



**Orange County
Board of Commissioners**

Agenda

Regular Meeting

April 9, 2013

7:00 p.m.

Department of Social Services

Hillsborough Commons

113 Mayo Street

Hillsborough, NC 27278

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. Fair Housing Month
- b. Local Historic Landmark Designation for Captain John S. Pope Farm



- c. Voluntary and Enhanced Agricultural District Designation – Multiple Farms – Green, Ward, Pope, Walters

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 Releases/Refunds
 - c. Property Tax Releases/Refunds
 - d. Applications for Property Tax Exemption/Exclusion
 - e. Refund of Overpayment of Tax/Revenue Stamps
 - f. Bid Award – Road Tractor for Recycling/Solid Waste
 - g. Changes in BOCC Regular Meeting Schedule for 2013
 - h. Safe Routes to School Action Plan Overview and Proposed Schedule for Initial Adoption Steps
 - i. Sexual Assault Awareness Month Proclamation

6. Public Hearings

- a. Amendments to Unified Development Ordinance Text: Revise Section 1.6.5 – (Planning Board) Rules of Procedure - Public Hearing Closure and Action (No Additional Comments Accepted)

7. Regular Agenda

- a. Rogers Road Community Center Schematic Design Review
- b. Operational and Funding Options for Orange County's Solid Waste and Recycling Programs
- c. Performance Evaluation Process for Three Staff Members Appointed by the Board – County Attorney, Clerk, and Manager

8. Reports

9. County Manager's Report

10. County Attorney's Report

11. Appointments

- a. Orange County Arts Commission – Appointments
- b. Orange County Parks and Recreation Council – Appointments
- c. Equalization and Review Board – Appointment

12. Board Comments (Three Minute Limit Per Commissioner)

13. Information Items

- March 19, 2013 BOCC Meeting Follow-up Actions List
- Tax Collector's Report – Numerical Analysis
- BOCC Chair Letter Responding to Petitions during March 7, 2013 Regular Meeting



- BOCC Chair Letter Responding to Petitions during March 19, 2013 Regular Meeting
- Memorandum Regarding Mattress Recycling Pilot Final Report

14. Closed Session

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: April 9, 2013

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

SUBJECT: Fair Housing Month

DEPARTMENT: Housing, Human Rights, and
Community Development

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):
Proclamation

INFORMATION CONTACT:
Tara L. Fikes; 245-2492

PURPOSE: To consider approving a proclamation designating April as Fair Housing Month 2013.

BACKGROUND: April 2013 marks the 45th anniversary of the Federal Fair Housing Act of 1968 and the 30th anniversary of the North Carolina Fair Housing Act, which sought to eliminate housing discrimination and provide for equal opportunity in the sale, rental, and financing of housing.

Established in 1987, the Orange County Human Relations Commission (HRC) is charged with enforcing the Orange County Civil Rights Ordinance that prohibits discrimination in housing and public accommodations on the basis of race, age, sex, religion, familial status, national origin, color, veteran's status and disability.

This year, the HRC is co-sponsoring, with Justice United, a Fair Housing Education Forum that will take place on Saturday, April 6, 2013 from 9:00 am until 2:00 pm. Additionally, the Human Relations Commission will sponsor two public mini-festivals to raise awareness of the protections available under the Federal Fair Housing Act. The events will take place on Saturday, April 20, 2013 at the Hargraves Center in Chapel Hill from 2:00 pm until 4:00 pm and on Saturday, April 27, 2013 at the Central Orange Senior Center from 12:00 pm (noon) until 2:00 pm. There will be music and other entertainment including a Kids Korner along with educational activities. The public is invited to attend.

Fair treatment, equal access and mutual respect are the benchmarks of the HRC's charge and commitment. Through education, outreach and partnerships, the HRC works to prevent discrimination and foster mutual understanding in Orange County.

FINANCIAL IMPACT: There is no financial impact associated with consideration of the proclamation.

RECOMMENDATION(S): The Manager recommends that the Board approve the proclamation and authorize the Chair to sign the proclamation

ORANGE COUNTY BOARD OF COMMISSIONERS

PROCLAMATION

FAIR HOUSING MONTH

WHEREAS, April 2013 marks the 45th anniversary of the Fair Housing Act of 1968 and the 30th anniversary of the North Carolina Fair Housing Act prohibiting discrimination in housing on the basis of race, color, sex, religion, national origin, handicap and familial status; and

WHEREAS, the Orange County Board of Commissioners enacted the Orange County Civil Rights Ordinance on June 6, 1994, which affords to the residents of Orange County the protections guaranteed by Title VIII and additionally encompasses the protected classes of veteran status and age; and

WHEREAS, Orange County and the United States Department of Housing and Urban Development as well as concerned residents and the housing industry are working to make fair housing opportunities possible for everyone by encouraging other to abide by the letter and the spirit of fair housing laws; and

WHEREAS, despite the protection afforded by the Orange County Civil Rights Ordinance and Title VIII as amended, illegal housing discrimination still occurs in our nation and in our County; and

WHEREAS, by supporting and promoting fair housing and equal opportunity, we are contributing to the health of our County, State and Nation.

NOW, THEREFORE, we, the Board of County Commissioners of Orange County, North Carolina, do proclaim April 2013 as **FAIR HOUSING MONTH** and commend this observance to all Orange County residents.

This the _____ day of _____, 2013

Barry Jacobs, Chair
Orange County Board of Commissioners

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

AGENDA ITEM ABSTRACT
Meeting Date: April 9, 2013

Action Agenda
Item No. 4-b

SUBJECT: Local Historic Landmark Designation for Captain John S. Pope Farm

DEPARTMENT: Environment, Agriculture, Parks and Recreation (DEAPR) **PUBLIC HEARING: (Y/N)**

No

ATTACHMENT(S):

- 1) Draft Ordinance Designating the Captain John S. Pope Farm as an Orange County Local Historic Landmark

INFORMATION CONTACT:

Rich Shaw, 245-2514
Peter Sandbeck, 245-2517

PURPOSE: To consider and adopt an ordinance to designate the Captain John S. Pope Farm in Cedar Grove as an Orange County Local Historic Landmark.

BACKGROUND: In 1991 Orange County adopted the “Ordinance Creating the Historic Preservation Commission (HPC) of Orange County”, also referred to as the “Historic Preservation Ordinance”. A few years later, in 1997, the County adopted a voluntary program to designate properties of local historic and architectural significance called the Local Landmark Program. One of the HPC’s duties is to recommend properties for local landmark designation. Properties may be designated as individual landmarks or as part of historic districts. Properties must meet a higher standard of historic and/or architectural significance to be designated as an individual landmark. The higher standard is appropriate since landmark property owners are eligible for a 50 percent property tax deferral as long as the site continues to retain its historic character, as provided by NC General Statutes under 160A-400.1-400.14.

The adoption of the attached landmark ordinance is the final step in the County’s historic landmark designation process, outlined in Article 3 of the County’s Historic Preservation Ordinance. The BOCC, at its March 7, 2013 meeting, held a required joint public hearing with the HPC to obtain public input and comment about the proposed landmark designation for the Captain John S. Pope Farm. At the close of that hearing, the BOCC returned the draft landmark designation ordinance back to the HPC to allow for final editing and review.

The attached final version of the proposed landmark ordinance has been approved by the HPC and is ready for consideration and adoption by the BOCC.

At present, five historic properties in Orange County have been designated as Local Historic Landmarks: Moorefields (south of the Eno on Moorefields Road, near Hillsborough); Bingham School (Mebane Oaks Road); the Faucette House and Mill (or Chatwood, on Faucette Mill Road); Rigsbee’s Rock House (US 70A East at Lawrence Rd.); and the Murphey School (Murphey School Road).

FINANCIAL IMPACT: The designation of the Captain John S. Pope Farm as a Local Historic Landmark will make the owner of the property eligible for a 50-percent property tax deferral as provided by State law and County ordinance, as an incentive to maintain the property in its historic condition for the public benefit. The 50 percent property tax deferral for historic landmarks will apply only to the valuations of the historic house and a few outbuildings, along with the immediate lot around the house. The working acreage of the Pope farm (over 70 acres) is already assessed as farmland under the County's present use valuation program. The valuation change is as follows, according to County's Tax Administration Office:

Valuation of property before landmark designation: \$181,747, for a tax of \$1,693.16

Valuation of property after landmark designation: \$104,647, for a tax of \$974.89

Tax reduction = \$718.27

RECOMMENDATION(S): The Manager recommends that the Board adopt and authorize the Chair to sign the attached ordinance to designate the Captain John S. Pope Farm as an Orange County Local Historic Landmark, and thank Mr. Robert Pope for his outstanding efforts to preserve his family farm and the County's agricultural heritage.

**AN ORDINANCE OF THE ORANGE COUNTY BOARD OF COMMISSIONERS
DESIGNATING THE PROPERTY KNOWN AS THE
CAPTAIN JOHN S. POPE FARM
IN ORANGE COUNTY, NORTH CAROLINA
AS A LOCAL HISTORIC LANDMARK**

Whereas, all of the prerequisites to the adoption of this ordinance prescribed in Part 3C, Article 19, Chapter 160A (Historic Districts and Landmarks) of the General Statutes of North Carolina and an Ordinance Creating the Historic Preservation Commission of Orange County (the “Historic Preservation Ordinance”) have been met; and

Whereas, the Orange County Board of Commissioners has taken into full consideration all statements and information in the application and the designation report prepared by the Orange County Historic Preservation Commission and presented to the Board of County Commissioners on the 7th day of March, 2013, on the question of designating the property known as Captain John S. Pope Farm as a historic landmark; and

Whereas, the property known as the Captain John S. Pope Farm, located in Cedar Grove Township in the County of Orange and more particularly described in Exhibit A attached hereto, is one of the best preserved historic tobacco farm complexes in the northern part of the county; and

Whereas, the original farmhouse built between 1870 and 1874 remains largely intact and retains virtually all of its original interior woodwork and room finishes, including its distinctive ornamental mantels and stair; and

Whereas, the Captain John S. Pope Farm also retains a significant collection of historic outbuildings dating from the 1860s to the 1960s; and

Whereas, the Captain John S. Pope Farm with its farmhouse and collection of historic outbuildings exemplifies the small and mid-sized tobacco farms that once prospered throughout Orange County and the northern Piedmont section of the state; and

Whereas, the Orange County Historic Preservation Commission has recognized the

historic, architectural and cultural significance of the property known as the Captain John S. Pope Farm and has recommended that the property be designated a “historic landmark” as outlined in Article 3 of the Historic Preservation Ordinance; and

Whereas, the State Historic Preservation Office, an agency of the Office of Archives and History of the North Carolina Department of Cultural Resources, has reviewed and commented on the findings of the Orange County Historic Preservation Commission, and has approved the Captain John S. Pope Farm for listing in the National Register of Historic Places.

Now, therefore, be it ordained by the Board of County Commissioners of Orange County, North Carolina that:

Section 1. The property known as the Captain John S. Pope Farm, located in Cedar Grove Township, Orange County, North Carolina jurisdictional area, consisting of the entire 75.34 acre parcel more particularly described in Exhibit A, is hereby designated a historic landmark pursuant to Part 3C, Article 19, Chapter 160A of the General Statutes of North Carolina and the Orange County Historic Preservation Ordinance.

Section 2. The owner(s) and occupant(s) of the property known as Captain John S. Pope Farm be given notice of this ordinance as required by applicable law, and that copies of this ordinance be filed and indexed in the office of the County Clerk, Orange County Register of Deeds, Orange County Tax Supervisor and Orange County Department of Environment, Agriculture, Parks and Recreation, as required by the applicable law.

Section 3. In accordance with Part 3C, Article 19, Chapter 160A of the General Statutes of North Carolina and the Orange County Historic Preservation Ordinance, the exterior and site features of all historic landmarks are always under the purview of the Historic Preservation Commission’s Certificate of Appropriateness provisions. For the Captain John S. Pope Farm, this will include the historic outbuildings enumerated in Exhibit B. The jurisdiction of the Historic Preservation Commission may also extend over interior spaces with the consent of the owner. The Historic Preservation Commission shall include in its jurisdiction for the Captain John S. Pope Farm the preservation of the following interior features of the farmhouse that it finds to be unique and important to the property, and to which the owner has agreed: the original hand-planed wall and ceiling sheathing boards; original mantels; the stair including newel posts, handrails, treads, risers and associated woodwork; original two-panel doors and associated door trim woodwork; original window trim woodwork; and wood floors throughout. The HPC shall determine Certificates of Appropriateness for the Captain John S. Pope Farm based on approved design standards, with reference to the designation ordinance, the application materials and the designation report.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Any part of this ordinance determined by a court of competent jurisdiction to be in violation of any law or constitutional provision shall be deemed severable and shall not affect the validity of the remainder.

Section 6. This ordinance shall become effective immediately upon its adoption.

NOW THEREFORE BE IT RESOLVED that the Orange County Board of Commissioners does hereby officially designate the Captain John S. Pope Farm as an Orange County Local Historic Landmark.

This the 9th day of April 2013.

Barry Jacobs, Chair
Orange County Board of Commissioners

Attest

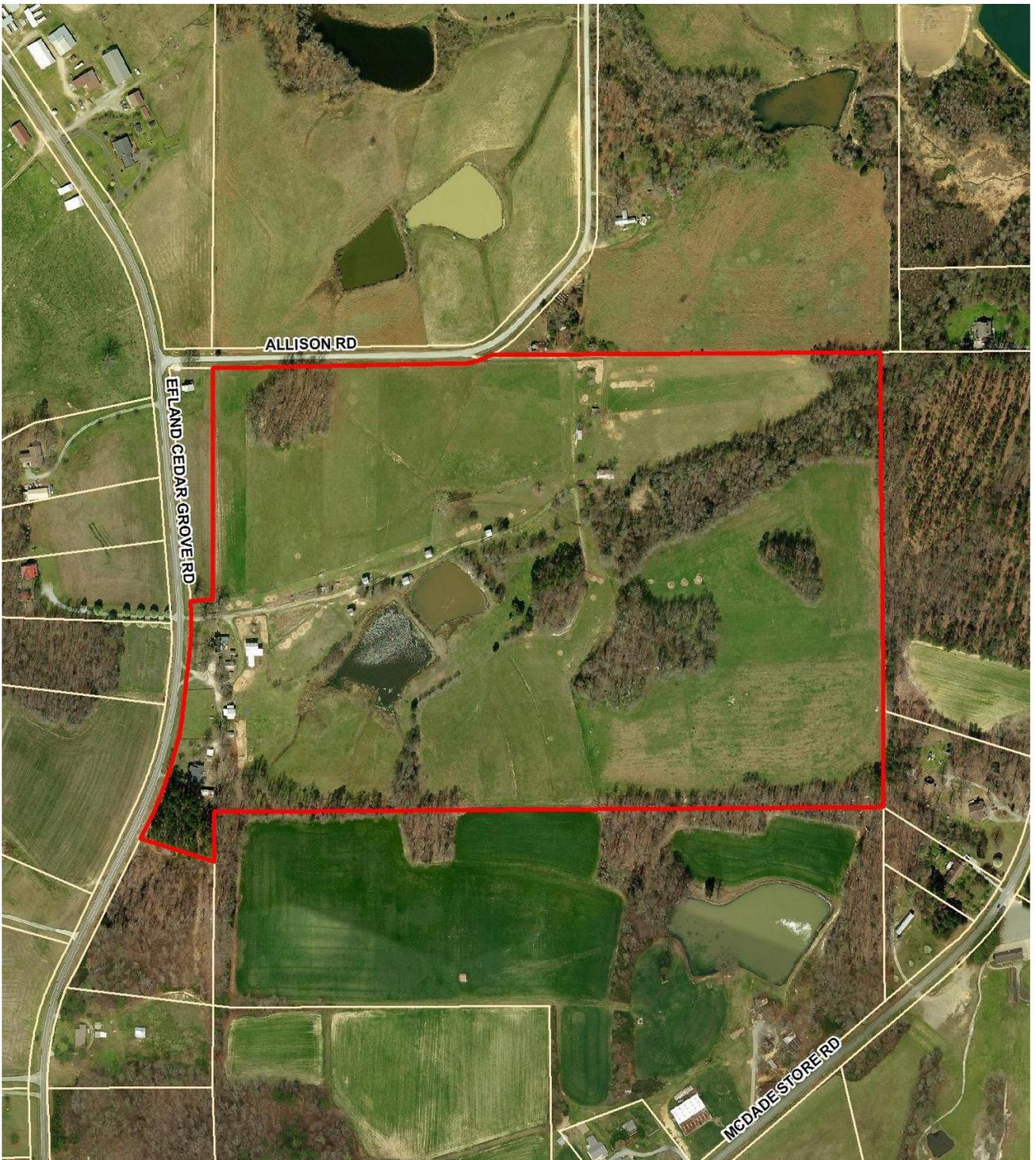
Donna Baker, Clerk to the Board

EXHIBIT A

The Captain John S. Pope Farm is located at 6909 Efland-Cedar Grove Road in Cedar Grove Township and is referenced in Orange County Land Records as Parcel Identification Number (PIN) 9859-01-9289, containing 75.34 acres more or less. The property is owned by Mr. Robert Pope, 608 Polk St., Raleigh, NC 27604. (see attached parcel map/aerial photograph)

EXHIBIT B

The landmark designation for the Captain John S. Pope Farm includes the historic outbuildings (described in more detail in the National Register nomination and the Landmark Designation Report), enumerated in the attached list and as illustrated in the attached site maps (Map 1 and 2) showing the location of each outbuilding on the list.



Captain John S. Pope Farm: Local Landmark Designation Map

6909 Efland-Cedar Grove Road, Orange County

PIN: 9859019289 Approximate Acreage: 75.34

Note: This map is not a certified survey and has not been reviewed by a local government agency for compliance with any applicable land development regulations

EXHIBIT B:

CAPTAIN JOHN S. POPE FARM

LIST OF OUTBUILDINGS INCLUDED IN LANDMARK DESIGNATION ORDINANCE

Note: numbers after each building on this list are keyed to location numbers on attached maps (**Map 1 and Map 2**)

Map 1

Well House (3)
Wash House (4)
Garage/Smokehouse (5)
Flower House (6)
Corn Crib #1 (8)
Feed Barn (9)
Ordering/Stripping House (12)
Stick Shed (15)

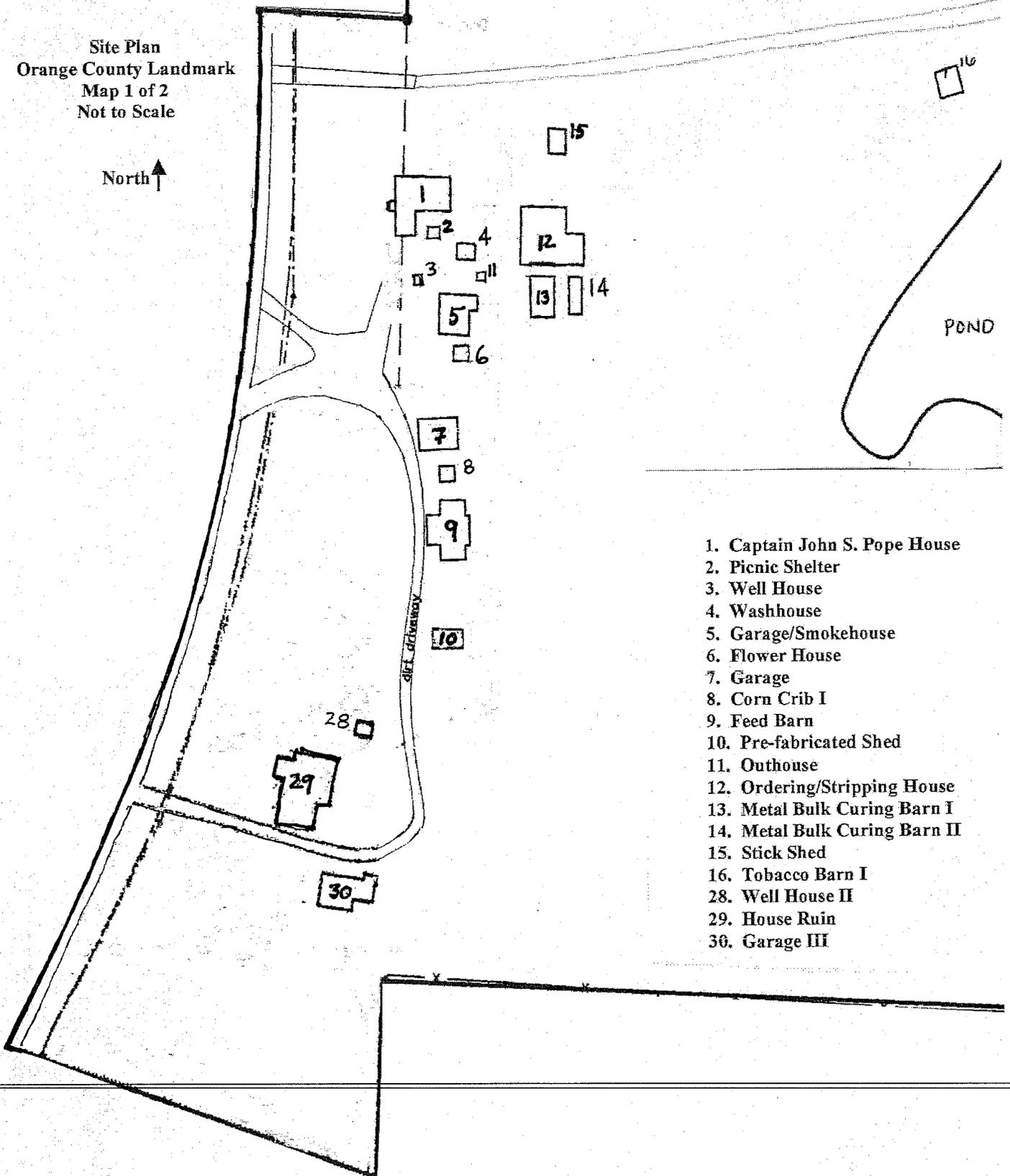
Map 2

Tobacco Barn #1 (16)
Tobacco Barn #2 (17)
Tobacco Barn #3 (18)
Tobacco Barn #4 (19)
Tobacco Barn #5 (20)
Corn Crib #2 (22)
Workshop (23)
Log Building (24)
Wood Shed #1 (25)
Wood Shed #2 (26)

Captain John S. Pope Farm
Local Historic Landmark Ordinance

Captain John S. Pope Farm
6909 Efland-Cedar Grove Road
Cedar Grove Vicinity
Orange County, North Carolina

Site Plan
Orange County Landmark
Map 1 of 2
Not to Scale



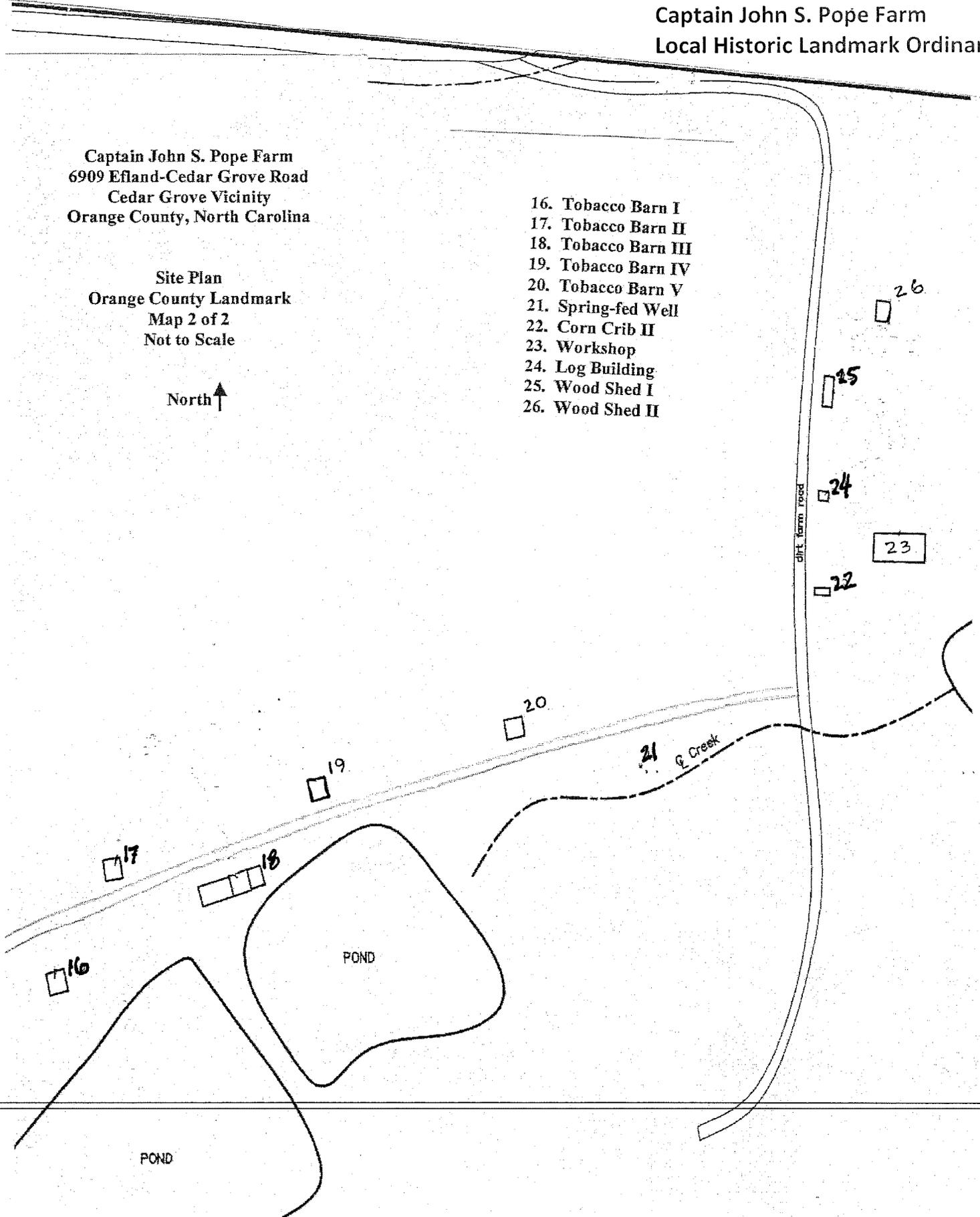
- 1. Captain John S. Pope House
- 2. Picnic Shelter
- 3. Well House
- 4. Washhouse
- 5. Garage/Smokehouse
- 6. Flower House
- 7. Garage
- 8. Corn Crib I
- 9. Feed Barn
- 10. Pre-fabricated Shed
- 11. Outhouse
- 12. Ordering/Stripping House
- 13. Metal Bulk Curing Barn I
- 14. Metal Bulk Curing Barn II
- 15. Stick Shed
- 16. Tobacco Barn I
- 28. Well House II
- 29. House Ruin
- 30. Garage III

Captain John S. Pope Farm
6909 Efland-Cedar Grove Road
Cedar Grove Vicinity
Orange County, North Carolina

Site Plan
Orange County Landmark
Map 2 of 2
Not to Scale



- 16. Tobacco Barn I
- 17. Tobacco Barn II
- 18. Tobacco Barn III
- 19. Tobacco Barn IV
- 20. Tobacco Barn V
- 21. Spring-fed Well
- 22. Corn Crib II
- 23. Workshop
- 24. Log Building
- 25. Wood Shed I
- 26. Wood Shed II



**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: April 9, 2013

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

SUBJECT: Voluntary and Enhanced Agricultural District Designation – Multiple Farms –
Green, Ward, Pope, Walters

DEPARTMENT: Environment, Agriculture,
Parks and Recreation; Soil
& Water Conservation

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

1) Applications and Maps

INFORMATION CONTACTS:

David Stancil, 245-2510
Gail M. Hughes 245-2753

PURPOSE: To consider applications from multiple landowners/farms to certify qualifying farmland within the Cedar Grove, Cane Creek-Buckhorn, High Rock/Efland, and Caldwell Voluntary Agricultural Districts, and enroll the lands in the Orange County Voluntary Agricultural District (VAD) and the Enhanced Voluntary Agriculture District (EVAD) programs.

BACKGROUND: As the Board may recall, Orange County has had a Voluntary Farmland Preservation Program since 1992. To date, 22 farms have enrolled in the Voluntary Agricultural District (VAD) program, totaling 4,353 acres within the seven districts comprising the non-urban portions of the County.

The County’s Voluntary Farmland Protection Ordinance (VFPO) outlines a procedure for the Agricultural Preservation Board to review and approve applications for qualifying farmland, and to make recommendations to the Board of Commissioners concerning the establishment and modification of agricultural districts. Section VII of the VFPO contains the requirements for inclusion in a voluntary agricultural district. To be certified as qualifying farmland, a farm must:

1. Consist of the minimum number of contiguous acres to participate in the present-use-value taxation program (20 acres for forestry, 10 for agriculture and 5 for horticulture);
2. Be participating in the farm present-use-value taxation program established by N.C.G.S. §105-277.2 through §105-277.7, or is otherwise determined by the county to meet all the qualifications of this program set forth in G.S. 105-277.3;

3. Be certified by the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture as being a farm on which at least two-thirds of the land is composed of soils that:
 - a. Are best suited for providing food, seed, fiber, forage, timber, forestry products, horticultural crops and oil seed crops;
 - b. Have good soil qualities;
 - c. Are favorable for all major crops common to the county where the land is located;
 - d. Have a favorable growing season; and
 - e. Receive the available moisture needed to produce high yields for an average of eight out of ten years;

OR at least two-thirds of the land has been actively used in agricultural, horticultural or forestry operations as defined by N.C.G.S. §105-277.2 (1, 2, 3) during each of the five previous years, measured from the date on which the determination must be made as to whether the land in question qualifies;

4. Be managed, if highly erodible land exists on the farm, in accordance with the Natural Resources Conservation Service defined erosion-control practices that are addressed to said highly-erodible land; and
5. Be the subject of a non-binding conservation agreement, as defined in N.C.G.S. §121-35, between the County and the owner that prohibits non-farm use or development of such land for a period of at least ten years, except for the creation of not more than three lots that meet applicable County zoning and subdivision regulations.

On March 20, 2013 the Orange County Agricultural Preservation Board reviewed the findings of the staff assessments. All farm applications were reviewed and verified to have met or exceeded the minimum criteria for certification into the program. The Agricultural Preservation Board voted unanimously to recommend approval of the certification for the four farms and 642.8 acres of farmland and their inclusion in the Voluntary and Enhanced Voluntary Agricultural District program. The certification documentation is on file in the DEAPR/Soil and Water Conservation District office. The farms are described briefly below:

Brief Farm Descriptions:

1) Owners of the Allan and Christine Green farm have submitted an application to enroll one (1) parcel of their farm totaling 12.28 acres located on Dairyland Road and Orange Grove Road as qualifying farmland for the Voluntary Agricultural District (VAD) program (Cane Creek-Buckhorn District). The farm is very diverse with a primary focus on beef cattle and organically grown market produce. The Allan and Christine Green Farm has been evaluated against each of the VAD certification requirement standards and meets or exceeds all of the measures above.

2) Owners of the Randall and Susan Ward farm have submitted an application to enroll one (1) parcel of their farm totaling 156.8 acres located in the Caldwell Community on New Sharon Church Road, as qualifying farmland for the Voluntary Agricultural District (VAD) program (Caldwell District). The farm is comprised of hay land and managed forestry/woodland acres. The Randall and Susan Ward Farm has been evaluated against each of the VAD certification requirement standards and meets or exceeds all of the measures above.

3) The owner of the Robert H. Pope, Jr. farm has submitted an application to enroll one (1) parcel of the farm totaling 75.39 acres located in the Cedar Grove Community on Efland – Cedar Grove Road, as qualifying farmland for the Enhanced Voluntary Agricultural District (EVAD) program (Cedar Grove District). The farm is comprised of pasture and forestry/woodland and raising lambs for sell to restaurants and farmers markets. The Robert H. Pope, Jr. Farm has been evaluated against each of the EVAD certification requirement standards and meets or exceeds all of the measures above.

4) Owners of the Elizabeth and Roland Walters (mother and son) farm have submitted an application to revise three (3) parcels of their farm totaling 398.41 acres located in the High Rock Community on High Rock Road as qualifying farmland for the Voluntary and Enhanced Voluntary Agricultural District (VAD/EVAD) program (High Rock/Efland District). The Walters Farm was the first farm enrolled in the VAD program in 1992, and has requested to revise their acreage in the program. Two (2) tracts of 225.28 acres will be enrolled in the Enhanced Voluntary Agriculture Program (EVAD). One (1) tract of 173.13 acres will remain enrolled in the Voluntary Agriculture Program (VAD). The farm is very diverse; including beef cattle, hogs, chickens, and produce/vegetable crops for farm and smaller market sales. The farm also includes pastures and managed forestry/woodland acres. The Elizabeth and Roland Walters Farm has been evaluated against each of the VAD certification requirement standards and meets or exceeds all of the measures above.

To be formally designated as part of a voluntary agricultural district, the Board of Commissioners must approve that the farms meet the certification requirements as per the APB's findings.

FINANCIAL IMPACT: There is no fiscal impact associated with this item. Voluntary Agricultural Districts are non-monetary and non-binding conservation agreements. Enhanced Voluntary Agriculture Districts are non-monetary and are binding 10-year conservation agreements.

RECOMMENDATION(S): The Manager recommends that the Board certify the four (4) farm properties noted above totaling 342.21 acres (VAD) and 300.67 acres (EVAD) as denoted in the attached documentation as qualifying farmland, and designate it as an Enhanced Voluntary or Voluntary Agricultural District farm within the Cane Creek-Buckhorn, Caldwell, Cedar Grove, and High Rock/Efland Agricultural Districts.



Orange County Agricultural Preservation Board

APPLICATION FOR CERTIFICATION AS QUALIFYING FARMLAND AND DESIGNATION AS AN ORANGE COUNTY VOLUNTARY AGRICULTURAL DISTRICT / ENHANCED VOLUNTARY AGRICULTURAL DISTRICT

INSTRUCTIONS: Before completing the application, please review the provisions of the Orange County Voluntary Farmland Preservation Program Ordinance, and fill out the form as accurately and completely as possible. Please sign and date the form, and return it to the Department of Environment, Agriculture, Parks and Recreation PO Box 8181 - 306 Revere Road, Hillsborough, NC 27278

APPLICANT:

Name: CHRISTINE AND ALLAN GREEN
Address: 5604 DAIRYLAND ROAD
City: HILLSBOROUGH State: NC Zip Code: 27278
Phone Number (Day): 919 933 5105 (Evening)
E-Mail: info @ woodcrestfarm NC.com

PROPERTY INFORMATION:

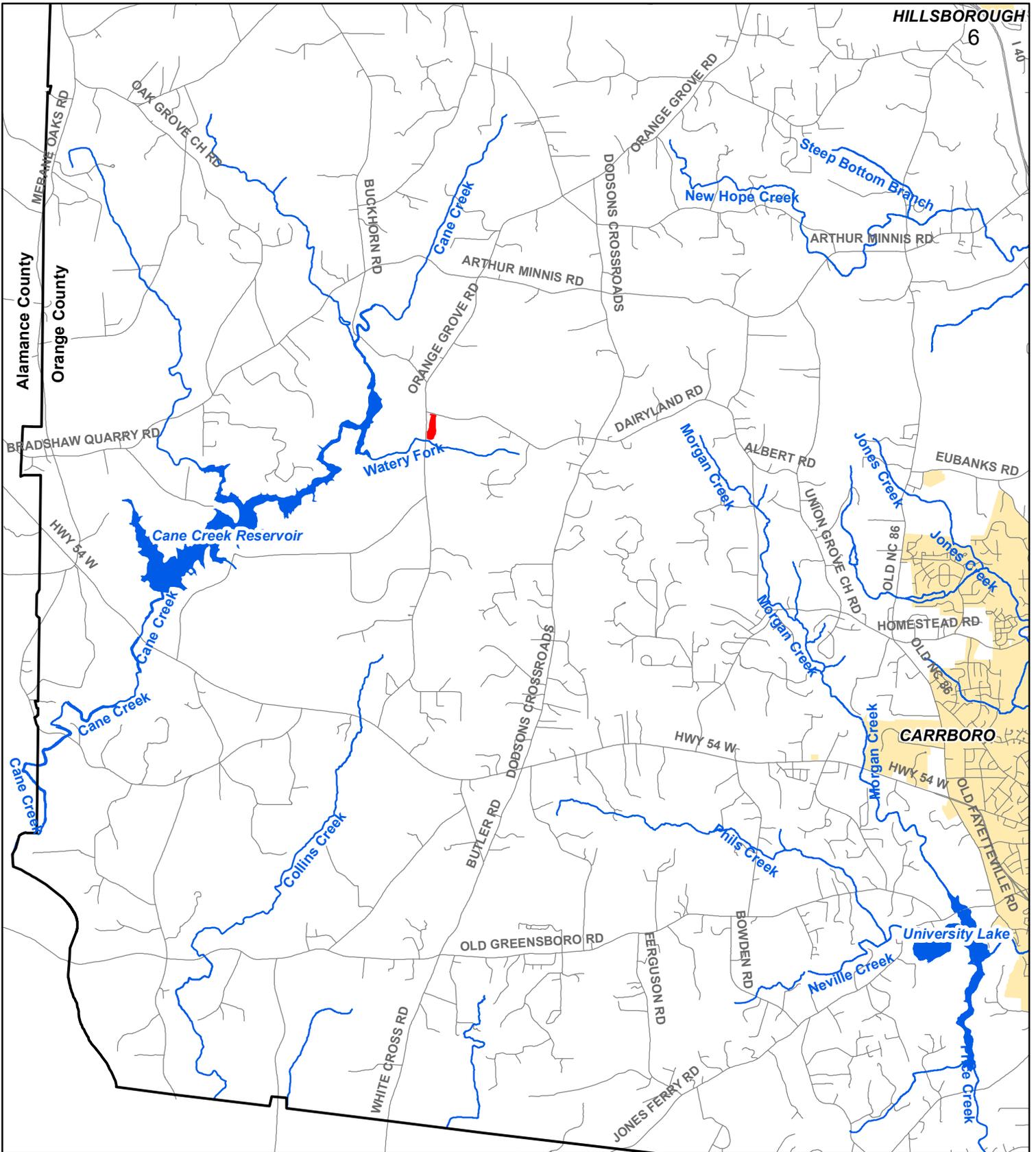
Property Location/Address: 5604 DAIRYLAND RD, Hillsborough
Township: Bng Tax Map: Block: Lot: Township: Tax Map: Block: Lot:
Parcel Identification Number (PIN): 9840 298 246
Number of Acres: 12.28 Deed Book: 1149 Page: 209
Does this land have a plan on file with the Natural Resources Conservation Service or NC Forest Service?
Is this land listed for Present Use taxation with the Orange County Tax Office?

