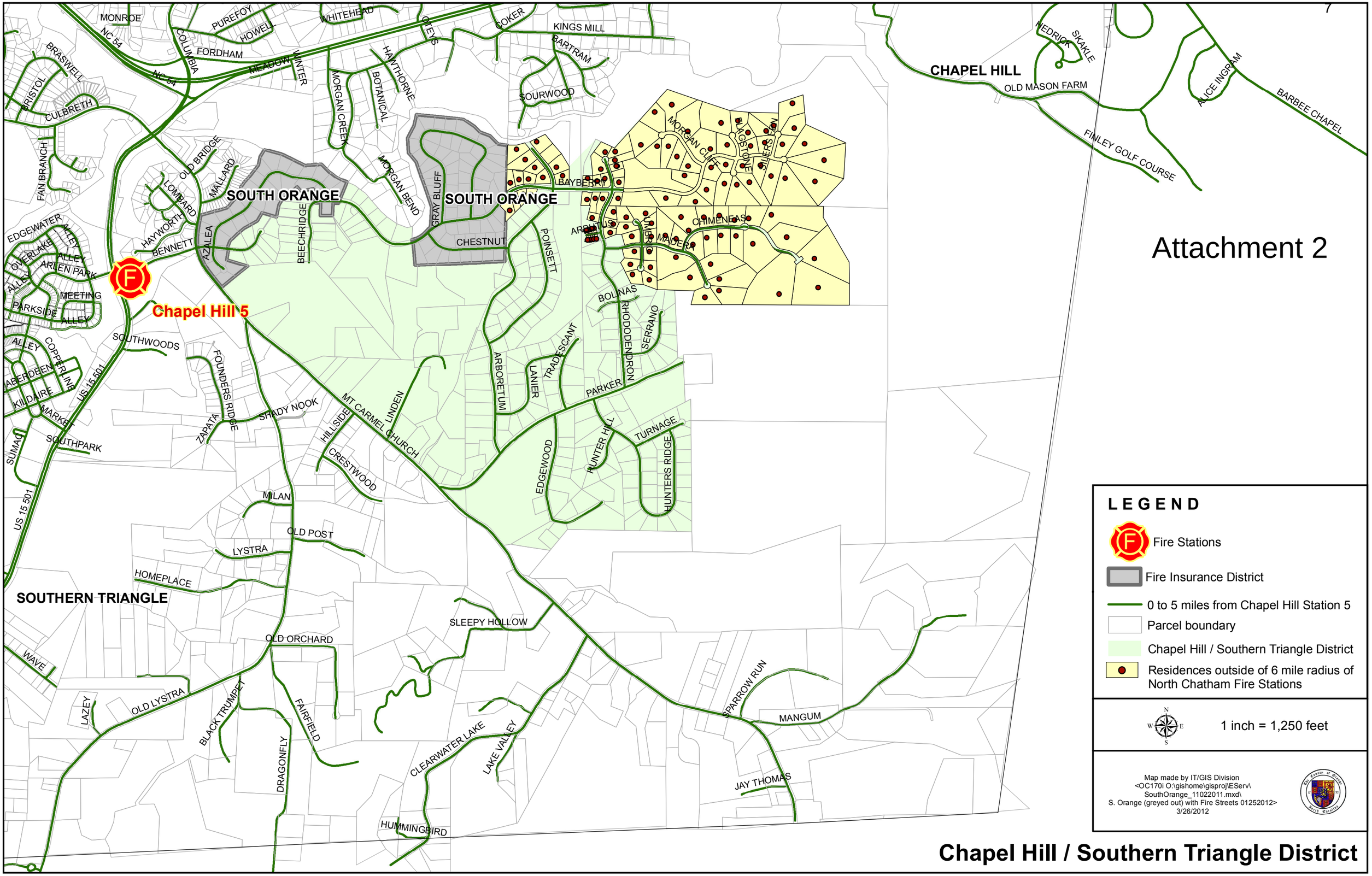
- Fire Stations
- Old South Orange Fire Insurance District
- 0 to 5 miles from Carrboro Station & Carrboro Station 2
- 5 to 6 miles from Carrboro Station & Carrboro Station 2
- Parcel boundary
- Streets

1 inch = 4,150 feet

Map made by Orange Count IT/GIS Division
<OC170i O:\gishome\gisproj\EServ\
NChatham_SouthernTriangle.mxd>
M Jones 10/30/2012



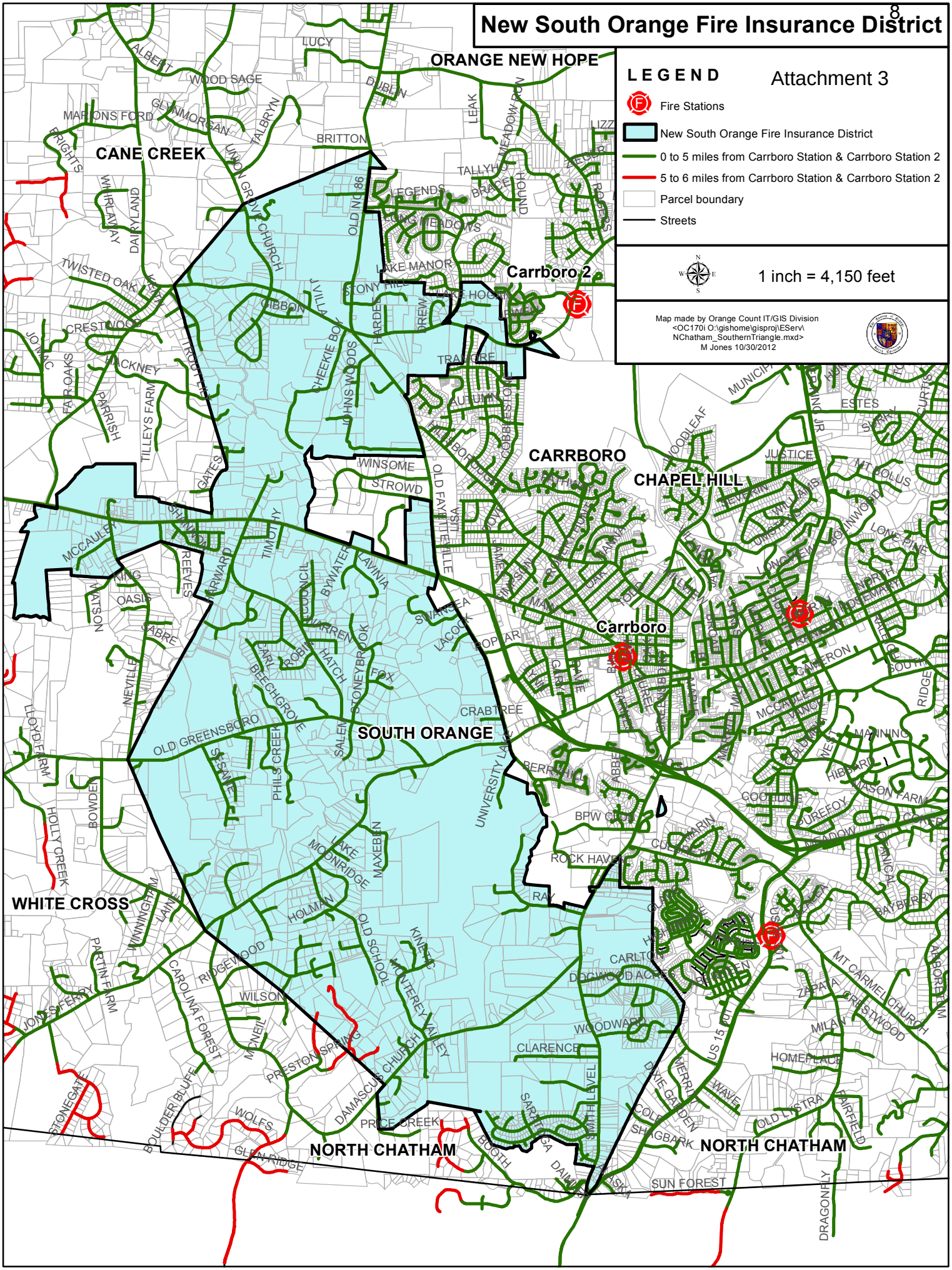
Attachment 2




# Chapel Hill / Southern Triangle District

# New South Orange Fire Insurance District

Attachment 3



Attachment 4

**Property Tax Revenue Projections - South Orange Fire District**

Gray

*2-Nov-12*

| **District:** | **Southern Orange** | **Revised** | **Tax Rate** | |
|---|---|---|---|---|
| **Tax Code** | **FC** | **Southern Orange** | **Needed to** | **Increase** |
| **Valuation as of** | **2/29/2012** | **2/29/2012** | **Break Even** | |
| **Total Valuation** | **556,977,528** | **37,673,414** | **519,304,114** | |
| **Levy** *(Total Valuation Divided by $100)* | 5,569,775 | 376,734 | 5,193,041 | |
| Approved Tax Rate | 0.0785 | 0.0785 | 0.0845 | 0.0060 |
| 100% Collection Rate | 437,426 | 29,574 | 438,812 | |
| Projected Property Tax Collections (97%) | 424,303 | 28,686 | 425,648 | |
| 1 Cent Equals | 54,027 | 3,654 | 50,672 | |
| | 100.0% | 6.8% | 6.8% | |

NORTH CHATHAM VOLUNTEER FIRE DEPARTMENT
45 MORRIS ROAD
PITTSBORO, NORTH CAROLINA 27312
PHONE: (919) 542-3380 FAX: (919) 542-6613
E-Mail: pyro@nc.rr.com

June 25, 2012

Bernadette Pelissier, Chair Orange County Board of Commissioners
Post Office Box 8181
200 South Cameron Street
Hillsborough, North Carolina 27278

Ms. Pelissier,

The purpose of this letter is to acknowledge the receipt of the 1 year notification by Orange County for Fire Protection of the Southern Triangle and Damascus Fire District and to inform Orange County Commissioners that any future contract with North Chatham Volunteer Fire Department will be at the current fire tax rate those residents in North Chatham Fire District are charged for fire protection in Chatham County. Currently the fire tax rate is 8.8 cents on the $100 evaluation of the property.

North Chatham has been providing fire protection, rescue service and medical response to the Southern Triangle and Damascus Fire District for over 20 years. At the time Orange County contracted this service with North Chatham; there were no other departments in the area willing to meet the needs of the two districts. North Chatham has provided a quality service to the residents of Orange County and lowered the insurance premiums on three different ISO inspections. However, we understand many counties in North Carolina are addressing the challenges of providing fire protection needs for homeowners insurance.

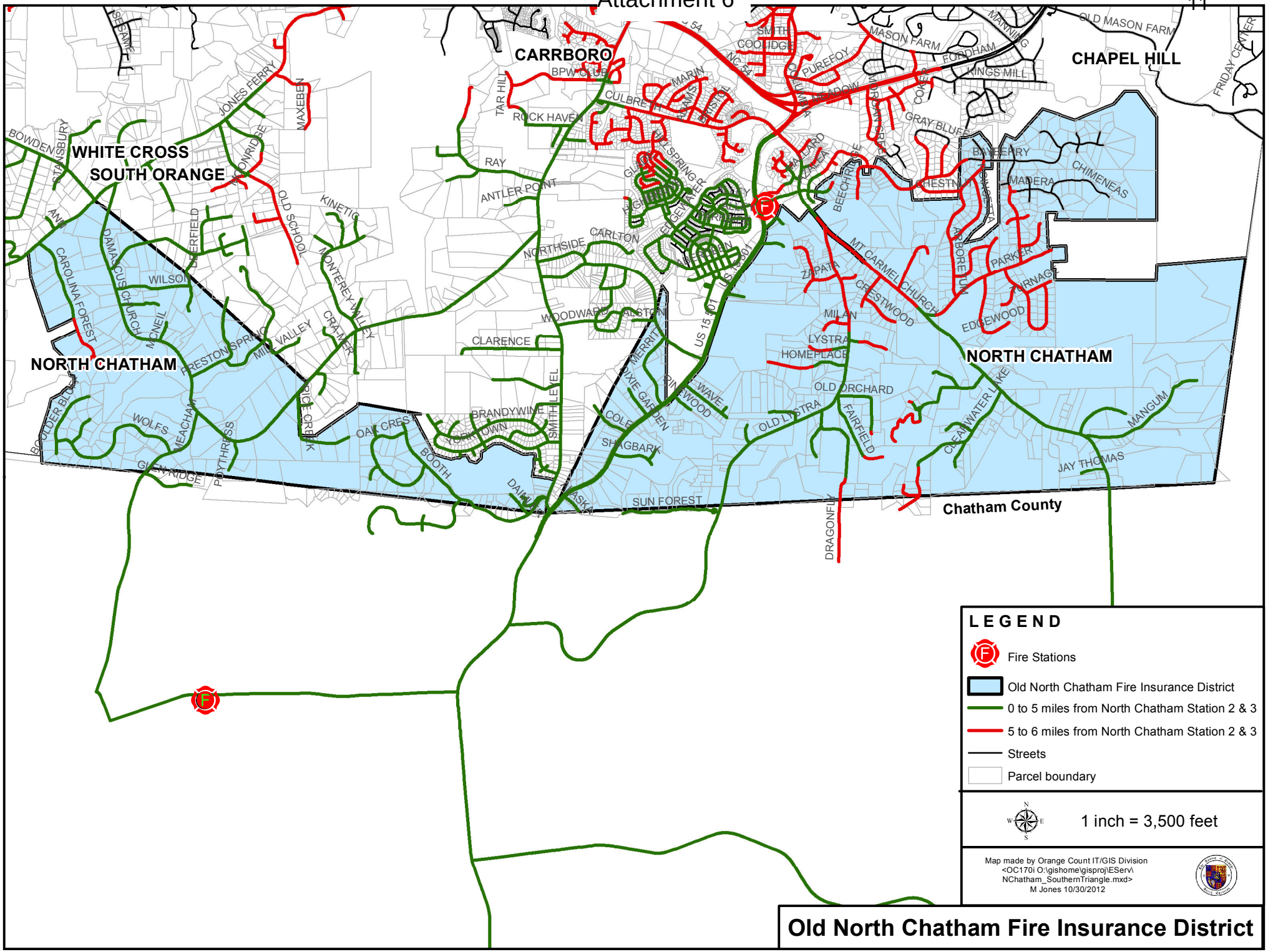
Over the years residents of the North Chatham Fire District have been charged a higher fire tax rate than residents of the Southern Triangle and Damascus Fire Districts. The same level of service has been provided to all three fire districts. Any future fire district contracts with Orange County will be at the current 8.8 cents fire tax or the same fire tax rate being charged to Chatham County residents in the North Chatham Fire District, thereafter.

During the next few months Orange County will be making a decision on fire protection for the Southern Triangle and Damascus area or by June 30, 2013. Once district lines are established and if North Chatham is contracted to provide fire protection to the Southern Triangle and Damascus Fire District, then the contract will be evaluated by North Chatham Board of Directors to provide the service.

Sincerely,

John Strowd, Chief
North Chatham Volunteer Fire Department

cc: Michael Talbert, Asst. County Manager


CARRBORO
CHAPEL HILL
WHITE CROSS
SOUTH ORANGE
NORTH CHATHAM
NORTH CHATHAM
Chatham County
LEGEND
Fire Stations
Old North Chatham Fire Insurance District
0 to 5 miles from North Chatham Station 2 & 3
5 to 6 miles from North Chatham Station 2 & 3
Streets
Parcel boundary
1 inch = 3,500 feet
Map made by Orange Count IT/GIS Division
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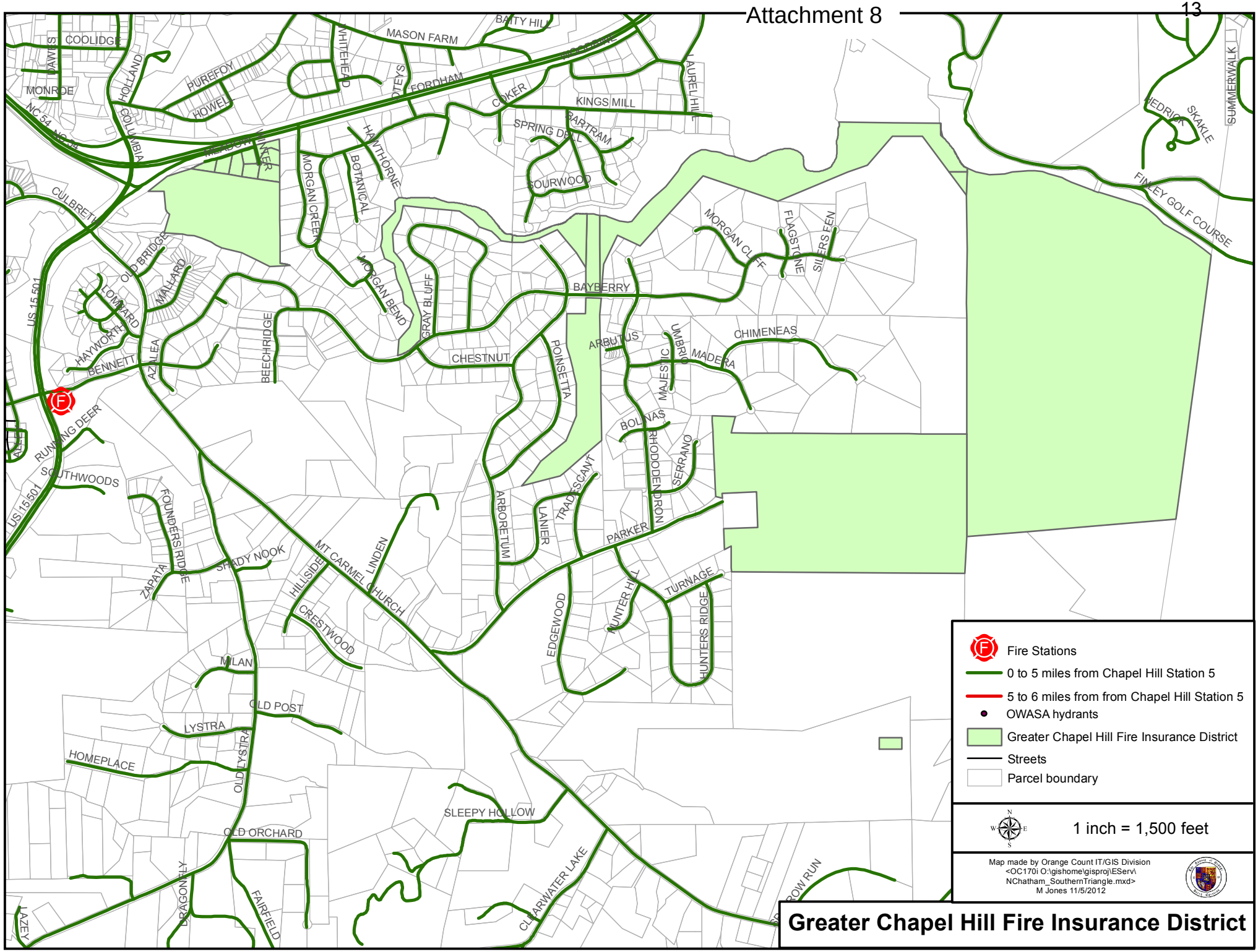
NChatham_SouthernTriangle.mxd>
M Jones 10/30/2012
Old North Chatham Fire Insurance District

# Comparison of Insurance Premiums Relative to ISO Public Protection Classifications

This chart compares annual insurance premiums for a new wood frame home valued at $100,000.00 with smoke detectors. This report was provided by an actual agent in Wake County.

| ISO CLASS | AGENT 1 | AGENT 2 | AGENT 3 |
|---|---|---|---|
| 10 | $470.00 | $514.00 | $585.00 |
| 9S | $376.00 | $411.00 | $469.00 |
| 8 | $353.00 | $384.00 | $438.00 |
| 7 | $318.00 | $347.00 | $394.00 |
| 6 | $259.00 | $283.00 | $320.00 |
| 5 | $259.00 | $283.00 | $320.00 |
| 4 | $259.00 | $283.00 | $320.00 |
| 3 | $259.00 | $283.00 | $320.00 |
| 2 | $259.00 | $283.00 | $320.00 |
| 1 | $259.00 | $283.00 | $320.00 |