I [WE] ARE SEEKING DESIGNATION AS A VOLUNTARY AGRICULTURAL DISTRICT
I [WE] ARE SEEKING DESIGNATION AS AN ENHANCED VOLUNTARY AGRICULTURAL DISTRICT

OWNER[S] CERTIFICATION:

I [We], the applicant[s], hereby certify that, to the best of my [our] knowledge, the foregoing application is complete and accurate.

Signature: Christine B. Green Date: 11/27/2012
Signature: Allan K. Green Date: 11/26/2012



**Allen & Christine Green Farm
Proposed Voluntary Agricultural District
PIN 9840298246 - Location Map**

- Parcel
- County boundary
- Municipal boundary
- Reservoirs and lakes
- Streets
- Major streams



1 inch = 7,000 feet

Dept. of Environment, Agriculture,
Parks and Recreation Map prepared by
Land Records-GIS Division M Jones
12/28/2012 <O:gishome\gisprojects
land_resources\VAD_AllenGreen.mxd





**Allen & Christine Green Farm
Proposed Voluntary Agricultural District
PIN 9840298246 - Site Map**

-  Green farm
 -  Parcel boundary
 -  Major streams
 -  Streets
- 2012 aeriels



1 inch = 195 feet

Dept. of Environment, Agriculture,
Parks and Recreation Map prepared by
Land Records-GIS Division M Jones
3/28/2013 -O:gishome/gisprojects
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Orange County Agricultural Preservation Board

APPLICATION FOR CERTIFICATION AS QUALIFYING FARMLAND AND DESIGNATION AS AN ORANGE COUNTY VOLUNTARY AGRICULTURAL DISTRICT / ENHANCED VOLUNTARY AGRICULTURAL DISTRICT

INSTRUCTIONS: Before completing the application, please review the provisions of the Orange County Voluntary Farmland Preservation Program Ordinance, and fill out the form as accurately and completely as possible. Please sign and date the form, and return it to the Department of Environment, Agriculture, Parks and Recreation Soil and Water Conservation District Division PO Box 8181 - 306 Revere Road, Hillsborough, NC 27278

APPLICANT:

Name: RANDALL L. WARD / SUSAN P. WARD
Address: 10700 LEESVILLE RD.
City: RALEIGH State: NC Zip Code: 27613
Phone Number (Day): 919-848-3660 (Evening) 919-848-3660
E-Mail: -

PROPERTY INFORMATION:

Property Location/Address:
Township:

Parcel Identification Number (PIN): 0808823597
Parcel Identification Number (PIN):
Parcel Identification Number (PIN):
Parcel Identification Number (PIN):
Parcel Identification Number (PIN):

Number of Acres: 156.08 Deed Book: Page:

Does this land have a plan on file with the Natural Resources Conservation Service or NC Forest Service?

Yes: No: [checked] If "No", please complete back of form

Is this land listed for Present Use taxation with the Orange County Tax Office?

Yes: No: [checked] If "No", please complete back of form

I [WE] ARE SEEKING DESIGNATION AS A VOLUNTARY AGRICULTURAL DISTRICT [checked]

I [WE] ARE SEEKING DESIGNATION AS AN ENHANCED VOLUNTARY AGRICULTURAL DISTRICT

Voluntary Agricultural District (VAD) conservation agreements are for a period of ten years. The landowner may revoke the agreement through a written request to the County.

Enhanced Voluntary Agricultural District (EVAD) conservation agreements are for a period of ten years, but cannot be revoked during the term of the agreement. EVAD enrollment, however, offers landowners additional benefits such as a higher percentage of cost-share funds under the Agricultural Cost Share Program.

OWNER[S] CERTIFICATION:

I [We], the applicant[s] and landowner(s), hereby certify that, to the best of my [our] knowledge, the foregoing application is complete and accurate.

Signature: Russell H. Ward Date: 11/12/12

Signature: Susan P. Ward Date: 11/12/12

Signature: _____ Date: _____

SUPPLEMENTARY INFORMATION:

Please complete this information for general information about your farm:
Must Complete this section:

- If you are **NOT** participating in the farm present use taxation program; **OR**
- If you do **NOT** have a plan on file with the Natural Resources Conservation Service or the NC Forest Service.

1. How long have you owned your farm? 4 years

2. How long have you lived on your farm? 0 years

3. Has your farm exceeded \$1,000 in gross income in each of the past three years?

Yes No

4. How many acres on your farm are under cultivation? 50 Acres (estimated)

5. What are the major crops that you plant each year?

FESCUE HAY

6. How many acres on your farm are used for pasture? 50 Acres (estimated)

IN JANUARY 2013, WE ARE APPLYING FOR PRESENT USE TAXATION

For questions or more information, please contact:

Gail M. Hughes

Orange County Department of Environment, Agriculture, Parks and Recreation

Soil and Water Conservation Division

P.O. Box 8181 -306 Revere Road

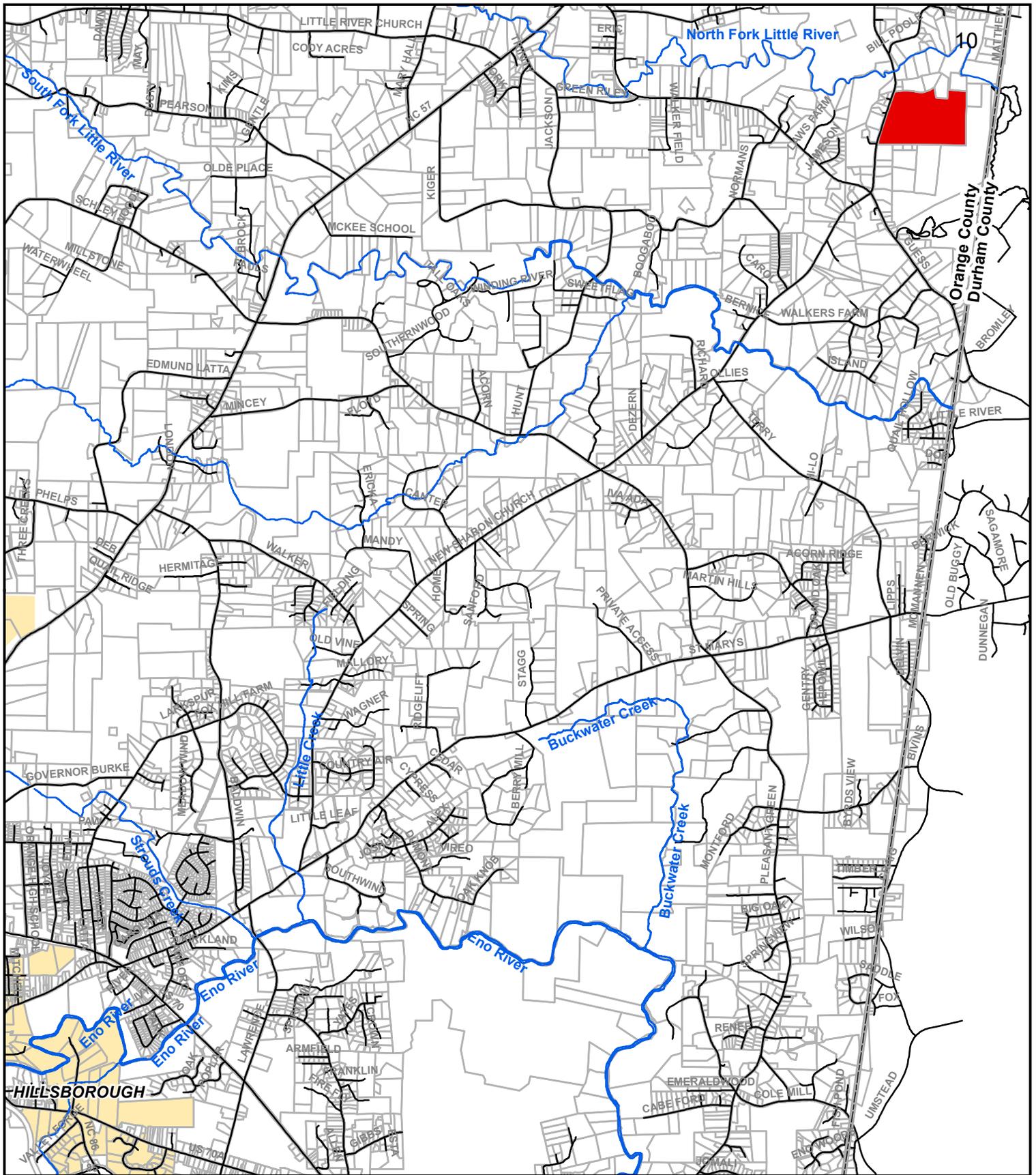
Hillsborough, NC 27278

(919) 245-2753 Office

(919) 644-3351 (fax)

updated July 2012

FOR THIS FARM -



**Randall & Susan Ward Farm
Proposed Voluntary Agricultural District
PIN 0808823597 - Location Map**

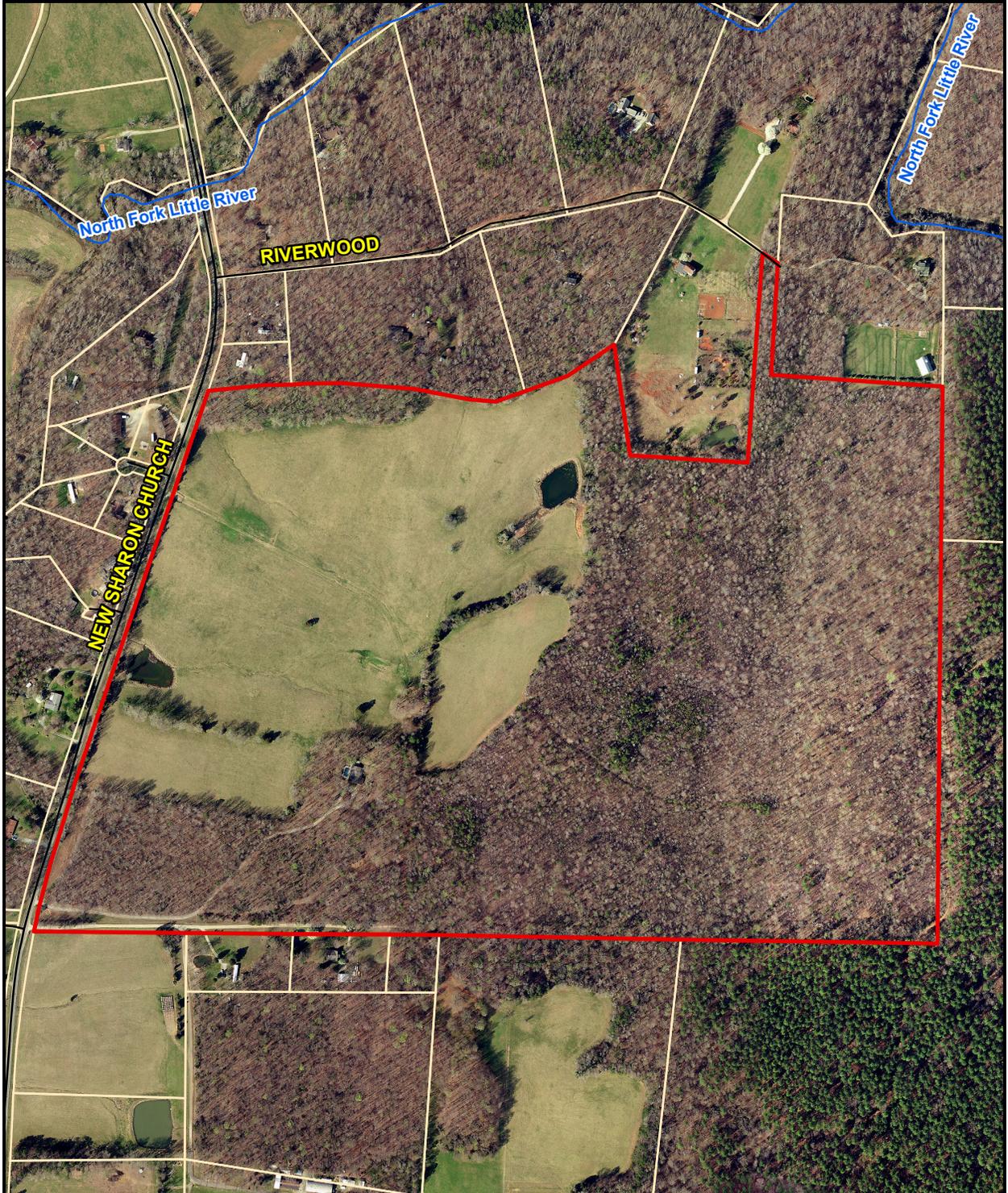
- Major streams
- Parcel boundary
- County boundary
- Ward Farm
- Streets
- Municipal boundary



1 inch = 5,200 feet

Dept. of Environment, Agriculture,
Parks and Recreation Map prepared by
Land Records-GIS Division M Jones
12/31/2012 <O:\gishome\gisprojects
land_resources\VAD_RandallWard.mxd





**Randall & Susan Ward Farm
Proposed Voluntary Agricultural District
PIN 0808823597 - Site Map**

-  WardFarm
-  Streets
-  Parcel boundary
-  2012 aeriels
-  Major streams



1 inch = 600 feet

Dept. of Environment, Agriculture,
Parks and Recreation Map prepared by
Land Records-GIS Division M Jones
3/28/2013 <O:gishome/gisprojects
land_resources/WAD_RandallWard.mxd





Orange County Agricultural Preservation Board

APPLICATION FOR CERTIFICATION AS QUALIFYING FARMLAND AND DESIGNATION AS AN ORANGE COUNTY VOLUNTARY AGRICULTURAL DISTRICT / ENHANCED VOLUNTARY AGRICULTURAL DISTRICT

INSTRUCTIONS: Before completing the application, please review the provisions of the Orange County Voluntary Farmland Preservation Program Ordinance, and fill out the form as accurately and completely as possible. Please sign and date the form, and return it to the Department of Environment, Agriculture, Parks and Recreation Soil and Water Conservation District Division PO Box 8181 - 306 Revere Road, Hillsborough, NC 27278

APPLICANT:

Name: Robert H. Pope, Jr
Address: 608 Polk St.
City: Raleigh State: NC Zip Code: 27604
Phone Number (Day): 919-621-1150 (Evening): same
E-Mail: r.pope73@nc.rr.com

PROPERTY INFORMATION:

Property Location/Address(s): 6909 Ethand-Cedar Grove Ed
Township: Cedar Grove Cedar Grove, NC 27231
Parcel Identification Number (PIN): 9859019289 Acres 75.34
Parcel identification Number (PIN): Acres
Total Number of Acres on all tracts of lands:

Does this land have a plan on file with the USDA-Natural Resources Conservation Service or NC Forest Service?

Yes: [checked] No: If "No", please complete back of form

Is this land listed for Present Use taxation with the Orange County Tax Office?

Yes: [checked] No: If "No", please complete back of form

I [WE] ARE SEEKING DESIGNATION AS A VOLUNTARY AGRICULTURAL DISTRICT

I [WE] ARE SEEKING DESIGNATION AS AN ENHANCED VOLUNTARY AGRICULTURAL DISTRICT [checked]

Voluntary Agricultural District (VAD) conservation agreements are for a period of ten years. The landowner may revoke the agreement through a written request to the County.

Enhanced Voluntary Agricultural District (EVAD) conservation agreements are for a period of ten years, but cannot be revoked during the term of the agreement. EVAD enrollment, however, offers landowners additional benefits such as a higher percentage of cost-share funds under the Agricultural Cost Share Program.

OWNER[S] CERTIFICATION:

I [We], the applicant[s] and landowner[s], hereby certify that, to the best of my [our] knowledge, the foregoing application is complete and accurate.

Signature: *Robert Pope* Date: 3-7-13

Signature: _____ Date: _____

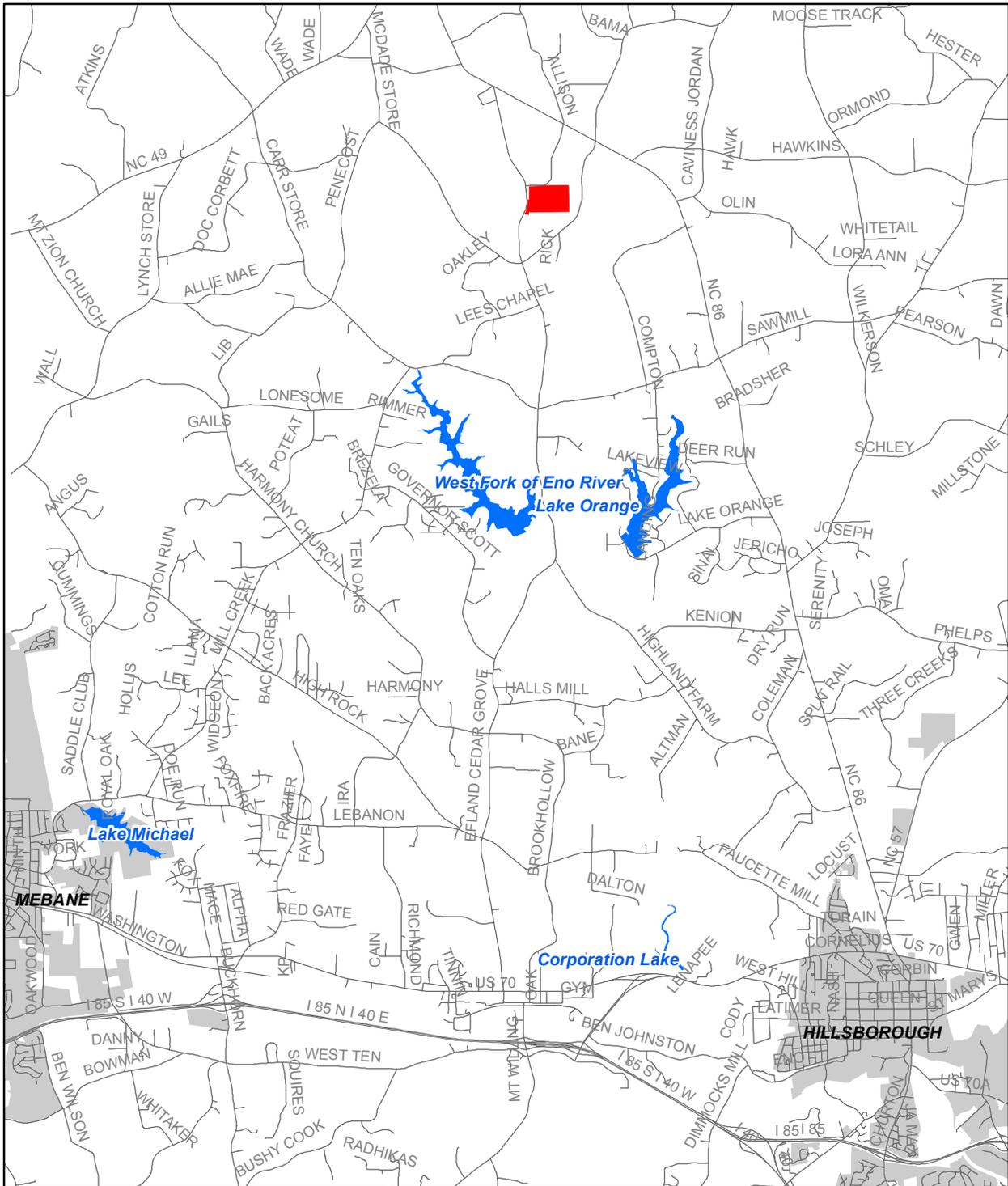
SUPPLEMENTARY INFORMATION:

Please complete this information for general information about your farm:
Must Complete this section:

- If you are NOT participating in the farm present use taxation program, OR
- If you do NOT have a plan on file with the Natural Resources Conservation Service or the NC Forest Service.

1. How long have you owned your farm? 10 years
2. How long have you lived on your farm? 0 years 1937-1960
3. Has your farm exceeded \$1,000 in gross income in each of the past three years?
 Yes No
4. How many acres on your farm are under cultivation? 50 Acres (estimated)
5. What are the major crops that you plant each year?
Lamb Meat
6. How many acres on your farm are used for pasture? 50 Acres (estimated)

For questions or more information, please contact:
Gail M. Hughes
 Orange County Department of Environment, Agriculture, Parks and Recreation
 Soil and Water Conservation Division
 P.O. Box 8181 -306 Revere Road
 Hillsborough, NC 27278
 (919) 245-2753 Office
 (919) 644-3351 (fax) updated Feb. 2013



**Robert H. Pope, Jr. - Proposed Voluntary Agricultural District
Location Map**

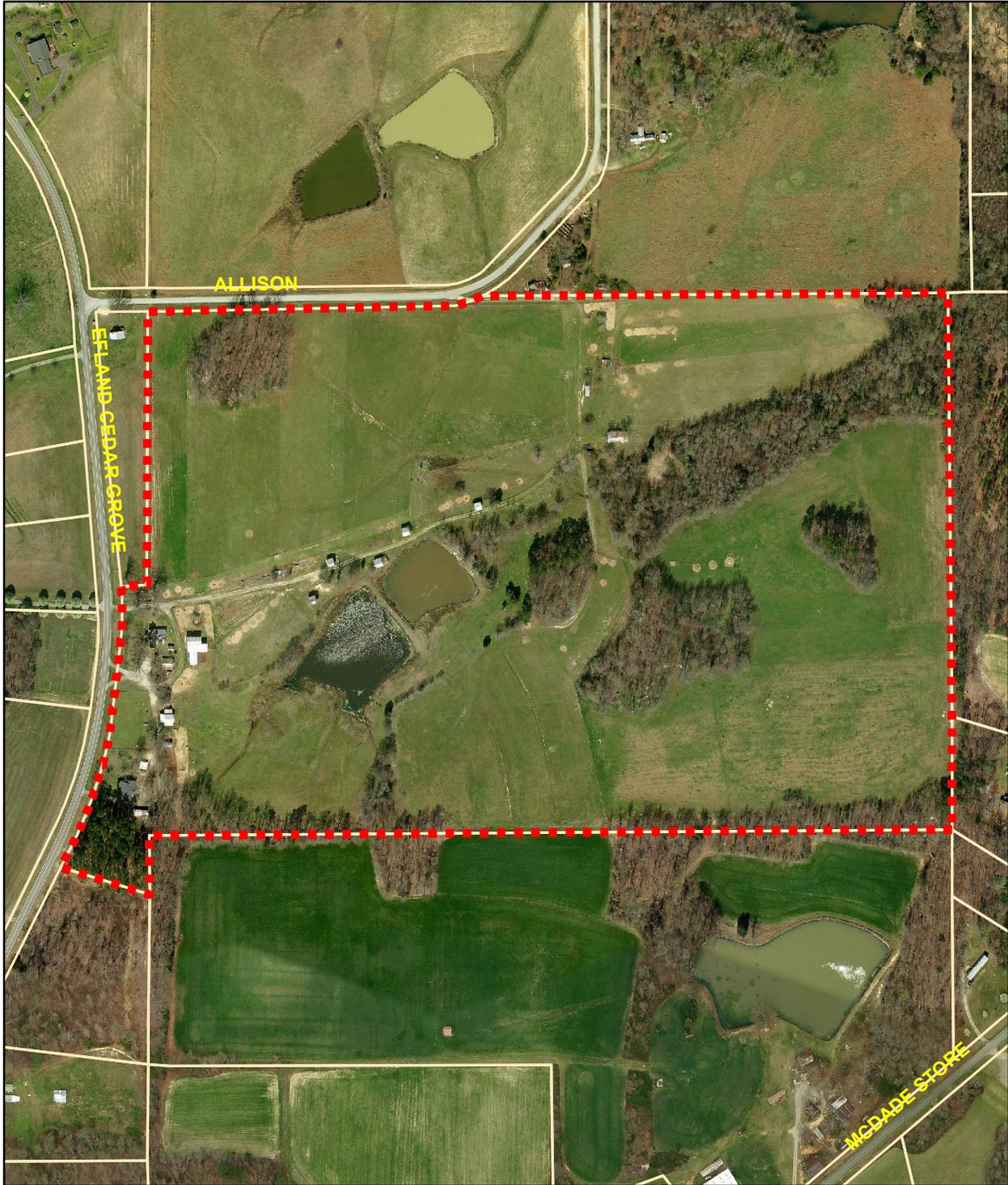
-  Robert H. Pope VAD property
-  Reservoirs and lakes
-  Streets
-  Towns



1 inch = 8,333 feet

Dept. Environment, Agriculture, Parks & Recreation
3/21/2013 Map prepared by Land Records/ GIS Div.
OC220K O:\gishome\gisproj\VolunteerAgDstrct.mxd





**Robert H. Pope, Jr. - Proposed Voluntary Agricultural District
Site Map**

 Robert H. Pope, Jr. property
 Parcel boundary
2012 aerials



Dept. Environment, Agriculture, Parks & Recreation
3/11/2013 Map prepared by Land Records/ GIS Div.
OC220K O:\gishome\gisproj\VolunteerAgDstrct.mxd



Orange County Agricultural Preservation Board

APPLICATION FOR CERTIFICATION AS QUALIFYING FARMLAND AND DESIGNATION AS AN ORANGE COUNTY VOLUNTARY AGRICULTURAL DISTRICT / ENHANCED VOLUNTARY AGRICULTURAL DISTRICT

INSTRUCTIONS: Before completing the application, please review the provisions of the Orange County Voluntary Farmland Preservation Program Ordinance, and fill out the form as accurately and completely as possible. Please sign and date the form, and return it to the Department of Environment, Agriculture, Parks and Recreation PO Box 8181 - 306 Revere Road, Hillsborough, NC 27278

APPLICANT:

Name: Elizabeth Walters
Address: 7119 High Rock Rd.
City: Effland State: NC Zip Code: 27243
Phone Number (Day): 919-563-3842 (Evening)
E-Mail:

PROPERTY INFORMATION:

Property Location/Address: 7119 High Rock Rd
Township: 2 Tax Map: 42 Block: Lot: 11
Township: 2 Tax Map: 42 Block: Lot: 11A
Parcel Identification Number (PIN): 9836197855
Parcel Identification Number (PIN): 9837032956
Number of Acres: 225.28 Deed Book: 220 Page: 195
Does this land have a plan on file with the Natural Resources Conservation Service or NC Forest Service?
Yes: [checked] No: If "No", please complete back of form
Is this land listed for Present Use taxation with the Orange County Tax Office?
Yes: [checked] No: If "No", please complete back of form

I [WE] ARE SEEKING DESIGNATION AS A VOLUNTARY AGRICULTURAL DISTRICT

I [WE] ARE SEEKING DESIGNATION AS AN ENHANCED VOLUNTARY AGRICULTURAL DISTRICT [checked]

OWNER[S] CERTIFICATION:

I [We], the applicant[s], hereby certify that, to the best of my [our] knowledge, the foregoing application is complete and accurate.

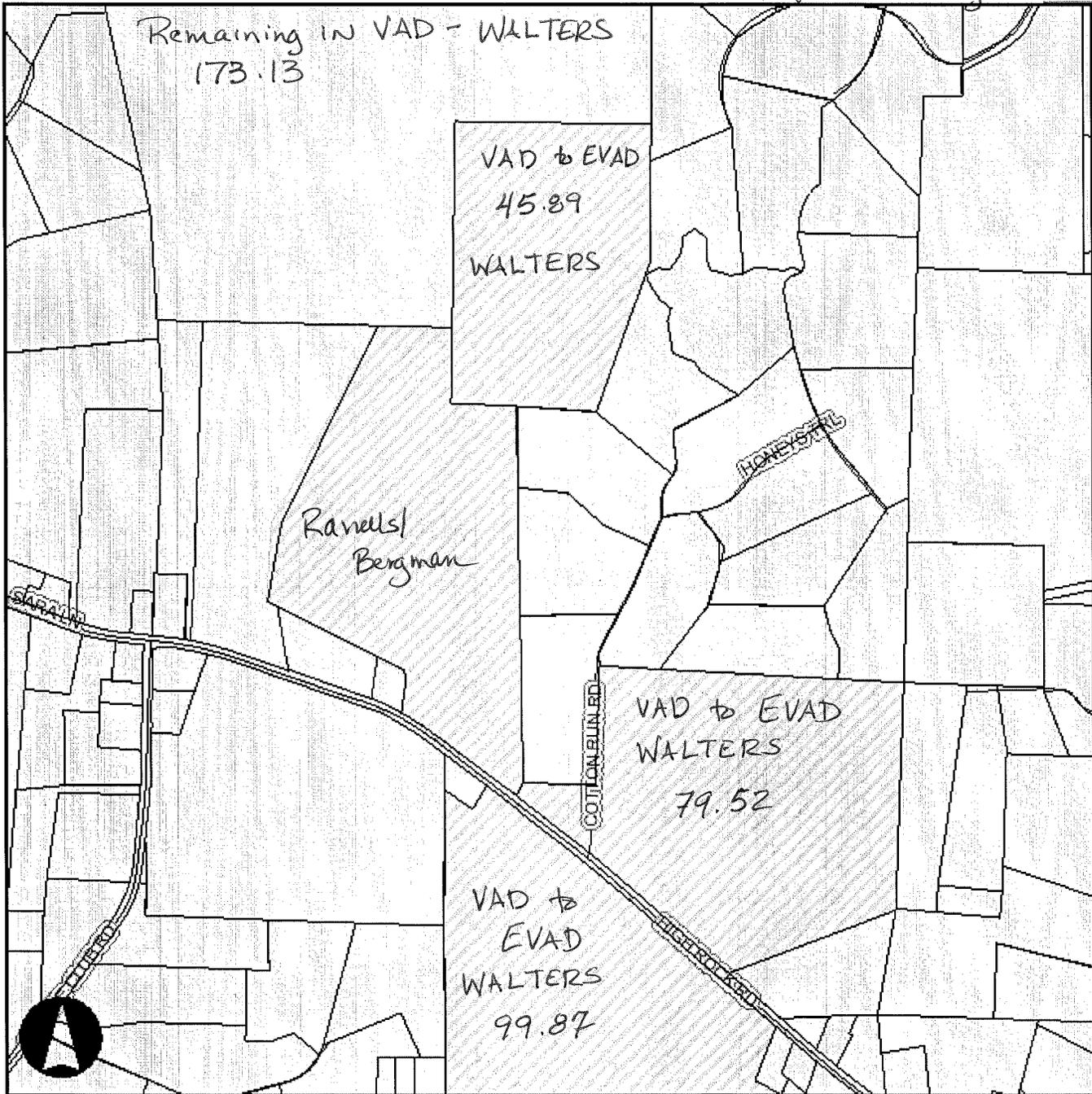
Signature: Elizabeth T. Walters Date: January 4, 2013
Signature: Roland Walters Date: 1-4-13



Orange County, NC GIS

Walters tracts

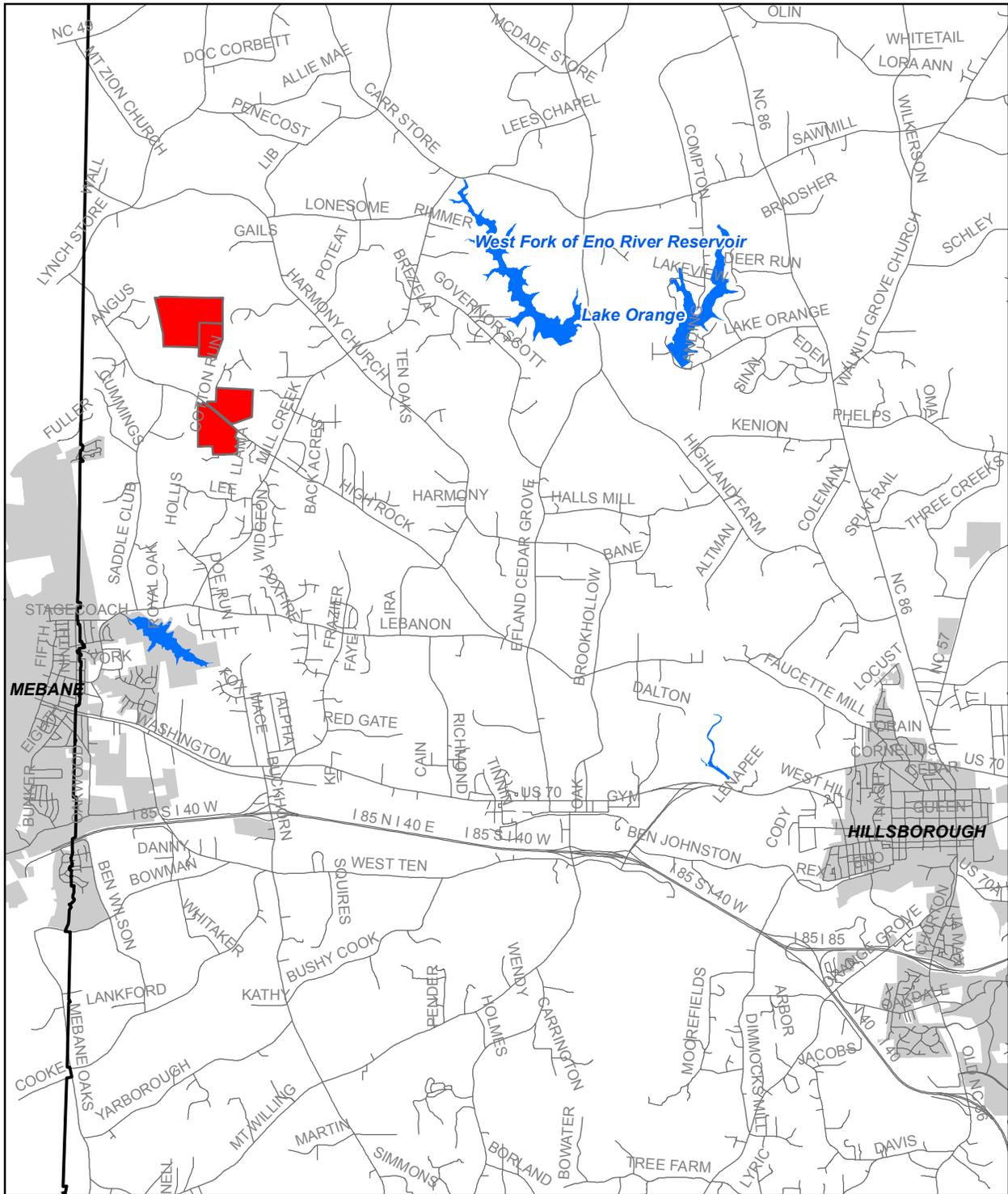
Request Change to EVAD



1 inch = 1000 feet
Created on 3/7/2013. Orange County, North Carolina.

EVAD Total = 225.28 ACS.

VAD - total = 173.13 ACS.



Elizabeth Walters / Roland Walters - Proposed Voluntary Agricultural District Location Map

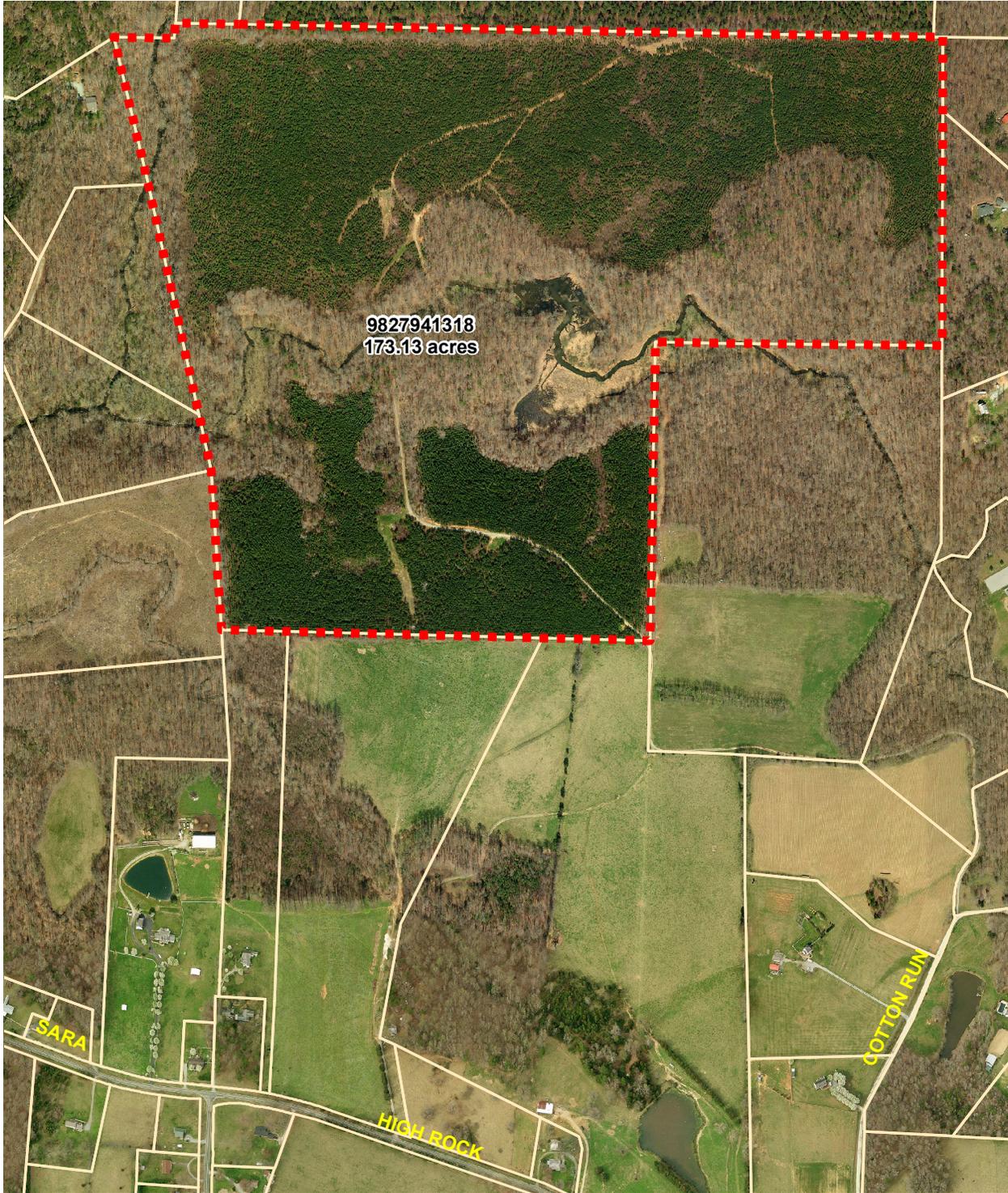
- Elizabeth Walters / Roland Walters VAD property
- County boundary
- Reservoirs and lakes
- Streets
- Towns



1 inch = 8,333 feet

Dept. Environment, Agriculture, Parks & Recreation
3/21/2013 Map prepared by Land Records/ GIS Div.
OC220K O:\gishome\gisproj\VolunteerAgDstrct.mxd





**Elizabeth Walters / Roland Walters - Voluntary Agricultural District
Site Map**

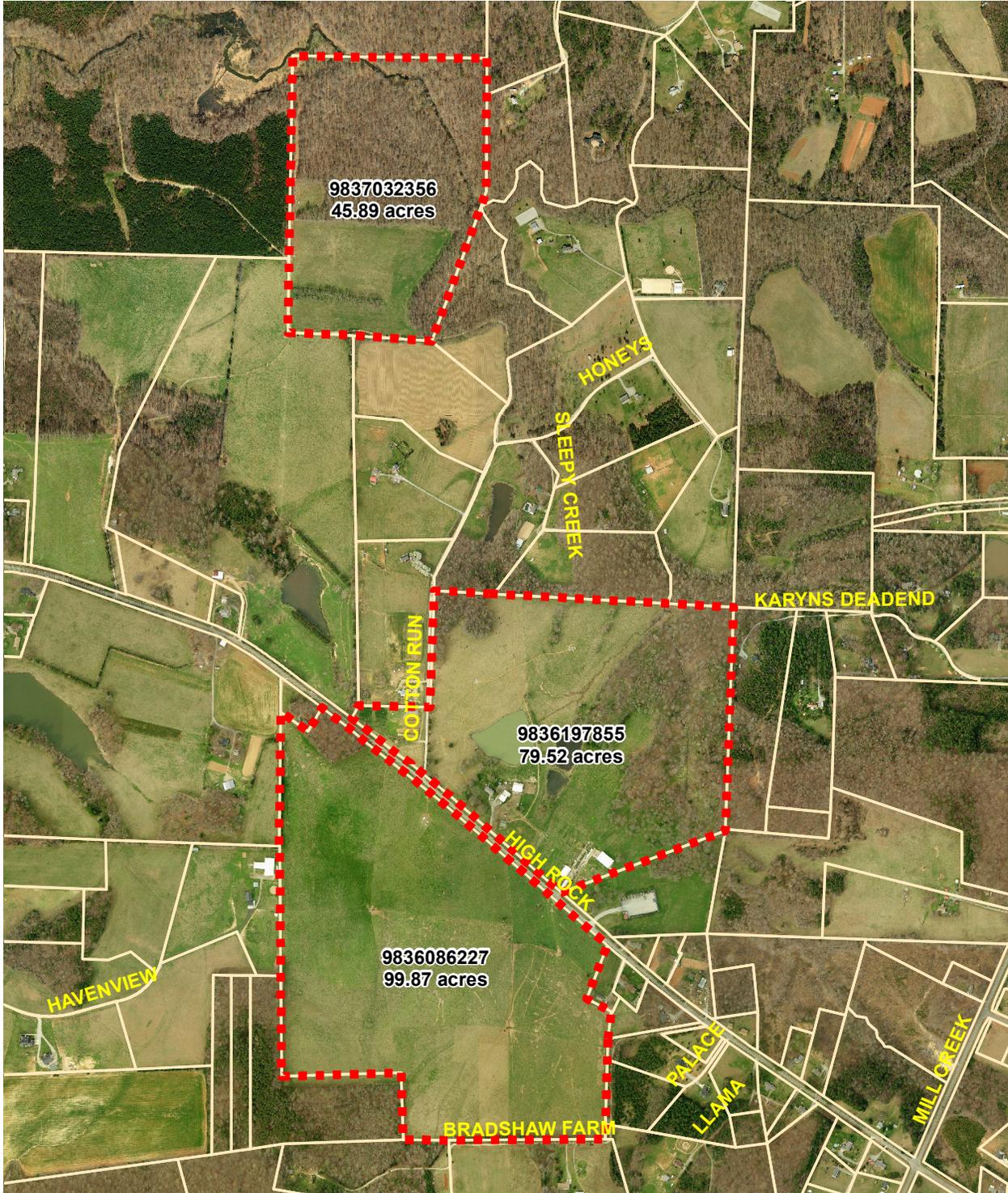
 Elizabeth Walters / Roland Walters property
 Parcel boundary
2012 aeriels



1 inch = 686 feet

Dept. Environment, Agriculture, Parks & Recreation
3/11/2013 Map prepared by Land Records/ GIS Div.
OC220K O:\gishome\gisproj\VolunteerAgDstrct.mxd





Elizabeth Walters / Roland Walters - Proposed Enhanced Voluntary Agricultural District Site Map

 Elizabeth Walters / Roland Walters property
 Parcel boundary
2012 aeriels



1 inch = 1,012 feet

Dept. Environment, Agriculture, Parks & Recreation
3/11/2013 Map prepared by Land Records/ GIS Div.
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**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: April 9, 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	February 5, 2013	BOCC Regular Meeting
Attachment 2	February 21, 2013	BOCC Joint Meeting with Hillsborough
Attachment 3	February 25, 2103	Quarterly Public Hearing

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.

1 DRAFT

Attachment 1

2 **MINUTES**
 3 **BOARD OF COMMISSIONERS**
 4 **REGULAR MEETING**
 5 **February 5, 2013**
 6 **7:00 p.m.**

7
 8 The Orange County Board of Commissioners met in regular session on Tuesday,
 9 February 5, 2103 at 7:00 p.m. at the DSS offices, in Hillsborough, N.C.

10
 11 **COUNTY COMMISSIONERS PRESENT:** Chair Jacobs and Commissioners Mark Dorosin,
 12 Alice M. Gordon, Barry Jacobs, Earl McKee, Bernadette Pelissier, Renee Price and Penny Rich

13 **COUNTY COMMISSIONERS ABSENT:**

14 **COUNTY ATTORNEYS PRESENT:** John Roberts

15 **COUNTY STAFF PRESENT:** County Manager Frank Clifton, Assistant County Managers
 16 Michael Talbert, Clarence Grier and Clerk to the Board Donna Baker (All other staff members
 17 will be identified appropriately below)

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

20
 21
 22 **1. Additions or Changes to the Agenda**

23 Chair Jacobs went through the items at the County Commissioners' places

- 24 - PowerPoint for Item 6-b regarding the Comprehensive Plan and Unified
- 25 Development Ordinance Text Amendments and Zoning Atlas Amendments to
- 26 Establish Two New Zoning Overlay Districts in the Efland Area
- 27 - PowerPoint for Item 7-a regarding the Comprehensive Land Use Element Map and
- 28 Zoning Atlas Amendments- Orange Alamance Line

29
 30 **PUBLIC CHARGE**

31
 32 *The Board of Commissioners pledges to the residents of Orange County its respect. The*
 33 *Board asks its residents to conduct themselves in a respectful, courteous manner, both*
 34 *with the Board and with fellow residents. At any time should any member of the Board or*
 35 *any resident fail to observe this public charge, the Chair will ask the offending person to*
 36 *leave the meeting until that individual regains personal control. Should decorum fail to be*
 37 *restored, the Chair will recess the meeting until such time that a genuine commitment to*
 38 *this public charge is observed. All electronic devices such as cell phones, pagers, and*
 39 *computers should please be turned off or set to silent/vibrate.*

40
 41 **2. Public Comments (Limited to One Hour)**

42
 43 **a. Matters not on the Printed Agenda**

44
 45 Don O'Leary said that the social engineers of our time are using the same tactics as the
 46 social engineers leading Nazi German, the Soviet Union and China. He said that the
 47 environment, sustainable development, collectivism, and division are being used as tools to
 48 achieve tyranny. He stated his belief that the county is promoting the enemy, ICLEI, the UN
 49 and Agenda 21 through overregulation, unelected appointees, over taxation, land grabbing and
 50 wasteful spending. He said that this will contribute to the buildup of an overload to the system

1 that could destroy the United States. He said that this is happening due to a lack of knowledge
2 with regard to history.

3
4 Valee Taylor introduced himself as the minority owner of Taylor Fish Farm. He asked
5 the Board of County Commissioners to help incubate them at the Piedmont Food and
6 Agricultural Processing Center (PFAP). He said the business can bring in 15 workers and when
7 completed can employ up to 45 people. He said they are a local, home grown business in
8 Cedar Grove and they need local jobs in their community. Economic downturn has hurt a lot of
9 their businesses in their area. They are a sustainable business; they comply with the Clean
10 Water Act; they are a value added commodity and they need some help. He said they are a
11 part of the community and have been operating for four generations on the same land. He said
12 that they want to be able to open up jobs to others through their tilapia business.

13
14 Renee Stewart introduced herself as part owner in Taylor Fish Farm. She asked if their
15 business follows all the procedures for PFAP, then can they use the facility as an incubator.

16
17 **b. Matters on the Printed Agenda**

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

20
21 **3. Petitions by Board Members (Three Minute Limit per Commissioner)**

22 Commissioner McKee petitioned the Board for staff to explore the possibilities of the
23 Taylor's being able to work with PFAP and this was seconded by Commissioner Price.

24 Commissioner Price noted that the Board heard about a solar project from the
25 Commission for the Environment last week and the Commission for the Environment would like
26 to know when the Board would be reviewing their request.

27 Chair Jacobs referred this to agenda review.

28
29 **4. Proclamations/ Resolutions/ Special Presentations**

30
31 **a. Orange County Arts Grant Recipients**

32
33 The Board presented checks to local artists and arts organizations receiving Fall 2012
34 Orange County Arts Grants.

35 Martha Shannon said that 38 grant requests had been received. She said the Arts
36 Commission awarded a total of over \$26,749 in county funds for art projects proposed by 10
37 non-profits, 8 schools, and 2 individual artists. She gave an overview and some facts about the
38 grants. She said that Orange County Arts Commission was created on February 4, 1985 as the
39 local distributing agent in Orange County and to award state grassroots arts programming
40 funding. She said that there is a request on the consent agenda to allow the Arts Commission
41 to apply to the state for the 29th consecutive year as designated county partner in Orange
42 County. She said that grants are awarded every six months, awarding state funds in spring and
43 county funds in the fall. She said grants are awarded for high quality arts programming based
44 on artistic merit and benefits to the citizens of Orange County. She noted that all applicants are
45 funded at no more than 50% of their budget and that individual artists are paid only with county
46 funds, not state. She said that 85-95% of grant funds are given to outside non-profits and the
47 remaining funds are used to supplement the Arts Commission's own programs. She thanked
48 the Commissioners for their continued support.

49 Chair Jacobs announced the recipients and Commissioner McKee awarded the grant
50 funds.

1
2 February 5, 2013
3 List of the recipients:

5 <u>Grant Recipient:</u>	<u>Attendees:</u>
7 Arts Center -	Julie Tomkovic
8 Botanical Garden Foundation, Inc./North Carolina Botanical Garden-	Elisha Taylor
9 Cedar Ridge High School -	Janice Wereszczak
10 Chapel Hill High School/Carrboro High School/Phoenix Academy Coalition-	Michael Irwin
11 Estes Hills Elementary School PTA -	Meredith Lassiter
12 Extraordinary Ventures -	Cyndi Whisnant
13 Franklin Street Arts Collective dba FRANK Gallery -	Barbara Tyroler
14 Friends of the Carrboro Branch Library -	Nerys Levy
15 Hillsborough Arts Council -	Gail Cooley
16 Michael Roy Layne dba Legacyworks -	Michael Roy Layne
17 McDougle Elementary School PTA -	Michelle Hickerson
18 McDougle Middle School PTA -	Michelle Hickerson
19 One Song Productions -	Nell Ovitt & Taylor
20 Phillips Middle School PTSA -	Norris
21 SECU Family House at UNC Hospitals -	Lyn Billings
22 St. Joseph's Historic Foundation (fiscal agent for Sacrificial Poets) -	Kirsten Beattie
23 Mary Carter Taub -	Will McInerney,
24	Kane Smego &
25	CJ Suitt
26	NOT AVAILABLE
27	TONIGHT
28 Town of Carrboro Arts Committee -	Julie Tomkovic

29
30 **b. OWASA Annual Update Presentation**
31

32 The Board received a presentation and information from the Orange Water and Sewer
33 Authority (OWASA) on recent activities.

34 OWASA Chair Alan Rimer made this presentation. He introduced Ed Kerwin, the
35 Executive Director of OWASA and the Orange County representatives to OWASA, Terri
36 Buckner and Michael Hughes.

1 Alan Rimer noted that the annual report is included in the Commissioner's packet and
2 he thanked Commissioner Rich, Commissioner Price and Commissioner Dorosin for attending
3 a recent orientation.

4 He said, in regard to Jordan Lake, as a utility, OWASA has made a tremendous effort at
5 conserving water more than any other entity in N.C. He said there is a 50 year supply of water
6 but until 2035 date passes, when the quarry supply can be tapped, there is still potential for
7 vulnerability. As a result, a request has been made to move to a level one allocation for Jordan
8 Lake, which would give access to the water. He said that Cary and Durham specified that,
9 under condition of drought, access to that water might not be available without the level one,
10 which gives OWASA a piece of that pie.

11 He said the Drought Response Operating Protocol (DROP) was recently passed, which
12 provides an opportunity for OWASA, at stage one, to make a decision whether or not they will
13 need Jordan Lake when reservoirs are dropping and demand reaches certain levels. He
14 referenced a note from Michael Hughes stating that Wichita is in a Stage 3 shortage.

15 Alan Rimer said, in reference to the Rogers Road area, OWASA has acted as a
16 resource for this project and has provided answers as needed. He said this cooperation will
17 continue.

18 Commissioner Gordon referenced the DROP, page 10 under #4, and she asked about
19 page 3, which stated that Orange County and Hillsborough did approve it but Chapel Hill and
20 Carrboro did not. She questioned whether the DROP wording addresses concerns for both
21 jurisdictions.

22 She said her other question is on the top of page 7, regarding Level One allocation.
23 She said this passage seems to say that if Level One is obtained there must be withdrawal
24 within 5 years, but on the other hand there is only withdrawal when triggered.

25 Alan Rimer said when they activated DROP there were many considerations and
26 Carrboro did not buy into DROP as a principle, but believed OWASA should just conserve
27 more and wait for a more serious drought situation before going to alternative sources. He said
28 the problem with that is when a drought is occurring, sometimes the drought drains lake quickly
29 and other times slowly and they don't know at any one time about the speed of the drought.
30 Carrboro thought there should be a longer wait and Chapel Hill accepted as a whole the
31 OWASA principles, but their board felt that it would serve the community as it is now.

32 He said the OWASA board believes that if a level one drought is reached, it is not an
33 immediate trigger to go to an alternative source, rather this begins a process of gathering data
34 and examining it before a decision is made by the board. He said it is more of a deliberation
35 point.

36 He said that the way their withdrawal policy reads, a withdrawal has to be done in 5
37 years, but DNR has reassured the board that this does not really apply. He said that OWASA
38 has decided based on conversations with DNR that asking for Level One provides opportunities
39 needed and the five year limit is not a concern at this time. He said that if the five year is
40 reached and there has not been a need for action, there will be a check in with DNR.

41 With respect to the WASMBA, he said there is no plan to change the water and sewer
42 master plan at this time.

43 Commissioner Price questioned, with regard to the Mountains to Sea Trail (MTST),
44 whether agreement had been reached with some of the citizens adjacent to OWASA property.

45 Alan Rimer said the feeling is that this lies in the hands of the county and county staff.
46 He said if staff continues to endorse this and if the Board of County Commissioners endorses it,
47 then OWASA would support whatever decisions the Board of County Commissioners make.

48 Commissioner Price questioned whether OWASA has had any further conversations
49 with citizens since their open houses last fall.

1 Michael Hughes said there has not been any contact with the neighbors and he said
2 OWASA's position is that they will work with county staff on whatever is proposed and whatever
3 the Board proposes.

4 Chair Jacobs said there is a technical group with TJCOG to look the Jordan Lake rules
5 and he said there is no representative that represents the rural area. He said the Board of
6 County Commissioners wrote a letter several years ago expressing concern that, starting at
7 current levels, reducing nitrogen loading on farms in the rural buffer, it would be impossible to
8 have agriculture in that area. He wondered if OWASA was plugged into that study or aware of
9 the letter.

10 Ed Kerwin said they do not know.

11 Alan Rimer said this topic has been around for a long time and Orange County does a
12 great job with management of over-fertilization. He said the Soil Conservation Service works
13 closely with the farmers and there are more conservation easements along strings of water
14 bodies in Orange County than any other county in the state. He said this speaks to why the
15 rural voice of Orange County needs to be heard.

16 Chair Jacobs referred to page 3 of their agenda item, the forestry management issue
17 that caused interest previously. He urged OWASA to get as much constructive public
18 participation as they can when this comes back.

19 Alan Rimer said this issue has been shelved with no sense of urgency at this point but
20 they did learn some lessons.

21 Commissioner Pelissier questioned whether the DROP has to be revised with population
22 growth.

23 Alan Rimer said this document was modified up to the point it was adopted by their
24 board and it gets refined on a regular basis.

25 Commissioner Dorosin asked about the Rogers Road issue. He said his concern is that
26 the longer they delay in providing water and sewer there, the higher the costs will be and he
27 noted that the cost estimate has risen from 4 million to 5.8 million in the last few years. He
28 said, costs can be prohibitive, by other options. He asked if OWASA is against alternatives like
29 gravity sewer and if that is their policy, he wondered how that might be changed.

30 Alan Rimer said these are not policy matters, but are matters related to system
31 operation. He said OWASA does have sewer pumping stations and they are not opposed to
32 them, however it is problematic to put a pump in a house. He said it requires maintenance and
33 most people, just like with septic systems, do not maintain them. Part of this maintenance is
34 the need for a duplex system in the event of a failure. He said an alternative solution would be
35 a vacuum sewer, but this is not the answer in an area like Rogers Road. He said that doesn't
36 mean that alternatives can't be looked at; however the number of lots and the location need to
37 be considered. He said several of the lots are problematic and analysis has shown that the
38 cost will be about \$180,000 per lot. He said that once the final configuration is agreed to and
39 there is an understanding of the area to be served, OWASA will then go back and look at it to
40 bring forward the costs for different systems. He said the decision then lies with the Board of
41 County Commissioners and what they are willing to pay. He said that OWASA's job is to
42 present the options and the County will need to make a decision that best serves the people
43 and makes economic sense for the taxpayers.

44 45 **5. Consent Agenda**

46 A motion was made by Commissioner McKee seconded by Commissioner Pelissier to
47 approve the consent agenda as stated below:

48
49 VOTE: UNANIMOUS
50

1 **a. Minutes**

2 The Board approved the minutes from November 8 and December 6, 2012 as submitted by the
3 Clerk to the Board.

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

5 The Board adopted a resolution, which is incorporated by reference, to release motor vehicle
6 property tax values for thirteen (13) taxpayer requests that will result in a reduction of revenue,
7 in accordance with NCGS.

8 **c. Property Tax Releases/Refunds**

9 The Board adopted a resolution, which is incorporated by reference, to release property tax
10 values for seven (7) taxpayer requests that will result in a reduction of revenue, in accordance
11 with North Carolina General Statute 105-381.

12 **d. Advertisement of Tax Liens on Real Property**

13 The Board received a report on the amount of unpaid taxes for the current year that are liens on
14 real property as required by North Carolina General Statute (NCGS) 105-369 and approved the
15 Order setting March 13, 2013 as the date set by the Board for the tax lien advertisement.

16 **e. Notice of Public Hearing on Orange County's 2013 Legislative Agenda**

17 The Board approved the notice of the Board of County Commissioners' plans to hold a public
18 hearing on February 19, 2013 on potential items for inclusion in Orange County's legislative
19 agenda package for the 2013 North Carolina General Assembly Session.

20 **f. Orange County Arts Commission Annual DCP Renewal with NC Arts Council**

21 The Board authorized the Orange County Arts Commission and staff to apply by the March 1,
22 2013 deadline for annual Designated County Partner (DCP) renewal with the NC Arts Council in
23 order to receive state Grassroots Arts Program funds for Orange County.

24 **g. Request for Three Time-Limited Staff Positions at DSS**

25 The Board approved Social Services (DSS) creating three new time-limited positions to be used
26 during the transition of the current legacy automation systems to the new NCFast program.

27 **h. Legal Advertisement for Quarterly Public Hearing – February 25, 2013**

28 The Board approved the legal advertisement for items to be presented at the joint Board of
29 County Commissioners/Planning Board Quarterly Public Hearing scheduled for February 25,
30 2013.

31 **i. Change in BOCC Regular Meeting Schedule for 2013**

32 The Board approved one change in the County Commissioners' regular meeting calendar for
33 2013 by changing the March 12, 2013 BOCC Dinner Meeting at 5:30pm **FROM** Link
34 Government Services Center **TO** Southern Human Services Center, 2501 Homestead Road,
35 Chapel Hill, prior to the 7:00pm work session (the change in location for the dinner meeting
36 inadvertently got left off of the change that was made for the 7pm work session at the 1/24/13
37 meeting).

38 **j. Boards and Commissions-Commissioner Assignments**

39 The Board approved the list of boards and commissions on which members of the Board of
40 County Commissioners have chosen to serve, which is incorporated by reference.

41
42 **6. Public Hearings**

43
44 **a. Orange County Consolidated Housing Plan Update**

45
46 The Board received comments from the public regarding the housing and non-housing
47 needs to be included in the Annual Update of the 2010-2015 Consolidated Housing Plan for
48 Housing and Community Development Programs in Orange County and proposed uses of
49 2013-2014 HOME funds.

1 Housing and Community Development Director, Tara Fikes said their last plan was
2 completed in May of 2010 and they did identify three goals in Orange County. One of those
3 goals was to provide decent and affordable housing for lower income households through the
4 following efforts: 1) Assisting low income home owners living in sub-standard housing, 2)
5 providing rental units for low income residents, 3) assisting people who lack indoor plumbing, 4)
6 helping low income renters become home owners, and 5) help extremely low income renters
7 find affordable housing.

8 She said that the second goal was to assist the homeless in finding housing as well as
9 services to maintain housing, and the third goal was to assist in provision housing and services
10 for the special needs population. She asked for any additional comments regarding needs in
11 the community.

12 Tara Fikes said that the second purpose of this meeting was to hear comments about
13 the proposed usage of the HOME investment partnership dollars. She said this program allows
14 activities such as property acquisition, new construction, housing rehabilitation and rental
15 assistance. She said they are unsure about final fund allocations for this year, but they are
16 proceeding with the plan under the assumption that they will receive at least the same funds as
17 last year, which equaled \$383,485. She said there has also been program investment and
18 some projects that no longer require funding, leaving another \$180,000 available as well.

19 Chair Jacobs said affordable housing was a topic of conversation at the Board retreat
20 last week and there will be a joint dinner meeting with Affordable Housing Advisory Board on
21 March 12.

22 Commissioner Dorosin asked if there was there anything in this plan substantively
23 different from last year's plan and he asked for clarification of how much of last years' money
24 was allocated to the low income rental units.

25 Tara Fikes said that the plan is the same as it was last year and it is a five year plan that
26 remains in place until 2015. With regard to the rental units, she said, \$50,000 was provided for
27 rental assistance in support of the homeless outreach program. She said they also allocated
28 \$37,000 for housing rehabilitation funding for complexes in Chapel Hill (Elliot Woods and Chase
29 Park), and \$90,000 to EMPOWERMENT for purchase of rental apartments to rent to low
30 income people.

31 Commissioner Dorosin asked if the latest copy of the CDBG, showing impediments to
32 fair housing, could be provided, and Tara Fikes said yes.

33
34 **PUBLIC COMMENT:**

35 Susan Levy, Executive Director of Habitat for Humanity, gave a brief overview of 2012.
36 She said there were twelve creative partnerships formed to build twelve new homes this past
37 year. She said that eleven of those homes were in the Phoenix Place subdivision in Historic
38 Rogers Road and one of those homes was in the Fairview Community. She noted that families
39 who purchase from Habitat are local people who work and provide services within the
40 community. She said that most of the families served, lived in overcrowded apartments, paid
41 over 30% of their income for rent, and had high utility cost and lack of repair service. She noted
42 that once the people move into Habitat homes, mortgage cost is often less than prior rental
43 costs and utility cost is lower, which leaves more income to be spent in the local economy and
44 to meet basic needs.

45 Susan Levy said that low and very low income households were also served through a
46 new exterior repair program called Brush of Kindness, and she stressed the pressing need for
47 these types of repair projects and the goal of increasing this service. She said Habitat had
48 nearly 2000 volunteers, who logged more than 1700 volunteer hours. She noted that Habitat
49 home owners paid a total of \$304,455 in property taxes. She said that HOME funds have been
50 a critical factor in building efforts. She said that 225 homes have been built. Four homes are

1 currently under construction and the demand for homes by qualified families has consistently
2 exceeded demand. She noted that there are only seven lots left in Phoenix Place and Habitat
3 will soon be moving on to a 28 home subdivision in Efland Cheeks Township. She recognized
4 several home owners present who will be moving into Habitat Homes in the near future. She
5 concluded by saying that Habitat will be requesting 2013 home funds for second mortgages for
6 15 new homes.

7 Deborah Burton said she is building her home here in Hillsborough in partnership with
8 Habitat for Humanity and Orange County Schools. She thanked the Board for making this
9 possible and asked them to continue funding this year to make this possible for other families.

10 Robert Dowling, Executive Director of Community Home Trust (CHT), said CHT
11 implements inclusionary housing in Orange County and currently has 200 homes in its
12 inventory. He said the expectation is to sell an additional 25 homes in the next 6 months; many
13 of these homes will require public subsidies totaling more than \$300,000, which is available
14 from HOME funds and other sources. He said there is a lot of turnover with townhomes and
15 condominiums, not single family homes. When these properties turn over, subsidies are lost.
16 He noted that median income has become flat but the costs of the homes increase, which
17 increases the need for subsidies. He said they will be coming to the Board of County
18 Commissioners to ask for HOME funds in the amount of \$60,000. He noted that \$40,000 will
19 be used to keep homes affordable and \$20,000 will be for operating support. He said they could
20 never have done this with the support of local governments. He said that this is the most
21 difficult housing market he has seen.

22 Commissioner Dorosin said he is appreciative of all the work that has been done and he
23 echoed the comments from the retreat. He said this plan should likely be re-visited sooner than
24 2015 in light of changes mentioned. He said this is an opportune time to be thinking more
25 creatively. He said he has been haunted by the recent purchase of Abbey Court, which has 252
26 units and sold for \$7 million. He said these were the most affordable units in Orange County
27 and now it looks as if the rent is going to be raised along with assessments. He said there is a
28 need to talk about different ways of doing things, including manufactured housing and he would
29 value advice from the professionals and the Affordable Housing Advisory Board.

30 Chair Jacobs noted that 1.3, page 32 talks about people not having indoor plumbing.
31 He questioned how much this count has been reduced and Tara Fikes said she would get him
32 that information.

33 Chair Jacobs said the Board heard on Friday that the Community Home Trust was
34 recruiting people from Durham County to move into unoccupied Orange County housing.

35 Robert Dowling said he is not aware of this. He said he wrote a memo to the Board of
36 County Commissioners asking for relief from some of the requirements if a home has not sold
37 after a certain number of days. He said there are so many properties on the market and it is
38 difficult to sell them, which puts a burden on CHT and makes the homeowners unhappy and
39 frustrated. He said the memo requests relief from hurdles to allow interested buyers, who don't
40 live or work here, to purchase the homes.

41 Chair Jacobs clarified that theoretically people outside of the county will be purchasing
42 the homes if the Board waives those hurdles and Robert Dowling said yes, after 90 days.

43 Commissioner McKee asked if there was any thought to transfer these homes to rental
44 properties, considering the number of homes on the market

45 Robert Dowling said there are several hurdles and CHT needs to stay focused on home
46 ownership not rentals. He said another issue is that special use permits that are approved by
47 local governments refer to home ownership, not rentals. He said if HOME funds are involved
48 then Orange County does have a say in some of the hurdles.

49 Commissioner McKee said they may have to start thinking out of the box.

1 Commissioner Rich said the same letter came to the Town Council several months ago
2 and it stated there are certain steps before Durham residents are looked at, thus giving Orange
3 County residents preference. She said that it may be time to view that memo again.

4 Commissioner Dorosin asked if the CHT receives any discount on the HOA dues of
5 condos in the high end markets.

6 Robert Dowling said this is by project. He said that for East 54 there is no discount but
7 there is a transfer fee whereby private sector owners pay a 1% fee that is used to supplement
8 dues. He said that Greenbridge also has transfer fees and at 140 West there is no transfer fee
9 but there is an agreement with the Town of Chapel Hill. He said that it basically varies by
10 project but that special assessments don't get built in and dues can rise, making transfer fees
11 inadequate.

12 Commissioner Dorosin asked if the subsidies mentioned are upfront or if they are
13 additional with homeowner dues.

14 Robert Dowling said that subsidies are put in at the initial sale, but because median
15 income has declined and everything else goes up, creating the need to re-subsidize when it is
16 transferred.

17 Chair Jacobs said he gave Tara Fikes some suggested topics from the retreat to share
18 with the joint meeting on March 12.

19 Tara Fikes said their advisory board is reviewing the letter now.

20
21 A motion was made by Commissioner Rich seconded by Commissioner McKee to close
22 the public hearing.

23
24 VOTE: UNANIMOUS

25
26 **b. Comprehensive Plan and Unified Development Ordinance Text Amendments and**
27 **Zoning Atlas Amendments to Establish Two New Zoning Overlay Districts in the**
28 **Efland Area - Public Hearing Closure and Action (No Additional Comments**
29 **Accepted)**
30

31 The Board will receive the Planning Board's recommendation, close the public hearing,
32 and make a decision on Planning Director initiated amendments to the Comprehensive Plan,
33 Unified Development Ordinance, and Zoning Atlas in order to establish two new zoning overlay
34 districts in the Efland area. The primary purpose of the overlay districts is to provide for a more
35 village and urban style of development in an area of the county served, or intended to be
36 served, by public water and sewer systems.

37
38
39
40 Perdita Holtz said, because of the presence of new Board members and because the
41 staff and Planning Board recommendations differ, she would do a review of the plan text using
42 PowerPoint. The slides are included in the abstract notes for Item 6B and are as follows:

43
44 **Comprehensive Plan Text, Unified Development Ordinance Text, and Zoning Atlas**
45 **Amendments to Establish Two New Zoning Overlay Districts in the Efland Area**
46 **February 5, 2013**
47 **Item 6.b**

48
49 **Zoning Atlas Amendment (Map- see abstract)**

- 1
- 2 • Heard at November 19, 2012 quarterly public hearing and referred to Planning Board for a
- 3 recommendation.
- 4 • Staff asked Planning Board to specifically weigh in on:
- 5 a. Whether to retain the staff-proposed “tick” for a Special Zoning Overlay
- 6 District in the 20-Year Transition land use classification.
- 7 b. Whether an “internal pedestrian circulation system” should be required in the
- 8 Efland Village Overlay District on a large project.
- 9

10 **Comprehensive Plan Text Amendment (Chart- see abstract)**

11

12 **Planning Board Recommendation**

- 13 • Keep the “tick” in the 20-Year Transition row.
- 14 • Include language to require privately-owned, connecting walkways throughout the
- 15 Efland Village Overlay District.
- 16 c. Believes that provision of a pedestrian system (and other modes of
- 17 transportation) is very important
- 18 • Unanimously voted to recommend approval if pedestrian system language added.
- 19

20 **Staff Recommendation**

- 21 • Partially based on October 2011 work session regarding sidewalks and NC counties’
- 22 challenges in providing and maintaining sidewalks.
- 23 d. BOCC sentiment that getting into “the sidewalk business” is not feasible at
- 24 this time.
- 25 • Also based on issues identified in abstract regarding requiring private provision of an
- 26 interconnecting public walkway system.
- 27
- 28 • Require that “large” projects in Efland Village Overlay District provide an “internal
- 29 pedestrian circulation system”
- 30 e. “Large” defined (for this overlay district) as:
- 31 i. Located on 2 or more acres or
- 32 ii. > 15,000 square feet of building area
- 33 iii. Large parking area: > 50 parking spaces
- 34 • Also continue to acknowledge the importance of providing sidewalks and facilities for
- 35 other modes of transportation.
- 36 • Pursue opportunities to advance these ideas and ways counties can implement them at
- 37 the State level.
- 38

39 **Manager’s Recommendation**

- 40 • Receive the Planning Board’s recommendation of approval with changes (require
- 41 interconnecting walkways)
- 42 • Close the public hearing
- 43 • Deliberate as necessary and decide accordingly

1 •Manager recommends adoption of the staff-recommended ordinance in Attachment 2
2 and the Resolution of Consistency in Attachment 4
3

4 Chair Jacobs clarified that if the Board follows staff recommendation, attachments 2 and
5 4 will be adopted and if the Board follows the Planning Board's recommendation, attachments 3
6 and 4 will be adopted.