Fire Stations
0 to 5 miles from Chapel Hill Station 5
5 to 6 miles from from Chapel Hill Station 5
OWASA hydrants
Greater Chapel Hill Fire Insurance District
Streets
Parcel boundary
1 inch = 1,500 feet
Map made by Orange Count IT/GIS Division
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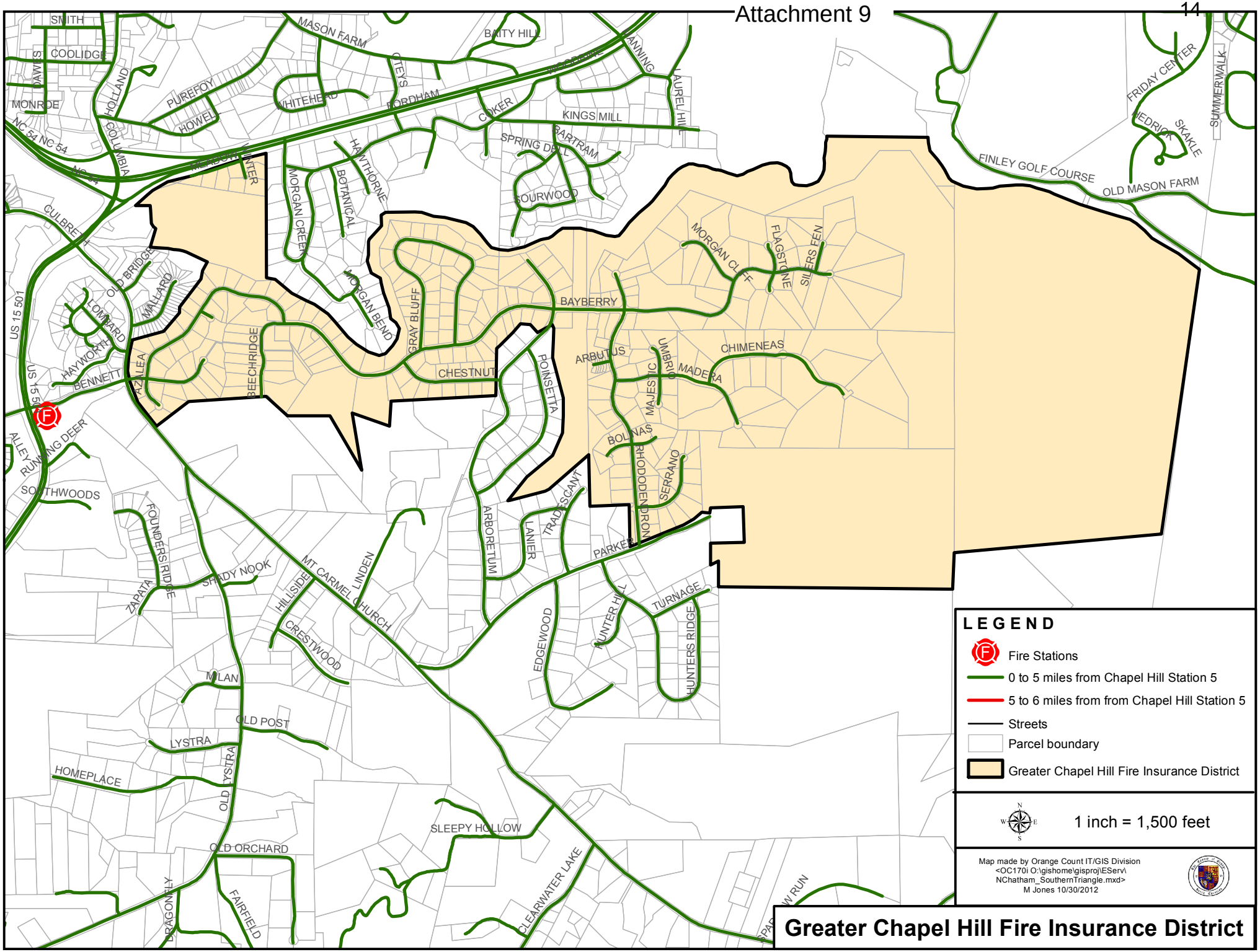
NChatham_SouthernTriangle.mxd>
M Jones 11/5/2012
Greater Chapel Hill Fire Insurance District
MASON FARM
BAITY HILL
COOLIDGE
DAWES
MONROE
HOLLAND
PUREFOY
HOWELL
COLUMBIA
WHITEHEAD
OATEYS
FORDHAM
COKER
KINGS MILL
LAUREL HILL
SPRING DELL
BARTRAM
SOURWOOD
HAWTHORNE
BOTANICAL
MORGAN CREEK
CULBRETH
OLD BRIDGE
MALLARD
LOMBARD
HAYWORTH
BENNETT
AZALEA
BEECHRIDGE
MORGAN BEND
GRAY BLUFF
CHESTNUT
BAYBERRY
POINSETTA
ARBUTUS
UMBRIA
MAJESTIC
MADERA
CHIMENEAS
MORGAN CLIFF
FLAGSTONE
SILVERSTEEN
FINLEY GOLF COURSE
HEDRICK
SKALLE
SUMMERWALK
US 15-501
RUNNING DEER
SOUTHWOODS
FOUNDERS RIDGE
ZAPATA
SHADY NOOK
MT CARMEL CHURCH
LINDEN
HILLSIDE
CRESTWOOD
ARBORETUM
LANIER
TRADESCANT
BOLINAS
RHODODENDRON
SERRANO
PARKER
HUNTER HILL
TURNAGE
HUNTERS RIDGE
EDGEWOOD
MILAN
OLD POST
LYSTRA
HOMEPLACE
OLD LYSTRA
SLEEPY HOLLOW
OLD ORCHARD
DRAGONFLY
FAIRFIELD
CLEARWATER LAKE
LAZEY
NC 54
NC 86


SMITH
COOLIDGE
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NC 54 NC 54
HOLLAND
COLUMBIA
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COKER
KINGS MILL
SPRING DELL
BARTRAM
ANNING
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HAWTHORNE
BOTANICAL
MORGAN CREEK
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BOURWOOD
CULBRETH
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MALLARD
LOMBARD
HAYWORTH
BENNETT
US 15 501
AZALEA
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CHESTNUT
POINSETTA
BAYBERRY
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FLAGSTONE
SILLERS FEN
ARBUTUS
UMBRIA
MAJESTIC
MADERA
CHIMENEAS
BOLINAS
RHODODENDRON
SERRANO
TRADESCANT
LANIER
ARBORETUM
PARKER
TURNAGE
HUNTER HILL
HUNTERS RIDGE
EDGEWOOD
FINLEY GOLF COURSE
OLD MASON FARM
FRIDAY CENTER
HEDRICK
SKAKLE
SUMMERWALK
ALLEY
RUNNING DEER
SOUTHWOODS
FOUNDERS RIDGE
ZAPATA
SHADY NOOK
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Map made by Orange Count IT/GIS Division
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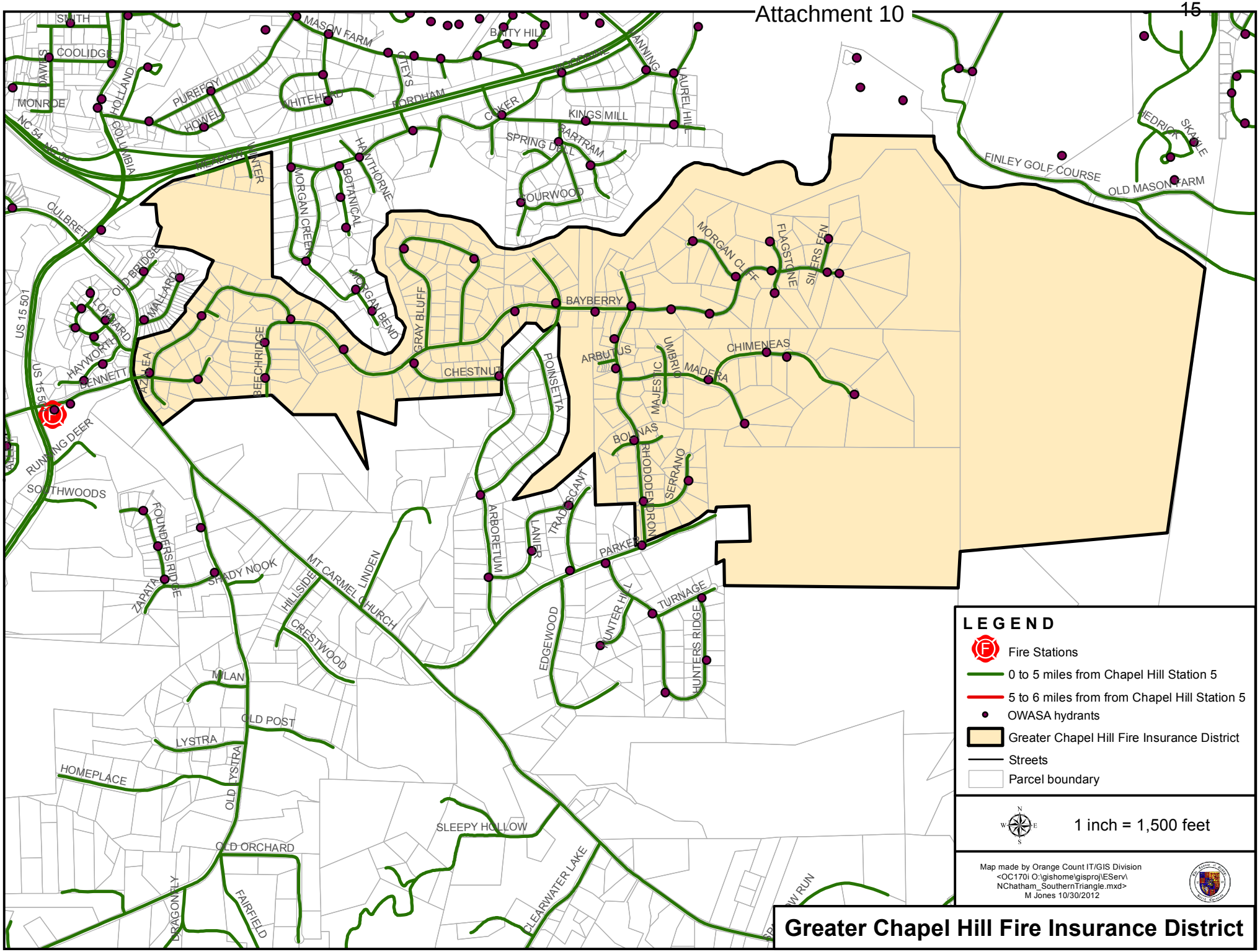
NChatham_SouthernTriangle.mxd>
M Jones 10/30/2012
Greater Chapel Hill Fire Insurance District


SMITH
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MASON FARM
BRITY HILL
FORDHAM
COKER
KINGS MILL
SPRING DELL
PARTRAM
COURWOOD
AURELL HILL
HEDRICK
SKABLE
FINLEY GOLF COURSE
OLD MASON FARM
NC 54
CULBRETH
OLD BRIDGE
MALLARD
LOMBARD
HAYWORTH
BENNETT
US 15 501
RUNNING DEER
SOUTHWOODS
MEADOWCENTER
MORGAN CREEK
BOTANICAL
HAWTHORNE
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BEECHRIDGE
CHESTNUT
POINSETTA
BAYBERRY
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MAJESTIC
UMBRIA
MADERA
CHIMENEAS
MORGAN CLIFF
FLAGSTONE
SILVERS FEN
BONNAS
RHODODENDRON
SERRANO
ARBORETUM
LANIER
TRADESCANT
PARKER
TURNAGE
HUNTER HILL
HUNTERS RIDGE
EDGEWOOD
FOUNDERSRIDGE
ZAPATA
SHADY NOOK
HILLSIDE
MT CARMEL CHURCH
LINDEN
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1 inch = 1,500 feet
Map made by Orange Count IT/GIS Division
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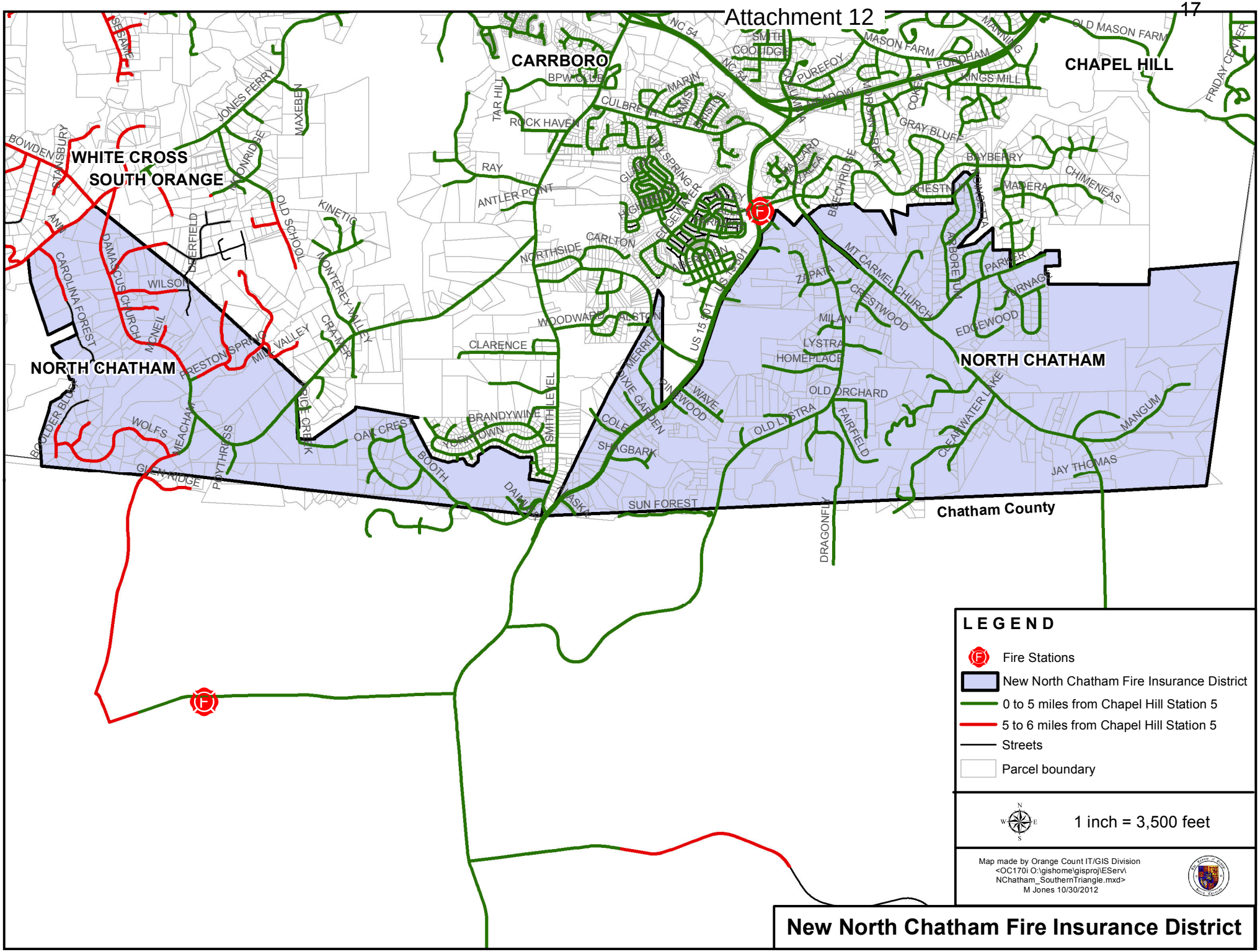
NChatham_SouthernTriangle.mxd>
M Jones 10/30/2012
Greater Chapel Hill Fire Insurance District

Attachment 11

## Property Tax Revenue Projections - North Chatham Fire Insurance District

*5-Nov-12*

| District: | Southern Triangle | Southern Triangle | Revised | Damascus | New North |
|---|---|---|---|---|---|
| Tax Code | FJ | (Deleted) | Southern Triangle | FK | Chatham |
| Valuation as of | 2/29/2012 | 11/2/2012 | 11/2/2012 | 2/29/2012 | |
| **Total Valuation** | **345,311,224** | **153,206,894** | **192,104,330** | **94,641,073** | **286,745,403** |
| **Levy** *(Total Valuation Divided by $100)* | 3,453,112 | 1,532,069 | 1,921,043 | 946,411 | 2,867,454 |
| Approved Tax Rate | 0.0500 | | 0.0500 | 0.0500 | 0.0880 |
| 100% Collection Rate | 172,614 | | 96,052 | 47,321 | 252,336 |
| Projected Property Tax Collections (97%) | 167,435 | | 93,171 | 45,890 | 244,766 |
| 1 Cent Equals | 33,495 | | 18,634 | 9,180 | 27,814 |




New North Chatham Fire Insurance District

Attachment 13

**Property Tax Revenue Projections - New Greater Chapel Hill Fire District**

*8-Nov-12*

| **District:** | **Chapel Hill** | **From** | **From** | **New District** |
|---|---|---|---|---|
| **Tax Code** | **FG** | **South Orange** | **Southern Triangle** | |
| **Valuation as of** | **2/29/2012** | | | |
| **Total Valuation** | **2,345,976** | **37,673,414** | **153,206,894** | **193,226,284** |
| **Levy** *(Total Valuation Divided by $100)* | 23,460 | 376,734 | 1,532,069 | 1,908,803 |
| Approved Tax Rate | 0.0750 | | | 0.1000 |
| 100% Collection Rate | 1,759 | | | 190,880 |
| Projected Property Tax Collections (97%) | 1,706 | | | 185,154 |
| 1 Cent Equals | 227 | | | 18,515 |

ATTACHMENT 14

MEMORANDUM

TO: Michael Talbert, Assistant County Manager

Cc: Frank Montes de Oca, Emergency Services Director
John Roberts, County Attorney

FROM: Annette M. Moore, Staff Attorney

RE: Fire Service Districts

DATE: October 9, 2012

The County Attorney's Office was asked to provide a legal opinion on the how to implement fire service districts in the County. Below is an excerpt from the Memorandum I drafted for the County Manager on September 1, 2011.

**County Service Districts**

The County is authorized to define one or more areas within the county to establish a service district to fund fire protection services.[1] A service district within a county is not a municipal corporation nor does it have any independent authority. The service district is established and maintained by the county.

Creation of a Fire Service District

To create a service district the board of commissioners must first consider all of the following:

1. The resident population and population density of the proposed district;
2. The appraised value of the property subject to taxation in the proposed district;
3. The present tax rates of the county and any city or special district tax in which the district or any portion is located;
4. The ability of the proposed district to sustain additional taxes; and
5. Any other matters the board believes to have a bearing on whether the district should be established.[2]

The Board may then establish a service district if, upon information and evidence it receives, it finds that all of the following apply:

1. There is a demonstrable need for providing the service in the district;
2. It is impossible or impracticable to provide those services on a countywide basis;
3. It is economically feasible to provide the proposed services in the district without unreasonable or burdensome annual tax levies; and
4. There is a demonstrable demand for the proposed services by persons residing in the district.[3]

[1] N.C.G.S. § 153A-301
[2] N.C.G.S. § 153A-302(a)

The Board of Commissioners must then hold a public hearing on the proposed creation of the service district.[4] Prior to holding the public hearing the Board of Commissioners shall have prepared a map of the proposed district, a statement showing that the proposed district meets the standards provided above, and a plan for providing the service to the district.[5]

Please let me know if you need further information.

[3] N.C.G.S. § 153A-302(a1)
[4] N.C.G.S. § 153A-302(c)
[5] N.C.G.S. § 153A-302(b)

**§ 153A-301. Purposes for which districts may be established.**

(a) The board of commissioners of any county may define any number of service districts in order to finance, provide, or maintain for the districts one or more of the following services, facilities and functions in addition to or to a greater extent than those financed, provided or maintained for the entire county:

(1) Beach erosion control and flood and hurricane protection works.
(2) Fire protection.
(3) Recreation.
(4) Sewage collection and disposal systems of all types, including septic tank systems or other on-site collection or disposal facilities or systems.
(5) Solid waste collection and disposal systems.
(6) Water supply and distribution systems.
(7) Ambulance and rescue.
(8) Watershed improvement projects, including but not limited to watershed improvement projects as defined in Chapter 139 of the General Statutes; drainage projects, including but not limited to the drainage projects provided for by Chapter 156 of the General Statutes; and water resources development projects, including but not limited to the federal water resources development projects provided for by Article 21 of Chapter 143 of the General Statutes.
(9) Cemeteries.
(10) Law enforcement if all of the following apply:
  a. The population of the county is (i) over 900,000 according to the most recent federal decennial census, and (ii) less than ten percent (10%) of the population of the county is in an unincorporated area according to the most recent federal decennial census.
  b. The county has an interlocal agreement or agreements with a municipality or municipalities for the provision of law enforcement services in the unincorporated area of the county.
  c. Repealed by Session Laws 2008-134, s. 76(c), effective July 28, 2008.
(11) Services permitted under Article 24 of this Chapter if the district is subject to G.S. 153A-472.1.

(b) The General Assembly finds that coastal-area counties have a special problem with lack of maintenance of platted rights-of-way, resulting in ungraded sand travelways deviating from the original rights-of-way and encroaching on private property, and such cartways exhibit poor drainage and are blocked by junk automobiles.

(c) To address the problem described in subsection (b), the board of commissioners of any coastal-area county as defined by G.S. 113A-103(2) may define any number of service districts in order to finance, provide, or maintain for the districts one or more of the following services, facilities and functions in addition to or to a greater extent than those financed, provided or maintained for the entire county:

(1) Removal of junk automobiles; and
(2) Street maintenance.

(d) The board of commissioners of a county that contains a protected mountain ridge, as defined by G.S. 113A-206(6), may define any number of service districts, composed of subdivision lots within one or more contiguous subdivisions that are served by common public roads, to finance for the district the maintenance of such public roads that are either located in the district or provide access to some or all lots in the district from a State road, where some portion of those roads is not subject to compliance

with the minimum standards of the Board of Transportation set forth in G.S. 136-102.6. The service district or districts created shall include only subdivision lots within the subdivision, and one or more additional contiguous subdivisions, where the property owners' association, whose purpose is to represent these subdivision lots, agrees to be included in the service district. For subdivision lots in an additional contiguous subdivision or for other adjacent or contiguous property to be annexed according to G.S. 153A-303, the property owners' association representing the subdivision or property to be annexed must approve the annexation. For the purposes of this subsection: (i) "subdivision lots" are defined as either separate tracts appearing of record upon a recorded plat, or other lots, building sites, or divisions of land for sale or building development for residential purposes; and (ii) "public roads" are defined as roads that are in actual open use as public vehicular areas, or dedicated or offered for dedication to the public use as a road, highway, street, or avenue, by a deed, grant, map, or plat, and that have been constructed and are in use by the public, but that are not currently being maintained by any public authority.