7 Perdita Holtz said this is correct.

8 Commissioner McKee questioned why approval of either recommendation would not put
9 the area in the sidewalk business.

10 Perdita Holtz said the internal pedestrian system would be private for use of
11 development residents only, but it would not be open to the public or interconnected to adjacent
12 parcels. She said that the sidewalks would be owned and maintained by the property owners.

13 Frank Clifton said with the alternative of a small office or shopping complex which would
14 provide walkways to get to and from the complex from the parking area and again, would be
15 maintained by the property owners. He said that there were just so many hurdles with
16 sidewalks when the county does not have a public works department. He said that it is an issue
17 to be looked at further; the state has given the county permission to get into the sidewalk
18 business, but no revenue to do so.

19 Commissioner Price said, with regards to the sidewalks in a small development, she
20 wondered if this would be a requirement for every development.

21 Perdita Holtz said it would be a sidewalk in the public right of way and would be provided
22 by the developer.

23 Commissioner Price questioned if it would it be a requirement for builders

24 Perdita Holtz said it would not be frontage and the language does give the Planning
25 Board Director some leeway in the site review process.

26 Commissioner Price questioned if the sidewalk has to be concrete or could just be extra
27 shoulder width.

28 Perdita Holtz said the Unified Development Ordinance does not specify a material, but
29 the sidewalk would just have to be designated in some way.

30 Commissioner Price said when the planning board was discussing this, did they have
31 any specific ideas about sidewalk versus extra right-of-way areas on the road.

32 Perdita Holtz said that it had started out as a right-of-way discussion but this did not
33 mesh with DOT standards for sidewalks. She said the discussion then turned to how to have
34 sidewalk on private property for public use, but specific materials were not discussed. This was
35 left open so as to be site specific and determined during the site plan review process.
36

37 Commissioner Rich said she is a big fan of connectivity and wondered if there is a way
38 to make sure that there is connectivity. She questioned if the area is being looked at as a
39 whole or each parcel individually. She said she believes it should be a goal to have parcels
40 connected.

41 Perdita Holtz said staff is a proponent of connectivity, but their hands are tied by the
42 state. She said that the NCDOT has not been receptive to allowing sidewalks in the right-of-
43 way or of taking on any maintenance responsibility. She said things are done on a site by site
44 basis and there are requirements for open space connectivity.

45 Commissioner Rich said this is a concern and as overlay districts happen throughout the
46 County, the developments should not isolated. She said that the full picture is not being
47 considered if connectivity is not allowed.

48 Commissioner Price said the Board is getting caught up with the word sidewalk when it
49 could be called a walk way and should just be about getting to point A and point B without being
50 in the middle of the street. She said that NCDOT should allow use of right-of-ways for bicycles.

1 Perdita Holtz said the staff's recommendation is to continue to bring this issue to the
2 forefront at the state level.

3 Frank Clifton said as staff looked at this, the reality of this village concept in a rural area
4 is that they don't have a connectivity plan. The hesitancy of DOT to accept more responsibility
5 for these right-of-ways and with the Board of County Commissioners not wanting to be involved
6 in the maintaining of those right-of-ways, creates the awkward position of asking property
7 owners to put the walkway in and accept the maintenance and liability. He said there is need
8 for more study and a decision about how far the County wants to get into the urbanization
9 business. He said that the state is expanding ability but not revenue sources for this. He said
10 that if the desire is to encourage development then before rules burdening property owners are
11 established, the issues need to be studied further.

12 Commissioner Gordon said she supported connectivity, but wondered if there is a
13 collector street plan for this area, because they are trying to make this more urban but they
14 have no mechanism for connectivity. She said the whole point was to allow more non-
15 residential development but there needs to be a path to that. She said that collector street
16 plans are more in the paradigm and at least have the developer build the street.

17 Perdita Holtz said they could look at this issue. She noted that in Efland, many of the
18 lots go to the center line of the roads and DOT maintains them but does not own any right of
19 ways. She said that the suggestion is to adopt the overlay districts at this time and put some
20 design standards in place before any more large scale development takes place, while
21 continuing to work on the topic of sidewalks.

22 Commissioner Dorosin clarified that what the staff recommends is approval of the
23 internal walkway plan for the five acre interstate district with no walkway plan for the village
24 district.

25 Perdita Holtz said that for the Village District there would be an internal pedestrian
26 system required for projects on 2 acres or greater than 15,000 square feet of building area.
27 She said that there is leeway in this during the site plan process.

28 Commissioner Dorosin questioned how the Planning Board's recommendation differs.

29 Perdita Holtz said that the Planning Board recommends a privately owned and
30 maintained walkway system throughout the area, on private property.

31 Commissioner Dorosin questions how this differs from the requirement for 2 acres or
32 more.

33 Perdita Holtz said the 2 acre requirement is only for internal use, larger businesses
34 would only have walkways between buildings; however the Planning Board's recommended
35 walkways would be a private sidewalk system that anyone could use.

36 Commissioner Dorosin said his question is with regard to the approval process and he
37 wonders if they could incentivize the developers to provide a publicly accessible sidewalk.

38 Perdita Holtz said there would need to be a sidewalk plan for the area to avoid issues
39 with encouraging trespass on adjoining properties if a sidewalk ends at the edge of one
40 property and is not continued on the next.

41 Commissioner Pelissier said most lots in this overlay district either face Hwy 70 or
42 Efland Cheeks Road and these are highly traveled roads. She said that requiring sidewalks is
43 not going to encourage connectivity in this area.

44 Perdita Holtz said the internal pedestrian system is an amenity for that property.

45 Commissioner McKee said that this issue brings up questions that center on the cost of
46 housing and the cost of building in Orange County. He said that he does not believe the
47 planning is not far enough along to really consider and he feels the discussion is premature. He
48 said there should be a closer look at connectivity and whether this will continue the escalation in
49 property cost on housing and businesses. He thinks the high housing cost in Orange County is
50 partially due to these regulations.

1 Chair Jacobs asked Craig Benedict how this fits into the Planning Department's work
2 plan to pursue a connectivity plan.

3 Craig Benedict, Orange County Planning Director, said there is an Efland/Mebane area
4 implementation focus group that could be re-convened to discuss this issue along with other
5 topics that come with making this a village area. He said that the struggle is that there are
6 designated urban transition areas, yet there are characteristics that fit more with a rural county.
7 He said that if growth is to be promoted, the connectivity characteristic is needed. He said
8 there will be a work plan note put together and sent to the Commissioners on what the Planning
9 Board is trying to achieve and how progress will be made. He said there is potential to bring
10 this up on the work plan for this year.

11 Chair Jacobs agreed with the connectivity issue being a priority and said this issue has
12 been discussed in the Efland area for about 8 years. He said it has not been satisfactorily
13 addressed. He said either recommendation will require more work for planning staff. He said
14 that an incentive plan is worth looking at and a connectivity plan is essential. He said that if
15 intensity is going to be encouraged then comprehensive connectivity must be dealt with. He
16 said that it is the job of the Board, if planning for urban style growth, to plan for urban style
17 transit and he would hope for concrete recommendations this year.

18
19 A motion was made by Commissioner McKee seconded by Commissioner Gordon to
20 close the public hearing.

21
22 VOTE: UNANIMOUS

23
24 A motion was made by Commissioner McKee seconded by Commissioner Rich to adopt
25 item 3-c which states the Board will **not adopt any changes**, and that the Board will adopt
26 Attachments 5 and 6, which consist of an ordinance denying the amendments and
27 the Statement of Inconsistency with the Comprehensive Plan; and that staff and the Planning
28 Board will address and answer the issues on page 3, Items 1-7 listed below:

- 29
30 1. The imposition of 'requiring' public use of private property including the cost
31 (potentially upwards of \$100 per linear foot, depending on site conditions), liability and
32 maintenance. Do issues of partial taking arise?
33 2. Would this pedestrian system have to be Americans with Disabilities Act (ADA)
34 compatible (i.e. paved)?
35 3. The legal authority to enforce lack of maintenance.
36 4. The increase in impervious square footage due to the walkway causes a restriction in
37 the potential building size.
38 5. Would the 'piece-meal' implementation cause "sidewalks to nowhere" and/or affect
39 the development design of adjacent parcels?
40 6. Associated liabilities to third parties by individual property owners.
41 7. Lack of an overall master plan for walkability.

42
43 Commissioner Dorosin said he sees the seven issues as narrower than what Chair
44 Jacobs said about connectivity plans and urbanization of the area.

45 Commissioner McKee said his intent is that this be moved back to the Planning Board
46 and staff for discussion and not that any comments or ideas discussed be eliminated or not
47 considered. He said the idea of putting the plan in place and then addressing the issues is
48 counterproductive and said that he is supportive of the village and the zoning.

49 Chair Jacobs said #7 on page 3 is just a comment, not a direction and he questioned
50 Commissioner McKee's intention in requesting an answer to this open ended statement.

1 Commissioner McKee said the intention is to address the lack of overall plan or to ask
2 what the plan is.

3 Chair Jacobs said he wanted to clarify if the Board is directing staff to proactively
4 address a walkability plan or just saying that there is no overall plan.

5 Commissioner McKee said the issue of need for, or lack of need for, a master plan
6 should be part of the Planning Board and staff's discussion. He said that his concern continues
7 to be the 700 pages of the Economic Development Ordinance and its impact on the affordability
8 of housing and the attractiveness of locating businesses in Orange County.

9 Commissioner Rich said it feels like this is not ready to be voted on.

10 Commissioner Gordon suggested that the Motion 3-c should include the additional
11 statement to "Accept the planning director's recommendation", followed by the recommendation
12 wording below Issue 7 on page 3, which states as follows:

13 ...Planning Director recommends that additional study occur to create more logical,
14 legal and cost effective regulation in regards to pedestrian systems. The development of a
15 village pedestrian master plan with associated private maintenance authorities (should)
16 potentially be explored

17 Commissioner McKee accepted the friendly amendment

18 Commissioner Gordon asked for clarification about Commissioner McKee's original
19 statement of the issues.

20 Chair Jacobs said that he read 3-c and then asked for answers and clarification to
21 issues 1-7.

22 Commissioner Gordon said she would say address the issues and then add the second
23 point she read previously, changing the word could to should.

24 Commissioner Rich accepted the friendly amendment.

25 Commissioner Price said that liability is mentioned with regard to pedestrian walkways
26 but she is concerned about safety and this is not mentioned.

27 Commissioner Dorosin asked Craig Benedict about the recommendation of adoption of
28 Attachment 2, in the interim.

29 Craig Benedict said that, aside from the pedestrian walkway issue, there are 15-20 good
30 aspects that are not being questioned and make sense. He said that going with 3-c throws
31 these good things out. He said that going with Attachment 2 accepts these good things and
32 holds off the pedestrian circulation issues.

33 Chair Jacobs said that if you read 3-c it states that everything comes to a halt.

34
35 VOTE: Ayes, 4 (Commissioner Rich Commissioner McKee Commissioner Gordon
36 Commissioner Price); Nays, 3 (Chair Jacobs, Commissioner Pelissier and Commissioner
37 Dorosin)

38
39 **Motion passed**

40
41 Commissioner Pelissier questioned if there would be a need for a new public hearing.

42 Perdita Holtz said yes and noted that the buffer requirements are still in effect.

43 Chair Jacobs asked for clarification regarding all of the discussion on buffering. He
44 referred to page 59 – c, and said the statements about vegetative buffering do not clarify if
45 existing vegetation can be used.

46 Perdita Holtz said that existing vegetations is acceptable and referred to this statement
47 in section 6.8.

48
49 **7. Regular Agenda**

50

1 **a. Comprehensive Plan and Zoning Atlas Amendment Outline and Schedule for**
 2 **Upcoming Item – Orange-Alamance County Line Adjustment**

3 The Board considered processes components and schedule for a Planning Director
 4 initiated item for amendments to the Comprehensive Plan Future Land Use Map and Zoning
 5 Atlas related to the finalization of the Orange-Alamance County Line, currently scheduled for
 6 the May 28, 2013 Quarterly Public Hearing.

7
 8 For the purpose of informing the new Board members, Craig Benedict presented a PowerPoint
 9 Presentation on the background information. He referred to the slides that follow:

10
 11 **February 5, 2013**

12 **AGENDA ITEM**

13 **Comprehensive Land Use Element Map and Zoning Atlas Amendments – Orange**
 14 **Alamance Line**

15
 16 **ORANGE-ALAMANCE COUNTY BOUNDARY LINE REPORT (Graphic)**

17
 18 **BACKGROUND:**

- 19 • Boundary line had become ‘uncertain’ over the years creating contradictory maps.
- 20 • Both the Orange and Alamance County Board of Commissioners requested the North
 21 Carolina Geodetic Survey (NCGS) prepare preliminary surveys linking description to
 22 field monuments

23
 24 **BACKGROUND:**

- 25 • Both Counties initiated process
- 26 • Adoption of Session Law 2010-61 petition criteria to ‘adjust the line’
- 27 • Project involved numerous Orange County departments including, but not limited to:
 28 Manager’s office, Planning, Land Records, Tax Administration, GIS, Attorney’s office,
 29 Health Department, etc.

30
 31 **BACKGROUND:**

- 32 • ‘91% Line’ was resolved with the passing of Session Law 2011-88 on May 25, 2011
- 33 • The remaining 9% was addressed with the passage of Session Law 2012-108.

34
 35 **Alamance-Orange Boundary Implementation Flowchart (Chart)**

36
 37 (Michael Harvey takes over the PowerPoint presentation at this point.)

38
 39 **NECESSARY ACTIONS:**

- 40 • Orange County has to extend zoning and land use categories on properties located
 41 within our planning jurisdiction as the result of the boundary line agreement.
- 42 • In November of 2011 the BOCC held a public hearing to extend zoning and land use
 43 onto 65 properties (approximately 221 acres involved) as part of the ‘91%’ boundary
 44 line project.
- 45 • The BOCC approved the zoning atlas and future land use map amendments on
 46 December 13, 2011.
- 47 • Now we have to do the same thing with the properties associated with the ‘9%’
 48 portion of the line.

49
 50 **ADOPTED COUNTY LINE – 91%: (Map)**

1
2 **9% Line Project:**

- 3 • Project impacts 11 properties in northern Orange County along Eliza Lane.
4 • Properties currently have zoning/land use classifications assigned. Staff will be
5 extending these existing classifications on those portions of property now located in
6 our jurisdiction.
7

8 **IMPACTED AREA - 9% LINE: (Map)**
9

10 **RECOMMENDATION:**

- 11 • The Manager recommends the Board approve the attached Amendment Outline
12 Form and direct staff to proceed accordingly.
13

14 When presenting slide 5, Craig Benedict noted that there are two communities where
15 work still needs to be done, with Mill Creek and Morrow Mill and this will not be forgotten.

16 Michael Harvey noted that there will be an open house in April for impacted property
17 owners and notification requirements will be followed.

18 Commissioner Rich asked if the zoning would be consistent with the property that is
19 already there.

20 Michael Harvey said yes, they are just extending existing zoning and land use
21 categories.

22 Commissioner Rich asked if there were any foreseeable problems with this.

23 Michael Harvey said no.

24 Chair Jacobs and Frank Clifton reviewed more historical information for the newer board
25 members.

26 A motion was made by Commissioner Pelissier seconded by Commissioner Rich to:
27 Approve the processes' components and schedule for a Planning Director initiated item for
28 amendments to the Comprehensive Plan Future Land Use Map and Zoning Atlas related to the
29 finalization of the Orange-Alamance County Line, currently scheduled for the May 28, 2013
30 Quarterly Public Hearing.
31

32 VOTE: UNANIMOUS
33

34 **b. Follow-up Discussion on the Continuation of the Historic Rogers Road**
35 **Neighborhood Task Force**
36

37 The Board considered follow-up on Board discussions at the January 24, 2013 regular
38 meeting and the January 29, 2013 work session regarding the continuation of the Historic
39 Rogers Road Neighborhood Task Force with consideration of the following: requesting that the
40 Towns appoint their respective representatives; confirming the appointment of Commissioners
41 Penny Rich and Renee Price to serve on the Task Force; consider appointing David Caldwell
42 and Robert Campbell from the Rogers Eubanks Neighborhood Association (RENA) to serve on
43 the Task Force; and confirming the Charge and a Timeline for the continued activities of the
44 Task Force.

45 Frank Clifton said the board requested this to come back for review. He said the Board
46 took action tonight on the consent agenda for appointments on this task force. He said that the
47 two citizens need to be reappointed and the towns need to appoint as well. He said that
48 clarification was asked for on the motions from January 24th.

49 Chair Jacobs asked for clarification of the task force timeline included in the motion,
50 which is 6 months from adoption, and he noted 6 months from adoption would be July 24th.

1 Frank Clifton said the issue for the Board of County Commissioners is that there is
2 summer break and he asked if the board would want this task force to come back with a report
3 in September.

4 Commissioner Rich said; regarding bullet point one, could the towns also be asked to
5 approve, along with their appointments, the continuation of the task force. She said there is an
6 assumption that the towns want the task force continue but this should be confirmed.

7 Chair Jacobs said, assuming the towns approve this, it could be six months from the last
8 town endorsement and approval.

9 Commissioner Rich said Orange County should put a deadline date on it and not wait for
10 the towns.

11 Chair Jacobs pointed out that the board reconvenes on September 5th.

12 Commissioner Price said she believes that the task force wanted this to end by
13 June. She said that since none of this is new, the Board should move forward and attempt to
14 have something done by June.

15 Chair Jacobs said June is full with budget items even though no one disputes her point.

16 Commissioner Price said the point was to have things done no later than June.

17 Commissioner Dorosin said that June puts it down to four months and he believes the
18 start should be when the task force meets again. He said that this needs to be meaningful and
19 four months will lead to ramming through recommendations without really engaging the
20 community. He said that the target should be 6 months from when the task force meets again.

21 Commissioner McKee expressed his agreement with Commissioner Dorosin and said
22 that the other boards will take some time to make appointments and then there will be a lag
23 before the group meets. He said that because this will not be addressed until at least
24 September 5th, he does not have a problem with asking for a report back by the second meeting
25 in September. He also suggested a 6 month timeframe from the date of either the last
26 appointment by the towns or the first meeting by the task force.

27 Frank Clifton said he did not want to create confusion and that he sees no reason to
28 have a report due July 1st if none of the bodies meet until September. He feels a September
29 deadline is good.

30 Commissioner Dorosin said that since the community center has been bifurcated from
31 the task force, that will proceed at pace. He said he is less concerned that giving a 6 month
32 time frame will keep things from proceeding.

33 Commissioner Price said she is fine as long as they do have a certain deadline date.

34 Chair Jacobs pointed out that the motion that was ratified was to continue the task force
35 for 6 months, but it has no definition of this timeline. He suggested that they clarify the timeline
36 by setting the expectation of a report at their September 17th meeting.

37 Michael Talbert said all of his points have been covered and it is unlikely the task force
38 will meet before mid-March and a September date is feasible. He said that it will take at least 4-
39 6 weeks to pull together a final report for approval from the task force, prior to the town and
40 county seeing it.

41 Chair Jacobs said that Commissioner Dorosin had made an observation about the
42 charge from January 24th meeting related to items 3-4 on the motion.

43 Commissioner Dorosin said that when he made the motion to consider options to
44 address gentrification, he intended on including Chapel Hill Small Area Plan (SAP) as all one
45 bullet item, considering future development in the area.

46 Chair Jacobs said he was not sure there was any substantive difference.

47 Commissioner Gordon said it should be left as is. She said she listened carefully to the
48 video of the meeting. When Chair Jacobs read the motion he used a lot of "ands", which
49 resulted in the clerk writing it as it stands, and Commissioner Gordon accepted what the clerk
50 wrote.

1 Commissioner Rich said it is important to bring the Small Area Plan (SAP) back when
2 they talk about this in the task force; but that it is also a good idea to go back and look at all the
3 recommendations dating back to 1997 to bring those past opinions back to the table.

4 Chair Jacobs reviewed what he had noted from the discussion:

- 5 - Request that towns appoint task force members and confirm the continuation of the
- 6 task force.
- 7 - Make a separate recommendation that the six month period conclude with a report to
- 8 come back to the County Commissioners no later than the September 17, 2013
- 9 meeting.

10 A motion was made by Commissioner Gordon seconded by Commissioner Price to
11 request that the towns confirm that the task force should continue and that they appoint task
12 force members; confirm the appointment of Commissioners Rich and Price as the County's
13 members on the Historic Rogers Road Neighborhood Task Force; appoint David Caldwell and
14 Robert Campbell from the Rogers Eubanks Neighborhood Association to the Historic Rogers
15 Road Neighborhood Task Force; confirm the Charge and Timeline of the task force as
16 specified in the second motion at the top of page 3 from the previous meeting, and specify that
17 the report be due no later than the September 17th Board of Commissioner's meeting.

18
19 Chair Jacobs asked for additional comments.

20
21 Commissioner Dorosin said that the Rogers Eubank Neighborhood Association (RENA)
22 should appoint its own two citizens to the Historic Rogers Road Task Force and offered this as
23 a friendly amendment.

24 Commissioner Rich said the neighborhood should be asked the same questions as the
25 towns, thus they should be asked to appoint two members and they should be asked if they
26 wish to continue the task force.

27 Commissioner Gordon requested that RENA confirm that the task force continues and
28 appoint two task force members.

29 A motion was made by Commissioner Alice Gordon and seconded by Commissioner
30 Renee Price to:

31
32 1. Request that the towns confirm the continuation of the Historic
33 Rogers Road Neighborhood Task Force and appoint members to the Task force;

34
35 2. Confirm the appointment of Commissioners Rich and Price as the
36 county's members on the Historic Rogers Road Neighborhood Task Force;

37
38 3. Request that the Rogers Eubanks Neighborhood Association confirm
39 the continuation of the Historic Rogers Road Neighborhood Task Force and appoint two
40 members to the Task Force;

41
42 4. Confirm the charge and a timeline for the Task force as specified by the motion
43 approved at the January 24 meeting:

- 44
45 - To continue the Task Force for six (6) months;
- 46 - To have the Task Force consider the final costs, provision and installation of water
- 47 and sewer utility extensions preferably at no cost for members of the Historic Rogers
- 48 Road community;
- 49 - Consider options to address gentrification;
- 50 - Consider Chapel Hill's most recent Small Area Plan;

1 - Consider funding options, including the Greene Tract.
2

3 5. Specify that the Task Force provide a report to the Board of County Commissioners
4 no later than the Board's September 17th meeting.
5

6 Prior to voting, Commissioner Dorosin raised an item from the 1/29 work session,
7 stating that he feels that the voting procedure at the work session was not appropriate. He said
8 when multiple people are being appointed, Board members should be required to vote for the
9 two people at one time. He noted that some people voted three times for two seats and this is
10 problematic.

11 Commissioner Dorosin also said there was some concern from board members that he
12 had a conflict of interest and should not have been appointed. He said that the County Attorney
13 addressed this issue in a memo. He said that all Board members have association interests
14 with organizations and groups across the county and the idea that participation in those groups
15 disqualifies members from participating is nonsensical. He said he wants to be mindful of that
16 and that there was no conflict of interest pursuant to the law. He asked the County Attorney to
17 clarify this on the record.

18 John Roberts said the term conflict of interest is not defined in the county statutes and a
19 county commissioner is required to vote on all issues that come forth unless that member will
20 receive a direct financial impact from that vote or the vote involves an item regarding the
21 Commissioners official conduct. He clarified that he did not find any actual legal conflict with
22 Commissioner Dorosin's potential task force involvement.
23

24 VOTE: UNANIMOUS
25

26 **8. Reports**

27 **a. Changes in Taxation for Motor Vehicles**

28 The Board will receive an overview of the upcoming changes to the taxation of
29 registered motor vehicles as stipulated in House Bill 1779, and information on the current status
30 of the project.
31
32

33 Dwane Brinson, Orange County Tax Administrator, presented a PowerPoint presentation and
34 discussed the slides included below:
35

36 **North Carolina** 37 **"Tag and tax"** 38

39 **Background:**

- 40 • General Assembly passed HB 1779 in 2005
- 41 • Bill was delayed a couple of times, but now is moving forward towards implementation
- 42 • Will take effect with vehicle registration renewals due July, 2013
43

44 **Current System: "Billing in Arrears"**

- 45 • Taxpayer renews vehicle registration through NCDMV, either online, mail or in person
- 46 • Tax office receives monthly file of all new registrants from the preceding month
- 47 • Vehicle property tax bill mailed out by tax office approximately 3 months after
48 registration renewal
- 49 • Vehicle property tax bill due the 4th month after registration renewal
50

1 **Current System: “Billing in Arrears”**

- 2 • On average, 66% of Registered Motor Vehicle (RMV) bills are paid on time
- 3 • In a full fiscal year, vehicle tax collections across are significantly less than annual bills
- 4 • Figure 1- Fiscal Year Ended June 30, 2011 Collections (Table)

6 **New System**

- 7 • “Tag and Tax” project
- 8 • Combines vehicle property tax notice and payment with the vehicle registration process
- 9 • Invitation to renew
 - 10 - Registration fee and vehicle tax notice sent in advance
- 11 • Taxpayers must pay vehicle property tax at same time as vehicle registration fee
 - 12 - Must be paid in full

14 **New System**

- 15 • Assessor determines value, situs, and taxable status of the vehicle in advance – not in
- 16 arrears
- 17 • File is “delivered” to DMV to prepare the invitations to renew the registration
- 18 • Taxes must be paid in order to obtain the registration – no partial payments will be
- 19 allowed

21 **Configuration**

- 22 • Vehicle Tax System (VTS) will be a separate system housed by the NC Department of
- 23 Revenue
- 24 • NCDMV responsible for titles and registrations
- 25 • NCDOR responsible for tax administration of vehicles

27 **Project Goals**

- 28 • To improve the citizen’s experience
 - 29 - Reduce the number of government interactions
 - 30 - Eliminate the need for delinquent vehicle collections
- 31 • Reduce/share costs
 - 32 - Duplicate mailings (postage, materials, handling, etc.)
- 33 • Increase efficiency of an existing tax
 - 34 - Improve collections and revenues
 - 35 - Improved compliance
 - 36 -

37 **Implementation**

- 38 • Counties work first files in the new VTS April, 2013
 - 39 - Combined notices in mailboxes by June 1, 2013
- 40 • Old and new system will overlap for four months
 - 41 - Change in due date
- 42 • Counties to work files in two systems for five months

44 **Renewals**

- 45 • Assessor will situs and assess vehicles in VTS
- 46 • VTS will send amount of taxes due to STARS system
- 47 • DMV will mail and collect
- 48 • Due date will be 15th of the month
- 49 • Valuation appeal must be made within 30 days of due date

- Real time

How Project Was Paid For

- Project costs were paid through the Special Fund administered by the State Treasurer
 - 3% additional interest on delinquent bills
- All taxing jurisdictions on the combined notice would bear their share of costs based upon each unit's contribution to the total amount of the notice
- An effective cost comparison should prorate costs among jurisdictions

Public Outreach

- Provided tri-fold insert with annual listing forms
- Notices being mailed with each RMV monthly mailing
- Information announcement on county digital monitors
- Press release through Public Information Office
- Educational video with PIO available 24/7 on website and YouTube
- Presentation to BOCC
- Twitter @OCNCTAX

Dwane Brinson said this is a massive undertaking of combining two large systems and has been in the works for quite some time. He said that under the current system, many taxpayers set bills aside and forget them, creating a need for enforced collection. He stated that even with a higher than average collection rate, the county has over 39,000 delinquent bills. He said this situation should improve with the requirement to pay both tax and registration fee in order to renew registration. He noted that the current system puts a block on vehicles if taxes are not paid within 4 months. This enforced collection often results in payments not arriving in the correct fiscal year for which they were budgeted. This new system aims to reduce or eliminate the need for these enforced collections.

Dwane Brinson, referring to slide 11, said under the current plan the county will receive a monthly distribution of revenues from vehicle taxes, but noted that this could change to bi-weekly or weekly.

Commissioner Gordon asked him to clarify how often the state will remit to them and asked if there is any danger that these funds could be sequestered

Dwane Brinson said the current plan is for the state to remit to the finance office monthly and as for the state taking over that money, that is a legal question and he does not know, but counties have to comply with this system.

Commissioner Dorosin asked if the DMV or DOR will take an administrative fee.

Dwane Brinson said it depends on method of payment and he has this in a memo that he will forward to the Board of County Commissioners.

Commissioner Dorosin asked if the 1.5% cut will still be in effect from the towns or if it would be eliminated.

Dwane Brinson said it will no longer be a statutory requirement.

Frank Clifton said there were agreements with the town collection process and varies from county to county. He said he does not know why there would be a 1.5% if the state will be doing collection and distribution. He said the goal with the fees is to cover administrative cost, so there will be a look at whether there are any costs involved.

Commissioner Dorosin if it was possible that taxpayers would get two bills in one year during this transition period.

Dwane Brinson said there is an effort ongoing to send notices to delinquent taxpayers to encourage them to pay now in order to avoid having to pay delinquent and current taxes with

1 the new billing cycle. He said that some people, who paid on time, may get two bills in 8 or 9
2 months but it could be sooner if they have a delinquent bill.

3 Commissioner Dorosin said they may want to consider including this information in the
4 public information materials. He suggested reaching out to the Orange County Arts
5 Commission to enlist local talent in making the outreach video.

6 Commissioner Pelissier asked for information on what happens when someone is
7 delinquent in Orange County and then moves to another county.

8 Dwane Brinson said there are options through the tax office for collecting those moneys
9 for the county.

10 Commissioner McKee encouraged use of newspapers to engage the public with a news
11 article. He said this new system will be much more cost effective and efficient.

12 Frank Clifton said there should not be two overlapping bills unless someone has been
13 delinquent.

14 Commissioner Price asked if someone does not have the money to pay both bills, could
15 they pay them at separate times.

16 Dwane Brinson, said people could make multiple trips to the DMV to pay but will be
17 unable to renew tags until payments are all made in full.

18 Chair Jacobs asked that the tax be referred to as vehicle tax, not a property tax, in
19 public outreach materials.

21 **9. County Manager's Report-none**

22
23 **10. County Attorney's Report -none**

24
25 **11. Appointments-none**

26
27 **12. Board Comments** (Three Minute Limit Per Commissioner)

28 Commissioner Pelissier said she was the Orange County representative on the Chapel
29 Hill Carrboro City Schools (CHCCS) career and technical education task force. She said that
30 the group wants to make sure partnerships are developed that ensure people get training for
31 both local and international jobs that are available. She also said Triangle Transit's annual
32 report showed that ridership is up 22.6%. She referenced a work session presentation
33 regarding the process TTA is developing an accounting process for the new monies coming in
34 from sales tax and vehicle registration. She requested that reports be sent to the board and the
35 public to give clarity about plans for how the money will be spent.

36 Commissioner Rich asked if the board has ever divided complex motions, and if not,
37 could this practice be considered.

38 Commissioner McKee said he was invited to bring greetings from the Board of County
39 Commissioners to the Human Relations Commission event, which focused on the Emancipation
40 Proclamation and its impact and implications in both the past and futures. He said more
41 programs will be forthcoming.

42 Commissioner Gordon followed up on Commissioner Rich's comment and referred to
43 past practices of having motions typed up onto a visible screen. She said it might be a good
44 idea to re-consider this practice.

45 Commissioner Dorosin thanked everyone for their work on their retreat

46 Commissioner Price said there will be community read on the Emancipation
47 Proclamation in March. She said she went to the Mental Health Legislative breakfast and found
48 it very inspiring. She encouraged support of this.

49 Chair Jacobs said Commissioner Dorosin and Commissioner McKee were part of the
50 planning committee for the retreat and get equal thanks. He said there was someone in

1 northern Orange County with a concern about 24 hour lighting at the Walnut Grove Community
2 Center and it was clarified that those lights were only to be continuously on for the first 48
3 hours.

4 He also noted that the Agricultural Summit will be held on Monday 2/15.

5 Chair Jacobs said that he will work with the clerk and follow the recommendations of the
6 board to find ways to better communicate and convey motions before voting occurs.

7 Clerk to the Board Donna S. Baker said that there was an attempt made to write out
8 motions on a projector, but it was very difficult to hand-write them. She said she likes the idea
9 of breaking up complex motions as it is often difficult to hear the motions clearly on the
10 recordings and she has to go back and listen to her direct recordings. This means she is often
11 clarifying motions the next day and then sends them out to all of the Commissioners.

12 Chair Jacobs said that there will need to be an effort on the part of the Commissioners
13 to stay with the sub-sets of the motions and work through them one at a time.

14

15 **13. Information Items**

16

- 17 • January 24, 2013 BOCC Meeting Follow-up Actions List
- 18 • Tax Collector's Report – Numerical Analysis

19

20 **14. Closed Session -NONE**

21

22 **15. Adjournment**

23 A motion was made by Commissioner McKee seconded by Commissioner Gordon to
24 adjourn the meeting at 10:33pm

25 VOTE: UNANIMOUS

26

27

Barry Jacobs, Chair

28

29 Donna S. Baker, CMC

30 Clerk to the Board

31

1 DRAFT

Attachment 2

2
3
4 **MINUTES**
5 **ORANGE COUNTY BOARD OF COMMISSIONERS**
6 **HILLSBOROUGH BOARD OF COMMISSIONERS**
7 **JOINT MEETING**
8 **February 21, 2013**
9 **7:00 p.m.**

10
11 The Orange County Board of Commissioners met for a Joint Meeting with the Town of
12 Hillsborough Commissioners on Thursday, February 21, 2013 at 7:00 p.m. in the Link
13 Government Services Center, in Hillsborough, North Carolina.

14
15 **COUNTY COMMISSIONERS PRESENT:** Chair Barry Jacobs and Commissioners Alice
16 Gordon, Earl McKee, Bernadette Pelissier, Renee Price and Penny Rich

17 **COUNTY COMMISSIONERS ABSENT:** Mark Dorosin

18 **COUNTY ATTORNEYS PRESENT:** Annette Moore

19 **COUNTY STAFF PRESENT:** County Manager Frank Clifton, Assistant County Managers
20 Michael Talbert and Clarence Grier, and Clerk to the Board Donna S. Baker (All other staff
21 members will be identified appropriately below)

22 **HILLSBOROUGH COMMISSIONERS PRESENT:** Mayor Tom Stevens and Commissioners
23 Eric Hallman, Brian Lowen, Frances Dancy, Evelyn Lloyd, and Michael Gering

24 **HILLSBOROUGH COMMISSIONERS ABSENT:**

25 **HILLSBOROUGH STAFF PRESENT:** Town Manager Eric Peterson

26
27 Welcome and Opening Remarks (Mayor Tom Stevens and Chair Barry Jacobs)
28 Chair Jacobs said Commissioner Dorosin was out of town and was unable to attend and
29 Commissioner McKee would be attending but would be late.

30
31 Mayor Stevens said that Evelyn Lloyd will be a little late.

32
33 **1. Coordinated Planning Efforts**

34
35 **a. Update on Town of Hillsborough Future Land Use Plan**

36
37 Town of Hillsborough Planning Director Margaret Hauth referred to a map (attachment
38 1B) that had been seen previously by Board members. She said that the established boundary
39 on the map is the first step the town needed to take to move along the coordinated planning
40 agreement. She said that the boundary is in the coordinated planning agreement for annexation
41 and utility extension area for the town. This exceeds current city limits and ETJ (Extra-territorial
42 Jurisdiction) and establishes future land use for all of the areas. She said the town incorporated
43 most of the comments from the Board of County Commissioners on land use and the Town's
44 planning board approved all of it last night with the exception of one minor change. She said
45 the town is ready to proceed with this, which will also allow the coordinated planning agreement
46 to move forward.

47 Chair Jacobs asked if they had talked about the changes in annexation laws as it relates
48 to this plan.

49 Mayor Stevens said they have not had much discussion about the legislative decisions
50 on annexation. He said where there are properties with a single owner wanting to develop

1 property, this is allowed; but where there are neighborhoods with numerous land owners, it can
2 be problematic.

3 Margaret Hauth said most of their annexations have been voluntary.

4 Commissioner Rich asked for an explanation of what it means to amend boundaries.

5 Margaret Hauth said they will be moving some residents into their ETJ and some out of
6 the ETJ and back into the county, which involves re-zoning for each of those property owners.
7 She said that those property owners have to be notified and there is a process of working
8 through that change with them. She said that as properties are moved from one jurisdiction to
9 another, it has to be moved from one zoning category to another.

10 Commissioner Rich asked how many people would be affected.

11 Margaret Hauth said it is more than a few but not an extraordinary number. She used a
12 map to point out areas that will be subject to change. She said there will be 624 acres to be
13 added and 489 acres to go out.

14 Margaret Hauth said their Town Board has to formally approve and adopt the plan and
15 then it will come back to the Board of County Commissioners for consideration, along with the
16 request to amend ETJs in late March or early April.

17 Chair Jacobs asked about public hearings and Margaret Hauth said they will be
18 forthcoming.

19 Town Commissioner Hallman asked if this included the mutual courtesy review process.

20 Margaret Hauth said yes, the courtesy review is already in place and the coordinated
21 planning will go beyond that.

22 23 **b. Central Orange Coordinated Area (COCA) Land Use Plan**

24
25 Tom Altieri, Comprehensive Planning Supervisor for Orange County, said the initial step
26 is for the Town to adopt this future land use plan for not only town use areas and ETJ, but also
27 for the areas designated as urbanizing per the interlocal agreement. He referred to orange and
28 blue areas on the map (attachment 1B). Once this is done the county has the opportunity to
29 adopt the land uses as prescribed by the town, adding land uses for the broader area shown in
30 white on the map being displayed. He said this will then become the joint land use plan for both
31 boards to consider. He said the purpose of the coordinated land use plan is to differentiate and
32 designate those areas that are to remain rural from those that are to have urban services.

33 Tom Altieri presented a draft outline and time table for their review. He referred to the
34 following items on the timeline: 1) March – Town Board will consider its land use plan, and 2)
35 April – County Commissioners will receive this plan as well as the formal outline and timetable
36 for consideration and approval.

37 He said the time period will allow for any negotiations necessary between the town and
38 county. He said they have provided comments from the county on one occasion and the town
39 was very responsive. He said he expects some discussion about the land use in the white
40 areas on the map. There will probably be county outreach at two different times during the
41 process. He said the county and town will need to adopt a plan that both entities can adopt. He
42 said that once this is adopted, the town and county would need to work independently to
43 incorporate the map and land uses into its land use ordinances. He said this is a two step
44 process. The first step is to adopt the land use plan, map, designations and descriptions of the
45 areas. The second step would include subsequent public hearings to implement that plan into
46 the town and county ordinances and ETJs swapped, as mentioned earlier.

47 Commissioner Pelissier asked if there are requirements for this process to notify
48 property owners of the public hearing.

49 Tom Altieri said there would be some requirements and the county has its own
50 requirements outlined in the unified development ordinance. He said that land use plan public
51 hearing notices are advertised in newspapers, sent out via emails to owners on the distribution

1 list. There is no first class mail for these. He said this would be the case for the first hearing to
2 adopt the map and designations. He said that for the second step to formally amend the 2030
3 comprehensive plan and incorporate those uses onto the county future land use map, there are
4 state and county requirements to notify by first class mail.

5 Commissioner Pelissier asked if it wasn't a little late by the second hearing, when people
6 are actually notified by mail, to make any changes. She said she has some concerns about
7 this.

8 *Town Commissioner Lloyd arrived at 7:18 PM.*

9 Tom Altieri said that step one, which is being worked on now, has included some
10 notification and some community meetings and input. This first step is more germane to the
11 town. The second piece relates to the broader white area. He said the attempt to break it up
12 makes it more manageable and prevents an unnecessarily large scale mailing.

13 Frank Clifton asked how much the white boundary would be changing.

14 Margaret Hauth said it is a new boundary that has not existed before, but it is the same
15 as it was when the agreement was adopted to start down this road five years ago.

16 Frank Clifton asked about the specific impact on the people living in the white area as far
17 as reviews, and approvals.

18 Tom Altieri said it would be primarily the county and the town has no role in the white
19 area.

20 Frank Clifton asked about the notifications to the people in the white area and Tom
21 Altieri said, in step two, there would be notifications in the white area with regard to any changes
22 in land use or zoning.

23 Frank Clifton noted that most of this area is rural and questioned how they would be
24 notified.

25 Tom Altieri said this process in general is outlined in the inter-local agreement between
26 both boards.

27 Craig Benedict said that the general understanding is that if this area does not remain
28 rural around Hillsborough the impact of sprawl in that area would impact Hillsborough. He said
29 that, if Orange County were to ever consider higher or lower density, the impact of the rural area
30 is of common interest to Hillsborough, though not necessarily regulated by Hillsborough.

31 Chair Jacobs said the white area on the map was at one point a fifty-year water and
32 service area envisioned by Hillsborough and then recognized as not feasible. Margaret Hauth
33 said not all of it, but a good portion of it.

34 Chair Jacobs said this is vestige of older maps and older plans adjusted with a rural
35 buffer to the south, watershed to the west and a differentiation between Durham and
36 Hillsborough and the Eno River State Park to the east. This only left the north as an option for
37 movement up.

38 Frank Clifton said he wanted to make the point that many of these residents are quite a
39 distance from Hillsborough proper.

40 Commissioner Gordon said the key question is regarding what happens in the white
41 area. She said the first step is to notify the people in the blue and orange areas, then it is stated
42 that the people in the white area are to be notified if the zoning and land use are to be changed.
43 She asked for clarification of what would change in the white area to necessitate notification.

44 Tom Altieri gave an example, using the rural buffer, which has a zoning district that
45 applies to it - "rural buffer". This enables the county to have a different residential zoning
46 density in that area. He said the white area does not currently show up in the town's zoning,
47 and if the county were to suggest that the density be different in the white areas, some zoning
48 district would need to be created. This would be a re-zoning that would require property owners
49 to be notified.

1 Commissioner Gordon noted that this implies that the property owners might be affected
2 in some way, which raises the question of whether they should be involved earlier in the
3 process.

4 Craig Benedict said that before any changes are made in the white area they will notify
5 residents of any proposed changes. He noted similar debates during the late 80's in the
6 planning process of determining some of the rural zoning density. This was eventually voted on
7 as one unit per two acres. The thought was that if it stayed at the previous number of one unit
8 per one acre, it would not be a low enough zone to protect the rural lifestyle and to differentiate
9 it from the urban environment. Similarly, there is still one unit per one acre in other areas and if
10 the soil will accommodate the well and septic needs of this number, it could add up to quite a
11 few units. He noted that this will add traffic to what is already a traffic concern area. He said
12 that will be a decision through the public hearing process of notifying the public and working with
13 the County Commissioners to make a determination about the white area.

14 Commissioner Gordon questioned whether the plan and map are really formally adopted
15 in step one, or step two.

16 Tom Altieri said this would be a process similar to the small area plans, (i.e. Efland,
17 Mebane) where the County Commissioners adopt a plan in one public hearing and then in a
18 second public hearing goes through the first class mail process before formally making
19 changes.

20 Commissioner Gordon clarified that this means it is not formally done until step two and
21 Tom Altieri said that is correct.

22 Commissioner Price she does not know if there is any need to worry about the white
23 area. The critical part is the ETJ and the blue and orange area.

24 Chair Jacobs said what he is hearing is that the white area will not change unless the
25 county proposes a change. He noted that at this point there are no zoning change proposals in
26 the white area other than those that are already part of the agreement, the gray and the blue.

27 Margaret Hauth said the light blue are outside their urban service boundary, where there
28 are already water lines in the ground. She said there is no impact to the light blue areas under
29 the agreements.

30 **c. Safe Routes to Schools (STST) Action Plan Update**

31
32
33 Abigaile Pittman, Transportation Planner for Orange County, reviewed the history of the
34 Safe Routes to School action plan, as outlined on pages two and three of the meeting abstract.
35 She gave details regarding the revisions to federal and state funding sources, specifically the
36 federal funding, Moving Ahead for Progress in the 21st Century Bill (MAP 21), in which Safe
37 Routes to School direct allocation funds were removed. She said that NC Department of
38 Transportation staff has told the planning staff that safety loop funds will continue to be available
39 to the program with the nine competitive rolling grant cycles. She said this program is a
40 reimbursement program that does not require local management and is 100 percent federally
41 funded. She said that when applying for federal reimbursement grants, the county and town
42 should budget funds and set up accounts to expend those funds until DOT has reimbursed the
43 project costs. After identification of projects, the county would apply through the DOT Division 7
44 office and funding is based on project priority with as much local support as possible from PTA
45 groups, etc.

46 Town Commissioner Lowen asked for clarification on CW Stanford Middle School as a
47 choice and asked what determined why these schools were chosen and not the schools next to
48 them.

49 *Commissioner McKee arrived at 7:36 PM*

50 Craig Benedict gave some history on the project and said that the advisory board had
51 several representatives and advocates were affiliated with the schools in Orange County. They

1 determined that accomplishments could be made with the schools stated here. He said, with
2 Stanford, there is some expandability to cover up to the high school.

3 Town Commissioner Lowen said that many of these sidewalks will benefit all schools
4 because of proximity to one another.

5 Craig Benedict said there are some implementation actions that the Board can identify.

6 Abigaile Pittman said she heard from DOT that the projects given priority are the projects
7 that serve multiple sites.

8 Craig Benedict said that Orange High and CW Stanford have that proximity and should
9 move up the priority list.

10 Commissioner Price said that there was also more concern with younger children, many
11 of whom walk, getting to school, whereas most high school students were driving.

12 Chair Jacobs said it would be an enhancement to incorporate the mention of the high
13 schools into discussion of the routes.

14 Commissioner Gordon said the staff needs to find out from DOT why this project is
15 handled in this way.

16 Abigaile Pittman said that the locations chosen all had some common deficiencies such
17 as high speed traffic, no sidewalk connectivity to neighborhoods, incidents of bicycle crashes
18 and pedestrian accidents in the area, and extensive planned residential growth.

19 Chair Jacobs asked for feedback on their request.

20
21 **d. North Carolina Department of Transportation (NCDOT) Rail Crossings Plans in**
22 **and near Hillsborough**
23

24 Abigaile Pittman, citing primarily from page three of the meeting abstract, said
25 in September 2012 the Planning Department received a solicitation for comments from the
26 NCDOT Rail Division with regard to proposed private crossing closures with the North Carolina
27 Railroad (NCRR)/Norfolk Southern (NS) Railway crossings at Gordon Thomas Drive, Greenbriar
28 Drive, and Byrdsville Road in Orange County. This railroad track is part of the SE High Speed
29 Rail corridor, which when complete, will provide high speed passenger rail service between
30 Washington, D.C. and Charlotte, NC. NCDOT requested that the County provide scoping
31 comments to be used in the preparation of a proposed Environmental Assessment (EA).

32 Initial comments were sent to the NCDOT Rail Division in November 2012, and a
33 response letter was received in December 2012. Citizens Informational Workshops were held
34 by the NCDOT Rail Division in January for all three proposed private railroad crossing closures,
35 and a summary of public comments is available. The BOCC discussed and added comments at
36 its meeting on February 19th and a second comment letter was approved and sent to NCDOT.
37 Abigail Pittman said the primary comments expressed a need for greater clarity regarding, 1.
38 Which alternate access roads will be improved and/or constructed roads accepted into the state
39 system, 2. More specific details regarding proposed right of way and pavement widths, 3. Storm
40 drain details and pavement standards and 4. The anticipated schedule for required right of way
41 or easement apposition for relocation of property structures.

42 Margaret Hauth said the Town of Hillsborough has been engaged with the State to co-
43 sponsor a traffic separation study of crossing closures in west Hillsborough. She said there has
44 been one meeting, at which the town and North Carolina Railroad (NCRR) has requested
45 scoping changes that have delayed this project. She said the town has committed to fund the
46 data items it requested on traffic counts and actual numbers, and NCRR has not yet committed
47 to fund the study items it was interested in, so the project is at an indefinite standstill until
48 funding is in place.

49 Commissioner McKee asked if any crossing closings were planned in the areas inside
50 the town proper and if so, how many.

51 Margaret Hauth designated the two in West Hillsborough.

1 Commissioner McKee said at the public information meetings held for the residents,
2 DOT was giving out erroneous and contradictory information regarding possible roads to be
3 used for alternative access.

4 Margaret Hauth said she heard similar feedback from attendees at the first meeting and
5 this was the reason for a request for specific data counts to assess true impact on the citizens.

6 Abigaile Pittman said she had seen this same issue at a previous closing and a traffic
7 study was requested.

8 Chair Jacobs questioned how traffic would detour if both crossings were closed in West
9 Hillsborough.

10 Margaret Hauth said the agreement was that if either of the crossings were closed or
11 modified, then mitigation funds could be brought forward for real improvements to the trestle. If
12 agreement cannot be reached on an action plan then those funds would not be triggered. She
13 said she has not seen, even a rendering yet of what those funds might produce.

14 Craig Benedict said another joint planning effort between Orange County and
15 Hillsborough is the Orange Grove Road master plan and the crossing that goes into the mobile
16 home park there has been mentioned. He said planning has gone on between Hillsborough and
17 Orange County and now if DOT plans to close a crossing, there will also need to be assistance
18 with re-routing. He said this re-routing may include an Orange Grove Road extension. He said
19 that the discussion in the meetings stressed that the residents affected are both Orange County
20 and Hillsborough residents and the big picture needs to be considered. He also said that, on the
21 west side of Hillsborough, the Eno Mountain Bridge needs to be used. He said that if you use a
22 western bypass, you can't go to the north side of the Eno and not take it anywhere. He said
23 there needs to be a furtherance of the Eno Crossing.

24 Chair Jacobs said there had been discussion of connecting Mayo Street to Eno
25 Mountain Road to allow a bypass of Hillsborough to reduce downtown traffic. He noted that if
26 the crossings were closed, this option would be eliminated.

27 Margaret Hauth said the bridge over the Eno is not angled to allow a convenient
28 connection to West Hill Ave and would have to be connected somewhere else, thus putting the
29 trestle in play.

30 Abigaile Pittman said that the larger picture is at play in the discussions of several of the
31 crossing closings, especially Greenbrier and the connectivity with other plans in the area. She
32 said that the response that is heard consistently says DOT needs to work with the larger picture.

33 Town Commissioner Lloyd said if they were to close the West Hill Avenue or Bellevue, it
34 would be impossible to get through those routes and she said that the fire department and EMS
35 would object.

36 Chair Jacobs said Congressman Coble, who is on the House Transportation Committee,
37 represents Eno Township, where the entry change is located for I-85, and most of the widening
38 east of Hillsborough is in his Congressional District. Chair Jacobs said that perhaps he would
39 be a source of help for some of these issues in the future.

40 41 **2. Transit**

42 43 **a) Update on Orange County Bus and Rail Investment Plan (OCBRIP) Implementation**

44
45 Craig Benedict said Orange County invested in this bus and rail investment plan last
46 year through the approval of the half cent sales tax and that plan was part of a document
47 approved by the MPO. He said this set forth that the money would be spent for a light rail
48 system from the hospital, out 54, up I-40 and 15-501 into Duke University and around to North
49 Carolina Central. He said a bus service with 40,000 hours was also included, with 34,000 hours
50 in the first five years. He noted that 34,000 hours of service equates to 10 or 11 new buses with
51 2,000 to 3,000 hours per bus route.

1 He said it is time for the implementation of the master plan and Orange County has a tri-
2 party agreement with the Durham/Chapel Hill/ Carrboro MPO and Triangle Transit on how to
3 implement this. He said there are criteria set forth about how much revenue is expected and
4 cost and expenditures. He said that Orange County staff has begun meetings with Triangle
5 Transit knowing that money for the half cent tax will be assessed beginning April 1. He said
6 there is a lot of work to be done before you initialize a new route. He said that one of the most
7 important routes is the proposed east/west route between Mebane, Efland, Hillsborough and
8 Duke Hospital. He said he is not sure if a full cross county route can be implemented or if it will
9 start in Hillsborough and go to Durham. He said Triangle Transit has suggested that they are
10 able to do the route but studies are ongoing to see if it can be done more economically by
11 Orange Public Transportation. He said that the route between Hillsborough and Chapel Hill, the
12 420 route, was started by OPT, then taken over by Triangle Transit, who hired Chapel Hill
13 Transit to run the lines. There are ongoing talks with the Hillsborough community to figure the
14 best way to potentially intersect the new east/west route mentioned earlier with the 420 route
15 and the circulator route to create a bus hub in Hillsborough to service multiple purposes.

16 He said they are also looking at the addition of other rural services, and possible funding
17 of an Amtrak Rail Station in Hillsborough. He said that the rail system is still in the planning and
18 funding stages to see if Federal Transit Administration will approve the application of 1.4 billion
19 dollars in funds to be shared between Orange and Durham County. He noted that this project
20 is still 3-4 years from a next step.

21 Chair Jacobs asked if the Board could expect periodic updates on this project.

22 Craig Benedict said yes. He said that Triangle Transit is required to put forth yearly
23 updates on revenues, expenditures and costs. He noted another part of the investment plan is
24 the Martin Luther King Boulevard area, which is suggested for a Bus Rapid Transit route. He
25 said the funding data for this has to be reported on an annual basis and this discussion is had in
26 November of each year. He said that this year is a formative year and there is ongoing
27 development of new routes, expanded hours, and weekend service. He noted the increased
28 demand and need for the east/west cross county public transit.

29 Commissioner Pelissier asked who the lead would be in making the Hillsborough Rail
30 Station happen and what Orange County's role would be in this project.

31 Craig Benedict said there should be resolution from all local governments as they move
32 forward and Triangle Transit, as the implementer, should be involved. He said that it will be
33 important to make assessments and establish good ridership numbers and route descriptions in
34 the formative stages of finding the strongest route. He said the train station is at 80% funding.

35 Margaret Hauth said there are a number of different grants under different programs as
36 they work on funding.

37 Commissioner McKee said during most of the Board of County Commissioners'
38 discussion the Mebane to Durham route was presented as a unified route. He said the
39 Hillsborough Rail Station was a late entrant into the plan and he hoped that it would not be an
40 early exit out of the plan. He said that whether federal and state money comes through or not,
41 there will be an amount of money generated by the half cent sales tax and there will be intense
42 competition for that money due to a high number of public transportation needs throughout the
43 county. He said that for the five priorities listed in the plan, it is important to look out for all of the
44 county, but especially the areas that do not have other funding sources. He said that town has
45 its own transportation needs and the connection between the 420 route and a Mebane/Durham
46 route would create an ideal interconnectivity. He said that it will be important to stay on top of
47 things and not let the train station have an early exit, and to insist that the Mebane to Durham
48 route not become a Hillsborough to Durham route. He said that the rural parts of the county are
49 a priority in terms of receiving these promised services earlier, rather than later.

50 Town Commissioner Lowen asked if the Mebane to Durham route would run along
51 Highway 70.

1 Craig Benedict said that is the current thought. He said they have thought about the
2 Tanger Parking lot as a park and ride, as well as the Mebane Walmart if that does not work out.
3 He said the route along 70 to Efland will likely use the North Hillsborough shopping center along
4 70, and Triangle Transit thinks the route should go down 85 into Durham. He said there is
5 debate that staying on 70 would be just as fast, and this will be tested.

6 Town Commissioner Lowen said he would love to see improvements along Hwy 70 and
7 he said that, thinking about folks north of town coming to Hillsborough, a park and ride would
8 alleviate a lot of traffic from coming through town. He said that the area being used for parking
9 now is not an ideal location and the proposed new park and ride brings opportunities for growth
10 and development along that corridor.

11 Craig Benedict said that is an important hub.

12 Commissioner Gordon underscored that it is going to be very important for the
13 representatives from the various Orange County jurisdictions to work together because there is
14 a competition for the funds outside of the rail funds. She said that 70-75% of the funding is
15 designated for light rail, which leaves the remaining balances to cover all of the bus service.
16 She said this makes it very important that the 25% is put toward bus service and that something
17 doesn't get delayed. She said that Triangle Transit has a ten member board and Chapel Hill
18 and Orange County comprise only two of that number. She said the representation from
19 Orange County on the MPO is four out of nine members. She said that this makes it very
20 important that a common message from Orange County representatives be presented to both of
21 those boards rather than competing messages and efforts.

22 Town Commissioner Hallman asked if there was any discussion about Mebane and
23 Alamance providing some funds.

24 Craig Benedict said there are two agencies in Mebane and Alamance County, Piedmont
25 Area Rapid Transit (PART) has a route dropping off people in Graham and going down 54. He
26 said there are conversations ongoing with PART about providing funding as that route will likely
27 not be needed if an east/west route is established. He also mentioned Alamance County
28 Transit Authority (ACTA) and Mebane provide funding to them, so it is possible to gain some
29 funding from Mebane.

30 Chair Jacobs said he has the same concerns that other Commissioners have about
31 getting regular updates from Triangle Transit and it seems that the board's concerns and input
32 are not being received. He said that the county and the towns have gone out on a limb to make
33 this possible and the sooner that staff can give the elected officials a heads up about items that
34 may not be part of what they voted on from Triangle Transit, the better for everyone. He gave
35 the example of the push for the route to follow 85, thus increasing traffic coming through town to
36 access the bus. He asked the staff to keep the elected officials apprised and to notify them if
37 there is need to write a joint letter.

38 Commissioner Pelissier said she is the Orange County representative on the Triangle
39 Transit Authority and Triangle Transit has met with auditors to work up a report on how much
40 money has come in and how much has been distributed. She said there are efforts to keep the
41 funding separate between Orange County and Durham County and that shared route costs are
42 shared 50/50. She said she has asked that the draft reports are provided to Orange County so
43 that they can make comments. She said the train plan cannot be taken off the whole plan
44 unless all three entities sign off on it. She said that if federal and state funding does not come
45 through, the funding for that project will remain until matching funds are acquired. She said she
46 met with Triangle Transit staff earlier this week about the implementation of the plan about the
47 bus routes, and her understanding is that the rural bus routes are ones that should come before
48 the Board for approval.

49 Craig Benedict said that the east-west route has already been approved and it is up to
50 Triangle Transit to let staff know information on the plan and they will inform the
51 Commissioners. He said the only time there would be a decision process necessary would be if

1 there is a significant change in proposed routes or services. He said there are thresholds set for
2 these types of changes that would require it to come back to the elected officials.

3 Town Manager Eric Peterson said, with regard to the matching funds for the rail station,
4 he would like to know the restriction on how the money is used.

5 Craig Benedict said that the money is earmarked for whatever package is determined.

6 Eric Peterson said there is always a need for a plan B and it may be 5 years down the
7 line and there still may not be any movement on the rail station. He said they want to continue
8 to do their planning and doing a public/private partnership is one possibility for a plan B. He
9 said that using the 20 acres of land and the match funds and putting out a request for proposals,
10 may bring in private money to help build the station and put retail in there to bring in tax money.
11 He said he just wants to make sure that money allocated isn't just for federal match in case
12 federal match does not happen.

13 Commissioner Gordon said Triangle Transit has to follow the plan. She said that the
14 implementation agreement includes a review of the plan every four years. After eight years, they
15 will specifically look at how the grants are coming from the federal and state government. She
16 said that if private money were to come in, she is not sure that the money in the plan could be
17 released before the four year review or even the eight year review.

18 Frank Clifton said that agreement between all three parties involved is required to modify
19 the plan, so if proposals are put forth, there will be a discussion and approval process that has
20 to happen.

21
22 **b) Update Information on Circulator Route: Cost per Hour, Trips per Hour, CMAQ**
23 **Funding and Beyond**
24

25 Al Terry, Orange County Transportation Administrator, presented some background
26 information on the Circulator Route.

27 The in-town Hillsborough Circulator route began June 6, 2011 with a three year
28 grant from the North Carolina Department of Transportation's Congestion Mitigation and Air
29 Quality (CMAQ) Program. For the first year, NCDOT waived the local match requirement of 20
30 percent. The Town of Hillsborough is providing the local match of about \$22,000 for the
31 remaining years, while the County will operate the service at no additional cost to the Town. The
32 CMAQ grant will continue until June 30, 2014. Funding from July 1, 2014 forward will need to
33 be identified.

34 The route serves various residential areas around Hillsborough as well as the
35 Library; Orange County Courthouse; Social Services Center at Hillsborough
36 Commons Shopping Center; the Shops at Daniel Boone; UNC Family Practice;
37 Durham Technical Community College satellite campus; Hampton Pointe and
38 Meadowlands Business Park. High volume pick-up points include: the Fairview
39 Community, Coachwood Apartments, and Gateway Apartments. Favorite stops
40 along the route include: the Library, Social Services, Durham Tech Campus and
41 Walmart.

42 The Hillsborough Circulator route was redesigned in October 2011 based on input
43 from users. An additional stop was added at South Nash and Calvin Streets.
44 Staff will provide a route map and operational statistics, along with any other information at the
45 meeting, and the Boards can discuss issues related to this item.

46 Al Terry said he will now review the highlights of the route and the operational statistics,
47 and current and future funding of the circulator route.

48 He said that from July 1st to December 31st of 2012, the total number of trips was 7,368;
49 this number indicates the number of passengers. He said the cost per trip is \$5.39 and this is
50 lower than the total cost per boarding for Orange Public Transportation. He said the cost per
51 hour for operation is \$35.28 and does not include indirect costs; if indirect costs were included,

1 the total cost is \$43.09 per hour. He said the trips/passengers per hour is 6.5 and it started out
2 as 3.8/hour. He noted that this is a very high number for a public route. The high volume pick
3 up areas are: 2 - the police station annex, 3 - Hester Whitted, 4 - Whitted Forest off highway 70,
4 10 - Coachwood, and 11- Gateway. He said the high volume drop-off areas are: The Library,
5 because of its central location; Department of Social Services; Durham Tech, because of its
6 connection to the 420; Food Lion; the courthouse; and Walmart.

7 Al Terry said it takes about 2250 hours to run this route. He noted that once June 30,
8 2014 comes and the current funds disappear and the agreement with the Town of Hillsborough
9 has disappeared, the funding has to come from somewhere. He said there will be a \$96,000
10 per year operational cost. He said the remainder of this year and all of the 2014 fiscal year, the
11 funding will remain 80% CMAQ funds and 20% Town of Hillsborough. He said this is a highly
12 successful route with about 15,000 riders per year, which hopefully takes a lot of vehicles off the
13 road. It takes about an hour to make the entire route and there are some proposed changes
14 under consideration, however, the plan at this point is to maintain the current schedule. He said
15 the circulator route it is the most successful route that OPT operates.

16 Craig Benedict said there is partial funding in the Orange County Bus and Rail
17 Development plan after the CMAQ funds run out. He said, this includes the 2,250 hour and
18 local matching funds would be necessary at about 25%. He said they are still researching with
19 Triangle Transit, what the assumption was for local funding and for federal and state funding.
20 He said that if federal and state funding does not come forth for the additional 75% then local
21 match will go up. There is a funding source to take this into the future with the half cent sales
22 tax and the question is when it comes online, and what local match is being followed.

23 Al Terry said that the half cent sales tax could support the route in some fashion, but the
24 service hours, would use half cent sales dollars and would reduce other services that Orange
25 Public Transportation could provide, because there are a limited number of service hours within
26 the plan.

27 Al Terry also referred back to the discussion of the east/west corridor route and said that
28 there will be test runs being done to see how cost effective the route could be run and that
29 Orange Public transport could start that route if Triangle Transit chooses to give those service
30 hours.

31 Commissioner Gordon questioned how it came about that Triangle Transit decided to
32 run the route from Hillsborough to Durham instead of Mebane to Durham.

33 Craig Benedict said the master plan states Mebane to Durham, but there was some
34 consideration of starting a partial route and expanding over time because of the way the money
35 has come. He said there is a need to look at models of how best to allocate funds as they
36 come in.

37 Al Terry said that when it is a commuter service, consideration has to be taken of who
38 provides emergency transportation back to the vehicle and this is the reason for two mid-day
39 runs.

40 Commissioner Gordon said it is important to follow up on these issues because it is a
41 deviation from the plan. She said there should be a request for ridership numbers from Mebane
42 to Durham and from Hillsborough to Durham to see if the numbers work out. She noted that
43 Triangle Transit reevaluates routes every spring to see if they need to be redone.

44 Al Terry said even though they have a semi-hub now in North Hillsborough it needs to be
45 a temporary hub, not a permanent HUB, because it is not ADA compliant. He said they have
46 looked at several other areas and need to continue to look for other options that would
47 accommodate a park and ride.
48

49 **3. Implementation of Downtown Hillsborough Access Study Improvements** 50 **(Crosswalks, Parking, Sidewalk Work)** 51

1 Margaret Hauth said they have taken the plan to the next step to fund the design work
2 and move toward engineer's estimates. She said they have had great support from Orange
3 County and DOT and the hope is that a lot of the improvements will take place this year. She
4 said that DOT has advised that Churton is approved to be re-paved, so the sidewalk needs to
5 be done first. She said the details are included in the Agenda Item (page 5) and the map
6 (pages 10, 11 and 12). She said that the proposed closing of a lane on East Margaret Lane is
7 no longer being pursued.

8 Commissioner Gordon asked for clarification about the section on map page 11,
9 regarding addition of an access to River Park.

10 Margaret Hauth said the plan being considered would extend the sidewalk beside the
11 courthouse down to River Park so that a crosswalk could be put in at Nash and Kolack to
12 facilitate access.

13 Commissioner Gordon clarified where the sidewalk would extend and where the
14 crosswalk would be.

15 Margaret Hauth said there is a gravel walkway coming out the back of the courthouse
16 that comes up to Churton Street.

17 Frank Clifton said this is on the plans with DOT for a crossing at the light in front of
18 Weaver Street, but there is a grade issue there that will have to be accounted for. He said
19 some trees may have to be removed to give enough space and allow handicap access.

20 Commissioner Gordon verified that this is just to cross the street and access the
21 sidewalk, and she asked about what might be done to access River Park.

22 Frank Clifton said this will be decided after a design on the crosswalk has been decided.
23 He said it might just be a pathway.

24 25 **4. Update on Waterstone**

26
27 Eric Peterson said they do not have any new updates from UNC Hospital about opening
28 dates. He said the administration should open sometime in 2013 and the hospital has an
29 estimated opening in 2015. He said there was to be a closing schedule to sell all of the housing
30 pods in 2012 but it did not go through due to problems with the escrow agreement. The Town
31 Board chose not to proceed with the special assessment district. Stratford Development came
32 back to the town board in January to address concerns and reduced the amount of proposed
33 bonds financed in the special assessment district. He said the town board has requested
34 reduction on the payback from 20 years to 10 years to save 2 million dollars in interest
35 payments. He said the town board will meet on Monday and set a public hearing date regarding
36 next steps and proposed assessment roles. After this, the Town Board will approve an
37 application to the local government commission. If things go according to schedule, bonds will
38 be sold in June and the proceeds used to construct the parkway to manage traffic along 86 and
39 within the development.

40 Chair Jacobs requested that the Board be sent a copy of the plan and what is happening
41 at the UNC site.

42 Margaret Hauth said it is on their website and she can send them the direct link.

43 44 **5. Update on Hillsborough Vision 2030**

45
46 Margaret Hauth said they kicked off the Town's Vision 2030 process. She said this was
47 done to get fresh input, which is being used to create a draft plan. She said this draft will be
48 released in March to get public input throughout the summer and have a document ready for
49 formal adoption in early fall.

50

1 **6. Interlocal Agreement to Protect Archaeological Resources on Town and County**
2 **Properties**
3

4 Rich Shaw, Land Conservation Manager, said about a year ago there was a mutually
5 agreed location for a wayfaring sign. He said it was discovered that this was a place where they
6 had found archeological items. In response, the town and Orange County decided to work
7 jointly to try and prepare a map of known archeological sites. He said they will have a map and
8 interlocal agreement to share in about 6 months.

9 Town Commissioner Hallman questioned how this knowledge would be used on
10 privately owned properties.

11 Rich Shaw this is only for publicly owned properties and more information will be added
12 to the database as it is discovered.

13 Margaret Hauth said that these maps are not published due to fear that the sites would
14 be plundered, however in-house maps are important so that water/sewer and public works folks
15 are aware when improvements are being made.

16 Rich Shaw said that one of the cultural resource specialists found out that the state had
17 been keeping hand maps and now are using GIS and this will now be incorporated into the town
18 and county database.

19 Chair Jacobs asked if there would be outreach to DOT to let them know where these
20 resources are.

21 Margaret Hauth said that inquiry can be made.
22

23 **7. Future Use of Whitted Human Services Center**
24

25 Frank Clifton said Orange County raised the possible use of this center about a year ago
26 and the county has done some preliminary visions of the center. He said one use is just for
27 governmental usage and the other is to share with county and arts community. He said that the
28 Board of County Commissioners has not made any specific direction but has been working
29 closely with town staff on parking, noise impacts, etc.

30 AMS Director, Jeff Thompson provided a review of the proposed following floor plans:
31 Plan 1 – Board of County Commissioners’ Meeting Space with Government Office Space, Plan
32 2- Board and Arts Council Co-tenancy, and Plan 3 Board of County Commissioners’ Meeting
33 Space Only. These plans are found on pages 17, 18, 19 of the meeting abstract.

34 Jeff Thompson said that, with regard to the combined use with the cultural center, he
35 and Margaret Hauth have worked closely on this, especially with regard to parking. He said that
36 if the board is interested in pursuing this, there would need to be an operational agreement with
37 the cultural center to drive the zoning and permitting process. He said the pieces of this will
38 include the activity type, intensity and frequency. He said that with a 300 seat arrangement, 192
39 parking spaces will be needed and that there are 219 on-site, including on street parking. He
40 noted that if on street parking were removed, some spaces would have to be created. He
41 presented a map of the parking site plan, which shows, paving in area 6 and area 1, as well as
42 the addition of 25 spaces in the grassy area southeast of the main entrance.

43 Frank Clifton clarified that addition spaces would be in the area where mobile units had
44 been previously and there would be landscaping and paving done in each of the areas. He said
45 the ramps on the back of the building would be one of the more expensive parts of the process.

46 Frank Clifton said there is no plan to use area 5.

47 Margaret Hauth said that the actual use agreement will dictate whether this is a staff
48 level approval or gets in front of a board. She said that right now, all of the plans meet the
49 ordinance requiring all parking to be off street. She said she feels this will likely move forward
50 with staff level approval but she said it would be worthwhile to have all parties involved,

1 including the neighborhood in one room to communicate information and discuss it before
2 commitments are made.

3 Chair Jacobs said the Board of County Commissioners agreed at their work session to
4 hold a public meeting with the Town, the Arts Community, and the residents around this area,
5 and ideally this could be done in concert with developing the CIP. He said maybe something
6 could be scheduled in March/April 2013.

7 Frank Clifton said they have had design money set aside and it could be financed short
8 term. He said the meeting could potentially be held in the Whitted Building to give opportunity to
9 see the facility.

10 Mayor Stevens encouraged them all to move forward with this public meeting and said
11 the town is eager for the arts community to have a performing arts facility as well as publicly
12 accessible meeting space.

13 Town Commissioner Lowen concurred with Mayor Stevens. He questioned how
14 meeting space would be prioritized if the plan were to move forward with the cultural center.

15 Chair Jacobs said the County would have first choice on the meeting space. He said
16 that the entities can work out the schedules since the town and county set their meeting
17 schedules a year in advance and alternate meeting space.

18 Commissioner Gordon referred to page 8 and the parking lot pavement and creation of
19 25 additional spaces. She asked for clarification of where these would be located.

20 Jeff Thompson said that the grassy space in area 1 would be converted to asphalt
21 parking.

22 Commissioner Gordon said that there had been discussion about finding out the meeting
23 space needs of the different government entities. She noted that it may end up that only
24 weekend space was available, and that might not be good enough for the cultural center. She
25 said there was question about what the cultural center might need to do during the week and if it
26 would create noise. She said that the other big issues are parking, impact to the neighborhood,
27 and schedule conflicts. She said that not everyone, including herself, is confident that
28 scheduling problems won't arise. She said that a gentleman from the Orange County Cultural
29 Center said that even with only cultural groups in a facility, there can be scheduling conflicts.

30 Commissioner Gordon asked for additional explanation of the third plan.

31 Jeff Thompson said, referring to the third plan, that there would still be a permanent
32 meeting facility with 150 seats as well as a flexible meeting space. He noted that the interior
33 walls on this plan are different than the other plans and divide the space for office use.

34 Commissioner Gordon asked if Hillsborough was interested in partnering on this project
35 or being responsible for the lease as originally contemplated.