(e) The board of commissioners of a county that adjoins or contains a lake, river, or tributary of a river or lake that has an identified noxious aquatic weed problem may define any number of noxious aquatic weed control service districts composed of property that is contiguous to the water or that provides direct access to the water through a shared, certified access site to the water. As used in this subsection, the term "noxious aquatic weed" is any plant organism identified by the Secretary of Environment and Natural Resources under G.S. 113A-222 or regulated as a plant pest by the Commissioner of Agriculture under Article 36 of Chapter 106 of the General Statutes. (1973, c. 489, s. 1; c. 822, s. 2; c. 1375; 1979, c. 595, s. 1; c. 619, s. 6; 1983 (Reg. Sess., 1984), c. 1078, s. 1; 1989, c. 620; 1993, c. 378, s. 1; 1995, c. 354, s. 1; c. 434, s. 1; 1997-456, s. 24; 2005-433, s. 10(b); 2005-440, s. 1; 2008-134, s. 76(c); 2011-100, s. 1.)

**§ 153A-302. Definition of service districts.**

(a) Standards. – In determining whether to establish a proposed service district, the board of commissioners shall consider all of the following:

(1) The resident or seasonal population and population density of the proposed district.
(2) The appraised value of property subject to taxation in the proposed district.
(3) The present tax rates of the county and any cities or special districts in which the district or any portion thereof is located.
(4) The ability of the proposed district to sustain the additional taxes necessary to provide the services planned for the district.
(5) If it is proposed to furnish water, sewer, or solid waste collection services in the district, the probable net revenues of the projects to be financed and the extent to which the services will be self-supporting.
(6) Any other matters that the commissioners believe to have a bearing on whether the district should be established.

(a1) Findings. – The board of commissioners may establish a service district if, upon the information and evidence it receives, the board finds that all of the following apply:

(1) There is a demonstrable need for providing in the district one or more of the services listed in G.S. 153A-301.
(2) It is impossible or impracticable to provide those services on a countywide basis.
(3) It is economically feasible to provide the proposed services in the district without unreasonable or burdensome annual tax levies.
(4) There is a demonstrable demand for the proposed services by persons residing in the district.

Territory lying within the corporate limits of a city or sanitary district may not be included unless the

governing body of the city or sanitary district agrees by resolution to such inclusion.

(b) Report. – Before the public hearing required by subsection (c), the board of commissioners shall cause to be prepared a report containing:

(1) A map of the proposed district, showing its proposed boundaries;

(2) A statement showing that the proposed district meets the standards set out in subsection (a); and

(3) A plan for providing one or more of the services listed in G.S. 153A-301 to the district.

The report shall be available for public inspection in the office of the clerk to the board for at least four weeks before the date of the public hearing.

(c) Hearing and Notice. – The board of commissioners shall hold a public hearing before adopting any resolution defining a new service district under this section. Notice of the hearing shall state the date, hour, and place of the hearing and its subject, and shall include a map of the proposed district and a statement that the report required by subsection (b) is available for public inspection in the office of the clerk to the board. The notice shall be published at least once not less than one week before the date of the hearing. In addition, it shall be mailed at least four weeks before the date of the hearing by any class of U.S. mail which is fully prepaid to the owners as shown by the county tax records as of the preceding January 1 (and at the address shown thereon) of all property located within the proposed district. The person designated by the board to mail the notice shall certify to the board that the mailing has been completed and his certificate is conclusive in the absence of fraud.

(d) Effective Date. – The resolution defining a service district shall take effect at the beginning of a fiscal year commencing after its passage, as determined by the board of commissioners.

(e) Exceptions For Countywide District. – The following requirements do not apply to a board of commissioners that proposes to create a law enforcement service district pursuant to G.S. 153A-301 (a)(10) that covers the entire unincorporated area of the county:

(1) The requirement that the district cannot be created unless the board makes the finding in subdivision (a1)(2) of this section.

(2) The requirement in subsection (c) of this section to notify each property owner by mail, if the board publishes a notice of its proposal to establish the district, once a week for four successive weeks before the date of the hearing required by that subsection.

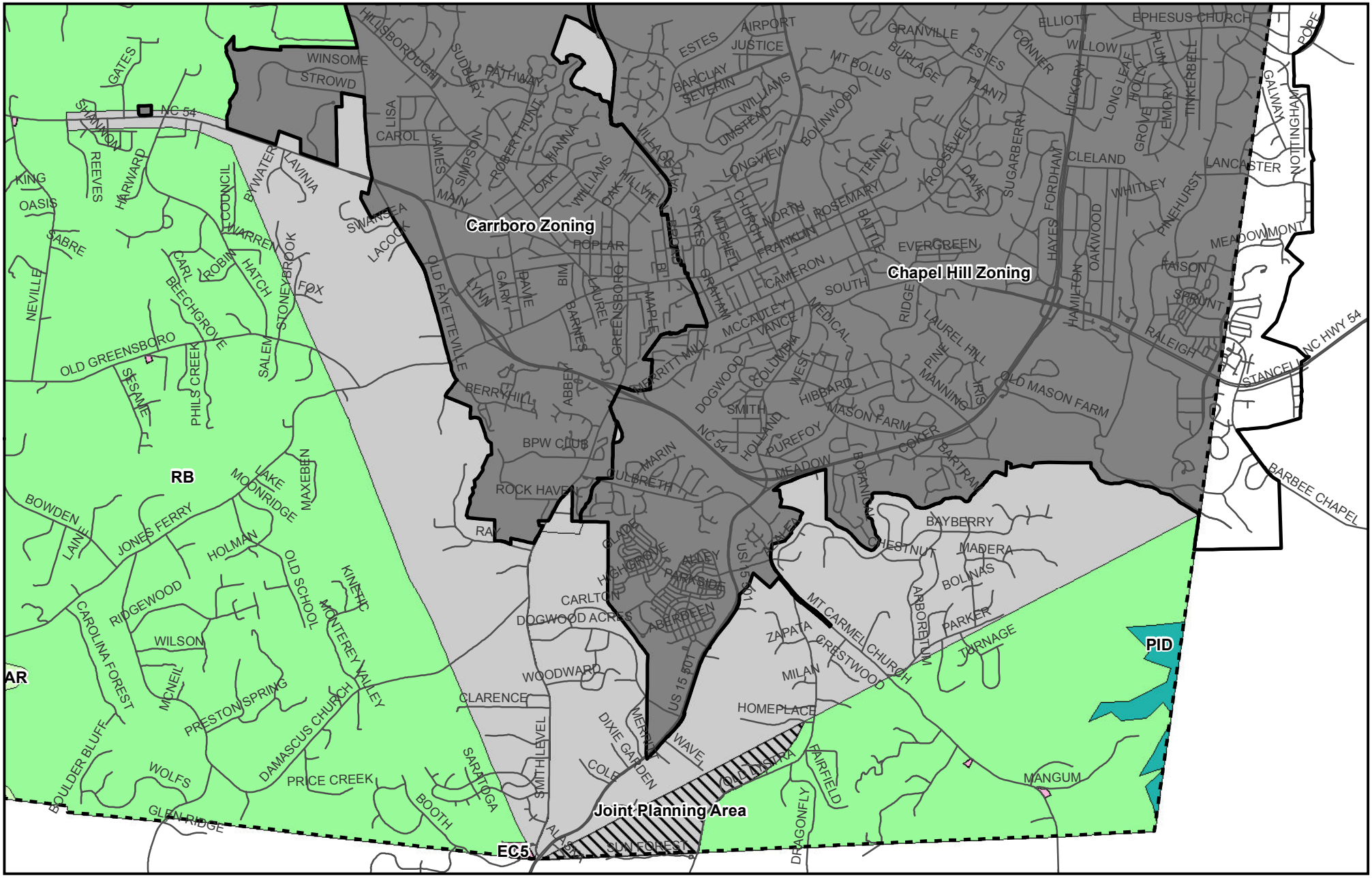
(f) Exceptions for Article 24 District. – The following requirements do not apply to a board of commissioners that proposes to create a service district pursuant to G.S. 153A-301(a)(11) that covers the entire unincorporated area of the county:

(1) The requirement that the district cannot be created unless the board makes the finding in subdivision (a1)(2) of this section.

(2) The requirement in subsection (c) of this section to notify each property owner by mail, if the board publishes a notice of its proposal to establish the district, once a week for two successive weeks before the date of the hearing required by that subsection. (1973, c. 489, s. 1; c. 822, s. 2; 1981, c. 53, s. 1; 1995, c. 354, s. 2; 2005-433, s. 10(c).)

# Zoning, ETJ and Rural Buffer in Southern Orange County





# TOWN OF CHAPEL HILL
# NORTH CAROLINA

**Meeting Date: 2/11/2013**
**AGENDA #11**

## EXECUTIVE SUMMARY

**Title of Agenda Item:** Greater Chapel Hill Fire District: Annexation Analysis. (R-13)

**Council Goal:** Focus on Economic Development, Land Use, and Transportation for a Balanced and Sustainable Future

**Background:** At the January 14, 2013 Business Meeting, Council considered Orange County's request to enlarge the Greater Chapel Hill Fire District to include Area 5. Council was presented with three options:

1. Continue to provide fire service to the area via mutual aid.
2. Enter into a service agreement with Orange County to extend the Town's current fire district into the affected neighborhoods.
3. Provide fire protection service following annexation of the area.

Council chose to explore annexation of the affected neighborhoods, and requested that staff prepare a report outlining the costs and revenues of annexing the area. Resources from the School of Government and NC League of Municipalities, as well as cost and revenue data from Town departments serve as the basis for the discussion and recommendations that follow.

**Fiscal Note:** A summary of the estimated cost and revenues associated with the annexation of Area 5 are as follows:

| | **Year 1** | **Year 2** | **Year 3** |
|---|---|---|---|
| *Total Cost* | $434,400 | $257,500 | $257,500 |
| *Total Revenue* | $1,039,100 | $1,039,900 | $1,040,600 |
| *Net Revenue* | $604,700 | $782,400 | $783,100 |

**Recommendations:** Based on the financial analysis, it appears that annexation would be beneficial to the Town's long-term financial and development interests. With that said, the legal constraints imposed by current annexation laws, contextual factors related to the neighborhoods in question, and potential resource demands on staff required to initiate annexation make the pursuit of annexation of this area challenging and impracticable. Thus, based on the information provided, I recommend that the Council:

- Reconsider the option proposed by Orange County to enter into a service agreement to extend the Town's current fire district into the affected neighborhoods for a period of two years and initiate conversations with the County about how the changes in annexation laws affect the rational planning model established within Orange County. Town staff can report in September

2013 on the status of these discussions, so Council can determine next steps.

If the Town of Chapel Hill does not proceed with the service agreement proposed by the County, an alternative available to the area and the County is to extend the Carrboro Fire District to include this area. This could create an even more confusing situation.

Another option for the Town, even given the serious barriers described above, is to initiate annexation of Area 5.

---

**ATTACHMENTS:**
***Viewing attachments may require Adobe Acrobat.***

Manager's Cover Memorandum
Parcel Map Area 5
Water and Sewer Service Map
Street Mileage and Maintenance Map
Annexation Criteria Map
Timeline for City-Initiated Annexation

# MEMORANDUM

TO: Mayor and Town Council

FROM: Roger L. Stancil, Town Manager

SUBJECT: Greater Chapel Hill Fire District: Annexation Analysis

DATE: February 11, 2013

## PURPOSE

The purpose of this report is to summarize the current annexation laws in North Carolina and provide a finanicial analysis of the proposed annexation of Area 5, which includes neighborhoods contiguous to the south side of town, north of Mount Carmel Church Road. This report also discusses the policy implications for development and expansion given the recent changes in annexation laws and concludes with recommendations for next steps for the area under consideration.

## BACKGROUND

At the January 14, 2013 Business Meeting, Council considered Orange County's request to enlarge the Greater Chapel Hill Fire District to include Area 5 (See Attachment 1). Council was presented with three options:

1) Provide fire service to the area via mutual aid.

2) Enter into a service agreement with Orange County to extend the Town's current fire district into the affected neighborhoods.

3) Require the residents in the area under consideration to petition for annexation in order to receive fire protection service.

Council chose to explore annexation of the affected neighborhoods, and requested that staff prepare a report outlining the costs and revenues of annexing the area. Resources from the School of Government and NC League of Municipalities, as well as cost and revenue data from Town departments serve as the basis for the discussion and recommendations that follow.

***Description of Area***

The area under consideration for annexation "Area 5" is located on the south side of Chapel Hill, north of Mount Carmel Church Road. The area includes Azalea Drive, Bayberry Drive, Chimeneas Place, and Rhododendron Drive and the surrounding neighborhoods and is in the extraterritorial planning jurisdiction of Chapel Hill and within the urban service boundary (See Attachment 1). The area is estimated to include 274 dwelling units and has a total population of 638 people. The area has access to water and sewer service through the Orange Water and Sewer Authority (See Attachment 2) and is comprised of state and privately maintained roads (See Attachment 3). The North Chatham Volunteer Fire Department currently serves the area, which is part of the Southern Triangle Fire District. The Town also provides fire protection through a mutual aid agreement and typically responds first to fire emergencies, given the area's close proximity to Fire Station #5. The Orange County Sherriff's Department provides police projection, though the Town Police Department responds to emergency calls in the area. The

Town also provides inspections services to the area and residents of the area are eligible to attend Chapel Hill public schools.

***Annexation***

Annexation is the process by which towns and cities expand their corporate limits to provide for the orderly extension of municipal services to areas that are becoming urbanized. The required municipal services include police protection, fire protection, garbage and trash collection, maintenance and lighting of public streets, and all other services provided by the municipality, on the same basis as provided within the existing municipal boundaries.

Over the past two decades, the Town has annexed over a dozen areas. Recent actions by the state legislature, however, have altered the permissible methods of annexation and effectively limited the ability of municipalities to annex new areas.

*Methods.* Under current state statute, there are four options for annexation:

*1) Annexation by Petition (160A-31)*
This option allows the owners of property contiguous to municipal corporate limits to submit a petition signed by owners of all the real property in the area. The municipality is then required to hold a public hearing, and the annexation ordinance is adopted. Additionally, a petition may also be used to annex areas that meet a poverty standard set in statute and to annex municipal-owned property.

*2) Satellite Annexation* (160A-58 et seq.)
This option allows for annexation of noncontiguous areas. Property owners within three miles of corporate limits that are not closer to another municipality may submit a petition signed by all owners of real property, except tax exempt property. The municipality is then required to hold a public hearing, and the annexation ordinance is adopted.

*3) Town Initiated Annexation* (160A-58.50 et seq.)
This option allows the municipality to initiate annexation of areas that meet contiguity and density requirements. After the adoption of a resolution of intent, the law requires a referendum to be held at a regular municipal election. Only registered voters in the area proposed for annexation are allowed to vote on the referendum. If less than a majority of the votes cast are in favor of annexation, the municipality cannot proceed with adoption of annexation ordinance or begin another involuntary annexation for the proposed area for three years. If the election authorizes annexation, the municipality approves the annexation report, holds a public information meeting and public hearing, considers comments at public hearing and may adopt the annexation ordinance. The law requires municipalities to reimburse the county for the costs of the referendum and provide notice to property owners of their opportunity to vote in the referendum and request water and sewer service.

*4) Legislative Annexation*
This option allows the municipality to request legislation to adjust boundaries of the municipality.

*Options for Area 5.* The area under consideration meets the annexation character requirements outlined in state statute, which are (See Attachment 4):

- ✓ *Contiguity.* The area under consideration is adjacent or contiguous to Town of Chapel Hill corporate limits.
- ✓ *At least one-eighth of the boundary coincides with the municipal boundary.* Approximately half of the boundary of the area is coincident with the municipal boundary.
- ✓ *No part of the area in another municipality.* No portion of Area 5 is part of any other municipality.
- ✓ *At least 60% of the total lots and tracts in the area are used for residential, commercial, industrial, institutional, or government purposes.* Approximately 70% of the total lots and tracts in Area 5 are used for the above purposes.

Annexation by petition of property owners and town-initiated annexation represent the two applicable options for annexation of Area 5. However, these options have real limitations in terms of practical application. Because the petition process requires 100% of the affected properties to be party to the request, it is practically impossible to achieve that outcome and in this case there are residents who have already stated opposition to this option. Town-initiated annexation, while not as difficult to achieve as the petition option, still poses challenges for municipalities to pursue. Only property owners in the area under consideration are permitted to vote on the referendum and a majority of votes must be secured to proceed with the annexation process. Additionally, the process of town-initiated annexation is estimated to take at least five years (See Attachment 5).

## DISCUSSION

***Financial Analysis***

A summary of the estimated cost and revenues associated with the annexation of Area 5 are provided below.

**Table 1. Total Cost & Revenue Estimate Years One to Three Area 5 Annexation Area**

| | Year 1 | Year 2 | Year 3 |
|---|---|---|---|
| *Total Cost* | $434,400 | $257,500 | $257,500 |
| *Total Revenue* | $1,039,100 | $1,039,900 | $1,040,600 |
| *Net Revenue* | $604,700 | $782,400 | $783,100 |

**Year One Costs**

- The costs for Year One are summarized in Table 2.
- The costs are calculated for the first three years following annexation, assuming an effective date of annexation of July 1, 2013.
- The Town is required by G.S. 160A-49.3 to offer existing private sector entities contract opportunities which allow for the continued solid waste services of annexed areas by existing companies. The Town maintains the responsibility of assuring a level of service comparable to the service level within the existing incorporated area. The involvement of the existing private companies may require the Town to supplement service where contract service is not comparable to the municipal service. This analysis assumes the extension of Town solid waste services by existing personnel and equipment with payment to private companies for economic loss.

- To extend solid waste services to the area, additional staff and equipment are not needed to provide services on a basis substantially equal to all current parts of the Town. Costs associated with the annexation include: the purchase of new roll-out containers, increased tipping fees, collection costs, and "economic loss" payments to affected contractors with fifty (50) of more residential customers.
- To extend street maintenance service to the area, additional staff and equipment are not required. However, annexation costs include: increased curb and gutter repair costs, as well as patching and street resurfacing costs. Given the aging condition of many of the streets in the area, substantial street maintenance repairs will be required over the first several years following annexation. This analysis assumes the Town would take responsibility for the maintenance of all roads within the area (See Attachment 3).
- Street lighting costs would include the maintenance and repair of existing decorative street lighting in the area.
- Chapel Hill Transit staff is not aware of any requests for fixed-route bus service in this area and there are no current plans to provide fixed-route and/or expanded public transportation services to the area under consideration. Therefore, there are no initial costs to Transit anticipated for the annexation of Area 5. However, the need for fixed-route service improvements and expansions is evaluated on an annual basis, and would be reconsidered in future years following annexation.
- The extension of traffic signs and markings services to the area would require temporary staffing support through the first year to bring the area's traffic signs and markings into compliance with Town and federal standards. Specific costs include: purchase and installation of stop signs, street name signs, and other traffic signs, as well as replacement of existing pavement marking.
- The Town's fire service will be provided with current positions and equipment. However, first year costs associated with annexation will include the installation of three fire hydrants in the area.
- The Town's police service will be provided with current positions and equipment. Police costs associated with annexation include increased vehicle fuel and maintenance and repair costs for patrol vehicles.
- Planning and Inspections services are already provided in Area 5, with the exception of code enforcement services. The costs associated with code enforcement for this relatively small area are estimated to be negligible, and thus are not accounted for in this analysis.
- The stormwater costs associated with annexation will be for drainage maintenance, street sweeping, and stormwater program implementation.
- The annexation area has access to water and sewer lines through the Orange Water and Sewer Authority (See Attachment 2).

**Year One Revenue**

- Year One Revenues are summarized in Table 3.
- The total estimated revenue for Area 5 is $1,039,227 in Year One.

**Year Two and Three Costs**

- Year Two and Three Costs are summarized in Table 2.

- Town service costs are anticipated to decrease for solid waste services, traffic signs and pavement markings, and fire due to one-time costs incurred in the first-year following annexation, which no longer will be applicable in subsequent years.
- Costs for street maintenance, street lighting, police, and stormwater drainage are anticipated to be similar to those experienced in Year One.

**Year Two and Three Revenue**

- Year Two and Three Revenues are summarized in Table 3.
- With the exception of sales tax, revenues are not estimated to increase in Years Two and Three, based on historical trends in collection of property tax and population based revenues, which have remained relatively flat over the past several years. A 2.5% increase is applied to sales tax revenue, based on historical data.

***Policy Implications***

The recent changes in the state's annexation laws have implications for our joint planning efforts in the extraterritorial jurisdiction and for the future growth and development of the Town. Orange County and the Towns of Chapel Hill and Carrboro have a long standing plan for orderly growth of urban areas while preserving rural areas of the County. This plan has been successful in minimizing sprawl within Orange County, allowing municipalities to provide urban level services and preserving the benefits of nearby rural areas and farms.

The Town has traditionally provided services to neighborhoods in the urban services boundary and extraterritorial jurisdiction, such as Area 5, as part of the normal progression to annexation into the municipal jurisdiction. However, the recent changes to annexation laws have altered this natural progression, as evidenced by the fact that no municipalities in the state have pursued annexation of unincorporated areas since the legislative reforms. Additionally, parsing out services on a menu selection or pay as you go basis dilutes the benefits of full annexation and places the burden of supporting necessary infrastructure and organizational function systems on the Town residents alone while others receive the services, particularly when the service fee or district taxes pay only for the specific and direct service rendered.

Municipalities like Chapel Hill, then, face a conundrum—continue providing services to neighborhoods in the urban services boundary and extraterritorial jurisdictions without the likely possibility of eventual annexation of these areas into the municipal jurisdiction, or initiate costly and time-consuming efforts to annex areas that are likely to be voted down by residents. This is a serious issue that merits further consideration by Council, particularly as the Town strives to prioritize services and make do with limited financial resources.