36 Town Commissioner Dancy said that the public and joint meetings on the use of this
37 facility still need to be discussed, as mentioned by Commissioner Gordon. She said the cultural
38 center would be responsible for setting its own schedule. She said that she believes the Town
39 of Hillsborough was interested in partnering but that the cultural center was the entity that
40 proposed the leasing agreement with the county.

41 Frank Clifton said that when the Board of Commissioners first started looking at plans to
42 modify the current meeting space the costs were fairly substantial and alternative sites were
43 looked at. The Whitted Building was considered because of the large open space that is easy to
44 remodel. He said it would not be everything the cultural group wanted but would offer a
45 location for them to gain a foundation and following that might lead to another facility in the
46 future. He said that concerts, lectures series, etc., could be done there when governmental
47 meetings were not going on, during the day, weekends, and summer. He said it will still be
48 more than the cultural group has now. If this does not work as a joint arrangement there are
49 other options. He said they have looked at expenses needed to make the building suitable as a
50 public facility for governmental function and any additional needs the cultural center has, they
51 will have to fund on their own.

1 Commissioner McKee said he would like to keep the Orange County Schools informed
2 as they move forward with the public meeting since they have expressed an interest in the
3 sharing this meeting space.

4 Frank Clifton said there were elements of the original proposed plan for the cultural
5 center that did not work and were not financially feasible. He said that it would work as a facility
6 for special events, but would not work for a revenue generating space. He said that the cultural
7 center has said that they would appreciate what is available in the current plans.

8 Margaret Hauth said the operational agreement will be the key element for everyone and
9 this will need to be a fluid process. She said that, considering the goal of growing a base, there
10 will need to be a clear understanding up front, of what threshold will be set for the cultural center
11 finding a new home. She suggested for the public meeting, instead of full board participation,
12 they just have quorums of the boards or a sub-committee.

13 Chair Jacobs suggested for the staffs to propose some dates for this public meeting and
14 to remember that no one had made any decisions at all at this point. He said there will be a
15 public meeting of all parties and the School Board should be kept in the loop as well. He
16 encouraged cultural board members present that if there are updated plans for the cultural
17 center, it would be good to present those to the county and the town at the upcoming meeting.
18

19
20 **8. INFORMATION ITEMS (Not for Specific Discussion)**

21 a) Memorandum on Conservation and Watershed Protection Efforts

22 b) Memorandum with Update on Extending Orange County Local Landmark Program into
23 Hillsborough's ETJ

24 With no further items to discuss, the meeting was adjourned at 9:39 PM.
25
26
27

28 Barry Jacobs, Chair

29
30 Donna S. Baker, CMC
31 Clerk to the Board

1 DRAFT

Attachment 3

2
3
4 **MINUTES**
5 **ORANGE COUNTY BOARD OF COMMISSIONERS**
6 **ORANGE COUNTY PLANNING BOARD**
7 **QUARTERLY PUBLIC HEARING**
8 **February 25, 2013**
9 **7:00 P.M.**

10
11
12 The Orange County Board of Commissioners and the Orange County Planning Board
13 met for a Quarterly Public Hearing on Monday, February 25, 2013 at 7:00 p.m. at the
14 Department of Social Services, 113 Mayo Street, Hillsborough, N.C.

15
16 **COUNTY COMMISSIONERS PRESENT:** Chair Barry Jacobs and Commissioners Mark
17 Dorosin, Alice Gordon, Earl McKee, Bernadette Pelissier, Renee Price and Penny Rich

18 **COUNTY COMMISSIONERS ABSENT:**

19 **COUNTY ATTORNEY PRESENT:** John Roberts

20 **COUNTY STAFF PRESENT:** County Manager Frank Clifton and Deputy Clerk to the Board
21 David Hunt (All other staff members will be identified appropriately below)

22 **PLANNING BOARD MEMBERS PRESENT:** Chair Pete Hallenbeck, and Planning Board
23 members Tony Blake, Rachel Phelps Hawkins, Alan Campbell, Maxecine Mitchell,
24 Johnny Randall, H.T. "Buddy" Hartley, and Herman Staats

25 **PLANNING BOARD MEMBERS ABSENT:** Dawn Brezina, Larry Wright, Andrea Rohrbacher
26 and Lisa Stuckey

27
28 Chair Jacobs called the meeting to order at 7:06 PM. He made reference to the items at
29 everyone's places. There was a copy of a PowerPoint and a copy of a Senate bill. He also
30 asked for the Board to add an informational item on mental health regarding Cardinal
31 Innovations.

32 A motion was made by Commissioner Dorosin, seconded by Commissioner McKee to
33 add an item on mental health at the end of the Quarterly Public Hearing.

34 VOTE: UNANIMOUS

35
36 Chair Jacobs then asked for a motion to remove item C-2 regarding the Schools
37 Adequate Public Facilities Ordinance.

38
39 A motion was made by Commissioner Gordon, seconded by Commissioner McKee to
40 remove item C-2 regarding the Schools Adequate Public Facilities Ordinance from the public
41 hearing agenda and to refer it to the County Attorney and the attorneys for the schools and the
42 municipalities. The attorneys are to return with a coordinated approach to refining the ordinance
43 for future consideration by the respective boards.

44 VOTE: UNANIMOUS

45
46
47 **A. OPENING REMARKS FROM THE CHAIRS**

48
49 Chair Jacobs welcomed everyone.

50
51 **B. PUBLIC CHARGE**

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

53

1 **C. PUBLIC HEARING ITEMS**
 2

3. 1. **Unified Development Ordinance (UDO) Text Amendment** – To review government-
 4 initiated amendments to the text of the UDO to modify existing language to provide additional
 5 reference to land disturbance thresholds related to stormwater management standards. The
 6 purpose of this amendment is to avoid requiring project applicants to submit multiple,
 7 professionally prepared plans for a single development project.
 8

9 **Staff presented a Powerpoint below:**

10
 11 **AGENDA ITEM:C-1**

12 **UDO TEXT AMENDMENT – SITE PLAN MODIFICATIONS**

13 **BACKGROUND:**

- 14 • On April 17, 2012 the BOCC approved mandated State stormwater management and
 15 nutrient reduction rules/strategies.
 16 • Need clearer standards in our site plan review/approval procedures section.
 17 • Correct inconsistencies regarding when formal, professionally prepared, site plan is
 18 required versus a plot plan prepared by applicant.

19 **WHAT THIS PROPOSAL DOES:**

- 20 1. Eliminate existing conflicts.
 21 2. Require professionally prepared site plans for projects exceeding established
 22 stormwater land disturbance thresholds.
 23 3. Incorporate appropriate references to these land disturbance thresholds.
 24 4. Add language requiring stormwater management plans for minor and major
 25 subdivisions.

26 **WHAT THIS PROPOSAL DOES:**

- 27 • Changes to Section 2.4.1:
 28 – UDO requires a '*professionally prepared site plan*' in the University Lake
 29 Watershed Overlay District.
 30 – As proposed all watersheds with a 6% impervious surface limit have same
 31 standard (i.e. Upper Eno Critical, Cane Creek Protected and Critical, Little River
 32 Protected).
 33 – If approved, projects in these watershed overlay districts will require professional
 34 site plan

35 **SITE PLAN VERSUS PLOT PLAN:**

36 What is the difference between a professionally prepared site plan and a plot plan?

1 *Site Plan*

- 2 • Completed by a surveyor (i.e. professional)
- 3 • Based on actual legal description of property (plat, deed, etc.)
- 4 • More detailed information provided (i.e. structure location, impervious surface, etc.)

5 *Plot Plan*

- 6 • Scaled drawing done by property owner/contractor
- 7 • Typically based on Orange County GIS Map data
- 8 • Relies on applicant/contractor to provide detail on proposal

9 **IMPACTS:**10 *Pros*

- 11 • More accurate depiction of property including environmental features (i.e. streams for
12 stream buffers).
- 13 • More accurate drawing of property and proposed development.

14 *Cons*

- 15 • Added cost.
- 16 • Added time for permit submittal.

17 **ORC COMMENTS:**

- 18 • Ordinance Review Committee (ORC) met to review this item on January 9, 2013.
- 19 • Made several recommendations to address identified concerns.
- 20 • Modifications incorporated by staff.
- 21 • ORC expressed need for guidance from BOCC on proposed modifications to Section
22 2.4.1.

23 **OPTIONS – Section 2.4.1:**

- 24 – Option A: Leave as is – no change. (i.e. Only properties in the University Lake
25 Watershed impacted).
- 26 – Option B: Amend section as suggested requiring all watershed overlay districts
27 with a 6% impervious surface limit be treated the same (i.e. professional site
28 plan).
- 29 – Option C: Eliminate requirement all together and require professionally prepared
30 site plans only when stormwater thresholds are exceeded.

31 **STAFF COMMENTS:**

- 1 • Proposed amendments make existing regulations easier to follow/understand what is
- 2 required.
- 3 • Proposal provides appropriate references to stormwater standards.
- 4 • Contradictions are eliminated.

5 **RECOMMENDATION:**

- 6 1. Receive the proposed amendments.
- 7 2. Conduct the public hearing and accept public, BOCC, and Planning Board comment on
- 8 the proposed amendments.
- 9 3. Refer the matter to the Planning Board with a request that a recommendation be
- 10 returned to the BOCC in time for the May 7, 2013 BOCC regular meeting.
- 11 4. Adjourn the public hearing until May 7, 2013 in order to receive and accept the Planning
- 12 Board's recommendation and any submitted written comments.

13
 14 Commissioner McKee asked about a possible scenario. He said that if a four-lot
 15 subdivision was approved this past year and two of the lots were built upon and did not have to
 16 meet this requirement, then next year the other two lots were built upon, he asked if the other
 17 two lots would have to absorb the entire disturbed area or just for their lots and Michael Harvey
 18 said that it would be just for their lot. This is handled on a lot-by-lot basis.

19 Commissioner Rich asked about the additional cost for surveying and Michael Harvey
 20 said \$500-1,000.

21 Commissioner Gordon made reference to page 12 and Section 2.4.1 and said that she
 22 would not consider option 'c' because she would not wish to change the protection for University
 23 Lake Watershed.

24 Michael Harvey indicated the proposed amendment would not impact existing
 25 development regulations enforced in the University Lake Watershed Overlay district. The
 26 proposal would only potentially eliminate the requirement for the submittal of a professionally
 27 prepared site plan based solely on a parcels location within the district and link its submittal to
 28 existing stormwater management thresholds instead. Michal Harvey asked if there was any
 29 preference for option 'a' or 'b'.

30 Chair Jacobs said that he was deferring his opinion until he heard the questions from the
 31 Planning Board.

32 Maxine Mitchell said that she would reserve her comments until this came back to the
 33 Planning Board.

34 Commissioner McKee said that his preference would be option 'a'. He is concerned
 35 about people that would be trying to build homes for family members, etc. He also does not
 36 want to increase costs to landowners.

37 Chair Jacobs made reference to the Haw River watershed and said that this has been
 38 identified as something that the County needs to address. He said that he would like for the
 39 Planning Board to consider options 'a' and 'c'. He would also like to solicit options from
 40 OWASA, Hillsborough, and Mebane.

41 Commissioner Pelissier said that she prefers option 'c'.

1 Commissioner Gordon said that she would not want to change the University Lake
2 Watershed Overlay District.

3 Commissioner Dorosin said that it seems that this proposal is about creating consistency
4 within the ordinance.

5 Commissioner Rich asked that the Planning Board get feedback from OWASA. She is
6 leaning toward option 'c'.

7 A motion was made by Commissioner McKee, seconded by Commissioner Rich to close
8 the public hearing.

9 VOTE: UNANIMOUS

10 A motion was made by Commissioner Rich, seconded by Commissioner Gordon to refer
11 the matter to the Planning Board with a request that a recommendation be returned to the
12 BOCC in time for the May 7, 2013 BOCC regular meeting and adjourn the public hearing until
13 May 7, 2013 in order to receive and accept the Planning Board's recommendation and any
14 submitted written comments.

15 VOTE: UNANIMOUS

16

17

18. **2. Unified Development Ordinance (UDO) Text Amendment** – To review government-
19 initiated amendments to the text of the UDO to modify or remove regulations related to the
20 Schools Adequate Public Facilities Ordinance (SAPFO). The purpose of this amendment is to
21 ensure regulations are consistent with recent case law made by the N.C. Supreme Court.

22. *This item was removed from the agenda at the beginning of the meeting.*

23

24. **3. Unified Development Ordinance (UDO) Text Amendment** - To review government-
25 initiated amendments to the text of the UDO to make changes to the section regarding the
26 Planning Board's Rules of Procedure. The purpose of this amendment is to ensure the
27 regulations are consistent with County policies and processes.

28

29 Perdita Holtz introduced this item. This amendment is related to the Planning Board's
30 Rules of Procedure, since this section needs to be updated in order to be consistent with current
31 County processes and procedures.

32 The recommendation is to refer the matter to the Planning Board with a request that a
33 recommendation be returned to the BOCC in time for the April 9, 2013 BOCC regular meeting
34 and adjourn the public hearing until April 9, 2013 in order to receive and accept the Planning
35 Board's recommendation and any submitted written comments.

36 A motion was made by Commissioner McKee, seconded by Commissioner Rich to close
37 the public hearing.

38 VOTE: UNANIMOUS

39

40 A motion was made by Commissioner Pelissier, seconded by Commissioner Price to
41 refer the matter to the Planning Board with a request that a recommendation be returned to the
42 BOCC in time for the April 9, 2013 BOCC regular meeting and adjourn the public hearing until
43 April 9, 2013 in order to receive and accept the Planning Board's recommendation and any
44 submitted written comments.

45 VOTE: UNANIMOUS

46

47 **D. ADJOURNMENT OF PUBLIC HEARING**

48

1 **A motion was made by Commissioner McKee seconded by Commissioner Price to**
2 **adjourn the public hearing.**

3
4 **VOTE: UNANIMOUS**

5
6 **E. Additional item - CARDINAL INNOVATIONS**
7

8 Chair Jacobs made reference to the item that was added at the beginning of the
9 meeting. He asked the County Attorney to summarize the relationship between Orange County,
10 OPC, and Cardinal Innovations.

11 John Roberts said that in March or April last year, Orange County was one of 15
12 counties that approved a joint resolution creating Cardinal Innovations, which is a successor
13 entity to Piedmont Behavioral Health. Later last year Orange County entered into an interlocal
14 agreement with other counties and approved the current setup, which is the governing board of
15 Cardinal Innovations has representatives from local governments, behavioral health entities,
16 and local community oversight boards. Orange County's oversight board consists of Orange
17 County, Person County, and Chatham County. Orange County has no direct say in how mental
18 health services are provided in the County.

19 Chair Jacobs said that OPC was a mental health entity and it was adequate, but the
20 state mandated that there had to be a larger entity, which moved it beyond the County's
21 purview.

22 Commissioner Dorosin said that he was appointed to the local oversight board. The
23 board had its first meeting in late summer and there have been several issues of concern of the
24 local board. He said that initially every member of the local oversight board was asked to sign a
25 conflict of interest and confidentiality agreement. There are also concerns about the bylaws.
26 He said that the joint resolution contains very clear language in his opinion that the local
27 oversight board can write its own bylaws. Since that time, there has been a policy change
28 based on the concerns. He said that the governing board is treated more like a private
29 corporate board. He said that he was told that he could not serve on the board due to a conflict
30 of interest regarding some litigation work from his day job. At this time, the local oversight board
31 does not have a representative on the governing board. He plans on attending the governing
32 board meeting because it is a public meeting. He hopes to raise the issue of being able to
33 participate without signing these documents.

34 Commissioner Dorosin said that more recently, Judy Truitt has resigned as local director
35 and the interim director is serving as the regional director and the local executive director.
36 However, the joint resolution states that the local board would participate in the selection of the
37 director. This has not happened and the new person has been hired already without input from
38 the board. He said that this issue has been a distraction for this board.

39 Discussion ensued on the composition of the governing board.

40 Commissioner Gordon asked what could be done about this.

41 John Roberts said that Alamance and Caswell Counties are currently involved in
42 litigation with Cardinal over service issues. He said that a county can withdraw from Cardinal as
43 long as there is continuation of services.

44 Chair Jacobs asked about the joint approach. John Roberts said that the other attorneys
45 would meet with Orange County. A quick meeting will not be hard to set up. He said that he
46 could send a letter to Health and Human Services.

47 John Roberts said that this is a case of declaratory judgment.

48 Commissioner McKee said that he supports having the Attorney pursue these options.

49 Chair Jacobs said that there should probably be some type of public statement related to
50 the concerns. He suggested bringing this to the legislative breakfast as a concern.

51 Commissioner Price suggested speaking with Representative Verla Insko as soon as
52 possible about this because she has been involved in mental health for years.

53 Chair Jacobs suggested having Commissioner Dorosin and the attorney write the cover
54 letter.

1 A motion was made by Commissioner Pelissier, seconded by Commissioner Price to
2 adjourn the meeting at 8:35 p.m.

3 **VOTE: UNANIMOUS**

4

5

Barry Jacobs, Chair

6

7 Donna S. Baker, CMC

8 Clerk to the Board

9

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: April 9, 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 forty-nine (49) taxpayers with a total of fifty-six (56) 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 \$7,699.53 to Orange County, the towns, and school and fire districts. Financial impact year to date for FY 2012-2013 is \$56,658.33.

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-2013-022

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 APRIL 9, 2013

NAME	ABSTRACT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
Agyemang, Freda	1023799	2012	12,220	9165	(40.56)	Holds a salvaged title (appraisal appeal)
Annas, Kim	628867	2012	23930	23930	(159.30)	Incorrect rate code (clerical error)
Atwater, James	1025179	2012	1240	0	(11.51)	County changed to Chatahm (illegal tax)
Berrios, Israel	992396	2012	5280	0	(116.37)	County changed to Chatahm (illegal tax)
Blalock, Michael	959003	2012	15,250	500	(132.55)	Received Antique Auto Questionnaire (appraisal appeal)
Bordeaux, Diane	10072555	2012	6,680	0	(66.21)	County changed to Durham (illegal tax)
Boyle, Jennifer	1025913	2012	12,990	10,412	(39.72)	High mileage (appraisal appeal)
Casey, Robin Lee	1025896	2012	9,570	9,220	(5.39)	High mileage (appraisal appeal)
Cerrone, Christal	1008172	2012	8,090	0	(74.96)	County changed to Durham (illegal tax)
Chamberlin, Theresa	629745	2012	27,900	23,436	(40.80)	High mileage (appraisal appeal)
Clark, Oliver	615572	2012	5,775	5,050	(11.15)	High mileage (appraisal appeal)
Costes, Francois	623299	2012	8390	7148	(20.68)	High mileage (appraisal appeal)
Cowan, David	1001911	2012	8,030	0	(139.97)	County changed to Person (illegal tax)
Curet, Jordan	989751	2012	3,680	3,680	(3.51)	Incorrect rate code (clerical error)
Erbas, Aykut	1021574	2012	10,180	9,162	(16.46)	High mileage (appraisal appeal)
Fesel, Kelly	992529	2012	10,110	0	(185.73)	Military exempt home of record PA (illegal tax)
Finn, John	982683	2012	40,510	0	(654.02)	County changed to Catawba (illegal tax)
Fisseha, Tekola	1007106	2012	2,380	0	(69.59)	County changed to Catawba (illegal tax)
Fitzgerald, Cassandra	958092	2012	9,540	0	(87.20)	County changed to Wake (illegal tax)
Freedman, Ronald	991638	2012	18,000	0	(307.27)	County changed to Wake (illegal tax)
Hamm, Ginger	1013373	2012	30,070	0	(297.19)	County changed to Chatahm (illegal tax)
Hannan, Michael	956732	2012	30,630	24,504	(67.19)	High mileage (appraisal appeal)
Harris, Keith	959168	2012	15,180	13,662	(14.09)	Price paid (appraisal appeal)
Hoesch, James	624856	2012	4,470	4,023	(6.88)	High mileage (appraisal appeal)
Ingold, James	631676	2012	16,710	14,371	(21.24)	High mileage (appraisal appeal)
Knecht, Dennis	1024798	2012	27,930	0	(255.31)	County changed to Catawba (illegal tax)
Krishtal, Mikhail	625434	2012	10,634	6,255	(67.45)	Repair estimate (appraisal appeal)
Lilley, James	639627	2012	12,840	10,015	(43.52)	High mileage (appraisal appeal)
Lingle, Darrell	632433	2012	9,970	5,982	(37.15)	High mileage (appraisal appeal)
Lutz, Melissa	632573	2012	9,940	7,157	(25.54)	High mileage (appraisal appeal)
Maher, Andrew	1024138	2012	21,390	0	(379.90)	Military exempt home of record TX (illegal tax)
McClamroch, James	1014515	2012	32,160	0	(389.04)	County changed to Carteret (illegal tax)
McDonald, Walter	959209	2012	26,450	0	(462.67)	County changed to New Hanover (illegal tax)
McGurk, John	626000	2012	13,118	11,806	(14.64)	High mileage (appraisal appeal)
Metz, Frederick	1025718	2012	13,410	9,119	(66.10)	High mileage (appraisal appeal)
NC High School Athletic	1026934	2012	22,590	0	(377.97)	Tax exempt (illegal tax)
Oakley, Paula	1023081	2012	7,650	6,885	(7.11)	High mileage (appraisal appeal)
OE Enterprises Incorporated	1023348	2012	2,210	0	(43.99)	Tax exempt (illegal tax)
OE Enterprises Incorporated	1021007	2012	1,720	0	(37.78)	Tax exempt (illegal tax)
OE Enterprises Incorporated	1021066	2012	2,040	0	(42.94)	Tax exempt (illegal tax)
OE Enterprises Incorporated	1021079	2012	4,480	0	(82.35)	Tax exempt (illegal tax)

February 28, 2013 thru March 20, 2013

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
 APRIL 9, 2013**

NAME	ABSTRACT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
OE Enterprises Incorporated	1021615	2012	9,730	0	(167.12)	Tax exempt (illegal tax)
Orange Enterprises Inc.	1020969	2012	6,190	0	(109.96)	Tax exempt (illegal tax)
Orange Enterprises Inc.	1020665	2012	1,320	0	(31.33)	Tax exempt (illegal tax)
Orange Enterprises Inc.	1020646	2012	1,500	0	(10.00)	Tax exempt (illegal tax)
Pruthi, Raj Som	956806	2012	20,810	19,189	(14.89)	Price paid (appraisal appeal)
Seepolmuang, Pairin	1014415	2012	30,723	0	(534.01)	County changed to Durham (illegal tax)
Shearer, John Andrew	634365	2012	4,650	0	(106.07)	County changed to Chatham (illegal tax)
Smith, Eugene Thomas	958852	2012	12,360	9,641	(30.59)	High mileage (appraisal appeal)
Tate, Deborah	956797	2012	17,320	0	(155.64)	County changed to Alamance (illegal tax)
Umstead, Amos McKinliy	1020571	2012	990	0	(9.53)	County changed to Durham (illegal tax)
Umstead, Amos McKinliy	1009526	2012	3,000	0	(29.54)	County changed to Durham (illegal tax)
Vaughan, Stephen Owens	998987	2011	33,830	0	(604.53)	County changed to Durham (illegal tax)
Vaughan, Stephen Owens	999656	2011	28,780	0	(518.76)	County changed to Durham (illegal tax)
Wise, Noreen	1021746	2012	15340	0	(293.48)	County changed to Mecklenburg (illegal tax)
XDS Inc.	1021525	2012	8,940	0	(161.08)	County changed to Chatahm (illegal tax)
				Total	(7,699.53)	

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: April 9, 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 eight (8) taxpayers with a total of fourteen (14) 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 \$56,545.43 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-2013-023

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
APRIL 9, 2013**

NAME	ABSTRACT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
Air Methods Corporation	317628	2012	13,143	295	(197.91)	Business not in Orange County January 1st, moved to Chatham County (illegal tax)
American Charters Ltd.	946028	2012	19,063	0	(150.36)	Billed in error (clerical error)
American Charters Ltd.	946024	2012	8,424	0	(68.59)	Billed in error (clerical error)
Froelich, Mary	988960	2012	298,000	0	(4,751.05)	Taxed in error (illegal tax)
Froelich, Mary	988959	2012	326,700	0	(5,325.63)	Taxed in error (illegal tax)
Global Hearing Aids Inc.	317870	2012	1,669	0	(15.79)	Business not in Orange County January 1st, moved to Durham County (illegal tax)
Johnson, Martha	988743	2012	490	0	(7.79)	Billed in error (clerical error)
Kemnitz, Alina	262085	2012	800	0	(7.60)	Assessed in error (clerical error)
Tate Construction and Realty Company	221471	2007	204,796	119,982	(1,497.39)	Building removed prior to 2003 (clerical error)
Tate Construction and Realty Company	221471	2008	204,796	119,982	(1,610.32)	Building removed prior to 2003 (clerical error)
Tate Construction and Realty Company	221471	2009	290,345	205,500	(1,367.19)	Building removed prior to 2003 (clerical error)
Tate Construction and Realty Company	221471	2010	290,345	205,500	(1,367.19)	Building removed prior to 2003 (clerical error)
Tate Construction and Realty Company	221471	2011	290,345	205,500	(1,367.19)	Building removed prior to 2003 (clerical error)
UNC Hospitals at Chapel Hill	988773	2012	2,523,500	2,523,500	(38,811.43)	Taxed in error, property is exempt (illegal tax)
				Total	(56,545.43)	

February 28, 2013 thru
March 20, 2013

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: April 9, 2013

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

SUBJECT: Applications for Property Tax Exemption/Exclusion

DEPARTMENT: Tax Administration

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

Exempt Status Resolution
Spreadsheet
Requests for Exemption/Exclusion

INFORMATION CONTACT:

Dwane Brinson, Tax Administrator,
(919) 245-2726

PURPOSE: To consider two (2) untimely applications for exemption/exclusion from ad valorem taxation for two (2) bills for the 2012 tax year.

BACKGROUND: North Carolina General Statutes (NCGS) require applications for exemption to be filed during the normal listing period, which is during the month of January. Exclusion for Elderly/Disabled, Circuit Breaker and Disabled American Veterans should be filed by June 1st of the tax year being applied. NCGS 105-282.1(a)(5) does allow some discretion. Upon a showing of good cause by the applicant for failure to make a timely application, an application for exemption or exclusion filed after the close of the listing period may be approved by the Department of Revenue, the board of equalization and review, the board of county commissioners, or the governing body of a municipality, as appropriate. An untimely application for exemption or exclusion approved under this subdivision applies only to property taxes levied by the county or municipality in the calendar year in which the untimely application is filed.

The two applicants are applying for homestead exclusion based on NCGS 105-277.1, which allows exclusion of the greater of twenty-five thousand dollars (\$25,000) or fifty percent (50%) of the appraised value of the residence

Based on the information supplied in the applications and the above referenced General Statutes, the applicants may be approved by the Board of County Commissioners. NCGS 105-282.1(a)(5) permits approvals of such applications if good cause is demonstrated by the taxpayer.

FINANCIAL IMPACT: The reduction in the County's tax base associated with approval of the exemption applications will result in a reduction of FY 2012/2013 taxes due to the County, municipalities, and special districts in the amount of \$552.39.

RECOMMENDATION(S): The Manager recommends the Board approve the attached resolution for the above listed applications for FY 2012/2013 exemption.

NORTH CAROLINA

RES-2013-024

ORANGE COUNTY

EXEMPTION/EXCLUSION RESOLUTION

Whereas, North Carolina General Statutes 105-282.1 empowers the Board of County Commissioners to approve applications for exemption after the close of the listing period, and

Whereas, good cause has been shown as evidenced by the information packet provided, and

Whereas, the Tax Administrator has determined that the applicants could have been approved for 2012 had applications been timely.

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF COUNTY

COMMISSIONERS OF ORANGE COUNTY THAT the properties applying for exemption for 2012 are so approved as exempt.

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.

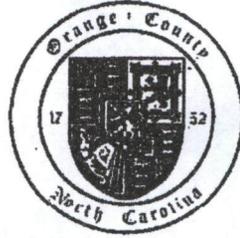
Clerk to the Board of Commissioners

Late exemption/exclusion- GS 105-282.1 (a1)

BOCC REPORT REAL/PERSONAL APRIL 9, 2013

NAME	ABSTRACT NUMBER	BILL YEAR	ORIGINAL VALUE	TAXABLE VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
Talbert, Maxine	14959	2012	83,423	51,360	(297.55)	Late Application for Homestead Exemption and Exclusion
Wynn, Judy	5510	2012	112,685	84,514	(254.84)	Late Application for Homestead Exemption and Exclusion
				Total	(552.39)	

February 28, 2013 thru
March 20, 2013



FILED
DEC 03 2012
ORANGE COUNTY
TAX ADMINISTRATION

**Request for Tax Relief
Late Application Filing**

Date: 12-03-12

To Whom It May Concern:

I Maxine Talbert, am applying for a late
(PRINT NAME)

Property Tax Relief Exemption or Exclusion for the year 2012 on parcel
number (PIN) # 9728813699.

The reason for my late request is:

I was not aware that this exemption was available to me.

I just found out about the Property Tax Relief Program.

Other

Thank you,

Maxine E. Talbert
(Signature)

How did you find out about this exemption?



**Request for Tax Relief
Late Application Filing**

Date: 12.10.12

To Whom It May Concern:

I Judy Wynn, am applying for a late
(PRINT NAME)

Homestead Exemption for the year 2012 on parcel number
(PIN) # 9835-23-4023.

The reason for my late request is:

I was not aware that this exemption was available to me.

I just found out about the Property Tax Relief Program.

Other

Thank you,

Judy Marie Wynn
(Signature)

How did you find out about this exemption?

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: April 9, 2013

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

SUBJECT: Refund of Overpayment of Tax/Revenue Stamps

DEPARTMENT: Register of Deeds

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

Copy of Refund Request Letter
Copies of Recorded Documents
Copy of Check
Copy of Relevant General Statutes

INFORMATION CONTACT:

Deborah Brooks, 245-2679
Clarence Grier, 245-2453

PURPOSE: To consider refund of overpayment of tax/revenue stamps.

BACKGROUND: North Carolina General Statute 105-228.37 sets forth the procedure for requesting refund of overpayment. General Statute 105-228.37(a) states, "A taxpayer who pays more tax than is due under Article may request a refund of the overpayment by filing a written request for a refund with the board of county commissioners of the county where the tax was paid and must explain why the taxpayer believes a refund is due."

On December 11, 2012 a deed was mistakenly recorded in Orange County for Elisandro Martinez by the law firm of Moore & Alphin, PLLC. The document should have been recorded in Alamance County. Moore & Alphin, PLLC is requesting the refund of the \$352 in revenue stamps and the \$90 recording fee paid as part of the December 11th recording action. North Carolina General Statute 161-10(c) states, "These fees shall be collected in every case prior to filing, registration, recordation, certification or other service rendered by the register of deeds unless by law it is provided that the service shall be rendered without charge."

North Carolina General Statute 161-14(a) states, "After the register of deeds has determined that all statutory and locally adopted prerequisites for recording have been met, the register shall immediately register all written instruments presented to him for registration." Moore & Alphin, PLLC has requested a refund for both the revenue stamps and the recording fee. However, the document was properly recorded in compliance with the General Statutes and Orange County policies, and staff is therefore not recommending reimbursement of the recording fee. As noted above, the Board of County Commissioners must authorize refunds of overpayments.

FINANCIAL IMPACT: This action involves a refund in the amount of \$352 to Moore & Alphin, PLLC for the overpayment of revenue stamps. Moore & Alphin, PLLC has also requested a refund for the \$90.00 recording fee, which staff is not recommending.

RECOMMENDATION(S): The Manager recommends that the Board approve the refund of \$352 for overpayment of revenue stamps.

Law Offices

MOORE & ALPHIN, PLLC

3716 National Drive, Suite 100
Raleigh, NC 27612
Telephone (919) 787-8812
Facsimile (919) 787-3312

Richard W. Moore
Oliver W. Alphin (Retired)
S. Amanda Palmer
Casey J. Heim
Curtis K. Thompson
Nancy P. Mountcastle
Kate W. Cotten

Sender's e-mail: kate@moorealphin.com

December 28, 2012

Mr. Barry Jacobs
Chair, Orange County Board of Commissioners
2105 Moorefields Road
Hillsborough, NC 27278
Delivered via USPS

Re: Statement of No Excise Tax Due

Mr. Jacobs,

On December 11, 2012, in Book RB5502, Page 595, Orange County Registry, a deed was recorded from Centex Homes to Elisandro Martinez, conveying real property located solely in Alamance County. This instrument was recorded in the wrong county, Orange County.

No excise tax was owed through the Orange County Register of Deeds because the instrument being recorded was recorded in the wrong county. I am requesting reimbursement of the \$352.00 in revenue stamps paid in Orange County since the deed should not have been recorded in Orange County. This deed has subsequently been recorded in the correct county, Alamance County, in Book 3171, Page 597, Alamance County Registry, and the correct excise tax paid there. Please see the attached Statement of No Excise Tax Due, which has been recorded in Book RB5516, Page 305, Orange County Registry.

In addition, I am requesting reimbursement of the \$90.00 in recording charges paid to record the above deed and accompanying deed of trust (which was recorded in Book RB5503, Page 1, Orange County Registry), as the payment check was made payable to "Alamance County Register Of Deeds," and was improperly deposited by the Orange County Register of Deeds. I have attached a copy of the check in question.

I appreciate your attention to this matter. Please contact me if there are any questions or concerns with my request at 919-787-8812 or kate@moorealphin.com.

Respectfully,
Moore & Alphin, PLLC

Kate W. Cotten

CC: Deborah Brooks, Register of Deeds



20121211000288990 DEED
Bk:RB5502 Pg:595
12/11/2012 12:20:35 PM 1/2

DML

FILED Deborah B. Brooks
Register of Deeds, Orange Co., NC
Recording Fee: \$26.00
NC Real Estate TX: \$352.00

YM DB

NO PROPERTY LOCATED
WITHIN
ORANGE COUNTY KFC

NORTH CAROLINA SPECIAL WARRANTY DEED

Excise Tax: \$352.00

Real Estate ID #: 167731

After recording mail to: Grantee

This instrument was prepared by: Moore & Alphin, PLLC, 3716 National Drive
Suite 100, Raleigh, NC 27612 (12-CNTX-2981SY) *file*

This instrument prepared by S. Amanda Palmer, a licensed North Carolina attorney. Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds.

Brief description for the Index: Lot 147 Collington Farms Subdivision, Phase 1

The property herein conveyed is not Grantor's primary residence. (NCGS 105-317.2)

THIS DEED is made this 10th day of December, 2012, by and between:

GRANTOR

GRANTEE

CENTEX HOMES,
a Nevada general partnership

Elisandro Martinez, unmarried

Grantor's Address:
1225 Crescent Green Drive, Suite 250
Cary, NC 27518

Grantee's Address:
604 Collington Drive
Mebane, NC 27302

The designation Grantor and Grantee as used herein shall include said parties, heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

For valuable consideration paid by Grantee to Grantor, the receipt and sufficiency of which are hereby acknowledged, Grantor hereby gives, grants, bargains, sells and conveys unto the Grantee in fee simple, subject to the Exceptions and Reservations hereinafter provided, if any, all that certain lot or parcel of land situated in the City of Mebane, Melville Township, Alamance County, North Carolina and more particularly described as follows:

All of Lot 147 in Collington Farms Subdivision, Phase 1, as shown on the plats recorded in Plat Book 71, Pages 255-260, Alamance County Registry, to which plats reference is hereby made for a more particular description.

Property Address: 604 Collington Drive, Mebane, NC 27302



TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And Grantor hereby warrants that Grantor has done nothing to impair such title as Grantor received and that Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, except for the exceptions hereinafter stated.

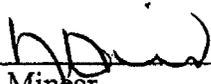
This conveyance is made subject to the following Exceptions and Reservations:

- 1) Ad valorem real property taxes not yet due and payable.
- 2) Easements and rights-of-ways of record affecting the property.
- 3) Restrictive and protective covenants of record affecting the property.

IN WITNESS WHEREOF, Grantor has caused this Deed to be signed in its name by its duly authorized Managing General Partner, as of the day and year first above written.