## RECOMMENDATIONS

Based on the financial analysis, it appears that annexation would be beneficial to the Town's long-term financial and development interests. With that said, the legal constraints imposed by current annexation laws, contextual factors related to the neighborhoods in question, and potential resource demands on staff required to initiate annexation make the pursuit of annexation of this area challenging and impracticable. Thus, based on the information provided, I recommend that the Council:

Reconsider the option proposed by Orange County to enter into a service agreement to extend the Town's current fire district into the affected neighborhoods for a period of two years and initiate conversations with the County about how the changes in annexation laws affect the rational planning model established within Orange County.

If the Town of Chapel Hill does not proceed with the service agreement proposed by the County, an alternative available to the area and the County is to extend the Carrboro Fire District to include this area. This could create an even more confusing situation.

Another option for the Town, even given the serious barriers described above, is to initiate annexation of Area 5, testing the assumption that annexation is now impractical and leading the state through its first town-initiated annexation effort following the legislative reforms of 2011-12.

## ATTACHMENTS

**Attachment 1. Parcel Map Area 5**

**Attachment 2. Water and Sewer Service Map Area 5**

**Attachment 3. Street Mileage and Maintenance Map Area 5**

**Attachment 4. Annexation Criteria Map Area 5**

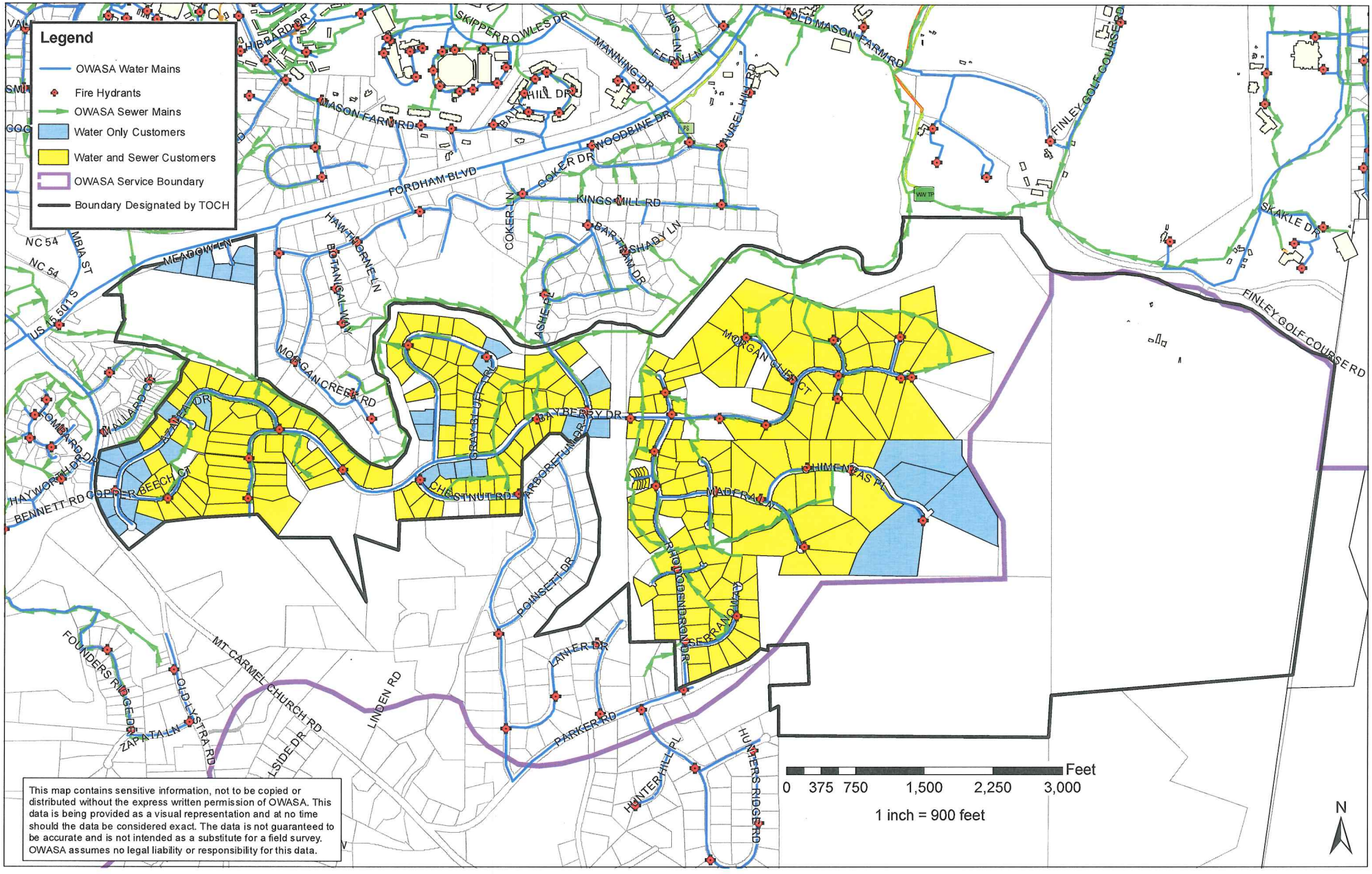
**Attachment 5. Timeline for City-Initiated Annexation**

**Table 2. Total Estimated Cost Years One – Three Area 5 Annexation Area**

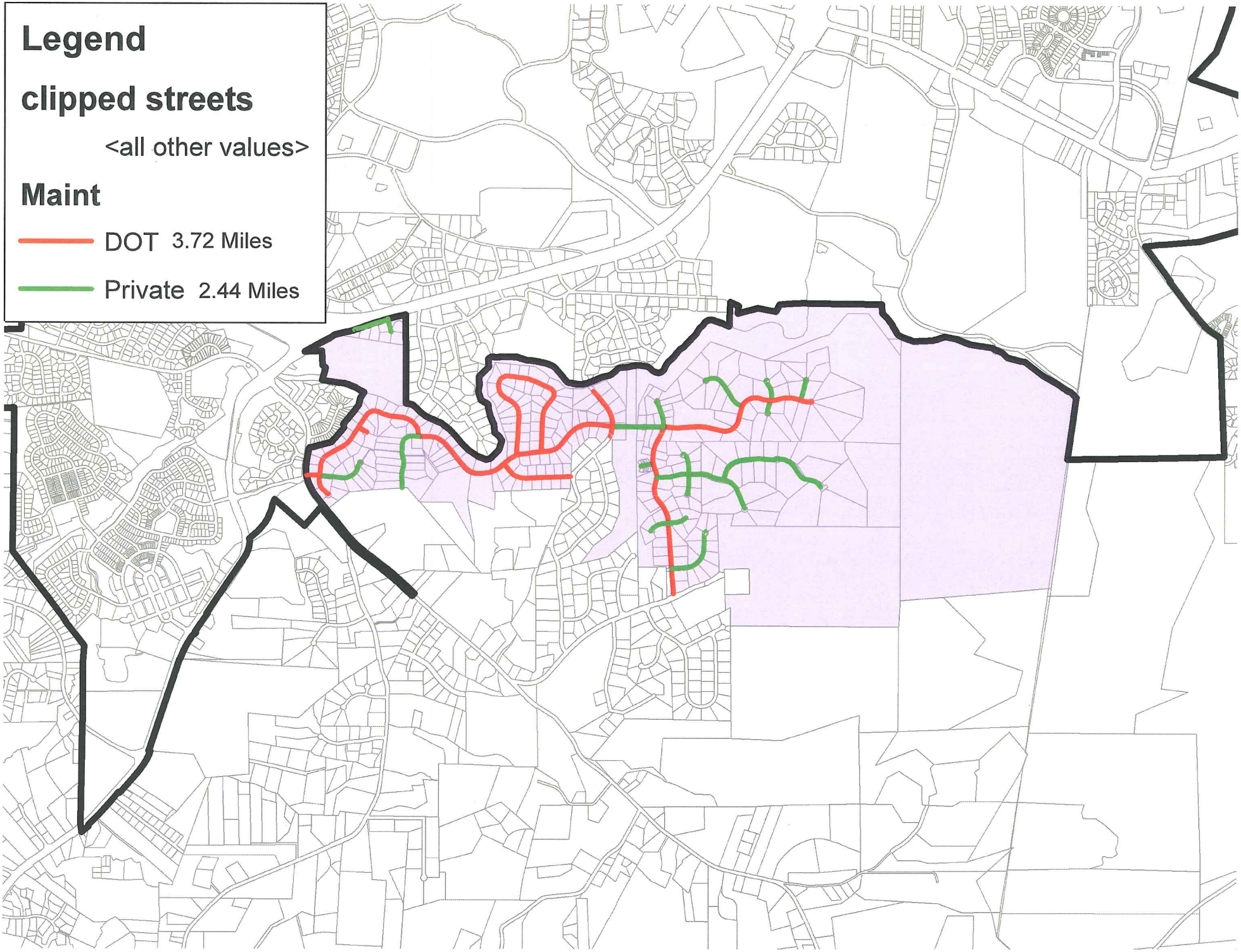
| Cost | Year 1 | Year 2 | Year 3 |
|---|---|---|---|
| *Solid Waste Collection* | $144,900 | $15,000 | $15,000 |
| *Street Maintenance* | $183,000 | $183,000 | $183,000 |
| *Street Lighting* | $9,500 | $9,500 | $9,500 |
| *Public Transit* | $0 | $0 | $0 |
| *Landscaping* | $0 | $0 | $0 |
| *Traffic Signs & Pavement Markings* | $25,000 | $8,000 | $8,000 |
| *Fire* | $30,000 | $0 | $0 |
| *Police* | $2,000 | $2,000 | $2,000 |
| *Inspections* | $0 | $0 | $0 |
| *Stormwater Drainage* | $40,000 | $40,000 | $40,000 |
| *Water and Sewer (OWASA)* | **$0** | **$0** | **$0** |
| ***Total Cost*** | **$434,400** | **$257,500** | **$257,500** |

**Table 3. Total Estimated Revenue Years One – Three Area 5 Annexation Area**

| Revenue | Year 1 | Year 2 | Year 3 |
|---|---|---|---|
| *Property Taxes – All Funds (99% Collection)* | $945,300 | $945,300 | $945,300 |
| *Property Taxes – General Fund Portion (99% Collection Rate)* | $723,300 | $723,300 | $723,300 |
| *Electric Franchise/Natural Gas Excise Tax* | $21,700 | $21,700 | $21,700 |
| *Sales Tax* | $29,600 | $30,400 | $31,100 |
| *Beer and Wine Tax* | $2,700 | $2,700 | $2,700 |
| *Telecommunications Tax* | $9,200 | $9,200 | $9,200 |
| *Video Programming Distribution* | $9,200 | $9,200 | $9,200 |
| *Solid Waste Disposal Tax* | $400 | $400 | $400 |
| *Powell Bill* | $21,000 | $21,000 | $21,000 |
| ***Total Revenue*** | $1,039,100 | $1,039,900 | $1,040,600 |




This map contains sensitive information, not to be copied or distributed without the express written permission of OWASA. This data is being provided as a visual representation and at no time should the data be considered exact. The data is not guaranteed to be accurate and is not intended as a substitute for a field survey. OWASA assumes no legal liability or responsibility for this data.


Legend
clipped streets
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Maint
DOT 3.72 Miles
Private 2.44 Miles

**§ 160A 58.54. Character of area to be annexed.**

(a) A municipal governing board may extend the municipal corporate limits to include any area that **meets all of the following criteria:**

(1) It shall be **adjacent or contiguous** to the municipality's boundaries at the time the annexation proceeding is begun, except if the entire territory of a county water and sewer district created under G.S. 162A 86(b1) is being annexed, the annexation shall also include any noncontiguous pieces of the district as long as the part of the district with the greatest land area is adjacent or contiguous to the municipality's boundaries at the time the annexation proceeding is begun.

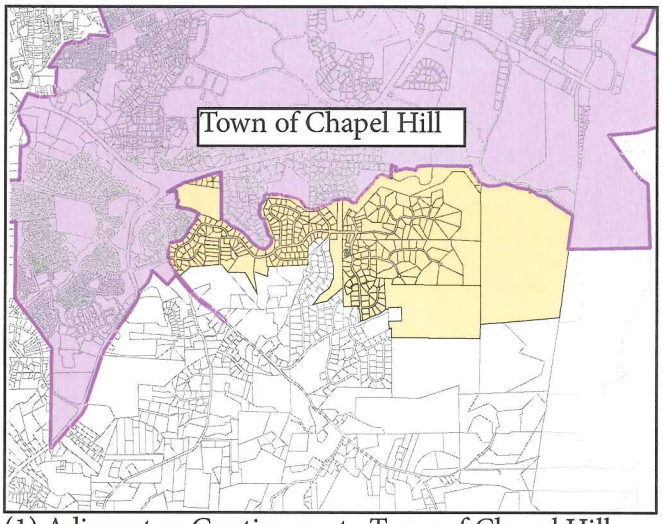
(2) At least **one-eighth** of the aggregate **external boundaries** of the area shall **coincide** with the municipal boundary.

(3) No part of the area shall be included within the boundary of another incorporated municipality.

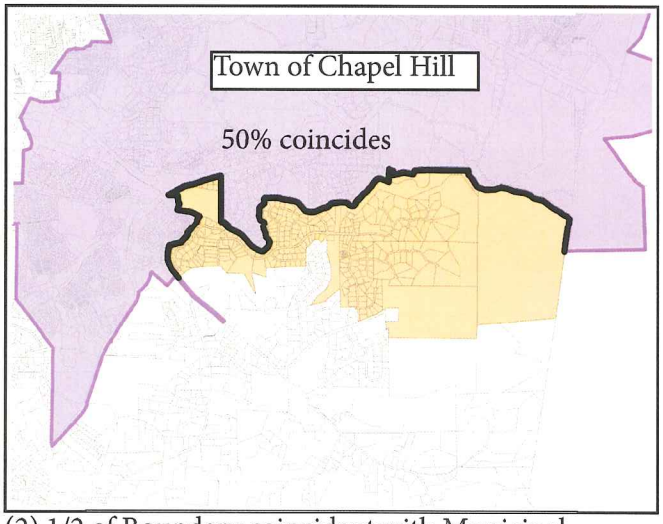
(4) The total area to be annexed shall meet the requirements of **any of the following:**

a. **Part or all of the area to be annexed** must be **developed for urban purposes** at the time of approval of the report provided for in G.S. 160A 58.53. The area of streets and street rights of way shall not be used to determine total acreage under this subdivision. **An area developed for urban purposes is defined as any area which meets any one of the following standards:**

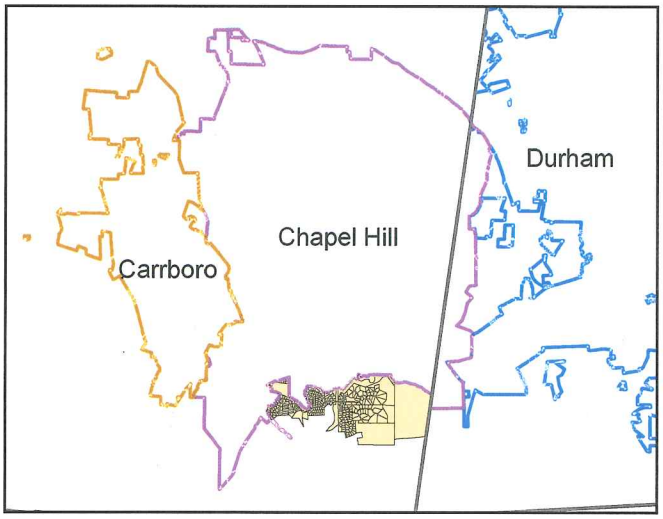
3. Is so developed that at least sixty percent (60%) of the total number of lots and tracts in the area at the time of annexation are used for residential, commercial, industrial, institutional, or governmental purposes, and is subdivided into lots and tracts such that at least sixty percent (60%) of the total acreage, not counting the acreage used at the time of annexation for commercial, industrial, governmental, or institutional purposes, consists of lots and tracts three acres or less in size.



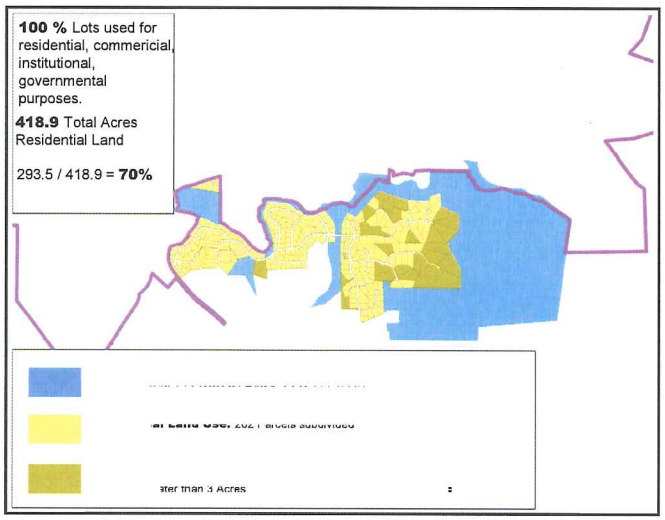

(1) Adjacent or Contiguous to Town of Chapel Hill Corporate Limits




(2) 1/2 of Boundary coincident with Municipal Boundary




(3) No Part within boundary of another incorporated municipality




(4) a. 3. Developed for Urban Purposes

# Timeline for City-Initiated Annexation – HB 845 (SL 2011-396) and HB 925 (SL 2012-11)

**Resolution of Consideration (RC) Adopted**
Identifies areas under consideration for possible future annexation. Must include metes and bounds description or map, summary of annexation process and timelines. Effective for two years.

at least one year b/w RC and RI

during first 30 days after RC adopted

**Publish Notice of RC**
Notice of adoption of RC published in newspaper of general circulation in city once a week for two successive weeks. Each publication on same day of week, and second publication no more than 30 days after RC adopted.

**Mail Notice of RC**
Mail notice of RC to all property owners in area described in RC (and to county if area in county other than county where majority of existing city located).

**Resolution of Intent (RI) Adopted**
Indicates city's intent to begin annexation process for specified areas that meet urbanization and contiguity criteria, sets dates for public meetings, and sets date for referendum.

within 5 business days after RI adopted

**Mail Notice of Meetings and Water/Sewer Opt-In**
First class mail notice to property owners in annexation area. Includes notice of public meetings, boundary description and map, summaries of process, summary of opportunity to vote in referendum, timeline, and property owners' rights, and information about property owner's opportunity to obtain water/sewer extension at no cost.

**Notify Board of Elections**
Notify county board of elections of adoption of RI. Send map and written description of annexation area. (Timing not specified; suggested to send at same time as mail notices.)

at least 4 weeks before PIM

**Provide Notice to Solid Waste Firms**
Written notice of RI to SW firms serving the annexation area.

45 to 55 days b/w RI and PIM

at least 30 days before PIM

**Adopt Annexation Report and Prepare Summaries**
Approve annexation report and services plan. Prepare summaries of services plan, remedies, and referendum process.

**Post Information**
Post in city clerk's office (and on city's website if any): annexation report, summary, map, list of property owners, info on water and sewer service, info on referendum. If no appropriate newspaper for publication of notice of PIM/PH, post public places in annexation area and city. If city finds tax records inadequate for mailed notice of PIM/PH, post buildings in annexation area.

**Provide Statement to County**
Deliver statement to county as to effect on city's finances and services.

during two weeks before PIM

**Publish Notice of Meetings**
Publish notice of PIM and PH in newspaper in city once a week for two successive weeks. (And in newspaper in annexation area if in county other than where majority of city is located.) Each publication on same day of week; last publication no more than 10 days before info meeting. Include description, map, statement of availability of other info.

130 to 150 days b/w RI and PH

at least 7 days before PIM

**Re-Send Returned Mail Notices**
If returned by 10th day before PIM, re-send by certified mail, return receipt requested.

**Hold Public Informational Meeting (PIM)**
Explanation of report and services, distribution of summaries of process, timelines, remedies and referendum opportunity. Distribution of water/sewer opt-in information and forms. Questions and answers.

(time varies) next city general election that is more than 45 days from RI

65 days after RI adopted

**Initial Water/Sewer Opt-In Deadline**
Deadline for initial opt-in for water/ sewer extensions provided at city's cost (by simple majority of parcels ).

within 5 days of close of initial opt-in period

**Second Water/Sewer Opt-In Notice**
If majority of parcels opt in, notify those who failed to opt in of a second opportunity to do so.

30 days after second opt-in notice (and at least 30 days before PH)

**Second Water/Sewer Opt-In Deadline**
Deadline for second opt-in for water and sewer.

15 days before PH

10 days before PH

**Fire Dept Request**
Deadline for rural fire department to request offer.

**Solid Waste Firm Request**
Deadline for solid waste firm to request contract.

**Hold Public Hearing (PH)**
Explanation of report and services plan. Opportunity to comment.

**Amend Services Plan**
If necessary, amend annexation report/services plan to account for water/sewer opt-ins, other changes (timing may vary, but amend before adoption of ordinance).

**Hold Referendum on Proposed Annexation**
Registered voters in the proposed annexation area vote for or against the annexation. If less than a majority of votes are cast for the annexation, the city may not proceed. A separate city-initiated process to annex that area may not begin for at least 36 months.

5 to 10 days after determined

**Results of Referendum Certified by County Board of Elections**

at least 10 days, if vote was FOR annexation

**Governing Body Adopts Annexation Ordinance**

(time varies) see box on date

within 30 days of passage of ordinance

**Appeal by Fire Dept or Solid Waste Firm**
Rural fire dept or solid waste firm may appeal to LGC if no contract offered.

60 days after adoption of ordinance

**Appeal by Property Owners**
Deadline for property owner to file challenge to annexation in superior court.

**Effective Date**
Ordinance must set as June 30 following ordinance adoption or second June 30 following adoption, but not before time periods for water/sewer request and filing of appeal have expired. [In event of appeal, effective date will be amended to the first June 30 at least 6 months after the final judgment or the city's completion of action to conform to instructions on remand.]

**Provide Services**
Police protection, fire protection, solid waste collection and street maintenance services to be provided on substantially same basis as in rest of municipality in accordance with services plan.

3.5 years

from 30 days to 15 months after effective date

**Service Remedies**
Property owner may apply for writ of mandamus if required police, fire, solid waste, or streets not provided.

60 days after effective date and 6 months after effective date

**Service Reports to LGC**
Report to LGC as to provision of police, fire, solid waste and streets (60 days) and as to water/sewer extensions (6 months).

**Water/Sewer Connected**
Deadline for completion of major water and sewer infrastructure and individual connections to structures if water/sewer opt in was successful. In event of appeal in which a stay is granted, time is extended by length of the stay or one year, whichever is less. In event of permitting delays, city may seek extension from Local Government Commission.

**ORANGE COUNTY**
**BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**
**Meeting Date:** February 19, 2013

**Action Agenda Item No.** 7-c

**SUBJECT:** Jordan Lake Allocation Process and Requirement

**DEPARTMENT:** Planning and Inspections, Environment, Agriculture, Parks and Recreation (DEAPR)

**PUBLIC HEARING: (Y/N)** No

**ATTACHMENT(S):**

1. October 26, 2012 Letter from Hazen & Sawyer (Jordan Lake Partnership Potable Water Interconnection Study Phase 2-Hydraulic Modeling Proposal
2. Preliminary Conceptual Cost Sharing Approach

**INFORMATION CONTACT:**

Craig Benedict, Planning Director, 919-245-2592
Dave Stancil, Director, DEAPR, 919-245-2522
Kevin Lindley, Staff Engineer, Planning Department, 919-245-2583
Tom Davis, Water Resources Coordinator, DEAPR, 919-245-2513

**PURPOSE:** To consider adding funds in this year's budget process for utility engineering study/analysis on how to distribute via infrastructure future water allocations from Jordan Lake.

**BACKGROUND:** Orange County has been participating in the Jordan Lake Partnership, a group of regional local governments and utilities coordinating requests for a State Department of Natural Resources (DENR) water resource allocation from Jordan Lake. Over the last two years, these various entities have collaborated to create consistent standards, terminology, projection methodologies, and options as the upcoming requests for long term water needs are developed. Although the demands and supplies of Jordan Lake and other water supplies have been comprehensively evaluated, the applications are associated but reviewed independently with each local government/utility by DENR.

Various aspects of water supply modeling are employed including how to transmit water from the supply (i.e. lake or reservoir, etc.) to the demand area (i.e. populations and businesses). Therein lies the purpose of this abstract item. Hazen and Sawyer, the Jordan Lake Partnership's engineering consultant, has proposed Phase II of the Jordan Lake Interconnection Study which will analyze existing pipe infrastructure and necessary pipe sizes to accommodate a regional system of water transmission among the various applicants. This is necessary since water supply intakes on Jordan Lake are limited so future water transmission will have to be 'wheeled' around different 'shared' pipe networks.

Orange County presently has Level II (reserve) raw water allocation of one million gallons per day (mgd) and will likely be asking for a similar but additional three mgd to support the development needs of the three economic development districts (EDDs) – Eno (partnership with

City of Durham), Hillsborough Area (Partnership with Town of Hillsborough) and Buckhorn/Mebane (partnership with the City of Mebane). Although Orange County has formal agreements with the City of Durham and City of Mebane for these EDD zones being serviced, the supply allocations, if approved, could be ceded to the County's partners to convert raw water into 'finished' water. Over the next few months, Orange County will continue to examine the best available options to secure future public water resources for the County. The engineer study will be necessary and supportive of the Orange County Jordan Lake allocation application. The Orange County share of the study cost is $49,000.

There will be a full discussion of the Jordan Lake Allocation application process at the March 12th BOCC Work Session.

**FINANCIAL IMPACT:** These additional funds will be requested in the upcoming 2013-14 budget.

**RECOMMENDATION(S):** The Manager recommends the Board:

1. Support the concept of the Jordan Lake Allocation; and
2. Consider the request in the upcoming budget deliberations.

ATTACHMENT 1

HAZEN AND SAWYER
Environmental Engineers & Scientists

Hazen and Sawyer, P.C.
629 Green Valley Road
Suite 200
Greensboro, NC 27408
336-292-7490
Fax: 336-292-5614

October 26, 2012

Mr. Sydney Paul Miller, P.E.
Water Resources Engineer
Department of Public Works and Utilities
Town of Cary
400 James Jackson Ave.
Cary, NC 27513

Re: Jordan Lake Partnership
Potable Water Interconnection Study
Phase 2: Hydraulic Modeling Proposal

Dear Mr. Miller:

Hazen and Sawyer is pleased to submit this updated proposal for hydraulic modeling of potable water interconnections among the Jordan Lake Partners. This version of the proposal responds to the discussion at the partner's meeting October 16, 2012.

The purpose of this study is to develop a regional approach for planning interconnections that increase the reliability and sustainability of drinking water by using resources cooperatively.

Our December 1, 2011, technical memorandum summarized Phase 1 of the project. This summary tabulated each partner's water facilities, documented existing interconnections and evaluated opportunities for improved interconnections. The key deliverable was a map showing all the partners' water systems, pressure zone boundaries and the interconnection locations.

Our December 20, 2011, technical memorandum outlined the next steps for evaluating interconnections by providing a modeling overview; an explanation of issues involved with combining and updating models; and recommendations for moving forward.

This updated proposal for the project's second phase integrates interconnection modeling requests by the partners and their feedback on the scope and cost estimates from previous proposals.

Interconnections will be evaluated for sustained transfers using multi-day extended period simulations. Predicted hydraulic performance will be compared with design criteria for velocities, pressures and tank water levels. Calibration tasks will focus on existing interconnections; broader calibration will be recommended if a partner's model is unable to match field measurements.

The following pages outline the requested modeling projects. Part 2 builds on Part 1 so that tasks are not repeated. Projects that involve wheeling water through an intermediate system may involve the same interconnections as direct transfer projects, but these are separate modeling scenarios that produce different flows and pressures. The numbers included in each project description refer to the interconnection IDs on the map from our December 1, 2011, technical memorandum.

## Scope of Services

| Part | Project | Task | Description | Hours | Fee |
|---|---|---|---|---|---|
| **1** | | | **Build core model of Cary and Durham, then add OWASA-Hillsborough Model** | | |
| **1.** | **1** | | **Analyze Cary-Durham Interconnections (#6, 7, 9)** | **368** | **$ 57,280** |
| | | 1 | Gather information and interview Partners' staff | | |
| | | 2 | Update Cary model infrastructure | | |
| | | 3 | Update Durham model infrastructure | | |
| | | 4 | Combine Durham and Cary models & add interconnection details | | |
| | | 5 | Check model calibration near interconnections | | |
| | | 6 | Determine sustainable flow from Cary to Durham with existing interconnections (EPS) | | |
| | | 7 | Identify improvements for sustained flow of 10 mgd from Cary to Durham (EPS) | | |
| | | 8 | Determine sustainable flow from Durham to Cary with existing interconnections (EPS) | | |
| | | 9 | Identify improvements for sustained flow of 7 mgd from Durham to Cary (EPS) | | |
| | | 10 | Present preliminary results | | |
| | | 11 | Prepare report chapter that incorporates review comments | | |
| | | 12 | QC | | |
| **1.** | **2** | | **Analyze Durham-OWASA Interconnections (#25, 26, 27)** | **368** | **$ 51,840** |
| | | 1 | Gather information and interview Partners' staff | | |
| | | 2 | Combine OWASA-Hillsborough model with Durham-Cary model and add interconnection details | | |
| | | 3 | Check model calibration near interconnections | | |
| | | 4 | Determine sustainable flow from Durham to OWASA with no flow to Chatham (EPS) | | |
| | | 5 | Determine flow from Durham to OWASA with 4 mgd point load to Chatham (at #10) | | |
| | | 6 | Identify improvements for 7 mgd from Durham to OWASA + 4 mgd to Chatham (at #10) | | |
| | | 7 | Identify improvements for 9 mgd from Durham to OWASA inc 2 mgd to Orange + 4 mgd to Chatham | | |
| | | 8 | Determine sustainable flow from OWASA to Durham with no flow to Chatham | | |
| | | 9 | Present preliminary results | | |
| | | 10 | Prepare report chapter that incorporates review comments | | |
| | | 11 | QC | | |
| **1.** | **3** | | **Analyze Flow between Cary and OWASA through Durham (#6, 7, 9, 25, 26, 27)** | **256** | **$ 39,360** |
| | | 1 | Gather information and interview Partners' staff | | |
| | | 2 | Identify improvements for sustained 5 mgd from Cary through Durham to OWASA off peak | | |
| | | 3 | Determine sustainable flow from OWASA through Durham to Cary | | |
| | | 4 | Present preliminary results | | |
| | | 5 | Prepare report chapter that incorporates review comments | | |
| | | 6 | QC | | |

| Part | Project | Task | Description | Hours | Fee |
|---|---|---|---|---|---|
| **1.** | **4** | | **Analyze Hillsborough-Durham Interconnection (#16)** | **248** | **$ 37,840** |
| | | 1 | Gather information and interview Partners' staff | | |
| | | 2 | Test three pumps and check model calibration at connection point | | |
| | | 3 | Identify improvements for 2 mgd from Durham to Hillsborough | | |
| | | 4 | Identify improvements for 4 mgd from Durham to Hillsborough including 2 mgd to Orange County | | |
| | | 5 | Identify improvements for 1 mgd to Durham | | |
| | | 6 | Present preliminary results | | |
| | | 7 | Prepare report chapter that incorporates review comments | | |
| | | 8 | QC | | |
| **1.** | **5** | | **Analyze flow from Hillsborough to Orange County (#17,22)** | **208** | **$ 28,960** |
| | | 1 | Gather information and interview Partners' staff | | |
| | | 2 | Update Orange Alamance model and add to combined model | | |
| | | 3 | Check model calibration near interconnections | | |
| | | 4 | Identify improvements for 0.75 mgd from Hillsborough through Orange Alamance to Buckhorn EDD | | |
| | | 5 | Identify improvements for 0.75 mgd from Hillsborough directly to Buckhorn EDD | | |
| | | 6 | Present preliminary results | | |
| | | 7 | Prepare report chapter that incorporates review comments | | |
| | | 8 | QC | | |
| **Part 1 Totals** | | | | **1,448** | **$ 215,280** |

| Part | Project | Task | Description | Hours | Fee |
|---|---|---|---|---|---|
| **2** | | | **Add Raleigh, Apex, Holly Springs and North Chatham to model from Part 1** | | |
| | **2. 1** | | **Analyze Cary emergency interconnections (#9, 6, 7, 47, 43, 32, 42, 44, 44, 45, 46, 50, 4, 3, 2, & 1)** | **400** | **$ 58,000** |
| | | 1 | Gather information and interview Partners' staff | | |
| | | 2 | Update Apex model infrastructure | | |
| | | 3 | Add Raleigh and Apex to model from Part 1 and add details at interconnections | | |
| | | 4 | Check model calibration at interconnections | | |
| | | 5 | Analyze Cary emergency interconnections with 42" pipe out of service | | |
| | | 6 | Analyze Cary emergency interconnections with CAWTF out of service | | |
| | | 7 | Present preliminary results | | |
| | | 8 | Prepare report chapter that incorporates review comments | | |
| | | 9 | QC | | |
| | **2. 2** | | **Analyze Apex-Holly Springs interconnection (#21, 5, 1, 2, 3, 4)** | **240** | **$ 35,280** |
| | | 1 | Gather information and interview Partners' staff | | |
| | | 2 | Add new Holly Springs model to core model and add details at interconnections | | |
| | | 3 | Identify more efficient locations for current pump station | | |
| | | 4 | Identify improvements for 2 mgd to Holly Springs + 3 mgd to Apex + 7 mgd to Cary from Harnett | | |
| | | 5 | Determine sustainable flow from Apex to Holly Springs | | |
| | | 6 | Present preliminary results | | |
| | | 7 | Prepare report chapter that incorporates review comments | | |
| | | 8 | QC | | |
| | **2. 3** | | **Analyze flow between Cary and Chatham County (#48, 1, 2, 3, 4)** | **240** | **$ 35,280** |
| | | 1 | Gather information and interview Partners' staff | | |
| | | 2 | Add North Chatham County model to core model and add details for connecting pipes | | |
| | | 3 | Determine flow from Cary through Apex to Chatham County | | |
| | | 4 | Determine flow from Chatham County through Apex to Cary | | |
| | | 5 | Present preliminary results | | |
| | | 6 | Prepare report chapter that incorporates review comments | | |
| | | 7 | QC | | |

Jordan Lake Partnership
Phase 2 Hydraulic Modeling Proposal
October 26, 2012
Page 5

| Part | Project | Task | Description | Hours | Fee |
|---|---|---|---|---|---|
| | **2. 4** | | **Analyze flow from Raleigh through Cary to Holly Springs and Apex (#46, 50, 4, 5)** | **232** | **$ 34,160** |
| | | 1 | Gather information and interview Partners' staff | | |
| | | 2 | Update model at Cary's proposed connections to Holly Springs transmission main | | |
| | | 3 | Determine flow from Raleigh through Cary to Holly Springs | | |
| | | 4 | Determine flow from Raleigh through Cary to Apex | | |
| | | 5 | Identify improvements to increase above flows | | |
| | | 6 | Present preliminary results | | |
| | | 7 | Prepare report chapter that incorporates review comments | | |
| | | 8 | QC | | |
| | **2. 5** | | **Analyze flow from Durham to Apex (1, 2, 3, 4, 6, 7, 9)** | **196** | **$ 30,600** |
| | | 1 | Gather information and interview Partners' staff | | |
| | | 2 | Determine flow from Durham through Cary to Apex | | |
| | | 3 | Identify improvements to increase above flows | | |
| | | 4 | Present preliminary results | | |
| | | 5 | Prepare report chapter that incorporates review comments | | |
| | | 6 | QC | | |
| | **2. 6** | | **Analyze Cary-Durham-Raleigh interconnections in 2060 (#9, 6, 7, 47, 43, 32, 42, 44, 45, 46, 25, 26, 27)** | **496** | **$ 72,720** |
| | | 1 | Gather information and interview Partners' staff | | |
| | | 2 | Adjust core models to 2060 demand from Triangle Regional Water Supply Plan | | |
| | | 3 | Identify improvements for 10 mgd from Durham to Cary/Apex | | |
| | | 4 | Identify improvements for 10 mgd from Raleigh to Cary/Apex | | |
| | | 5 | Identify improvements for 10 mgd from Durham and Raleigh to Cary/Apex | | |
| | | 6 | Identify improvements for 17 mgd from Durham to Cary/Apex | | |
| | | 7 | Identify improvements for 17 mgd from Raleigh to Cary/Apex | | |
| | | 8 | Identify improvements for 17 mgd from Durham and Raleigh to Cary/Apex | | |
| | | 9 | Determine flow from Harnett County through Holly Springs to Cary/Apex | | |
| | | 10 | Determine flow from Harnett County through Holly Springs and Cary/Apex to Raleigh | | |
| | | 11 | Determine flow from Harnett County through Holly Springs and Cary/Apex to Durham | | |
| | | 12 | Determine flow from Harnett County through Holly Springs, Cary/Apex and Durham to OWASA | | |
| | | 13 | Present preliminary results | | |
| | | 14 | Prepare report chapter that incorporates review comments | | |
| | | 15 | QC | | |
| **Part 2 Totals** | | | | **1,804** | **$ 266,040** |
| **GRAND TOTALS** | | | | **3,252** | **$ 481,320** |

**Deliverables**

The deliverable for this project will be a single report with chapters describing findings for each interconnection project. The report will be provided in electronic format.

**Project Team**

The Hazen and Sawyer team for this project will include:

Project Director: Michael Wang, PhD, P.E.

Project Manager: Jeffrey R. Cruickshank, P.E.

Modelers:

Crystal Broadbent, P.E
Todd Davis, P.E.
Ricardo Espinosa, P.E.
Megan Roberts, P.E.
Wayne Zhang, PhD, P.E.,

Field Coordinator:
Kevin Widderich, E.I.

**Compensation:**

Compensation for services rendered shall be based on a Direct Labor Multiplier of 3.15 applied to labor costs of the cumulative hours charged to the project by each employee providing services.

Table 1 depicts current direct salary rates for various staff positions expected to be involved with this project. Actual rates will be based upon labor costs for the individuals working on the project at the time services are rendered, and may differ from those shown in the table.

**Table 1 – Direct Salary Rates**

| Position | Direct Salary Rates |
|---|---|
| Vice President | $75 |
| Senior Associate | $67 |
| Associate | $48 |
| Principal Engineer | $44 |
| Engineer/Field Coordinator | $40 |

The Direct Labor Multiplier will be applied to actual labor costs and will include all overhead, profit, travel, modeling software and computer costs, word processing, secretarial, telephones, faxes, etc.

It shall be understood the aggregate cost ceiling established for this project shall not be exceeded. If a project takes fewer hours than estimated, the fee will be less than that shown. If the costs for another project overrun that project's cost ceiling, remaining fees from other projects may be used.

**Schedule:**

We estimate completion within 12 months of authorization to proceed. Invoicing will not begin before July 1, 2013.

Please call me at (336) 292-7490 x81720 if you have any questions regarding this proposal, or email me at jcruickshank@hazenandsawyer.com.

Sincerely,

**HAZEN AND SAWYER, P.C.**

Jeffrey R. Cruickshank, P.E.
Senior Associate

CC: Michael Wang, P.E.
Christopher Belk, P.E.

Jordan Lake Partnership
Potable Water Interconnection Study
Phase 2: Hydraulic Modeling Proposal

**Preliminary Conceptual Cost Sharing Approach for DISCUSSION PURPOSES ONLY**

**Potential Scope and Cost Sharing**

Based on H&S Memo, 10/26/2012
Drafted on 10/29/2012

| Task | Description | Cost | | Cary | Apex | Durham | OWASA | Hillsborough | Chatham County | Pittsboro | Holly Springs | Raleigh | Orange County | cost per Participant (after base subtracted) | Cary | Apex | Durham | OWASA | Hillsborough | Chatham County | Pittsboro | Holly Springs | Raleigh | Orange County |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1.1 | Analyze Cary-Durham Interconnections (#6, 7, 9) | $57,280 | x | x | x | x | x | | | | | x | | $9,738 | $9,738 | $9,738 | $9,738 | $9,738 | $0 | $0 | $0 | $0 | $9,738 | $0 |
| 1.2 | Analyze Durham-OWASA Interconnections (#25, 26, 27) | $51,840 | x | x | x | x | x | | x | | | | x | $7,344 | $7,344 | $7,344 | $7,344 | $7,344 | $0 | $7,344 | $0 | $0 | $0 | $7,344 |
| 1.3 | Analyze Flow between Cary and OWASA through Durham (#6, 7, 9, 25, 26, 27) | $39,360 | x | x | x | x | x | | | | | | | $8,364 | $8,364 | $8,364 | $8,364 | $8,364 | $0 | $0 | $0 | $0 | $0 | $0 |
| 1.4 | Analyze Hillsborough-Durham Interconnection (#16) | $37,840 | x | | | x | | x | | | | | x | $10,721 | $0 | $0 | $10,721 | $0 | $10,721 | $0 | $0 | $0 | $0 | $10,721 |
| 1.5 | Analyze Flow from Hillsborough to Orange County (#17, 22) | $28,960 | x | | | | | | | | | | x | $24,616 | $0 | $0 | $0 | $0 | $0 | $0 | $0 | $0 | $0 | $24,616 |
| 2.1 | Analyze Cary emergency interconnections (#9, 6, 7, 47, 43, 32, 42, 44, 45, 46, 50, 4, 3, 2, & 1) | $58,000 | x | x | x | x | x | | | | | x | | $9,860 | $9,860 | $9,860 | $9,860 | $9,860 | $0 | $0 | $0 | $0 | $9,860 | $0 |
| 2.2 | Analyze Apex-Holly Springs interconnection (#21, 5, 1, 2, 3, 4) | $35,280 | x | x | x | x | x | | | | x | | | $5,998 | $5,998 | $5,998 | $5,998 | $5,998 | $0 | $0 | $0 | $5,998 | $0 | $0 |
| 2.3 | Analyze flow between Cary and Chatham County (#48, 1, 2, 3, 4) | $35,280 | x | x | x | | | | x | | | | | $9,996 | $9,996 | $9,996 | $0 | $0 | $0 | $9,996 | $0 | $0 | $0 | $0 |
| 2.4 | Analyze flow from Raleigh through Cary to Holly Springs and Apex (#46, 50, 4, 5) | $34,160 | x | x | x | | | | | | x | x | | $7,259 | $7,259 | $7,259 | $0 | $0 | $0 | $0 | $0 | $7,259 | $7,259 | $0 |
| 2.5 | Analyze flow from Durham to Apex (#1, 2, 3, 4, 6, 7, 9) | $30,600 | x | x | x | x | x | | | | | x | | $5,202 | $5,202 | $5,202 | $5,202 | $5,202 | $0 | $0 | $0 | $0 | $5,202 | $0 |
| 2.6 | Analyze Cary-Durham-Raleigh interconnections in 2060 (#9, 6, 7, 47, 43, 32, 42, 44, 45, 46, 25 | $72,720 | x | x | x | x | x | | | | | x | | $12,362 | $12,362 | $12,362 | $12,362 | $12,362 | $0 | $0 | $0 | $0 | $12,362 | $0 |
| | **Base Participation** | **$72,198** | **15%** | x | x | x | x | x | x | x | x | x | x | $7,220 | $7,220 | $7,220 | $7,220 | $7,220 | $7,220 | $7,220 | $7,220 | $7,220 | $7,220 | $7,220 |
| | **Total** | **$481,320** | | | | | | | | | | | | | **$83,342** | **$83,342** | **$76,809** | **$66,087** | **$17,941** | **$24,560** | **$7,220** | **$20,476** | **$51,641** | **$49,901** |

$481,320

**ORANGE COUNTY**
**BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**
**Meeting Date:** February 19, 2013

**Action Agenda Item No.** 8-a

**SUBJECT:** Update on Status/Implementation of Addressing and Road-Naming Ordinance

**DEPARTMENT:** Tax Administration

**PUBLIC HEARING: (Y/N)** No

**ATTACHMENT(S):**

**INFORMATION CONTACT:**
Dwane Brinson, Tax Administrator,
(919) 245-2726

**PURPOSE:** To receive an update report on the status/implementation of the Road Naming and Addressing Ordinance.

**BACKGROUND:** In December 2011 the Board of County Commissioners adopted a Road Naming and Addressing Ordinance. Affected areas include those outside municipal jurisdictions. In November 2012 the County's Geographic Information Systems (GIS) operations were delegated under the direction of the Tax Administrator. Additionally, the Land Records/GIS Division Manager became the Address Administrator as outlined in the Ordinance.