CENTEX HOMES,
a Nevada General Partnership

By: **Centex Real Estate Corporation,**
a Nevada corporation,
Managing General Partner

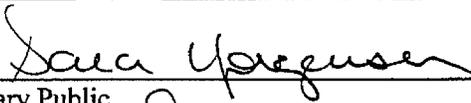
By:  (Seal)
Meredith Minear
Closing Coordinator

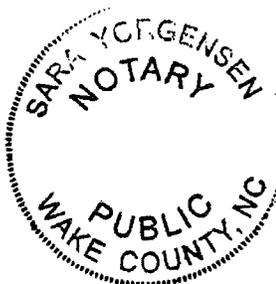
STATE OF NORTH CAROLINA – COUNTY OF WAKE:

I, the undersigned, a Notary Public of the County and State aforesaid, certify that **Meredith Minear** personally came before me this day and acknowledged that she is Closing Coordinator of **CENTEX REAL ESTATE CORPORATION**, a Nevada corporation and Managing General Partner of **CENTEX HOMES**, a Nevada general partnership, personally appeared before me this day and, being by me duly sworn, executed the foregoing instrument for and on behalf of and as an act of **CENTEX REAL ESTATE CORPORATION**, Managing General Partner of **CENTEX HOMES**, and that her authority to execute and acknowledge said instrument is contained in the Certified Resolutions Of The Board of Directors Of Centex Real Estate Corporation recorded on September 1, 2010, in **Book 2940, Page 326, ALAMANCE** County Registry.

Witness my hand and official stamp or seal, this 10 day of December, 2012.

(Stamp or Seal)


Notary Public
Printed Name: Sara Yorgensen
My Commission Expires: 2-22-17



EX
DM



20121231000305490 S/INS
Bk:RB5516 Pg:305
12/31/2012 12:23:52 PM 1/2

FILED Deborah B. Brooks
Register of Deeds, Orange Co, NC
Recording Fee: \$25.00
NC Real Estate TX: \$.00

503
DB

Mail To/Prepared By:
Moore & Alphin, PLLC (kc)
3716 National Drive, Suite 100
Raleigh, NC 27612

NO PROPERTY LOCATED
WITHIN
ORANGE COUNTY KAC

NORTH CAROLINA

ORANGE COUNTY

STATEMENT OF NO EXCISE TAX DUE

On December 11, 2012, in Book RB5502, Page 595, Orange County Registry, the undersigned recorded a deed from Centex Homes to Elisandro Martinez, conveying real property located solely in Alamance County. This instrument was recorded in the wrong county, Orange County. No excise tax was owed through the Orange County Register of Deeds because the instrument being recorded was recorded in the wrong county. We are requesting reimbursement of the \$352.00 in revenue stamps paid in Orange County since the deed should not have been recorded in Orange County. This deed has subsequently been recorded in the correct county, Alamance County, in Book 3171, Page 597, Alamance County Registry, and the correct excise tax paid there. In addition, we are requesting reimbursement of the \$90.00 in recording charges paid to record the above deed and accompanying deed of trust, as the payment check was made payable to "Alamance County Register Of Deeds," and was improperly deposited by the Orange County Register of Deeds.

This, the 28th day of December, 2012

Kate W. Cotten, Attorney
Moore & Alphin, PLLC
3716 National Drive, Suite 100
Raleigh, NC 27612

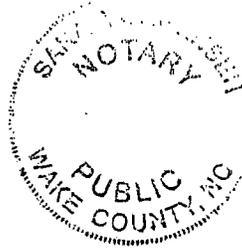


STATE OF NC
COUNTY OF WAKE

I, the undersigned, a Notary Public of said County and State hereby certify that Kate W. Cotten personally appeared before me this day and acknowledged the due execution of the foregoing Statement of No Excise Tax Due.

Witness my hand and notarial seal, this the 28 day of December, 2012.

Sara Yorgensen
Notary Public



My commission expires: 2-22-17

16871

MOORE & ALPHIN, PLLC
OPERATING ACCOUNT
3716 NATIONAL DRIVE SUITE 100
RALEIGH, NC 27612
PH. (919) 787-8812



ACH RT 061000104
66-46-531

12/20/2012

PAY TO THE ORDER OF Alamance County Register Of Deeds

\$**442.00

Four Hundred Forty-Two Only*****

DOLLARS

Security features. Details on back.

AUTHORIZED SIGNATURE

MEMO 12-CNTX-2981SY (EXCISE&REC FEE) SENT TO ORAN

§ 105-228.37. Refund of overpayment of tax.

- (a) **Refund Request.** – A taxpayer who pays more tax than is due under this Article may request a refund of the overpayment by filing a written request for a refund with the board of county commissioners of the county where the tax was paid. The request must be filed within six months after the date the tax was paid and must explain why the taxpayer believes a refund is due.
- (b) **Hearing by County.** – A board of county commissioners must conduct a hearing on a request for refund in accordance with the procedures that apply to a hearing held by a board of equalization and review on an appeal concerning the listing or appraisal of property. If the board decides that a refund is due, it must refund the county's portion of the overpayment, together with any applicable interest, to the taxpayer. If the board finds that no refund is due, the written decision of the board must inform the taxpayer that the taxpayer may appeal the decision to the Property Tax Commission.
- (c) **Review by Commission.** – The procedure in G.S. 105-290 for the appeal to the Property Tax Commission of a decision of a board of equalization and review concerning the listing or appraisal of property applies to the appeal of a denial by a board of county commissioners of a request for a refund of tax paid under this Article. If the Commission determines that a refund is due, the board of county commissioners must refund the county's portion of the overpayment, together with any applicable interest, to the taxpayer. A decision of the Commission is binding on the Secretary and on a board of county commissioners.
- (d) **Judicial Review.** – A decision of the Property Tax Commission is subject to judicial review in accordance with G.S. 7A-29.
- (e) **Recording Correct Deed.** – Before a tax is refunded, the taxpayer must record a new instrument reflecting the correct amount of tax due. If no tax is due because an instrument was recorded in the wrong county, then the taxpayer must record a document stating that no tax was owed because the instrument being corrected was recorded in the wrong county. The taxpayer must include in the document the names of the grantors and grantees and the deed book and page number of the instrument being corrected.

When a taxpayer records a corrected instrument, the taxpayer must inform the register of deeds that the instrument being recorded is a correcting instrument. The taxpayer must give the register of deeds a copy of the decision granting the refund that shows the correct amount of tax due. The correcting instrument must include the deed book and page number of the instrument being corrected. The register of deeds must notify the county finance officer and the Secretary when the correcting instrument has been recorded.

- (f) **Interest.** – An overpayment of tax bears interest at the rate established in G.S. 105-241.21 from the date that interest begins to accrue. Interest begins to accrue on an overpayment 30 days after the request for a refund is filed by the taxpayer with the board of county commissioners.

§ 161-10. Uniform fees of registers of deeds.

(a) Except as otherwise provided in this Article, all fees collected under this section shall be deposited into the county general fund. While performing the duties of the office, the register of deeds shall collect the following fees which shall be uniform throughout the State:

(1) Instruments in General. – For registering or filing any instrument for which no other provision is made by this section, whether written, printed, or typewritten, the fee shall be twelve dollars (\$12.00) for the first page plus three dollars (\$3.00) for each additional page or fraction thereof.

When a document is presented for registration that consists of multiple instruments, the fee shall be ten dollars (\$10.00) for each additional instrument. A document consists of multiple instruments when it contains two or more instruments with different legal consequences or intent, each of which is separately executed and acknowledged and could be recorded alone.

(1a) Deeds of Trust, Mortgages, and Cancellation of Deeds of Trust and Mortgages. – For registering or filing any deed of trust or mortgage, whether written, printed, or typewritten, the fee shall be twenty-two dollars (\$22.00) for the first page plus three dollars (\$3.00) for each additional page or fraction thereof.

When a deed of trust or mortgage is presented for registration that contains one or more additional instruments, the fee shall be ten dollars (\$10.00) for each additional instrument. A deed of trust or mortgage contains one or more additional instruments if such additional instrument or instruments has or have different legal consequences or intent, each of which is separately executed and acknowledged and could be recorded alone.

For recording records of satisfaction, or the cancellation of record by any other means, of deeds of trust or mortgages, there shall be no fee.

(2) Marriage Licenses. – For issuing a license fifty dollars (\$50.00); for issuing a delayed certificate with one certified copy twenty dollars (\$20.00); and for a proceeding for correction of an application, license or certificate, with one certified copy ten dollars (\$10.00).

(3) Plats. – For each original or revised plat recorded twenty-one dollars (\$21.00) per sheet or page; for furnishing a certified copy of a plat five dollars (\$5.00).

(4) Right-of-Way Plans. – For each original or amended plan and profile sheet recorded twenty-one dollars (\$21.00) for the first page and five dollars (\$5.00) per page for each additional page. This fee is to be collected from the Board of Transportation.

(5) Registration of Birth Certificate One Year or More after Birth. – For preparation of necessary papers when birth to be registered in another county ten dollars (\$10.00); for registration when necessary papers prepared in another county, with one certified copy ten dollars (\$10.00); for

preparation of necessary papers and registration in the same county, with one certified copy twenty dollars (\$20.00).

(6) Amendment of Birth or Death Record. – For preparation of amendment and affecting correction ten dollars (\$10.00).

(7) Legitimations. – For preparation of all documents concerned with legitimations ten dollars (\$10.00).

(8) Certified Copies of Birth and Death Certificates and Marriage Licenses. – For furnishing a certified copy of a death or birth certificate or marriage license ten dollars (\$10.00). Provided however, a Register of Deeds may issue without charge a certified Birth Certificate to any person over the age of 62 years.

(8a) Vital Records Network. – For obtaining access to the Vital Records Computer Network, two dollars (\$2.00).

(9) Certified Copies. – For furnishing a certified copy of an instrument for which no other provision is made by this section five dollars (\$5.00) for the first page, plus two dollars (\$2.00) for each additional page or fraction thereof.

(10) Comparing Copy for Certification. – For comparing and certifying a copy of any instrument filed for registration, when the copy is furnished by the party filing the instrument for registration and at the time of filing thereof five dollars (\$5.00).

(11) Uncertified Copies. – A register of deeds who supplies uncertified copies of instruments, or index pages, as a convenience to the public, may charge fees that the register of deeds determines bear a reasonable relation to the quality of copies supplied and the cost of purchasing and maintaining copying and/or computer equipment. These fees may be changed from time to time, but the amount of these fees shall at all times be uniform and prominently posted in the office of the register of deeds.

(12) Notarial Acts. – For taking an acknowledgment, oath, or affirmation or performing any other notarial act the maximum fee set in G.S. 10B-31 or G.S. 10B-118 for electronic notarial acts. This fee shall not be charged if the act is performed as a part of one of the services for which a fee is provided by this subsection; except that this fee shall be charged in addition to the fees for registering, filing, or recording instruments or plats as provided by subdivisions (1) and (3) of this subsection.

(13) Uniform Commercial Code. – Such fees as are provided for in Chapter 25, Article 9, Part 5, of the General Statutes.

(14) Torrens Registration. – Such fees as are provided in G.S. 43-5.

(15) Master Forms. – Such fees as are provided for instruments in general.

(16) Probate. – For verification of proofs and acknowledgements as provided in G.S. 47-14 two dollars (\$2.00).

(17) Qualification of Notary Public. – For administering the oaths of office to a notary public and making the appropriate record entries as provided in G.S. 10B-10 ten dollars (\$10.00).

(18) Reinstatement of Articles of Incorporation. – For filing reinstatements of Articles of Incorporation prepared pursuant to G.S. 105-232; such fees as provided for instruments in general. The fee shall be paid by the corporation affected.

(18a) Nonstandard Document. – For registering or filing any document not in compliance with the recording standards adopted under G.S. 161-14(b), the fee shall be twenty-five dollars (\$25.00) in addition to all other applicable recording fees.

(19) Miscellaneous Services. – For performing miscellaneous services such as faxing documents, providing laminated copies of documents, expedited delivery of documents, and similar services, the cost of the service.

(b) The uniform fees set forth in this section are complete and exclusive and no other fees shall be charged by the register of deeds.

(c) These fees shall be collected in every case prior to filing, registration, recordation, certification or other service rendered by the register of deeds unless by law it is provided that the service shall be rendered without charge.

(Code, ss. 710, 3109, 3751; 1887, c. 283; 1891, c. 324; 1897, cc. 27, 68; 1899, c. 17, s. 2; c. 247, s. 3; cc. 261, 302, 578, 723; 1901, c. 294; 1903, c. 792; 1905, cc. 226, 292, 319; Rev., s. 2776; 1911, c. 55, s. 3; C.S., s. 3906; 1967, c. 639, s. 4; c. 823, s. 33; 1969, c. 80, s. 1; c. 912, s. 3; 1973, c. 507, s. 5; c. 1317; 1975, c. 428; 1977, 2nd Sess., c. 1132; 1981, c. 968, ss. 1, 2; 1983, c. 894, ss. 2, 3; 1987, c. 792, ss. 2-5; 1989, c. 523, s. 1; 1991, c. 636, s. 18; c. 683, s. 3; c. 693, s. 1; 1991 (Reg. Sess., 1992), c. 1030, s. 49; 1993, c. 425, s. 1; 1997-309, s. 9; 2000-167, s. 1; 2000-169, s. 44; 2001-390, s. 1; 2005-123, s. 7; 2005-391, s. 8; 2008-107, s. 29.7(a).)

§ 161-14. Registration of instruments.

(a) After the register of deeds has determined that all statutory and locally adopted prerequisites for recording have been met, the register of deeds shall immediately register all written instruments presented to him for registration. When an instrument is presented for registration, the register of deeds shall endorse upon it the day and hour on which it was presented. This endorsement forms a part of the registration of the instrument. All instruments shall be registered in the precise order in which they were presented for registration. Immediately after endorsing the day and hour of presentation upon an instrument, the register of deeds shall index and cross-index it in its proper sequence. The register of deeds shall then proceed to register it on the day that it is presented unless a temporary index has been established.

The register of deeds may establish a temporary index in which all instruments presented for registration shall be indexed until they are registered and entered in the permanent indexes. A temporary index shall operate in all respects as the permanent index. All instruments presented for registration shall be registered and indexed and cross-indexed on the permanent indexes not later than 30 days after the date of presentation.

(b) All instruments, except instruments conforming to the provisions of G.S. 25-9-521, presented for registration on paper shall meet all of the following requirements:

- (1) Be eight and one-half inches by eleven inches or eight and one-half inches by fourteen inches.
- (2) Have a blank margin of three inches at the top of the first page and blank margins of one-half inches on the remaining sides of the first page and on all sides of subsequent pages.
- (3) Be typed or printed in black on white paper in a legible font. A font size no smaller than 10 points shall be considered legible. Blanks in an instrument may be completed in pen and corrections to an instrument may be made in pen.
- (4) Have text typed or printed on one side of a page only.
- (5) State the type of instrument at the top of the first page.

If an instrument does not meet these requirements, the register of deeds shall register the instrument after collecting the fee for nonstandard documents as required by G.S. 161-10(a)(19) in addition to all other applicable recording fees. However, if an instrument fails to meet the requirements because it contains print in a font size smaller than 10 points, the register of deeds may register the instrument without collecting the fee for nonstandard documents if, in the discretion of the register of deeds, the instrument is legible.

(c) Transportation corridor official maps authorized under Article 2E of Chapter 136 shall be registered and indexed by the end of the third business day after the business day the map is presented to the register of deeds.

(d) For the purposes of this section, the term "instrument" means all of the following for which a fee is collected under G.S. 161-10(a):

- (1) Instruments in General.
- (2) Deeds of Trust, Mortgages, and Cancellation of Deeds of Trust and Mortgages.
- (3) Uniform Commercial Code filings.
- (4) Torrens Registrations.
- (5) Master Forms.

(R.C., c. 37, s. 23; 1868, c. 35, s. 9; Code, s. 3654; Rev., s. 2658; C.S., s. 3553; 1921, c. 114; 1971, c. 657; 1998-184, s. 5; 2001-390, s. 5; 2001-464, ss. 2, 3; 2002-159, s. 53.)

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: April 9, 2013

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

SUBJECT: Bid Award – Road Tractor for Recycling/Solid Waste

DEPARTMENT: Solid Waste

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

Bid Tabulation

INFORMATION CONTACT:

Gayle Wilson, 968-2788
Clarence Grier, 245-2453

PURPOSE: To consider awarding a bid to Piedmont Peterbilt of Greensboro, North Carolina for a Road Tractor for Orange County Solid Waste.

BACKGROUND: The Fiscal Year 2012/2013 Recycling Division capital budget provided for the replacement of a Sterling road tractor. The road tractor is used to haul existing trailers containing primarily bottles, cans, and paper products from the County's central recyclable materials processing/transfer facility on Eubanks Road to markets. The unit can also be used for delivering large loads of mulch/compost and/or delivering boiler fuel made from clean wood waste. Recycling will retain the Sterling tractor to serve as a backup to the new unit.

The current Sterling road tractor is a 2003 model with 275,960 miles. There have been no major repairs on this unit to date, but it is approaching end of its useful life as a front-line/daily use type vehicle and continued intensive use will result in major repairs. Staff's recommendation to replace this vehicle is based primarily on avoiding these major repairs.

Orange County's road tractor requirements were advertised through bid number 287 and five vendors submitted bids. Pursuant to the attached bid tabulation, Piedmont Peterbilt of Greensboro, North Carolina submitted the lowest responsible bid that was responsive at a delivered cost of \$107,648 for a Peterbilt 579 cab and chassis with a Cummins engine.

FINANCIAL IMPACT: Total purchase price would be \$107,648. Sufficient funds were allocated within the FY 2012-2013 Solid Waste Recycling budget for this purchase.

RECOMMENDATION(S): The Manager recommends that the Board award bid number 287 to Piedmont Peterbilt of Greensboro, North Carolina at a delivered cost of \$107,648.

BID TABULATION
BID # 287

BID FOR: ROAD TRACTOR

BID AWARDED TO: _____

CLOSING DATE: 3-2013

BID PRICE: _____

CLOSING TIME: 3:00 PM

BUDGETED AMOUNT: _____

<i>VENDOR</i>	<i>BID COST DELIVERED</i>
Piedmont Peterbilt Greensboro, NC	\$107,648.00
Transource Inc Raleigh, NC	\$111,771.00
Freightliner, Greensboro, NC	Did not meet specifications
White's International Greensboro, NC	\$109,940.61
Tri-Point Trucks Raleigh, NC	Did not meet specifications

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: April 9, 2013

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

SUBJECT: Changes in BOCC Regular Meeting Schedule for 2013

DEPARTMENT: County Commissioners

PUBLIC HEARING: (Y/N)

No

ATTACHMENT (S):

INFORMATION CONTACT:

Donna Baker, 245-2130
Clerk to the Board

PURPOSE: To consider two changes in the County Commissioners' regular meeting calendar for 2013.

BACKGROUND: Pursuant to North Carolina General Statute 153A-40, the Board of County Commissioners must fix the time and place of its meetings or provide a notice of any change in the Regular Meeting Schedule by:

- Moving the May 14, 2013 BOCC work session **FROM** Link Government Services Center, 200 South Cameron Street, Hillsborough **TO** Southern Human Services Center, 2501 Homestead Road, Chapel Hill, at 7:00pm.
- Moving the November 12, 2013 BOCC Work Session (7:00pm) **FROM** Southern Human Services Center, 2501 Homestead Road, Chapel Hill **TO** Link Government Services Center, 200 South Cameron Street, Hillsborough.

RECOMMENDATION (S): The Manager recommends the Board amend its regular meeting calendar for 2013 by:

- Moving the May 14, 2013 BOCC work session **FROM** Link Government Services Center, 200 South Cameron Street, Hillsborough **TO** Southern Human Services Center, 2501 Homestead Road, Chapel Hill, at 7:00pm.
- Moving the November 12, 2013 BOCC Work Session (7:00pm) **FROM** Southern Human Services Center, 2501 Homestead Road, Chapel Hill **TO** Link Government Services Center, 200 South Cameron Street, Hillsborough.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: April 9, 2013

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

SUBJECT: Safe Routes to School Action Plan Overview and Proposed Schedule for Initial Adoption Steps

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

1. Amendment Form
2. Overview of Draft SRTS Action Plan

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 authorize staff to proceed with initial Safe Routes to School (SRTS) Action Plan adoption steps according to the Amendment form for the SRTS Action Plan ([Attachment 1](#)).

BACKGROUND: The North Carolina SRTS Program works with schools, local governments and agencies, advocacy and non-profit organizations, and public health professionals at a grassroots level to identify improvements that can help make bicycling and walking to and from school a safe and healthy transportation alternative. Orange County received a Safe Routes to School (SRST) Action Plan Service Award in July 2008 for planning assistance to prepare an Action Plan for Grady A. Brown Elementary School, Cameron Park Elementary School and C.W. Stanford Middle School.

In 2009 the North Carolina Department of Transportation (NCDOT) contracted Greenways, Incorporated and Greene Transportation Solutions to work with County staff, local agency representatives, School Team leaders and principals of the three schools to identify non-motorized infrastructure improvements that enhance safety for walking and bicycling.

The Plan development process included a visioning and goals session and map working session with the project staff, steering committee, and consultants. This was followed by comprehensive fieldwork and a public workshop that sought input from residents, including parents, teachers, principals, children, Town of Hillsborough staff, and Orange County staff. This input and analysis led to the development of a draft plan that consisted of an analysis of existing conditions, and recommendations in the program's framework of engineering, education, encouragement, enforcement, and evaluation (the essential '5 E's' of the program).

The draft Plan was reviewed by the NCDOT Bicycle and Pedestrian Division and a final draft was completed and returned to the Planning Staff in December 2012.

Staff has been reviewing the final draft and developing recommended initial actions for adoption.

Orange County Schools, the Town of Hillsborough, and Orange County will be asked to adopt the Plan. Following adoption, the next recommended step will be to establish a SRTS Action Plan Advisory Committee (APAC) that would be responsible for advocating plan implementation and assist with programming and grant writing, evaluating plan progress, and assessing plan priorities.

Although more detail will be coming to the Board, staff's initial suggestion is that the SRTS APAC be a sub-committee of the OUTBoard, supplemented by additional staff from other agencies/jurisdictions as needed.

In follow-up to earlier questions from Board members regarding whether the SRTS Program will allow projects for high schools, staff has learned that the NCDOT SRTS Program will fund only those activities that specifically plan for improvements and programs that promote safe, active travel to K-8 schools. However the benefit of a project does not have to be exclusively for a K-8 school addressed by the Plan. While project inclusion in the adopted plan is encouraged, not all projects must be included in the adopted SRTS plan. Projects from the Plan with multiple purposes/greater impact are favored. If, for example, a proposed project for CW Stanford Middle School met the objectives of the SRTS program, but also happened to provide a benefit to the Orange High School, that is acceptable and even encouraged.

Attachment 1, for Board review and approval, is an Amendment form outlining the rationale, process, and implications of the adoption of the SRTS Action Plan.

Attachment 2 is an overview of the SRTS Action Plan, for reference.

FINANCIAL IMPACT: Other than staff time, there is no financial impact associated with receiving, considering and authorizing the staff to proceed with initial adoption steps for the SRTS Action Plan. This work will be completed by existing Planning staff in the Department's Comprehensive Planning Division. Following adoption, Plan implementation will also require assistance from the NCDOT SRTS program, the Orange County Schools staff, and the Town of Hillsborough staff.

RECOMMENDATION(S): The Manager recommends the Board:

1. Approve the attached Amendment form (Attachment 1) for the SRTS Action Plan; and
2. Direct Planning staff to proceed accordingly.

COMPREHENSIVE PLAN/ FUTURE LAND USE MAP AND UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT OUTLINE

A. AMENDMENT TYPE

Map Amendments

- Land Use Element Map:
From: ---
To: ---
- Zoning Map:
From: - --
To: ---
- Other:

Text Amendments

- Comprehensive Plan Text:

- UDO Text:

- UDO General Text Changes
- UDO Development Standards
- UDO Development Approval Processes

- Other: Safe Routes to School (SRTS) Action Plan

B. RATIONALE

1. Purpose/Mission

The purpose of the SRTS program is to:

- Enable and encourage children, including those with disabilities, to walk and bicycle to school;
- Make bicycling and walking to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active lifestyle from an early age; and
- Facilitate the planning, development, and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity of schools.

2. Analysis

The required analysis will be part of the subsequent evaluation and approval of project implementation actions.

3. Comprehensive Plan Linkage (i.e. Principles, Goals and Objectives)

.Chapter 9: Transportation Element Goals 1, 2, 3 and 4 and their supporting objectives address a multi-modal transportation system, promotion of public health and safety, and transportation planning that serves development. Several objectives specifically speak to the provision of bikeways and walkways.

4. New Statutes and Rules

N/A

C. PROCESS

1. TIMEFRAME/MILESTONES/DEADLINES

- a. BOCC Authorization to Proceed with Initial Adoption Steps

April 9, 2013

- b. Joint Staff Meeting with Orange County Schools and the Town of Hillsborough

April 2013

- c. Meet with Orange County School Board and the Town Board of Hillsborough to Brief and Receive Approval for Initial SRTS Adoption Steps

May 28, 2013 – Orange County School Board Meeting

June 10, 2013 – Town of Hillsborough Town Board Meeting

- d. Meetings for SRTS Action Plan Adoption; and Establishment of SRTS Action Plan Advisory Committee (APAC)

Dates undetermined at present; to be discussed and scheduled following initial adoption steps and input from Orange County Schools and the Town of Hillsborough.

2. PUBLIC INVOLVEMENT PROGRAM

The Plan development process included a public workshop completed in April 2008 that sought input from residents, including parents, teachers, principals, children, Town of Hillsborough staff, and Orange County staff.

- a. Planning Board Review: N/A

- b. Advisory Boards:

Not at this time, however, the staff's initial thought is that the future SRTS Advisory Committee be a sub-committee of the OUTBoard, supplemented by additional staff where needed.

c. Local Government Review:
Town of Hillsborough, as noted in
Section 1. above

d. Notice Requirements

Not required for these initial adoption steps.

e. Outreach:

General Public: The Plan development process included a public workshop completed in April 2008 that sought input from residents, including parents, teachers, principals, children, Town of Hillsborough staff, and Orange County staff.

Small Area Plan Workgroup: N/A

Other: Joint staff meeting with Orange County Schools and the Town of Hillsborough; and meetings with the Orange County School Board and the Town Board of Hillsborough

3. FISCAL IMPACT

Other than staff time, there is no financial impact associated with receiving, considering and authorizing the staff to proceed with initial adoption steps for the SRTS Action Plan.

D. AMENDMENT IMPLICATIONS

N/A

E. SPECIFIC AMENDMENT LANGUAGE

N/A

Primary Staff Contact:

Abigaile Pittman

Planning Department

(919) 245-2567

abpittman@orangecountync.gov

ATTACHMENT 2

Safe Routes to Schools (SRTS) Action Plan OVERVIEW

April 9, 2013

SRTS PROGRAM BACKGROUND AND PURPOSE

The Safe Routes to School (SRTS) Program was established in the 2005 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). It is a federally-funded grant reimbursement program providing an opportunity for communities to improve conditions for bicycling and walking to school. Section 1404 of SAFETEA-LU mandates that the North Carolina Department of Transportation (NCDOT) administer this program within the state, providing financial assistance to state, local, and regional agencies, including non-profit organizations that demonstrate an ability to meet the requirements of the program.

The purpose of the SRTS program is to:

- Enable and encourage children, including those with disabilities, to walk and bicycle to school.
- Make bicycling and walking to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active lifestyle from an early age.
- Facilitate the planning, development, and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity of schools.

The NC SRTS Program works with schools, local governments and agencies, advocacy and non-profit organizations, and public health professionals at a grassroots level to identify improvements that can help make bicycling and walking to and from school a safe and healthy transportation alternative.

ORANGE COUNTY SRTS ACTION PLAN BACKGROUND

Orange County received a Safe Routes to School (SRST) Action Plan Service Award in July 2008 for planning assistance to prepare an Action Plan for Grady A. Brown Elementary School, Cameron Park Elementary School and C.W. Stanford Middle School.

In 2009 NCDOT contracted Greenways, Incorporated and Greene Transportation Solutions to work with County staff, local agency representatives, School Team leaders and principals of the three schools to identify non-motorized infrastructure improvements that enhance safety for walking and bicycling.

The Plan development process included a visioning and goals session and map working session with the project staff, steering committee, and consultants. This was followed by comprehensive fieldwork and a public workshop that sought input from residents,

including parents, teachers, principals, children, Town of Hillsborough staff, and Orange County staff. This input and analysis led to the development of a draft plan that consisted of an analysis of existing conditions, and recommendations in the areas of engineering, education, encouragement, enforcement, and evaluation (the essential '5 E's' of the program).

A draft Plan was completed, reviewed locally, and comments were submitted to Greenways, Incorporated for inclusion in the final draft.

The draft Plan was reviewed by the NCDOT Bicycle and Pedestrian Division and a final draft was completed and returned to the Planning Staff in December 2012.

Staff has been reviewing the final draft and developing recommended initial actions for adoption.

Orange County Schools, the Town of Hillsborough, and Orange County will be asked to adopt the Plan. Following adoption, the next recommended step in the Plan will be to establish a SRTS Action Plan Advisory Committee that would be responsible for advocating plan implementation and assist with programming and grant writing, evaluating plan progress, and assessing plan priorities.

SRTS Action Plan Framework and Goals

The Action Plan with its recommendations was developed with a comprehensive, framework approach addressing all 5 E's of the SRTS program – engineering, education, encouragement, enforcement, and evaluation.

CONSIDERATIONS FOR CHOSEN SCHOOL SITES

The three schools chosen for the SRTS Action Plan are part of the Orange County school system, and all are located inside or adjacent to the Town of Hillsborough: Grady Brown Elementary School; CW Stanford Middle School; and Cameron Park Elementary School. A comprehensive, multi-faceted approach was taken to examine existing conditions including the collection of data from parent surveys and student travel tallies, site work and field interviews, and area mapping. A thorough inventory of existing conditions was assembled at each school site to provide a baseline by which to measure the results and outcome of the SRTS Program at the community, school and street levels.

Grady Brown Elementary School – located on New Grady Brown School road just off Orange Grove Road

- The school is south of I-40 and the roadway bridge has very narrow shoulders
- There are multiple two-lane rural roadways that pose safety barriers for school-age cyclists and pedestrians

- There are no sidewalks or pedestrian sidewalks or pedestrian facilities of any kind leading to and away from the school
- There are no bicycle racks on campus
- There are no crossing guards
- Tallies: 240 students were driven by their parents; 225 students took the bus; 0 students walked; and 0 students bicycled
- Unofficial bus stops lack clear designation and safe harbor in some locations
- Existing safety concerns expressed by parents: distance; traffic speeds along routes (45 and 55 mph); traffic volumes along routes; lack of sidewalks or pathways; and unsafe intersections and crossings
- Crime not a significant issue of concern based on field analysis and public input
- Motorist's behaviors observed as "good" on campus and "fair" along Orange Grove Road.
- Pedestrian behaviors observed to be generally safe around the school
- Minor backups of automobile traffic during drop-off times, with more congested backups during pickup times (causing some thru-traffic weaving and blind spots)
- There is a clear school zone and pedestrian crossing signage along New Grady Brown School Road
- There are on-campus sidewalks along the building front, adjacent to the car drop-off line

CW Stanford Middle School – located next to Orange High School inside a neighborhood with residential roads

- The school is flanked by US 70 and Orange High School Road
- There is no sidewalk connectivity to neighborhoods and streets in the vicinity of the school; and the residential land use and street pattern on the eastern side of the school prevents a direct connection to the school, currently requiring students to use US 70
- There are no bicycle racks on campus
- US 70 presents a serious safety threat for pedestrians and bicyclists because of its lack of infrastructure, high speeds, and high traffic volumes.
- There are very few traffic calming facilities in the area of the school
- Tallies: 357 students were driven by their parents; 211 students took the bus; 3 students walked; and 0 students bicycled
- Existing safety concerns expressed by parents: distance; traffic volumes along routes; traffic speeds along routes; safety of intersections and crossings; and the lack of sidewalks or pathways
- Motorist's behaviors observed as "good" on campus, "fair" along Orange High School Road, and "bad" on US 70
- Crime not a significant issue of concern based on field analysis and public input
- Minor backups of automobile traffic during drop-off and pickup times
- There are possibilities of connecting neighborhoods to the school using trails and greenways along current easements and "cut throughs"
- On-campus sidewalks and crosswalks are adequate

Cameron Park Elementary School – located next to St. Matthews Episcopal Church on St. Mary’s Road near downtown Hillsborough, with adjacent small businesses and low density residential development

- The traffic volumes are very high on St. Mary’s Road, especially during commuter hours
- There are no sidewalks or bicycle lanes in the vicinity of the school
- There are multiple roadways that pose safety barriers and challenges for elementary school age pedestrians and bicyclists
- Tallies: 237 students were driven by their parents; 187 students took the bus; 19 students carpooled; 3 students walked; and 0 students bicycled
- Existing safety concerns expressed by parents: traffic speeds along routes; traffic volumes along routes; distance; safety of intersections and crossings; and the lack of sidewalks or pathways
- Motorist’s behaviors observed as “fair” on campus, and “bad” on St. Mary’s Road
- Significant backups of automobile traffic during drop-off and pickup times that impact off and on-site traffic, turning movements, and relate to dangerous vehicular maneuvers
- Not all curb ramps comply with ADA regulations
- The existing bicycle rack on the school’s campus is situated where only one side can be used and is not covered
- There is a clearly defined school zone on St. Mary’s Road
- Besides the crossing on St. Mary’s Road at Thomas Ruffin Road, there are no marked crosswalks in the vicinity of the school
- There is an established trail connecting to the adjacent property to the school grounds that can give children access without having to walk along St. Mary’s Road

SRTS PROJECTS

The SRTS program allows for a great variety of programs that can be implemented. Eligible SRTS projects can be bundled as infrastructure and non-infrastructure. Funding can include training volunteers, street crossings, safety and Intelligent Transportation Systems (ITS), bicycle/pedestrian lanes, etc. All projects must be within two miles of a K-8 school.

However, there are projects that are not allowed. The following are ineligible activities:

- Recurring costs, such as school crossing guards
- Pick-up and drop-off sites
- Educational focus buses
- Bus stop improvements

The NCDOT SRTS Program will fund only those activities that specifically plan for improvements and programs that promote safe, active travel to K-8 schools and while project inclusion in the adopted plan is encouraged, not all projects must be included in the adopted SRTS plan.

A variety of sources were consulted during the development of the infrastructure recommendations:

- Plans and studies
- Existing conditions
- The Consultant's fieldwork inventory
- Public input
- Noted patterns of development

Grady Brown Elementary Projects Identified in the SRTS Action Plan:

- Project #1: New Grady Brown School Road Sidewalk and Midblock Crossing
- Project #2: Orange Grove Road / I-40 Bridge Pedestrian Facilities
- Project #3: Oakdale Road Safety Improvements
- Project #4: Patriots Pointe Trail Connection

CW Stanford Middle School Projects Identified in the SRTS Action Plan:

- Corridor Improvement Projects (8) (sidewalks, multi-use paths) along Orange High School Road, US 70, Harold Latta Road, Miller Road, NC 86, NC 57, and along new off-road multi-use paths.
- Crossing Improvement Projects (9) along US 70, Orange High School Road, NC 86, and Gwen Road.
- Traffic Calming Measures along US 70.
- On-campus Improvements (sidewalks, crosswalks, bicycle racks, curb ramps).
- Enhance 'cut throughs' to school from neighborhoods to the north and west.
- Follow Town of Hillsborough's sidewalk/greenway planning.

Cameron Park Elementary School Projects Identified in the SRTS Action Plan:

- Corridor Improvement Projects (11) (sidewalks, bicycle lanes, greenway trails) along Cameron Street, St. Mary's Road, US 70, Queen Street, Thomas Ruffin Street, and several new off-road sites.
- Crossing Improvement Projects (4) along Thomas Ruffin Street, St. Mary's Road, Cameron Street, and Churton Street.
- Traffic Calming Measures along Queen Street, Thomas Ruffin Street, Cameron Street, and St. Mary's Road.
- Off-campus Improvements (bicycle racks, crossing guards, left-turn restrictions, alleviating conflicts with parking areas).
- Pedestrian signals at signalized intersections along Churton Street.

PROJECT FUNDING

The adopted plan will enhance opportunities for Orange County and the Town of Hillsborough for obtaining Safe Routes to School (SRTS) grants to implement the Action Plan. While adoption is not a requirement for project funding, it does demonstrate to NCDOT local commitment to the objectives of the SRTS program, and would serve to enhance project funding consideration in a competitive atmosphere.