The Ordinance took effect January 1, 2013, and the Tax Administrator, Address Administrator and County Attorney's Office have been working diligently to create an implementation and enforcement plan. A foremost goal of implementation is meeting with community partners and educating and empowering the public with a soft implementation throughout 2013. This informational presentation is provided as a means to garner BOCC feedback and suggestions that may augment and improve the current implementation and enforcement plan.

**FINANCIAL IMPACT:** There is no financial impact associated with receiving the update report.

**RECOMMENDATION(S):** The County Manager recommends that the BOCC receive the update report as information and provide any comments and questions.

**ORANGE COUNTY**
**BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**
**Meeting Date:** February 19, 2013

**Action Agenda**
**Item No.** 11-a

**SUBJECT:** Orange County Nursing Home Community Advisory Committee – Appointment

**DEPARTMENT:** Board of Commissioners **PUBLIC HEARING: (Y/N)** No

**ATTACHMENT(S):** Under Separate Cover
Membership Roster
Letter Of Recommendation
Application(s)/Resume(s) of Person(s) for consideration
Applicant Interest List
Application(s)/Resume(s) of Person(s) on the Interest List

**INFORMATION CONTACT:**
Clerk's Office, 245-2130

**PURPOSE:** To consider making an appointment to the Orange County Nursing Home Community Advisory Committee.

**BACKGROUND:** The following appointment is for Board consideration:

- Appointment to a first full term for Dr. Tracey Yap. Dr. Yap completed a one-year training term as of 01/30/2013. If appointed Dr. Yap will be serving a first full term expiring 01/30/2016.

| Position Number | Special Representation | Expiration Date |
|---|---|---|
| 1 Dr. Tracey Yap | At-Large | 01/30/2016 |

**FINANCIAL IMPACT:** None

**RECOMMENDATION(S):** Consider making an appointment to the Orange County Nursing Home Community Advisory Committee.

# Board and Commission Members

And Vacant Positions

## *Nursing Home Community Advisory Committee*

Meeting Times: 5:30 p.m. Every other 1st Monday starting with Jan. Terms: 2 Contact Person: Charlotte Terwilliger, MSW

Meeting Place: Seymour Center Positions: 12 Length: 3 years Contact Phone: 919-558-9401

Description: All appointments are made by the Board of Commissioners. This committee helps to maintain the intent of the Residents' Bill of Rights, promotes community involvement and provides public education on long-term care issues. The regional ombudsman with Triangle J Council of Governments provides specialized training and support.

| | | | | | | |
|---|---|---|---|---|---|---|
| 1 | Dr. Tracey Yap<br>834 Providence Glen Drive<br>Chapel Hill NC 27514 | Day Phone: 502.686.0016<br>Evening Phone: 919.240.4793<br>FAX:<br>E-mail: tracey.yap@duke.edu | Sex: Female<br>Race: Caucasian<br>Township: Chapel Hill<br>Resid/Spec Req: At-Large<br>Special Repr: At-Large | First Appointed: 12/13/2011<br>Current Appointment: 12/13/2011<br>Expiration: 01/30/2013<br>Number of Terms: | | |
| 2 | Mr Elijah (Ed) Flowers, III<br>Chair<br>2813 Beckett's Ridge Drive<br>Hillsborough NC 27278 | Day Phone: 919-357-9256<br>Evening Phone: 919-357-9256<br>FAX:<br>E-mail: ed_flowers@yahoo.com | Sex: Male<br>Race: Caucasian<br>Township: Hillsborough<br>Resid/Spec Req: At-Large<br>Special Repr: At-Large | First Appointed: 03/06/2008<br>Current Appointment: 02/21/2012<br>Expiration: 03/31/2015<br>Number of Terms: 2 | | |
| 3 | Mrs. Patricia Revels<br>329 West King Street<br>Hillsborough NC 27278 | Day Phone: (919) 241-4071<br>Evening Phone: Same<br>FAX: N/A<br>E-mail: prevels001@nc.rr.com | Sex: Female<br>Race: Caucasian<br>Township: Hillsborough<br>Resid/Spec Req: At-Large<br>Special Repr: At-Large | First Appointed: 03/06/2008<br>Current Appointment: 02/21/2012<br>Expiration: 03/31/2015<br>Number of Terms: 2 | | |
| 4 | Ms. Sharon Karnash<br>5513 Quail Hollow Drive<br>Hillsborough NC 27278 | Day Phone: 919-479-5661<br>Evening Phone: same<br>FAX:<br>E-mail: Sharon.karnash@gmail.com | Sex: Female<br>Race: Caucasian<br>Township: Little River<br>Resid/Spec Req: At-Large<br>Special Repr: At-Large | First Appointed: 06/12/2007<br>Current Appointment: 04/19/2011<br>Expiration: 06/30/2014<br>Number of Terms: 2 | | |
| 5 | VACANT | Day Phone:<br>Evening Phone:<br>FAX:<br>E-mail: | Sex:<br>Race:<br>Township:<br>Resid/Spec Req: At-Large<br>Special Repr: Nursing Home Administration | First Appointed:<br>Current Appointment:<br>Expiration: 06/30/2008<br>Number of Terms: | | |

# Board and Commission Members

And Vacant Positions

## *Nursing Home Community Advisory Committee*

Meeting Times: 5:30 p.m. Every other 1st Monday starting with Jan. Terms: 2 Contact Person: Charlotte Terwilliger, MSW

Meeting Place: Seymour Center Positions: 12 Length: 3 years Contact Phone: 919-558-9401

Description: All appointments are made by the Board of Commissioners. This committee helps to maintain the intent of the Residents' Bill of Rights, promotes community involvement and provides public education on long-term care issues. The regional ombudsman with Triangle J Council of Governments provides specialized training and support.

| | | | | | | |
|---|---|---|---|---|---|---|
| 6 | Ms. Vicki Barringer<br>3612 Old Vine Trail<br>Hillsborough NC 27278 | Day Phone: 919-971-9333<br>Evening Phone: 919-971-9333<br>FAX:<br>E-mail: vbarringer@gmail.com | Sex: Female<br>Race: Caucasian<br>Township: Eno<br>Resid/Spec Req: At-Large<br>Special Repr: Nursing Home Administration | First Appointed: 03/22/2012<br>Current Appointment: 03/22/2012<br>Expiration: 03/31/2013<br>Number of Terms: | | |
| 7 | VACANT | Day Phone:<br>Evening Phone:<br>FAX:<br>E-mail: | Sex:<br>Race:<br>Township:<br>Resid/Spec Req: At-Large<br>Special Repr: At-Large | First Appointed:<br>Current Appointment:<br>Expiration: 06/01/2014<br>Number of Terms: | | |
| 8 | Dr. Mario Battigelli<br>1307 Wildwood Drive<br>Chapel Hill NC 27514 | Day Phone: 919-942-5756<br>Evening Phone:<br>FAX:<br>E-mail: mcbattigelli@gmail.com | Sex: Male<br>Race: Caucasian<br>Township: Chapel Hill<br>Resid/Spec Req: At-Large<br>Special Repr: At-Large | First Appointed: 03/16/2010<br>Current Appointment: 04/19/2011<br>Expiration: 03/16/2014<br>Number of Terms: 1 | | |
| 9 | Ms. Susan Deter<br>5512 Quail Hollow Drive<br>Hillsborough NC 27278 | Day Phone: 919-682-4124<br>Evening Phone: 919-479-0574<br>FAX: 919-956-7703<br>E-mail: susiedeter@yahoo.com | Sex: Female<br>Race: Caucasian<br>Township: Little River<br>Resid/Spec Req: At-Large<br>Special Repr: At-Large | First Appointed: 04/19/2011<br>Current Appointment: 03/22/2012<br>Expiration: 04/19/2015<br>Number of Terms: 1 | | |
| 10 | Dr Mary Ann Peter<br>118 W. Tryon St.<br>Hillsborough NC 27278 | Day Phone: 919-732-6073<br>Evening Phone:<br>FAX:<br>E-mail: maryannpeter@earthlink.net | Sex: Female<br>Race: Caucasian<br>Township: Hillsborough<br>Resid/Spec Req: At-Large<br>Special Repr: At-Large | First Appointed: 01/24/2012<br>Current Appointment: 01/24/2012<br>Expiration: 06/30/2013<br>Number of Terms: 1 | | |

# Board and Commission Members

And Vacant Positions

## *Nursing Home Community Advisory Committee*

Meeting Times: 5:30 p.m. Every other 1st Monday starting with Jan. Terms: 2 Contact Person: Charlotte Terwilliger, MSW

Meeting Place: Seymour Center Positions: 12 Length: 3 years Contact Phone: 919-558-9401

Description: All appointments are made by the Board of Commissioners. This committee helps to maintain the intent of the Residents' Bill of Rights, promotes community involvement and provides public education on long-term care issues. The regional ombudsman with Triangle J Council of Governments provides specialized training and support.

11 VACANT

Day Phone:
Evening Phone:
FAX:
E-mail:

Sex:
Race:
Township:
Resid/Spec Req: At-Large
Special Repr: Nursing Home Administration

First Appointed:
Current Appointment:
Expiration: 12/31/2010
Number of Terms:

12 VACANT

Day Phone:
Evening Phone:
FAX:
E-mail:

Sex:
Race:
Township:
Resid/Spec Req: At-Large
Special Repr: Nursing Home Administration

First Appointed:
Current Appointment:
Expiration: 12/31/2010
Number of Terms:

## Jeanette Jones

**From:** Charlotte Terwilliger
**Sent:** Friday, December 14, 2012 2:22 PM
**To:** 'Jeanette Jones'
**Subject:** NH CAC Reappointment.

Dear Jeanette,

The Nursing Home Community Advisory Committee would like to recommend Dr. Tracey Yap for a first full term. Her current one year training term will be expiring in January, 2013.
During the past year Dr. Yap attended 4 out of 5 business meetings and actively participated in all of her assigned quarterly facility visitations.
Dr. Yap is a strong advocate for long term care residents and her educational and professional experiences has proven to be a significant asset to the committee.
Please let me know if you need additional information to move this recommendation forward.

Thank you.

Best Regards,
Charlotte

Charlotte Terwilliger
Ombudsman – Orange and Chatham Counties
Area Agency on Aging
Triangle J Council of Governments
PO Box 12276 / RTP, NC 27709
(o) 919-558-9401 / (f) 919-998-8101
cterwilliger@tjcog.org / www.tjcog.org

Street Address:
4307 Emperor Blvd., Suite 110, Durham, NC 27703

# Volunteer Application
# Orange County Advisory Boards and Commissions

| | |
|---|---|
| **Name:** | Dr. Tracey Yap |
| **Name Called:** | |
| **Home Address:** | 834 Providence Glen Drive<br>Chapel Hill NC 27514 |
| **Phone (Day):** | 502.686.0016 |
| **Phone (Evening):** | 919.240.4793 |
| **Phone (Cell):** | |
| **Email:** | tracey.yap@duke.edu |
| **Place of Employment:** | Duke University School of Nursing |
| **Job Title:** | Assistant Professor |
| **Year of OC Residence:** | 2011 |
| **Township of Residence:** | Chapel Hill |
| **Zone of Residence:** | - |
| **Sex:** | Female |
| **Ethnic Background:** | Caucasian |

**Boards/Commissions applied for:**

**Board of Health**

**Community Activities/Organizational Memberships:**

**Past Service on Orange County Advisory Boards:**

Work Experience: Deputy-Director of Nursing for NIOSH sponsored Education and Research Center, University of Cincinnati
Funded research grants related to long-term care

Education: RN, PhD

**Other Comments:**

STAFF COMMENTS: 09/20/2011 applied for Nursing Home Community Advisory Committee, Advisory Board on Aging, and Board of Health. ADDRESS JURISDICTION: 834 Providence Glen Drive is CH Township.

**This application was current on:** 9/20/2011 3:41:57 PM **Date Printed:** 2/6/2013

# Applicant Interest Listing

by Board Name and by Applicant Name

## *Nursing Home Community Advisory Committee*

Contact Person: Charlotte Terwilliger, MSW
Contact Phone: 919-558-9401

### Mr. Jack S. Chestnut

4303 Hope Valley Drive
Hillsborough NC 27278

Day Phone: 919-732-1242
Evening Phone: 919-732-1242
Cell Phone:
E-mail: jackchestnut@!aol.com

Sex: Male
Race: Caucasian
Township: Hillsborough
Date Applied: 05/24/2010

Skills: . C.H. SENIOR CNTR. PROGR. PART — Also Serves On:
Skills: Carol Woods Retirement Center — Also Serves On:
Skills: HUD202 Housing for Elderly Board Me — Also Serves On:

### Ms. T. L. Crews

4921 Guess Rd
Rougmeont NC 27572

Day Phone: 919 732-6974
Evening Phone: 919 732-6974
Cell Phone:
E-mail: crewsez@aol.com

Sex: Female
Race: African American
Township: Little River
Date Applied: 08/21/2011

Skills: School Principal — Also Serves On: Adult Care Home Community Advisory Committee
Skills: Tutor

### Dr. Beverly Foster

2454 Springview Trail
Chapel Hill NC 27514

Day Phone: 919 966-4995
Evening Phone: 919 967-2930
Cell Phone:
E-mail: Bev_Foster@unc.edu

Sex: Female
Race: Caucasian
Township: Chapel Hill
Date Applied: 02/10/2011

Skills: Nursing Management Education — Also Serves On:

### Ms Joyce Jefferies

4820 NC Hwy 54 West
Chapel Hill NC 27516

Day Phone: (919)425-3597
Evening Phone: (919)720-6115
Cell Phone:
E-mail: joyce_jefferies@dentistry.unc.edu

Sex: Female
Race: African American
Township: Chapel Hill
Date Applied: 11/03/2010

Skills: Administrative Assistant — Also Serves On:

### Ms. Sandra Jones

600 West Poplar Ave., Apt. 239
Carrboro NC 27510

Day Phone: 828-668-9628
Evening Phone:
Cell Phone: 828-712-2362
E-mail: None

Sex: Female
Race: Caucasian
Township: Chapel Hill
Date Applied: 01/22/2013

Skills: — Also Serves On:
Skills: Geriatric Care — Also Serves On:
Skills: Nurse — Also Serves On:

# Applicant Interest Listing

by Board Name and by Applicant Name

## *Nursing Home Community Advisory Committee*

Contact Person: Charlotte Terwilliger, MSW
Contact Phone: 919-558-9401

**Ms. Sandra Lemons**
1321 Brookhollow Road
Efland NC 27243

Day Phone: 9199718385
Evening Phone: 9199718385
Cell Phone:
E-mail: SandraL@umrh.org
Sex: Female
Race: Caucasian
Township: Cheeks
Date Applied: 02/11/2011

Skills: Administrative Assistant
Also Serves On:

**Mr. Max Mason**
821 Tinkerbell Rd.
Chapel Hill NC 27517

Day Phone: 9196497937
Evening Phone:
Cell Phone:
E-mail: maxomason@yahoo.com
Sex: Male
Race: Caucasian
Township: Chapel Hill
Date Applied: 01/25/2011

Skills: Long-Term Care
Skills: Public Health
Also Serves On: Adult Care Home Community Advisory Committee

**Mr. Charles McMullen**
108 Jones Avenue
Hillsborough NC 27278

Day Phone: 9197329083
Evening Phone: 9192603879
Cell Phone:
E-mail: cmcmullen1@nc.rr.com
Sex: Male
Race: Caucasian
Township: Hillsborough
Date Applied: 02/10/2011

Skills: Nursing Profession
Also Serves On:

**Ms. Vickie Webb**
150 Lawndale Ave
Hillsborough NC 27278

Day Phone: 919-491-1073
Evening Phone: 919-241-4482
Cell Phone:
E-mail: jb29@nc.rr.com
Sex: Female
Race: African American
Township: Hillsborough
Date Applied: 02/10/2011

Skills: Accounting Experience
Also Serves On:

**Ms. Tiki Windley**
119 Cynthia Drive
Chapel Hill NC 27514

Day Phone: 919-969-8583
Evening Phone: 919-942-4392
Cell Phone:
E-mail: tiki_windley@yahoo.com
Sex: Female
Race: African American
Township: Chapel Hill
Date Applied: 05/27/2010

Skills: Financial Advisor
Also Serves On:

# Volunteer Application
# Orange County Advisory Boards and Commissions

**Name:** Mr. Jack S. Chestnut
**Name Called:**
**Home Address:** 4303 Hope Valley Drive
Hillsborough NC 27278
**Phone (Day):** 919-732-1242
**Phone (Evening):** 919-732-1242
**Phone (Cell):**
**Email:** jackchestnut@!aol.com
**Place of Employment:** Retired
**Job Title:**
**Year of OC Residence:**
**Township of Residence:** Hillsborough
**Zone of Residence:** . . .
**Sex:** Male
**Ethnic Background:** Caucasian

**Boards/Commissions applied for:**

**Nursing Home Community Advisory Committee**

**Community Activities/Organizational Memberships:**

**Past Service on Orange County Advisory Boards:**

Work Experience: Director, Community Contact/Special Project, Carol Woods Retirement Center. 21 years at Carol Woods Retirement Community as Director of Residential services. Responsible for housing issues- maintenance, remodeling, etc.I worked for Carol Woods Retirement Center for 30 years. The first 20years I was the Director of Facility Services . The last 10 years I was the Director of Community Contacts and Special Projects.

Volunteer Experience: Chair of the Advisory Board on Aging; OC Affordable Hosing Board; Chapel Hill Friends Board. (Current 1/13/04) ; Board Member- Adailade Walters Housing (HUD 202) - 8 years; Rotarian- 9 years- volunteer repair of low income elderly homes; Friends of the Chapel Hill Senior Center -board, Chapel Hill/Carrboro Sunrise Rotary Board Member, Orange County Capital Needs Task Force Member, New Hope springs Homeowners Association Board Member, North Carolina Independent Housing with services advisory committee.Attended Yuba City College, Have had many training work shops. 30 years of experience working with Seniors.Attended Yuba City College, Have had many training work shops. 30 years of experience working with Seniors.Attended Yuba City College, Have had many training work shops. 30 years of experience working with Seniors. have served on the Advisory Board on Aging, Both Senior Center Boards, Senior Care of Orange County Adult Day Health Program and

other boards.

Education: High School - Diploma - Kansas City, KS Yuba City College- graduate study; American Association of Homes and Services for the Aging - certification for Retirement Housing Professionals Attended Yuba City College, Have had many training work shops. 30 years of experience working with Seniors.

**Other Comments:**

Awarded title of Retirement Housing Professional by the American Association of Homes and Services to the Aging Awarded Environmental Services Award in 1997 by the North Carolina Association of Non-Profit Homes for the Aging Awarded Rotarian of the Year in 1998 for the Chapel Hill/Carrboro Sunrise Rotary. STAFF NOTES: Renewed application 1/12/04 for Southern Orange Senior Center (New) Design Committee. Renewed 5/24/01 for AHAB. Renewed application 12/14/2000 for Advisory Board on Aging. Renewed application 08/16/00 for Commissioners Affordable Housing Task Force. Applied 09/30/1999 for Master Aging Plan Task Force. Applied for Nursing Home Community Advisory Committee 5/24/2010. ADDRESS VERIFICATION: 4203 Hope Valley Drive, Hillsborough is in Chapel Hill Township and Orange County Jurisdiction.

**This application was current on:** 5/24/2010 **Date Printed:** 2/6/2013

# Volunteer Application
# Orange County Advisory Boards and Commissions

| | |
|---|---|
| **Name:** | Ms. T. L. Crews |
| **Name Called:** | |
| **Home Address:** | 4921 Guess Rd<br>Rougmeont NC 27572 |
| **Phone (Day):** | 919 732-6974 |
| **Phone (Evening):** | 919 732-6974 |
| **Phone (Cell):** | |
| **Email:** | crewsez@aol.com |
| **Place of Employment:** | Retired Public School Adminstrator |
| **Job Title:** | Senior Director Programs for Exceptional Children |
| **Year of OC Residence:** | 1996 |
| **Township of Residence:** | Little River |
| **Zone of Residence:** | - |
| **Sex:** | Female |
| **Ethnic Background:** | African American |

**Boards/Commissions applied for:**

**Human Relations Commission**

**Nursing Home Community Advisory Committee**

**Community Activities/Organizational Memberships:**

**Past Service on Orange County Advisory Boards:**

Work Experience: Currently serving as Executive Director for the Little River Community Complex
Durham Public Schools worked in adminstrative leadership in the Exceptional Children's Program. Retired in 2005 as Director of the system's Exceptional Children's Program; at the request of the superintendent I returned to provide training and assistance to the new Director when appointed.

Volunteer Experience: Worked with children in placement through Durham Social Services and court system. I reviewed files and collected relevant data for attorneys to use in court custody and placement hearings

Tutored young adults and children

Volunteered in a university sponsored child development center

Currently Executive Director of Little River Community Complex

Education: M.ED in Special Education
BA in history with minor in education
Hold Principal Certification
State Licensed in areas of LD/BED/DD

**Other Comments:**

I have spent most of my life working to better provide assistance to infants, children, young adults, those at risk, and senior citizens. As a result of spending days and nights in several nursing homes sitting with elderly parents and relatives, I've gained a deeper understanding and compassion for elderly residents and workers in nursing facilities. STAFF COMMENTS: 08/23/2011 Applied to serve on Human Relations Commission, Adult Care Home Community Advisory Committee, and Nursing Home Community Advisory Committee. ADDRESS VERIFICATION: 4921 Guess Road is in Little River Township, Orange County Jurisdiction.

**This application was current on:** 8/21/2011 11:48:53 AM **Date Printed:** 2/6/2013

# Volunteer Application
# Orange County Advisory Boards and Commissions

**Name:** Dr. Beverly Foster
**Name Called:**
**Home Address:** 2454 Springview Trail
Chapel Hill NC 27514
**Phone (Day):** 919 966-4995
**Phone (Evening):** 919 967-2930
**Phone (Cell):**
**Email:** Bev_Foster@unc.edu

**Place of Employment:** UNC-Chapel Hill School of Nursing
**Job Title:** Faculty and Undergraduate Program Director
**Year of OC Residence:** 1981
**Township of Residence:** Chapel Hill
**Zone of Residence:** Does not apply
**Sex:** Female
**Ethnic Background:** Caucasian

**Boards/Commissions applied for:**

**Nursing Home Community Advisory Committee**

**Community Activities/Organizational Memberships:**

**Past Service on Orange County Advisory Boards:**

Work Experience: Preparation of undergraduate baccalaureate students for nursing licensure and practice; program administration and teaching. Direct patient care in the areas of adult acute care and maternal child.

Volunteer Experience: Orange County Board of Health, member and chair.
Senior Center Wellness Advisory Board, member and chair.
North Carolina Board of Nursing, member and chair.
Governor's Task Force for Healthy Carolinians (current).
Foundation for Nursing Excellence, member and chair (current)
Program accreditor for nursing (CCNE) (current)

Education: BSN (1964), Syracuse University
MSN (1976), UCLA
MPH,(1981), University of Hawaii
PhD,(1993), UNC-Chapel Hill

**Other Comments:**

I have not recently been involved in local community service and wish to again become active locally. My mother was rather briefly in two skilled nursing facilities in Orange County prior to her death a few years ago, and I became aware of the needs for

monitoring and service improvement in this area. At my age I realize I may be a user of these services myself! I believe my background in nursing education, accreditation and regulation may be of use to the committee. STAFF COMMENTS: Originally applied for Nursing Home Community Advisory Committee 2-10-2011. ADDRESS JURISDICTION: 2454 Springview Trail, CH, is in CH Township and CH Jurisdiction.

**This application was current on:** 2/10/2011 7:20:17 AM **Date Printed:** 2/6/2013

# Volunteer Application
# Orange County Advisory Boards and Commissions

**Name:** Ms Joyce Jefferies
**Name Called:**
**Home Address:** 4820 NC Hwy 54 West
Chapel Hill NC 27516
**Phone (Day):** (919)425-3597
**Phone (Evening):** (919)720-6115
**Phone (Cell):**
**Email:** joyce_jefferies@dentistry.unc.edu

**Place of Employment:** UNC School of Dentistry
**Job Title:** Administrative Assistant
**Year of OC Residence:**
**Township of Residence:** Chapel Hill
**Zone of Residence:** Does not apply
**Sex:** Female
**Ethnic Background:** African American

**Boards/Commissions applied for:**

**Adult Care Home Community Advisory Committee**

**Community Activities/Organizational Memberships:**

**Past Service on Orange County Advisory Boards:**

Work Experience: Employed by UNC Hospitals and UNC-Chapel Hill since 1973 first as a dietary assistant now an Administrative Assistant in Dentistry where I perform a variety of functions including accounting, billing, preparing check requests to pay bills, arranging travel, coordinating meetings, preparing meeting agendas, ordering supplies, budgeting, preparing reports, drafting letters, etc. I would like to serve on the Advisory Boards because I am experiencing first-hand, in regards to my elderly mother, in trying to find an affordable assisted-living facility in good standard that really uphold the care and the best interest of their residents. Also the assurance of knowing that these facilities are being governed by guidelines, rules and regulations that they have to adhere to and that there are committees to visit these faciliteis to ensure that these guidelines are being carry out. It is difficult enough to have to place our elderly family members in a facility but having the reassurance in knowing that they are being well taken care of makes this transition a lot more bearable.

Volunteer Experience: I volunteer at my church, Hospitality- serving guests of the Pastor and greeting members as they enter the church, Sisters of Jubilee- visiting the Women prisons in Raleigh, organizing birthday parties, prayer and fellowship, visiting the sick and shut in.

Education: I received my GED from Durham Technical Institute and enrolled in the Business Administration Associate Degree Program, also at Durham Tech.

**Other Comments:**

I feel that I am at the place in my life mentally, physically and spiritually where I have a lot to offer in reaching out and assisting others through community involvement, etc. I look at volunteering as a personal committment just as rewarding to me as to the area that I am volunteering in. I get a joy in being able to be a contributor and not just to try and make a difference. I enjoy working with others in like causes and like minds, even though having different approaches but seeking to reach the same goal. STAFF COMMENTS: Originally applied 11-3-2010 for Adult Care Home Community Advisory Committee, Nursing Home Community Advisory Committee, Advisory Board on Aging. ADDRESS VERIFICATION: 4820 NC Highway 54 West is in Bingham Township and Orange County Jurisdiction.

**This application was current on:** 11/3/2010 2:36:29 PM **Date Printed:** 2/6/2013

# Volunteer Application
# Orange County Advisory Boards and Commissions

| | |
|---|---|
| **Name:** | Ms. Sandra Jones |
| **Name Called:** | |
| **Home Address:** | 600 West Poplar Ave., Apt. 239<br>Carrboro NC 27510 |
| **Phone (Day):** | 828-668-9628 |
| **Phone (Evening):** | |
| **Phone (Cell):** | 828-712-2362 |
| **Email:** | None |
| **Place of Employment:** | Retired |
| **Job Title:** | RN, Teacher |
| **Year of OC Residence:** | 2012 |
| **Township of Residence:** | Chapel Hill |
| **Zone of Residence:** | Carrboro City Limits |
| **Sex:** | Female |
| **Ethnic Background:** | Caucasian |

## Boards/Commissions applied for:

**Nursing Home Community Advisory Committee**

I have been an RN for 50 years with my specialty being geriatrics. I have been in many positons in Nursing Homes from charge nurse, to supervisory, inservice director, Director of Nursing and I was licensed in Michigan as a Nursing Home Administrator. I also have degree in Education (Allied Health).

**Advisory Board on Aging**

I am aged - recently became 70 - and I am slightly handicapped and live in a senior independent apartment complex where I see the reality of aging at every level - economically, socially, healthwise, mentally, emotionally. With my background in geriatrics I can be very discerning as to the blessings and problems of aging.

## Community Activities/Organizational Memberships:

Volunteer at McDougle Elementary School - 2nd Grade Reading and Writing
Volunteer Leukemia & Lymphoma Society
Volunteer Ronald McDonald House (UNC Childrens Hospital)
Volunteer Literacy Council-Tutoring in Reading & Math for a 70 year old illiterate lady.
Active in my church.
Active in my Church

## Past Service on Orange County Advisory Boards:

None

**Other Comments:**

STAFF COMMENTS: Originally applied for Nursing Home Committee and Advisory Board on Aging 01/24/2013. ADDRESS VERIFICATION: 600 West Poplar Avenue, Apt. 239, is Carrboro Jurisdiction, Carrboro City Limits, Chapel Hill Township.

**This application was current on:** 1/22/2013 **Date Printed:** 2/6/2013

# Volunteer Application
# Orange County Advisory Boards and Commissions

| | |
|---|---|
| **Name:** | Ms. Sandra Lemons |
| **Name Called:** | |
| **Home Address:** | 1321 Brookhollow Road<br>Efland NC 27243 |
| **Phone (Day):** | 9199718385 |
| **Phone (Evening):** | 9199718385 |
| **Phone (Cell):** | |
| **Email:** | SandraL@umrh.org |
| **Place of Employment:** | Croasdaile Village |
| **Job Title:** | Administrative Assistant Plant Operations |
| **Year of OC Residence:** | 1955 |
| **Township of Residence:** | Cheeks |
| **Zone of Residence:** | - |
| **Sex:** | Female |
| **Ethnic Background:** | Caucasian |

**Boards/Commissions applied for:**

**Nursing Home Community Advisory Committee**

**Community Activities/Organizational Memberships:**

**Past Service on Orange County Advisory Boards:**

Work Experience: UNC-CH Medical School Admissions Office 16 yrs; Orange County Schools 7 yrs; Croasdaile Village 3 yrs

Volunteer Experience: School and Church

Education: Chapel Hill High School; King's College, Charlotte NC; King's College, Raleigh NC

**Other Comments:**

Working for a large retirement center with several levels of care including skilled nursing, I know the importance of quality care for residents. I am required to complete online staff development on Resident Rights, Preventing Resident Abuse, Sexual Harassment, HIPPA, Corporate Compliance; Alzheimer's; Slips, Trips and Falls to name a few. I feel that I could serve Orange County with this knowledge to make sure that the facilities in our county give the best quality care and safest living environment to residents. STAFF COMMENTS: Originally applied for Nursing Home Community Advisory Committee 02/11/2011. ADDRESS VERIFICATION: 1321 Brookhollow Road, Efland, NC is in Orange County Jurisdiction, Cheeks Township.

**This application was current on:** 2/11/2011 8:48:46 AM **Date Printed:** 2/6/2013

# Volunteer Application
# Orange County Advisory Boards and Commissions

| | |
|---|---|
| **Name:** | Mr. Max Mason |
| **Name Called:** | |
| **Home Address:** | 821 Tinkerbell Rd.<br>Chapel Hill NC 27517 |
| **Phone (Day):** | 9196497937 |
| **Phone (Evening):** | |
| **Phone (Cell):** | |
| **Email:** | maxomason@yahoo.com |
| **Place of Employment:** | Principle Long Term Care, Inc. |
| **Job Title:** | Development Coordinator |
| **Year of OC Residence:** | 1978 |
| **Township of Residence:** | Chapel Hill |
| **Zone of Residence:** | Does not apply |
| **Sex:** | Male |
| **Ethnic Background:** | Caucasian |

**Boards/Commissions applied for:**

**Nursing Home Community Advisory Committee**

**Community Activities/Organizational Memberships:**

**Past Service on Orange County Advisory Boards:**

Work Experience: Development Coordinator for one of NC's largest long term care providers. Plan for development of nursing facilities, hospices, and home health agency. Administrator for residential recovery facility for pregnant women who struggled with substance abuse.

Volunteer Experience: Serve on the Community Grantmaking Committee at the Triangle Community Foundation.
Board Member, Chrysalis Foundation for Mental Health
Member of APPLES Service Learning program at UNC-Chapel Hill as undergraduate.

Education: BA, History, UNC-Chapel Hill
MA, Slavic Languages & Literatures, UNC-Chapel Hill
Current student (part-time): Masters of Healthcare Administration, UNC-Chapel Hill Gillings School of Public Health

**Other Comments:**

As noted, I am presently a student in public health and currently work in the field of long term care; thus, I have a great interest in the issues affecting nursing facility residents. Given my experience and familiarity with this segment of the health care system, I believe I would be a valuable addition to this committee. STAFF COMMENTS:

Originally applied (1/24/2011) for Nursing Home Community Advisory Committee.
ADDRESS VERIFICATION: 821 Tinkerbell Road is in Chapel Hill Township.

**This application was current on:** 1/25/2011 9:11:51 AM **Date Printed:** 2/6/2013

# Volunteer Application
# Orange County Advisory Boards and Commissions

| | |
|---|---|
| **Name:** | Mr. Charles McMullen |
| **Name Called:** | |
| **Home Address:** | 108 Jones Avenue<br>Hillsborough NC 27278 |
| **Phone (Day):** | 9197329083 |
| **Phone (Evening):** | 9192603879 |
| **Phone (Cell):** | |
| **Email:** | cmcmullen1@nc.rr.com |
| **Place of Employment:** | retired |
| **Job Title:** | |
| **Year of OC Residence:** | 1993 |
| **Township of Residence:** | Hillsborough |
| **Zone of Residence:** | Does not apply |
| **Sex:** | Male |
| **Ethnic Background:** | Caucasian |

**Boards/Commissions applied for:**

**Nursing Home Community Advisory Committee**

**Board of Health**

**Community Activities/Organizational Memberships:**

**Past Service on Orange County Advisory Boards:**

Work Experience: Almost 50 yrs in various fields of nsg.

**Other Comments:**

STAFF COMMENTS: Originally applied for Nursing Home Community Advisory Committee, Adult Care Home Community Advisory Committee, and Board of Health 02/10/2011. ADDRESS VERIFICATION: 108 Jones Avenue is in Hillsborough Jurisdiction, Hillsborough Township.

**This application was current on:** 2/10/2011 10:59:02 AM **Date Printed:** 2/6/2013

# Volunteer Application
# Orange County Advisory Boards and Commissions

| | |
|---|---|
| **Name:** | Ms. Vickie Webb |
| **Name Called:** | |
| **Home Address:** | 150 Lawndale Ave<br>Hillsborough NC 27278 |
| **Phone (Day):** | 919-491-1073 |
| **Phone (Evening):** | 919-241-4482 |
| **Phone (Cell):** | |
| **Email:** | jb29@nc.rr.com |
| **Place of Employment:** | City of Durham |
| **Job Title:** | Billing Specialist |
| **Year of OC Residence:** | 1989 |
| **Township of Residence:** | Hillsborough |
| **Zone of Residence:** | Does not apply |
| **Sex:** | Female |
| **Ethnic Background:** | African American |

**Boards/Commissions applied for:**

**Nursing Home Community Advisory Committee**

**Community Activities/Organizational Memberships:**

**Past Service on Orange County Advisory Boards:**

Work Experience: My work experience is limited to providing in home care to the elderly who wish to remain in their homes as long as possible. I provided basic daily assistance with medication, and personal hygiene, as well as food preparation.

Volunteer Experience: My volunteer experience is limited to the time I spent in a nursing facility in which my mother was a resident, and I would go in a help with feedings and companionship of some selected residents

Education: I have a high school diploma, and am currently enrolled in an online course to obtain an Associates degree in Arts with a foundation in business, and am due to graduate in September 2011.

**Other Comments:**

I am interested in serving on this committee because I care about people. I especially care about the people who can not longer care, or speak for themselves. During my mothers stay at a local nursing home, I was an advocate for her as well as other residents who either had no family or distant family. I got along well with the staff of the facility and was very much respected as well as showing respect for the jobs they performed. STAFF COMMENTS: Originally applied for Nursing Home Community Advisory Committee 02/10/2011. ADDRESS VERIFICATION: 150 Lawndale Avenue is

in Hillsborough Jurisdiction, Hillsborough Township.

**This application was current on:** 2/10/2011 10:20:40 PM **Date Printed:** 2/6/2013

# Volunteer Application
# Orange County Advisory Boards and Commissions

**Name:** Ms. Tiki Windley
**Name Called:**
**Home Address:** 119 Cynthia Drive
Chapel Hill NC 27514
**Phone (Day):** 919-969-8583
**Phone (Evening):** 919-942-4392
**Phone (Cell):**
**Email:** tiki_windley@yahoo.com

**Place of Employment:** MDC, inc.
**Job Title:** Program Manager
**Year of OC Residence:** 2007
**Township of Residence:** Chapel Hill
**Zone of Residence:** . . .
**Sex:** Female
**Ethnic Background:** African American

**Boards/Commissions applied for:**

**Board of Social Services**

**Nursing Home Community Advisory Committee**

**Adult Care Home Community Advisory Committee**

**Community Activities/Organizational Memberships:**

**Past Service on Orange County Advisory Boards:**

Work Experience: MDC, Inc. 2006 to Present Program Manager whose duties include meeting facilitation, training, free tax preparation, asset-building and making presentations. Prior experience includes teaching financial literacy to high school students and their families, housing counseling, working with ex-offenders and community engagement and organization. Current experience includes meeting facilitation, training, oral presentations, community engagement and organization.

Prior experience includes teaching financial literacy to high school students, asset education, free tax preparation an housing counseling.

Volunteer Experience: Meeting facilitation, event planning, volunteer supervision Site coordinator for free tax preparation site
Escort for Project Homeless Connect (Orange County)
Smith Middle School School Improvement Team
Triangle United Way Orange Accountability Committee
Triangle United Way Regional Initiative Task Force

NC Indian Economic Development Initiative Project G-7
Steering Committee
Assets Educator: Community Success Initiative
NC Second Chance Alliance Escort, Project Homeless Connect (Orange County) 2009
Chairman, Guest Outreach, Project Homeless Connect, 2010
Triangle United Way Orange Accountability Committee
Triangle United Way Regional Task Force Initiative
Assets educator, Community Success Initiative
Project G-7 Steering Committee, NC Indian Economic Development
NC Second Chance Alliance
NC Assets Alliance Escort, Project Homeless Connect (Orange County) 2009
Chairman, Guest Outreach, Project Homeless Connect, 2010
Triangle United Way Orange Accountability Committee
Triangle United Way Regional Task Force Initiative
Assets educator, Community Success Initiative
Project G-7 Steering Committee, NC Indian Economic Development
NC Second Chance Alliance
NC Assets Alliance

Escort, Project Homeless Connect (Orange County) 2009
Chairman, Guest Outreach, Project Homeless Connect, 2010
Triangle United Way Orange Accountability Committee
Triangle United Way Regional Task Force Initiative
Assets educator, Community Success Initiative
Project G-7 Steering Committee, NC Indian Economic Development
NC Second Chance Alliance
NC Assets Alliance

Education: Bachelor of Science, Elizabeth City State University 1997
Master of Public Administration, NC Central University, 2010
Elizabeth City State University, 1997

Master in Public Administration
NC Central University, December 2010

**Other Comments:**

I would like to provide a voice for those citizens who feel they are unheard in our community. STAFF COMMENTS: Originally applied for Commission for Women, Board of Social Services & Adult Care Home Community Advisory Committee 10/6/09. Applied for Human Relations Commission, Board of Social Services, & Nursing Home Community Advisory Committee 05/27/2010. ADDRESS VERIFICATION: 119 Cynthia Drive, Chapel Hill is Chapel Hill township, CH jurisdiction.

**This application was current on:** 5/27/2010 **Date Printed:** 2/6/2013

**ORANGE COUNTY**
**BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**
**Meeting Date:** February 19, 2013

**Action Agenda Item No.** 11-b

**SUBJECT:** Small Business Loan Program Board - Appointment

**DEPARTMENT:** Board of Commissioners

**PUBLIC HEARING: (Y/N)** No

**ATTACHMENT(S):** Under Separate Cover
Member Roster
Information regarding creation, duties
And Purpose of this Board

**INFORMATION CONTACT:**
Clerk's Office, 245-2130

**PURPOSE:** To consider making an appointment to the Small Business Loan Program Board.

**BACKGROUND:** The following appointment is for Board consideration:

- Appointment to a full term for an Orange County Commissioner ending 12-31-2013.

| POSITION NUMBER | SPECIAL REPRESENTATION | EXPIRATION DATE |
|---|---|---|
| 1 | Board of Commissioners | 12-31-2013 |

**FINANCIAL IMPACT:** None.

**RECOMMENDATION(S):** The Board will consider making an appointment to the Small Business Loan Program Board.

From the original documents creating the loan program, regarding its purpose:

*"The purpose of the Orange County Small Business Loan Program is to stimulate the creation of good jobs for Orange County citizens, as well as to stimulate successful business development and expansion. The program will attempt to assist businesses that have limited access to financing through conventional means or other government guaranteed sponsored programs…"*

The Program was created as a nonprofit, but is fully funded by Orange County. The recent quarter cent sales tax provided additional support, up to $200,000 annually.

To date, the Program has disbursed loans to 7 local companies totaling $300,000.

The Program's Bylaws mandate that the Program is managed by a volunteer Board of Directors, consisting of eight individuals:

- 1 member of BOCC, as designated by that Board from time to time (vacant);
- 1 member of the Orange County Economic Development Commission, as designated by that Commission from time to time (our current representative is Tom Underwood, HR Director from PHE);
- The Director or Orange County Economic Development;
- The Orange County Financial Services Director;
- Two Bank Directors (i.e. employees of financial institutions) – current representatives are Jim Evans from Bank of Harrington and Brad Curelop from BB&T; and
- Two Small Business Directors (i.e. small business owners) – current representatives are Sherry Gray, owner or Yesterday and Today frame Shop in Hillsborough, and Tom Proctor, owner of the Vacuum Cleaner Hospital in Chapel Hill.

The Board does not have a standing meeting time; the Board meets only when a thoroughly vetted application has been received. In the past, this has averaged out to approximately every couple of months. There have been circumstances that the Board has met monthly; but they have also gone several months without meeting.

In general, the duties of the Board are to receive applications, review the materials in advance of the scheduled meeting, discuss the application during the Board meeting, interview the applicant during the Board meeting, and make a decision on the loan request. Additionally, the Board may also make a decision on loan modifications, and the Directors encouraged to publicize the Loan Program to potential applicants.

# Orange County Small Business Loan Program Company

## Board of Directors

Updated February 4, 2013

| Name | Role | Company | Address | Phone | Email | Term Begins | Term Expires |
|---|---|---|---|---|---|---|---|
| Jim Evans | Bank Director<br><br>President | Harrington Bank | 1203 MLK, Jr Blvd Chapel Hill 27514 | 913-1971 (w) | jevans@bankatharrington.com | 3/27/2008 | 6/30/2012 |
| Brad Curelop | Bank Director<br><br>Vice President | BB&T | 351 S. Churton Street Hillsborough 27278 | 644-0899 (w) | bcurelop@gmail.com | 5/13/2011 | 6/30/2013 |
| Clarence Grier | County Director | Orange County Finance Director | 200 S. Cameron St. Hillsborough 27278 | | cgrier@orangecountync.gov | n/a | n/a |
| Sherry Gray | Small Business Director Asst. Sec/Treasurer | Yesterday and Today Frame Shop | 110 Boone Square · Suite 25 Hillsborough 27278 | 919-732-9795 | yesterdayandtodayframeshop@yahoo.com | 3/27/2008 | 6/30/2012 |
| Tom Proctor | Small Business Director | Vacuum Cleaner Hospital | | | tom@vacuumhospital.com | 5/13/2011 | 6/30/2013 |
| | County Director | Orange County Commissioner | | | | n/a | n/a` |
| Steve Brantley | County Director | Orange County Economic Development Director | P.O. Box 1177 Hillsborough 27278 | 919-245-2326 | sbrantley@orangecountync.gov | n/a | n/a |

**DRAFT**

**INFORMATION ITEM**

Date Prepared: 02/08/13
Date Revised: 02/13/13

# BOCC Meeting Follow-up Actions

(Individuals with a * by their name are the lead facilitators for the group of individuals responsible for an item)

| Meeting Date | Task | Target Date | Person(s) Responsible | Status |
|---|---|---|---|---|
| 2/5/13 | Review and consider request by Commissioner McKee that staff explore possibilities and provide assistance to Taylor Fish Farm in its efforts to begin some operations at the Piedmont Food & Agriculture Processing Center | Undetermined | Chair/Vice Chair/Manager | Taylor Fish Farm representatives met with Piedmont representatives on February 13, 2013; Follow-up to be provided at a later date |
| 2/5/13 | Review and consider request by Commissioner Price that an update be provided to the Commission for Environment on the County's efforts regarding solar | 2/19/2013 | Chair/Vice Chair/Manager | **DONE** Directed to DEAPR staff for possible follow-up/presentation |
| 2/5/13 | Provide a copy of the Analysis of Impediments to Housing to the Board of Commissioners | 2/19/2013 | Tara Fikes Donna Baker | **DONE** |
| 2/5/13 | Provide Board with information on the estimated number of homes in Orange County without indoor plumbing and any related historical trends information available | 3/15/2013 | Tara Fikes Craig Benedict | To be provided |
| 2/5/13 | Send requests to Chapel Hill, Carrboro, and RENA requesting that they determine whether each wants the Historic Rogers Road Task Force to continue meeting for the next six months, and if so, requesting that they each appoint two representatives to the Task Force | 2/19/2013 | Michael Talbert Donna Baker | **DONE** |

INFORMATION ITEM

# Tax Collector's Report - Numerical Analysis

**Effective Date of Report: February 11, 2013**

| Tax Year 2012 | Amount Charged in FY 12 - 13 | Amount Collected | Accounts Receivable* | Amount Budgeted in FY 12 - 13 | Remaining Budget | % of Budget Collected |
|---|---|---|---|---|---|---|
| Current Year Taxes | $ 135,068,463.00 | $ 129,453,939.09 | $ 6,067,406.85 | $ 135,068,463.00 | $ 5,614,523.91 | 95.84% |
| Prior Year Taxes | $ 4,026,736.27 | $ 1,243,152.35 | $ 2,458,090.14 | $ 994,130.00 | $ (249,022.35) | 125.05% |
| **Total** | $ 139,095,199.27 | $ 130,697,091.44 | $ 8,525,496.99 | $ 136,062,593.00 | $ 5,365,501.56 | **96.06%** |

| Tax Year 2011 | Amount Charged in FY 11 - 12 | Amount Collected | Accounts Receivable | Amount Budgeted in FY 12 - 13 | Remaining Budget | % of Budget Collected |
|---|---|---|---|---|---|---|
| Current Year Taxes | $ 131,785,329.00 | $ 128,183,520.35 | $ 6,266,909.31 | $ 131,785,329.00 | $ 3,601,808.65 | 97.27% |
| Prior Year Taxes | $ 3,553,341.59 | $ 1,230,855.71 | $ 2,272,713.13 | $ 843,846.00 | $ (387,009.71) | 145.86% |
| **Total** | $ 135,338,670.59 | $ 129,414,376.06 | $ 8,539,622.44 | $ 132,629,175.00 | $ 3,214,798.94 | **97.58%** |

| | |
|---|---|
| Current Year Overall Collection Percentage Tax Year 2012 | 95.79% |
| Current Year Overall Collection Percentage Tax Year 2011 | 95.28% |

*Accounts Receivable will increase throughout the fiscal year due to discoveries, audits and remaining billings for registered motor vehicles.

**INFORMATION ITEM**

**Office of the County Attorney**

**ORANGE COUNTY**
**P.O. BOX 8181**
**200 S. CAMERON STREET**
**HILLSBOROUGH, NC 27278**

To: Barry Jacobs, Chair
Earl McKee, Vice Chair
Mark Dorosin
Alice M. Gordon
Bernadette Pelissier
Renee Price
Penny Rich

From: John Roberts
Date: February 13, 2013
Re: Structure of Mental Health Services in Orange County

Orange County, Person County, and Chatham County formed the Orange Person Chatham ("OPC") Mental Health, Developmental Disability, and Substance Abuse Authority in order to provide mental health services to residents of each county. This Authority was one of many such governmental bodies providing mental health services in North Carolina.

In a 2011 effort to link the multiple organizations providing mental health services in North Carolina, and to reduce their numbers, the North Carolina General Assembly passed Session Law 2011-264 governing the provision of mental health services by, among other things, requiring a minimum resident population in the area served by an organization, the catchment area. OPC's resident population did not meet the minimum requirements to continue as an organization and was forced to seek a partner organization. Representatives of OPC met with representatives of Piedmont Behavioral Health ("PBH") and jointly agreed that OPC, and two other organizations, would merge with PBH to form Cardinal Innovations ("Cardinal"), an area authority organized under North Carolina General Statute §122C with the statutory authority to provide mental health services. In March 2012 the Orange County Board of Commissioners approved the creation of Cardinal. In June 2012 OPC effectively dissolved and Cardinal began providing mental health services in Orange County formerly provided by OPC.

The current structure of mental health services in Orange County generally is that structure reflected in Article II of the attached community operations center by-laws. Cardinal is directed by a governing board. As part of the interlocal agreement creating Cardinal, Orange, Person, and Chatham Counties appoint members to a local community oversight board. This community oversight board appoints one of its members to sit on the Cardinal governing board. The community oversight board provides county governments the opportunity to remain involved with and monitor services being provided by Cardinal within designated catchment areas. The catchment area that Orange County is concerned with is Orange County, Person County, and Chatham County. Specific responsibilities of the community oversight board are listed in Article III, Section 1.4 of the attached by-laws.

Due to this agreed upon structure and the provisions of Chapter 122C, beyond the appointment of a representative to the community oversight board, the Orange County Board of Commissioners has no direct control over the provision of mental health services in Orange County.

**Conflict of Interest Policy and Disclosure**

I. POLICY

a. Community Oversight Board Members must be loyal to the interests of the Company. This supersedes any conflicting loyalty, such as that to advocacy or interest groups, employers, and/or membership on other boards. It also supersedes the personal interest of any Member acting as a client of the Company's services. Members shall disclose any known or possible conflicts of interest and be recused from all discussions and votes regarding matters on which the Member is, or may be, conflicted.

II. DISCLOSURE

a. I am involved in the following relationships, transactions, positions, or circumstances which could contribute to a conflict of interest, or the appearance of a conflict of interest, between the Company and my personal interests, financial or otherwise:

i. _____

ii. _____

iii. _____

iv. _____

III. AGREEMENT

a. I have read and I understand the Conflict of Interest Policy and Disclosure and have disclosed all known and possible conflicts of interest. I agree to update my disclosure, if required hereafter.

_____ _____

Signature of Member Date

_____

Printed Name

**Confidentiality Policy and Agreement**

I. PURPOSE

a. The purpose of this Confidentiality Policy and Agreement is to protect the confidential and proprietary information of Cardinal Innovations Healthcare Solutions ("Company") by ensuring that Community Oversight Board Members are aware of their legal and ethical responsibility to protect, preserve and hold in strict confidence any information disclosed to them or obtained by them as a result of their affiliation with the Company.

II. POLICY

a. It is the policy of the Company that Members may not disclose, divulge, or make accessible confidential information belonging to, or obtained through their affiliation with, the Company to any person, including relatives, friends and business and professional associates, other than to persons who have a legitimate need for such information and to whom the Company has authorized disclosure, or as is otherwise required by law. Members shall use confidential information solely for the purpose of performing services as a Community Oversight Board Member for the Company.
b. Members must exercise good judgment and care at all times to avoid unauthorized or improper disclosures of confidential information. Conversations in public places, such as restaurants, elevators, and airplanes, should be limited to matters that do not pertain to information of a sensitive or confidential nature. In addition, Members should be sensitive to the risk of inadvertent disclosure and should for example, refrain from leaving confidential information on desks or otherwise in plain view and refrain from the use of speaker phones to discuss confidential information if the conversation could be heard by unauthorized persons.
c. At the end of a Member's term, he or she shall return, at the request of the Company, all documents, papers and other materials, regardless of medium, which may contain or be derived from confidential information, in his or her possession.
d. All Members shall be required to acknowledge their understanding of, and agreement to, the Policy by signing this Confidentiality Policy and Agreement
e. Confidential Information means any information, verbal, written or electronic, considered confidential and/or proprietary by the Company including, but not limited to: (i) financial data (recent, historical and projected); (ii) information concerning the existence or content of current contracts and the progress of contract negotiations; (iii) information about the business or strategic plans of the Company, (iv) information pertaining to clients and employees of the Company; (v) information regarding important management or organizational changes; (vi) business studies or reports; (vii) information concerning purchasing activities; (viii) proposed or advance product plans,

unpublished and proprietary product design and/or developments; (ix) all market statistics, studies and resulting marketing strategies, and demographic data; (x) any trade secrets of the Company; (xi) any other information, whether existing now or at some future time, which pertains to the affairs of the Company or with whom or how it does business; and (xii) any other information which a Member knows or reasonably should know is confidential or proprietary information of the Company.

f. Confidential Information does not include information which is disclosed pursuant to a public records request in accordance G.S. § 132-6, or which becomes generally available to the public other than as a result of disclosure by a Member.

III. AGREEMENT

a. I have read and I understand the Confidentiality Policy and Agreement. I acknowledge that I will have access to highly sensitive and restricted Confidential Information and that the unauthorized disclosure of such Confidential Information may cause damage to the Company, its personnel, and the people it serves. I agree to comply with this Confidentiality Policy and Agreement.

_____ _____

Signature of Member Date

_____

Printed Name

# CARDINAL INNOVATIONS HEALTHCARE SOLUTIONS BYLAWS

*For the*

**OPC Community Operations Center**

## ARTICLE I: ORGANIZATION AND OFFICES

### Section 1. Name

Cardinal Innovations Healthcare Solutions ("Cardinal Innovations," or the "Company") is a public entity and local political subdivision of the State of North Carolina, incorporated according to the laws of the State. Cardinal Innovations is the successor entity to PBH, formerly known as Piedmont Behavioral Healthcare. OPC Community Operations Center is a division of Cardinal Innovations.

### Section 2. Offices

The principal office of OPC Community Operations Center shall be at 100 Europa Drive, Suite 490, Chapel Hill, NC 27517, or such other place as may be established by the Governing Board of Cardinal Innovations (the "Governing Board").

## ARTICLE II: BOARDS AND MEMBERS

### Section 1. Governing Board and Community Oversight Boards

*1.1 Powers.* The governing unit of Cardinal Innovations is comprised of a single Governing Board and four Community Oversight Boards. The Governing Board shall have the power to direct the business and affairs of the Company and to exercise all of its powers, duties, and responsibilities, including those set forth in the Joint Resolution establishing Cardinal Innovations, effective July 1, 2012 (the "Joint Resolution"). The Governing Board shall be responsible for establishing policies that guide the operation of the Company. The Community Oversight Boards shall ensure involvement of local stakeholders, promote local collaboration, and monitor services provided within established catchment areas in coordination with the Community Operations Centers. Individuals who serve on the Governing Board are "Directors." Individuals who serve on the Community Oversight Boards are "Members."

*1.2 Community Oversight Board Composition.* The Members of the Community Oversight Boards shall be as follows:

(a) Three (3) Members from each County, appointed by each County's Board of Commissioners, and will include a County Commissioner or designee, a consumer or family member, and another citizen or stakeholder; and

(b) One (1) Member from the Local Consumer and Family Advisory Committee, either the Chair or other elected member.

*1.3 Chair of the Community Oversight Board.* Each Community Oversight Board shall elect a Member to serve as Chair of the Community Oversight Board for a term of one (1) year. The Chair shall preside at all meetings of the Community Oversight Board.

*1.4 Representative to the Governing Board.* Each Community Oversight Board shall elect either the Chair or other elected Member to serve as a Director of the Governing Board for a term of three (3) years.

*1.5 Term.* The term for Members shall be for three years from the date of their appointment. Members shall serve no more than three consecutive terms, except that County Commissioners may serve for as long as they remain in office. Members appointed as a Director of the Governing Board must retain their membership on the Community Oversight Boards for the duration of their term on the Governing Board. Members appointed from the Local Consumer and Family Advisory Committees must retain their membership on the Local Consumer and Family Advisory Committees for the duration of their term on the Community Oversight Boards.

*1.6 Vacancies.* Any vacancy on the Community Oversight Board shall be filled by requesting that the appointing County Board of Commissioners appoint a new qualifying Member. In the case of a Member from the Local Consumer and Family Advisory Committee, the Local Consumer and Family Advisory Committee shall elect a new Member.

*1.7 Removal.* A Member may be removed by the Community Oversight Board on which they serve.

*1.8 Compensation.* The Governing Board, at its discretion, may fix compensation and reimburse Members to the extent allowed by law.

## ARTICLE III: MEETINGS

### Section 1. Meetings

*1.1 Meetings.* Regular meetings of each Community Oversight Board shall be held at least six times annually. The Order of Business for Community Oversight Board meetings shall be as follows:

(a) Comments from the public: Any member of the public may address the Community Oversight Board.

(b) Approval of the minutes.

(c) Special Presentations: The Community Oversight Board will receive presentations from Company staff on topics of interest or for monitoring purposes. The Community Oversight Board may also hear presentations about local initiatives.

(d) Governing Board Report: The Community Oversight Board representative to the Governing Board will provide an update on decisions and other matters considered by the Governing Board.

(e) Executive Director's Report: The Executive Director will report on the operations of the Community Operations Center, as well as other local activities and initiatives.

(f) Monitoring Items: The Community Oversight Board will review performance of the Company and the Community Operations Center on key performance indicators.

(g) Information Items: The Community Oversight Board will receive information on local and state activities and initiatives.

(h) Other Business: The Community Oversight Board will consider other matters that impact services to clients or the Community Operations Center.

(i) Adjourn.

*1.2 Notice.* Written notice of the time and place of Community Oversight Board meetings shall be provided to Members at least seven (7) days before the meetings.

*1.3 Attendance.* Members shall attend all meetings of their respective Community Oversight Boards. Members who cannot attend a scheduled Community Oversight Board meeting must request to be excused from attendance by the Chair. Absences shall only be approved by the Chair upon showing of good cause. Members who have more than two (2) unexcused absences in any single fiscal year shall be removed from the Community Oversight Board.

*1.4 Responsibilities.* The Community Oversight Boards' responsibilities are:

(a) Advise the CEO on the evaluation and hiring of the Community Operations Center Executive Directors.

(b) Recommend priorities for the expenditure of state and county funds for the development of the annual budget.

(c) Determine local priorities for inclusion in the Company's overall strategic plan.

(d) Identify community needs and concerns and monitor the resolution of issues.

(e) Monitor performance at the local level, including access to care, expenditure of service funds, number of clients served, services delivered, provider network size and composition, outcomes, and consumer satisfaction.

*1.5 Linkage to the Governing Board.* Responsibilities not delegated to the Community Oversight Boards shall be performed by the Governing Board. Members shall work with the Community Oversight Boards' representatives to the Governing Board to ensure that local concerns requiring Governing Board action are appropriately addressed.

**Section 2. Voting and Conduct**

*2.1 Quorum and Voting.* A majority of the Members must be present in order to constitute a quorum and to transact official business of the Community Oversight Board. A simple majority of a quorum of the Community Oversight Board shall be the act of the Community Oversight Board.

*2.2 Presumed Agreement.* A Member who is present during a vote of the Community Oversight Board shall be presumed to agree with the vote taken, unless his or her vote against the action is recorded.

*2.3 Conflict of Interest.* Members must be loyal to the interests of the Company. This supersedes any conflicting loyalty, such as that to advocacy or interest groups, employers, and/or membership on other boards. It also supersedes the personal interest of any Member acting as a client of the Company's services. Members shall disclose any known or possible conflicts of interest and be recused from all discussions and votes regarding matters on which the Member is, or may be, conflicted.

*2.4 Code of Conduct.* Members will be ethical and professional, and abide by the following Code of Conduct at all times:

(a) Members will not self-deal, conduct private business, or provide personal services for the Company, except as explicitly authorized through written policies and procedures.

(b) Members may not use their positions to obtain employment for themselves, family members, or associates. If a Member desires employment with the Company, he or she must resign prior to submitting an application for any position.

(c) Members will annually disclose their involvement with other organizations, vendors, or any other associations that might create a conflict of interest.

(d) Members may not exercise individual authority over the Company, its Officers, or employees except as explicitly set forth in written policies and procedures.

(e) Members will not interact with the public, press, or other entities regarding Community Oversight Board activities or Company business. All interaction regarding Company matters will be coordinated through the Company's Communications staff.

(f) Members will maintain the confidentiality of discussions of all Company business, including matters discussed in closed session.

## ARTICLE IV: OFFICERS

**Section 1. Officers and Duties**

*1.1 Executive Director.* The Executive Director is the principal manager of the Community Operations Center. He or she has supervising authority and may delegate duties to Community Operations Center staff as he or she deems advisable. In the absence of the Chair of the Community Oversight Board, he or she has the authority to preside over all meetings of the Community Oversight Board.

*1.2 Clerk.* Each Executive Director shall appoint a staff member to serve as Clerk for each Community Oversight Board. The Clerks shall attend all meetings of their respective Community Oversight Boards and are responsible for required compliance activities such as meeting notices, recording minutes and votes, etc. The Clerks shall coordinate their duties with, and are accountable to, the Governing Board Clerk.

## ARTICLE V: GENERAL

**Section 1. Amendment of Bylaws**

These bylaws may be amended by an affirmative vote of the Community Oversight Boards, subject to the approval of the Governing Board.

**Section 2. Indemnification and Insurance**

*2.1 Indemnification.* Any individual who serves, or has served, as a Member shall be indemnified to the fullest extent permitted by law against any claim arising from his or her service as a Member.

*2.2 Insurance.* The Company shall purchase and maintain insurance on behalf of any Member against any liability asserted against, or incurred by, a Member arising from his or her service as a Member.

**Section 3. Books and Records**

The Company shall keep minutes of the proceedings of the Community Oversight Boards and all committees as required by law.

**PASSED, ADOPTED AND APPROVED** this _____ day of_____, 2012.

_____
Chairman

_____
Clerk

**INFORMATION ITEM**

BARRY JACOBS, CHAIR
EARL MCKEE, VICE CHAIR
MARK DOROSIN
ALICE M. GORDON
BERNADETTE PELISSIER
RENEE PRICE
PENNY RICH

ORANGE COUNTY BOARD OF COMMISSIONERS
POST OFFICE BOX 8181
200 SOUTH CAMERON STREET
HILLSBOROUGH, NORTH CAROLINA 27278

February 5, 2013

Dear Commissioners,

At the Board's January 24, 2013 regular meeting, two petitions were brought forth by Commissioners, which were reviewed by the Chair/Vice Chair/Manager Agenda team and the petitions and responses are below:

1) Review and consider request by Commissioner Pelissier that the Chair establish a practice of sending letters to all advisory board members whose service expires, thanking them for their service.

   ***Response: Chair will re-establish this practice of sending letters to all advisory board members, whose service expires, thanking them for their service.***

2) Review and consider a request by Commissioner Pelissier that the Board moves forward with establishing a new and different thorough application for/process for prospective appointees for four boards with fiduciary responsibilities ( OWASA, Planning Board, Board of Adjustment, E&R Board, and Chair Jacobs suggested also including ABC Board).

   ***Response: A) The Board will move forward with establishing a new, specific, and thorough application process for prospective appointees to four boards: OWASA, Planning Board, Board of Adjustment, E&R Board. Chair Jacobs suggested including ABC Board, as we had previously discussed vetting applicants for boards with fiduciary responsibilities. Consult County Attorney on proposed verbiage for applications for the aforementioned advisory boards; B) Consider whether to return matter of interviewing, reviewing, and promoting specific board applicants at a future work session, to be scheduled.***

This letter will be provided as an Information Item on the February 5, 2013 agenda for public information.

Regards,

Barry Jacobs, Chair
Board of County Commissioners

CC: Frank Clifton, County Manager