There were some revisions to federal and state funding sources in December 2012 that will impact the funding sources for the Safe Routes to School program. Specifically, the federal Moving Ahead for Progress in the 21st Century Bill (MAP-21) SRTS program direct allocation funds were removed. However, NCDOT staff has advised the Planning staff that there will continue to be SAFETEA-LU funds available for the program under its non-competitive rolling grant cycle. It is anticipated that these funds will be continued on an annual basis. The SRTS program is a reimbursement program that does not require a local match (100% federally funded). When applying for federal reimbursement grants, the County and the Town should budget funds for projects within their respective jurisdictional limits, and set up accounts for expending those funds until NCDOT has reimbursed project costs. Although no local match is permitted, local governments are allowed to contribute to a project.

After identifying projects from the Plan to implement, the County would apply through the NCDOT Division 7 office. Project funding is based on project priority with as much local support as possible (Schools, PTA, Superintendent, municipalities, BOCC, supporting plans, etc.), and projects from the Plan with multiple purposes/greater impact are favored. If, for example, a proposed project for CW Stanford Middle School met the objectives of the SRTS program, but also happened to provide a benefit to the Orange High School, that is acceptable and even encouraged.

IMPLEMENTATION

The SRTS Action Plan emphasizes that successful implementation will require the dedication of local government staff, commitment of the school system and local schools, the creation of a SRTS Advisory Committee, and the continued support of local advocates and parents. The recommended first step is the adoption of the Plan by Orange County, Orange County Schools, and the Town of Hillsborough. Adoption of the SRTS Action Plan demonstrates local commitment and incentivizes NCDOT to fund local projects. The second recommended step is to establish a SRTS Action Plan Advisory Committee (SRTS APAC). Planning staff's initial thought is that the SRTS Advisory Committee be a sub-committee of the OUTBoard, supplemented by additional staff from other agencies/jurisdictions as needed. The Advisory Committee would be responsible for advocating plan implementation and assist with programming and grant writing, evaluating plan progress, and assessing plan priorities. Multiple subsequent implementation action steps are outlined and prioritized in the Plan, the fruition of which would be subject to the recommendations of the Advisory Committee and the approval of the BOCC, School Board, and Town of Hillsborough.

Lead Planning Agency Role

NCDOT recommends that the County serve as the Lead Planning Agency, but the details of this responsibility will need to be worked out between Orange County, Orange County Schools, and the Town of Hillsborough as an initial step in advancing implementation of the SRTS Action Plan.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: April 9, 2013

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

SUBJECT: Sexual Assault Awareness Month Proclamation

DEPARTMENT: Board of Commissioners

PUBLIC HEARING: (Y/N)

No

ATTACHMENT (S):
Proclamation

INFORMATION CONTACT:
Donna Baker, 245-2130
Shamecca Bryant, Executive Director,
Orange County Rape Crisis Center,
968-4647

PURPOSE: To consider a proclamation recognizing April as Sexual Assault Awareness Month in Orange County.

BACKGROUND: The Orange County Rape Crisis Center, a non-profit, volunteer agency which has been serving the community since 1974 is working with others in the community to stop sexual violence and its impact through support, education and advocacy. Sexual assault is the most costly crime to its victims considering factors such as medical cost, lost earnings, pain, suffering and lost quality of life. The Orange County Rape Crisis Center assisted 469 survivors of sexual violence and their family members, friends and loved ones during 2012.

The coordination of the Orange County Sexual Assault Response Team (SART) is bringing together members of law enforcement, the medical community, the legal system and other community advocates to improve services for survivors of sexual assault who come forward.

The Board of Commissioners is asked to proclaim April 2013 as "Sexual Assault Awareness Month" in Orange County, to encourage all residents to speak out against sexual assault, and to support their local communities' efforts to provide services to victims of these appalling crimes. The Board has approved similar resolutions in prior years.

FINANCIAL IMPACT: There is no financial impact associated with consideration of the proclamation.

RECOMMENDATION (S): The Manager recommends that the Board approve the proclamation designating April as "Sexual Assault Awareness Month" in Orange County and authorize the Chair to sign.

ORANGE COUNTY BOARD OF COMMISSIONERS

Proclamation “Sexual Assault Awareness Month 2013 Proclamation”

WHEREAS, the Orange County Rape Crisis Center assisted 469 survivors of sexual violence and their loved ones as well as 68 community professionals during 2012; and

WHEREAS, the Orange County Rape Crisis Center works with the county’s two school systems and other groups to provide students with age-appropriate information about violence prevention, reaching 11,632 youth and adults in 2012; and

WHEREAS, the coordination of the Orange County Sexual Assault Response Team (SART) is bringing together members of law enforcement, the medical community, the legal system, and other community advocates to improve services for survivors of sexual assault who come forward; and

WHEREAS, 1 in 5 American women have been sexually assaulted at some point in their lives (Centers for Disease Control and Prevention, 2010); and

WHEREAS, in the United States rape is the most costly crime to its survivors, totaling \$127 billion a year considering factors such as medical cost, lost earnings, pain, suffering, and lost quality of life (U.S. Department of Justice, 1996); and

WHEREAS, in the United States 1 in 3 women and 1 in 4 men have experienced some form of sexual or physical violence committed by an intimate partner (Centers for Disease Control and Prevention, 2010); and

WHEREAS, there are 17,315 sex offenders registered as living in North Carolina (Department of Justice, 2012); and

WHEREAS, victim-blaming continues to be an enormous problem in instances of rape and sexual assault; and

WHEREAS, the Orange County Rape Crisis Center, a non-profit agency that has served this community since 1974, is working to stop sexual violence and its impact through support, education, and advocacy;

NOW, THEREFORE BE IT RESOLVED that we, the Orange County Board of Commissioners, do hereby proclaim the month of April 2013 as “SEXUAL ASSAULT AWARENESS MONTH” and encourage all residents to speak out against sexual violence and to support their local community’s efforts to prevent and respond to these appalling crimes.

This the 9th day of April 2013.

Barry Jacobs, Chair
Orange County Board of Commissioners

**ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT**
Meeting Date: April 9, 2013

**Action Agenda
Item No. 6-a**

SUBJECT: Amendments to Unified Development Ordinance Text: Revise Section 1.6.5 – (Planning Board) Rules of Procedure - Public Hearing Closure and Action (No Additional Comments Accepted)

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N)

Yes

ATTACHMENT(S):

1. Comprehensive Plan/Future Land Use Map and Unified Development Ordinance (UDO) Amendment Outline Form (UDO/Zoning-2013-02)
2. Ordinance Approving Amendment
3. Excerpt of Draft Minutes – February 25, 2013 Quarterly Public Hearing
4. Excerpt of Draft Minutes – March 6, 2013 Planning Board Meeting

INFORMATION CONTACT:

Perdita Holtz, Planner III, 919-245-2578
Craig Benedict, Planning Director, 919- 245-2592

PURPOSE: To receive the Planning Board's recommendation, close the public hearing, and make a decision on Planning Director initiated text amendments to the Unified Development Ordinance (UDO) to revise Section 1.6.5 – (Planning Board) Rules of Procedure to be consistent with current County processes and procedures.

As a reminder, the reconvening of this hearing is solely to receive the Planning Board recommendation and any additional written evidence submitted since the February 25, 2013 Quarterly Public Hearing. This hearing is not intended to solicit additional input from the public or the applicant. While the BOCC may ask staff questions related to the review of a given item, comments from the public shall not be solicited.

BACKGROUND: The Board of County Commissioners adopted a general advisory board policy document in 2012 and policies and procedures for the Planning Board in November 2012. This was part of an effort to standardize operations of the numerous boards which advise the BOCC. Because the UDO has a specific section relating to the Planning Board's Rules of Procedure, the section needs to be updated in order to be consistent with current County processes and procedures.

Attachment 1 contains additional information and analysis on these amendments, and Attachment 2 contains the ordinance approving the proposed amendments along with the amendments in "track changes" format (red text for proposed text and red strikethrough for proposed deletions).

Public Hearing

The proposed UDO amendments were heard at the February 25, 2013 joint public hearing (see draft Minutes in Attachment 3). No members of the public spoke on the proposed UDO amendments and no questions were asked.

Procedural Information

In accordance with Section 2.8.8 of the Unified Development Ordinance, any evidence not presented at the public hearing must be submitted in writing prior to the Planning Board's recommendation. Additional oral evidence may be considered by the Planning Board only if it is for the purpose of presenting information also submitted in writing. The public hearing is held open to a date certain for the purpose of the BOCC receiving the Planning Board's recommendation and any submitted written comments.

Planning Director's Recommendation

The Planning Director recommends **approval** of the proposed UDO amendments based on the following:

- These amendments are necessary in order to ensure that County policy documents and regulations are consistent with one another.

Planning Board Recommendation

The Planning Board considered this item at its March 6, 2013 meeting. The Planning Board **unanimously voted to recommend approval** of this item. The Planning Board draft minutes are included in Attachment 4.

FINANCIAL IMPACT: See Section C.3 of Attachment 1.

RECOMMENDATION(S): The Manager recommends the Board:

1. Receive the Planning Board's recommendation of approval;
2. Close the public hearing; and
3. Decide accordingly and/or adopt the ordinance contained in Attachment 2 which authorizes the text amendments.

COMPREHENSIVE PLAN/ FUTURE LAND USE MAP AND UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT OUTLINE

UDO / Zoning-2013-02

Amendment to revise Section 1.6.5 – (Planning Board) Rules of Procedure

A. AMENDMENT TYPE

Map Amendments

- Land Use Element Map:
From: ---
To: ---
- Zoning Map:
From: - --
To: ---
- Other:

Text Amendments

- Comprehensive Plan Text:

Section(s):

- UDO Text:

- UDO General Text Changes
 UDO Development Standards
 UDO Development Approval Processes

Section(s): 1.6.5

- Other:

B. RATIONALE

1. Purpose/Mission

In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the UDO, the Planning Director has initiated text amendments to change the section of the UDO pertaining to the Planning Board's Rules of Procedure. The change is necessary to reflect the general advisory board policy document and the specific Planning Board policies and

procedures recently adopted by the BOCC. Section 1.6.5 now conflicts with the process utilized by the BOCC.

2. **Analysis**

As required under Section 2.8.5 of the Unified Development Ordinance, the Planning Director is required to: ‘cause an analysis to be made of the application and, based upon that analysis, prepare a recommendation for consideration by the Planning Board and the Board of County Commissioners’. The following information is offered:
This text amendment is necessary to ensure that County policy documents and regulations are consistent with one another.

3. **Comprehensive Plan Linkage (i.e. Principles, Goals and Objectives)**

No direct linkage to the Principles, Goals, and Objectives of the Comprehensive Plan. This amendment is proposed in order to engage in “good housekeeping” by ensuring the Ordinance does not conflict with current County processes and procedures.

4. **New Statutes and Rules**

The BOCC adopted an Advisory Board Policy in 2012 and adopted specific Planning Board Policies and Procedures in November 2012.

C. PROCESS

1. **TIMEFRAME/MILESTONES/DEADLINES**

- a. BOCC Authorization to Proceed

December 3, 2012

- b. Quarterly Public Hearing

February 25, 2013

- c. BOCC Updates/Checkpoints

February 5, 2013 – Approval of legal ad

April 9, 2013 – receive Planning Board recommendation

- d. Other

2. **PUBLIC INVOLVEMENT PROGRAM**

Mission/Scope: Public Hearing process consistent with NC State Statutes and Orange County ordinance requirements

- a. Planning Board Review:

March 6, 2013 (recommendation)

b. Advisory Boards:

N/A

c. Local Government Review:

N/A

d. Notice Requirements

Legal advertisement published on February 13 and 20 in the News of Orange and The Herald Sun.

e. Outreach:

- General Public:
- Small Area Plan Workgroup:
- Other:

3. FISCAL IMPACT

Consideration and approval will not create the need for additional funding for the provision of County services. Costs for the required legal advertisement will be paid from FY2012-13 Departmental funds budgeted for this purpose. Existing Planning staff included in the Departmental staffing budget will accomplish the work required to process this amendment.

D. AMENDMENT IMPLICATIONS

No implications. The proposed amendments are solely a 'housekeeping' item resulting from advisory board policies recently adopted by the BOCC.

E. SPECIFIC AMENDMENT LANGUAGE

See Attachment 2. Proposed additions are shown in red text and proposed deletions are shown in red strikethrough text.

Primary Staff Contact:
 Perdita Holtz
 Planning Department
 (919) 245-2578
 pholtz@orangecountync.gov

**AN ORDINANCE AMENDING
THE UNIFIED DEVELOPMENT ORDINANCE OF ORANGE COUNTY**

Whereas, the Orange County Board of County Commissioners adopted a General Advisory Board Policy document in February 2012 and a Planning Board Policies and Procedures document in November 2012, and

Whereas, a review of Section 1.6.5 [*Planning Board*] *Rules of Procedure* of the Unified Development Ordinance concluded that the section should be amended to ensure consistency with the documents adopted in 2012, and

Whereas, the requirements of Section 2.8 of the Unified Development Ordinance have been deemed complete, and

Whereas, the County has found the proposed text amendments to be reasonably necessary to ensure consistency between regulations and policies, and

Whereas, the County has held the required public hearing and has found the proposed text amendment is consistent with the adopted Comprehensive Plan.

Be it ordained by the Board of Commissioners of Orange County that the Unified Development Ordinance of Orange County is hereby amended as depicted on the attached page.

Be it further ordained that this ordinance be placed in the book of published ordinances and that this ordinance is effective upon its adoption.

Upon motion of Commissioner _____, seconded by Commissioner _____, the foregoing ordinance was adopted this _____ day of _____, 2013.

I, Donna S. Baker, Clerk to the Board of Commissioners for Orange County, DO
HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on _____, 2013 as relates in any way to the adoption of the foregoing and that said proceedings are recorded in the minutes of the said Board.

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

SEAL

Clerk to the Board of Commissioners

- (E) Advise the Board of County Commissioners concerning the use and amendment of means for carrying out plans;
- (F) Exercise such functions in the administration and enforcement of various means for carrying out plans that the Board of Commissioners may direct;
- (G) Perform other related duties that the Board of County Commissioners may direct;
- (H) Approve and recommend for adoption by the Board of County Commissioners a Comprehensive Plan for the development of the county, as well as amendments thereto; and
- (I) The Planning Board, working with the Planning Director, shall from time to time, at intervals of not more than five years, examine the provisions of this Ordinance and the location of Zoning District boundary lines and shall submit a report to the Board of County Commissioners recommending changes and amendments, if any, which are desirable in the interest of public health, safety, and general welfare, mindful of the intent expressed in Subsection 1.1.5.

1.6.4 Staffing

- (A) The Planning Director, under the direction of the County Manager or his/her designee, shall serve as the professional staff to the Planning Board and shall be primarily responsible for completing any work product necessary to assist the Board in carrying out its duties.
- (B) The Board of County Commissioners must approve all work assignments or projects requested by the Planning Board outside of work product associated with this Ordinance prior to the commencement of work.

1.6.5 Rules of Procedure

~~The Planning Board shall adopt rules of procedure for the conduct of its affairs. The rules shall be maintained in the office of the Planning Director. Except as otherwise expressly stated in this Ordinance, the rules adopted by the Planning Board shall provide for:~~

- ~~(A) Selection of officers, specifically a Chair and Vice Chair, whose term of office shall be one year, with eligibility for re-election.~~
- ~~(B) Attendance requirements.~~
- ~~(C) Establishment of a quorum, which shall be a majority of the appointed members, to allow the Board to conduct business.~~
- ~~(D) Establishment of a monthly, at a minimum, date and time for a regular meeting.~~
- ~~(E) A procedure for calling special meetings as the need of the Board requires.~~

The Planning Board shall conduct of its affairs in accordance with the "Orange County Board of County Commissioners Advisory Board Policy" and the "Planning Board Policies and Procedures".

1.6.6 Notification of Meetings

All meetings shall be open to the public. The Planning Director shall cause notices to be given as required under:

- (A) Article 33-C, Chapter 143 of the North Carolina General Statutes;
- (B) 143-318.11 of the North Carolina General Statutes; and
- (C) Article 2 of this Ordinance.

1 DRAFT

2
3 MINUTES
4 ORANGE COUNTY BOARD OF COMMISSIONERS
5 ORANGE COUNTY PLANNING BOARD
6 QUARTERLY PUBLIC HEARING
7 February 25, 2013
8 7:00 P.M.
9

10
11 The Orange County Board of Commissioners and the Orange County Planning Board
12 met for a Quarterly Public Hearing on Monday, February 25, 2013 at 7:00 p.m. at the
13 Department of Social Services, 113 Mayo Street, Hillsborough, N.C.
14

15 **COUNTY COMMISSIONERS PRESENT:** Chair Barry Jacobs and Commissioners Mark
16 Dorosin, Alice Gordon, Earl McKee, Bernadette Pelissier, Renee Price and Penny Rich

17 **COUNTY COMMISSIONERS ABSENT:**

18 **COUNTY ATTORNEY PRESENT:** John Roberts

19 **COUNTY STAFF PRESENT:** County Manager Frank Clifton and Deputy Clerk to the Board
20 David Hunt (All other staff members will be identified appropriately below)

21 **PLANNING BOARD MEMBERS PRESENT:** Chair Pete Hallenbeck, and Planning Board
22 members Tony Blake, Rachel Phelps Hawkins, Alan Campbell, Maxecine Mitchell,
23 Johnny Randall, H.T. "Buddy" Hartley, and Herman Staats

24 **PLANNING BOARD MEMBERS ABSENT:** Dawn Brezina, Larry Wright, Andrea Rohrbacher
25 and Lisa Stuckey
26

27 *****

28 **C. PUBLIC HEARING ITEMS**

29
30 **3. Unified Development Ordinance (UDO) Text Amendment -** To review
31 government-initiated amendments to the text of the UDO to make changes to the section
32 regarding the Planning Board's Rules of Procedure. The purpose of this amendment is to
33 ensure the regulations are consistent with County policies and processes.

34
35 Perdita Holtz introduced this item. This amendment is related to the Planning Board's
36 Rules of Procedure, since this section needs to be updated in order to be consistent with current
37 County processes and procedures.

38 The recommendation is to refer the matter to the Planning Board with a request that a
39 recommendation be returned to the BOCC in time for the April 9, 2013 BOCC regular meeting
40 and adjourn the public hearing until April 9, 2013 in order to receive and accept the Planning
41 Board's recommendation and any submitted written comments.

42 A motion was made by Commissioner McKee, seconded by Commissioner Rich to close
43 the public hearing.

44 VOTE: UNANIMOUS
45

46 A motion was made by Commissioner Pelissier, seconded by Commissioner Price to
47 refer the matter to the Planning Board with a request that a recommendation be returned to the
48 BOCC in time for the April 9, 2013 BOCC regular meeting and adjourn the public hearing until
49 April 9, 2013 in order to receive and accept the Planning Board's recommendation and any
50 submitted written comments.

51 VOTE: UNANIMOUS
52

53 *****

DRAFT

MINUTES

ORANGE COUNTY PLANNING BOARD

MARCH 6, 2013

REGULAR MEETING

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MEMBERS PRESENT: Larry Wright, At-Large, Cedar Grove Township; Alan Campbell, Cedar Grove Township Representative; Buddy Hartley, Little River Township Representative; Johnny Randall, At-Large Chapel Hill Township; Tony Blake, Bingham Township Representative; Andrea Rohrbacher, At-Large Chapel Hill Township; Lisa Stuckey, Chapel Hill Township Representative; Maxecine Mitchell, At-Large Bingham Township; Herman Staats, At-Large, Cedar Grove Township; Dawn Brezina, Eno Township Representative;

MEMBERS ABSENT: Rachel Hawkins, Hillsborough Township Representative; Peter Hallenbeck (Chair), Cheeks Township Representative;

STAFF PRESENT: Craig Benedict, Planning Director; Michael Harvey, Current Planning Supervisor; Perdita Holtz; Special Projects Coordinator; Tina Love, Administrative Assistant II

OTHERS PRESENT: Tom Heffner, Phil Koch, Pat & Ed Yahner

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

Agenda Item 9: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT – To make a recommendation to the BOCC on government-initiated amendments to the text of the UDO to make changes to the section regarding the Planning Board’s Rules of Procedure. This item was heard at the February 25, 2013 quarterly public hearing.

Presenter: Perdita Holtz, Special Projects Coordinator

Perdita Holtz: Reviewed abstract.

MOTION by Larry Wright to accept the changes. Seconded by Maxecine Mitchell.

VOTE: UNANIMOUS

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: April 9, 2013

**Action Agenda
Item No. 7-a**

SUBJECT: Rogers Road Community Center Schematic Design Review

DEPARTMENT: County Manager, Asset
Management Services

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

- 1) Area Locator
- 2) Architectural Schematic Design
Renderings

INFORMATION CONTACT:

Frank Clifton, (919) 245-2306
Michael Talbert, (919) 245-2308
Jeff Thompson, (919) 245-2658

PURPOSE: To:

1. Review and comment on the schematic design of the Rogers Road Community Center and authorize staff and consultant to move forward with construction document preparation and construction bid process;
2. Authorize the Manager to award a bid for construction and any unforeseen conditions change orders for the Rogers Road Community Center in an amount not-to-exceed the Board appropriated amount of \$650,000 approved within the FY2012-13 Capital Investment Plan in the event that the bid award occurs during the summer break. This bid award and subsequent construction start would be contingent upon the execution of a Lease Agreement between Orange County and Habitat for Humanity, as well as the execution of an Operating Agreement between Orange County and the Rogers Eubanks Community Association ("RENA"); and
3. Authorize the Chair to send a letter to the Town of Chapel Hill requesting that the Town expedite the site plan review, permitting and other associated processes for the project as well as waive all associated Town fees related to those processes.

BACKGROUND: On January 24, 2013 the BOCC authorized Orange County staff to move forward with the development and construction of the Rogers Road Community Center located on two lots within the Phoenix Place neighborhood owned by Habitat for Humanity ("Habitat"). This site is depicted on Attachment 1, "Area Locator". Habitat will lease the site to Orange County for a term of approximately 25 years with \$1 per year lease payments as consideration. The lease between Orange County and Habitat is forthcoming, as well a facility Operating Agreement between Orange County and the Rogers Eubanks Neighborhood Association ("RENA"). Both Agreements will be executed prior to any construction bid award or actual construction activity.

The County has engaged Perkins + Will Architects as the designer for the project. Perkins + Will is performing these professional services for the County on a Pro Bono basis. Joe Wagner and Patric LeBeau represent Perkins + Will in this project and will present the project renderings to the Board.

Should the BOCC approve the schematic design renderings and principles, the following timeline represents the delivery of the overall project:

TASK	PROPOSED BEGINNING DATE	END BY DATE
BOCC Action: Schematic Space Plan Approval	4/9/13	4/9/13
Execution of the Habitat Lease Agreement and RENA Operating Agreement	ongoing	5/31/13
Construction Document Design, Bid, Bid Award	4/10/13	6/18/13
Construction (6 month schedule), Opening	7/1/13	12/31/13

Staff hopes to have the construction bid award presented to the BOCC for approval prior to the summer break. However, should the process be completed after the June 18, 2013 regular meeting for such an authorization, staff requests that the BOCC authorize the Manager to award the bid and any subsequent unforeseen conditions change orders not-to-exceed the \$650,000 capital project budget.

FINANCIAL IMPACT: The BOCC has approved \$650,000 for this project as part of the FY2012-13 Capital Investment Plan. Revenues and Estimated Expenses for this project are as follows:

Rogers Road Community Center – Capital Project #10054

Revenues for this project:

	FY2012-13	Amendment	FY 2012-13 Revised
Total Project Revenues	\$500,000	\$150,000	\$650,000

Appropriated for this project:

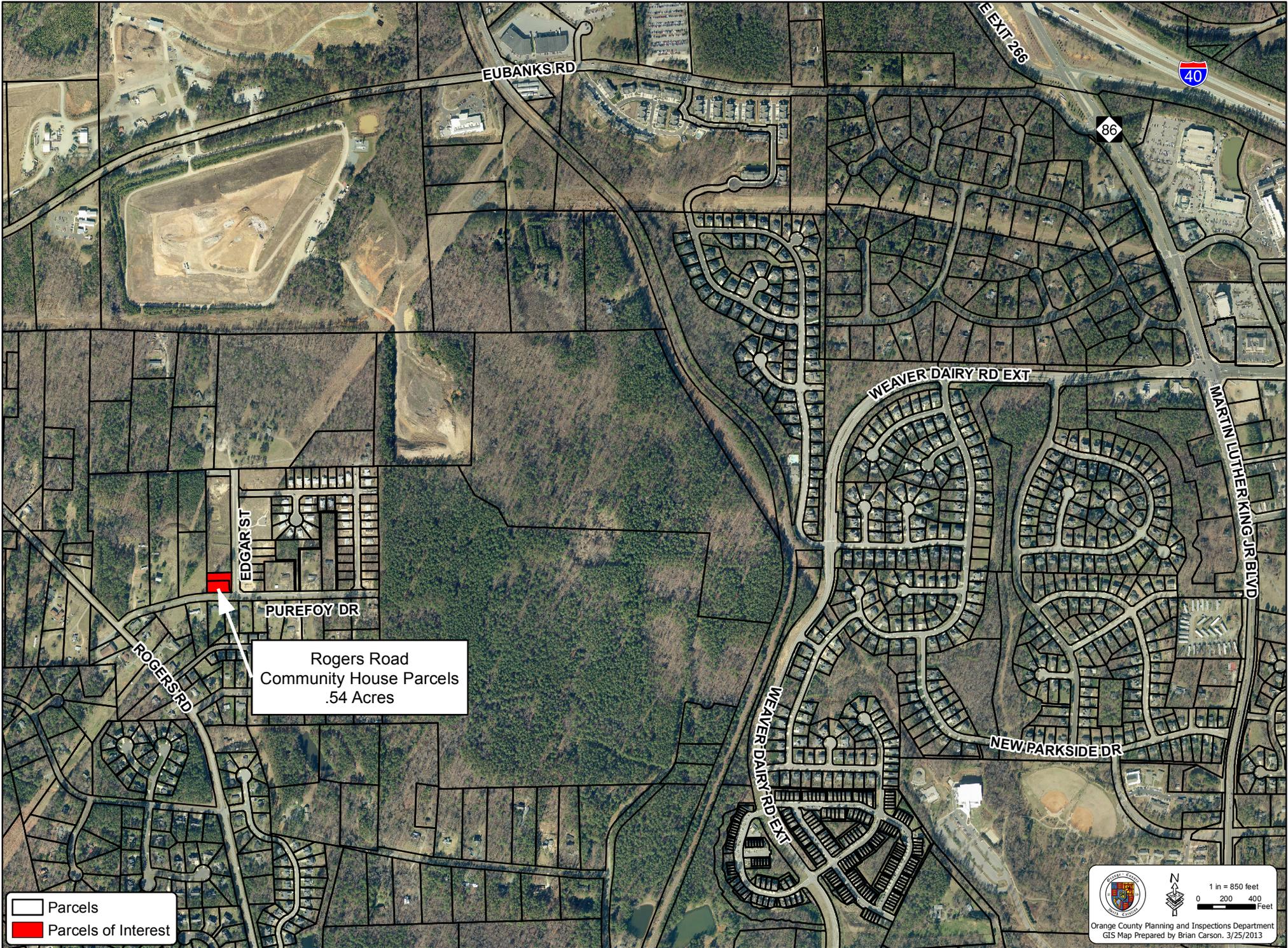
	FY2012-13	Amendment	FY 2012-13 Revised
Professional Arch./Engineering	10,000	0	10,000
Construction	640,000	0	640,000
Total Project Appropriation	\$650,000	0	\$650,000

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

1. Review and comment on the schematic design of the Rogers Road Community Center and authorize staff and consultant to move forward with construction document preparation and construction bid process;
2. Authorize the Manager to award a bid for construction and any unforeseen conditions change orders for the Rogers Road Community Center in an amount not-to-exceed the Board appropriated amount of \$650,000 approved within the FY12-13 Capital Investment

Plan in the event that the bid award occurs during the summer break. This bid award and subsequent construction start would be contingent upon the execution of a Lease Agreement between Orange County and Habitat for Humanity, as well as the execution of an Operating Agreement between Orange County and the Rogers Eubanks Community Association ("RENA"); and

3. Authorize the Chair to send a letter to the Town of Chapel Hill requesting that the Town expedite the site plan review, permitting and other associated processes for the project as well as waive all associated Town fees related to those processes.



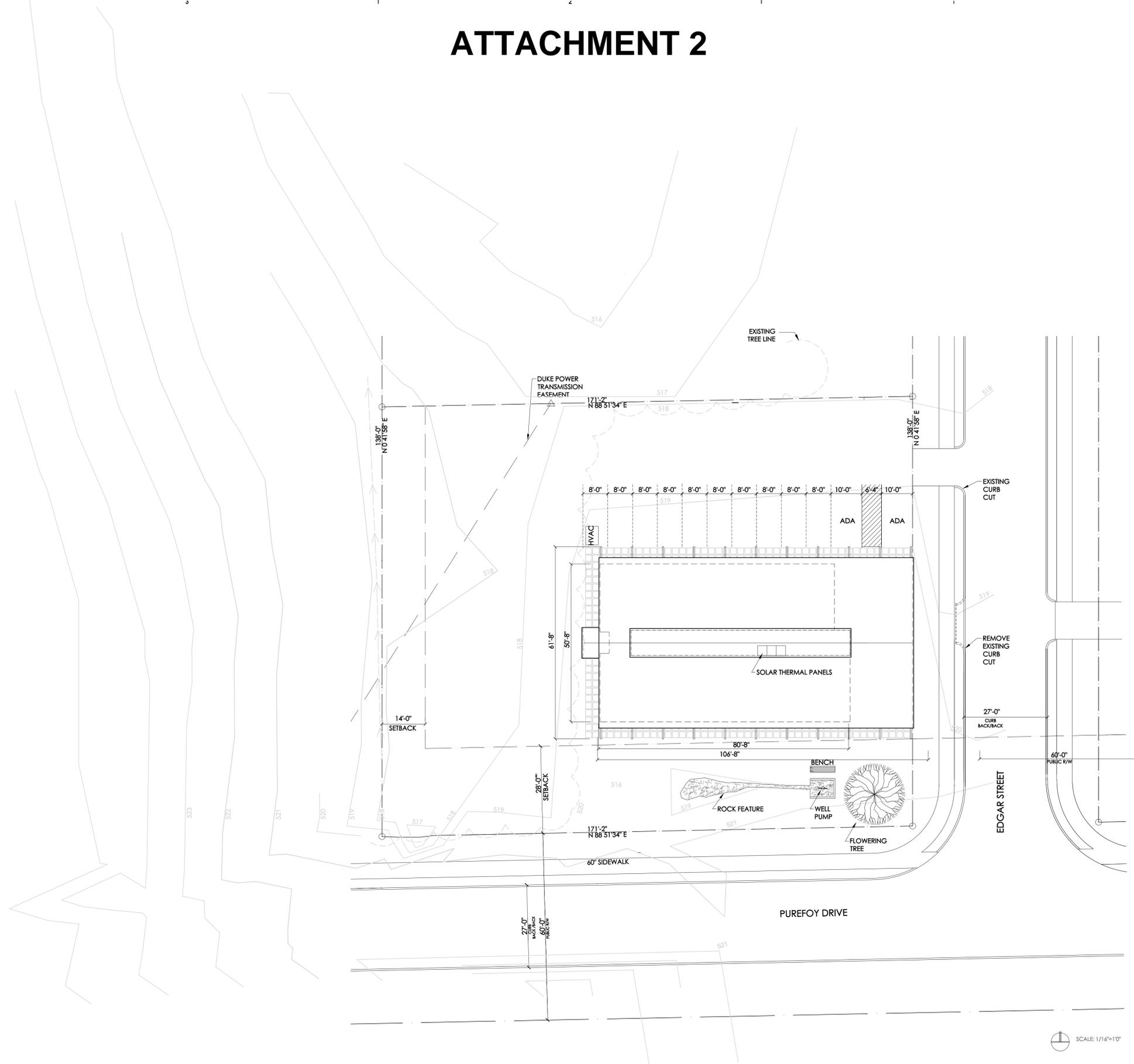
ATTACHMENT 2

PERKINS
+ WILL

PO BOX 14747
RTP, NC 27709
1919.433.5300
1919.433.5301
perkinswill.com

**RENA
Community
Center**

**Orange
County**
Chapel Hill, NC



Revisions

NO	ISSUE	DATE
Sheet Information		
Date	03.21.2013	
Job Number	00035.083	
Drawn	YWN	
Checked	RR	
Approved	PL	
Title		

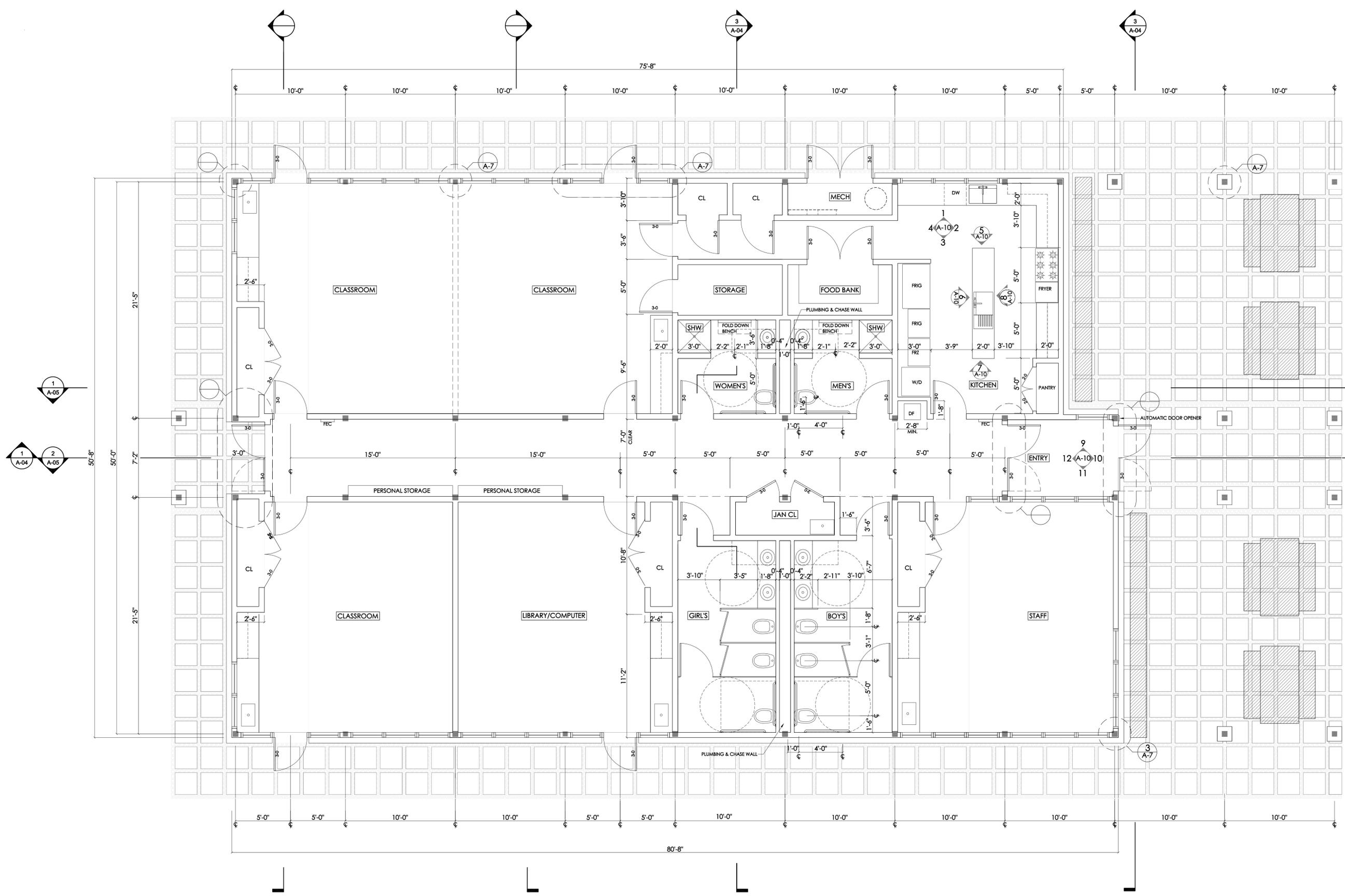
SITE PLAN

SCALE: 1/16"=1'-0"

Sheet
A-01

**RENA
Community
Center**

**Orange
County**
Chapel Hill, NC



Revisions

**NOT FOR
CONSTRUCTION**

NO	ISSUE	DATE
Sheet Information		
Date	03.25.2013	
Job Number	00035.083	
Drawn	YWN	
Checked	RR	
Approved	PL	
Title		

**FLOOR
PLAN**

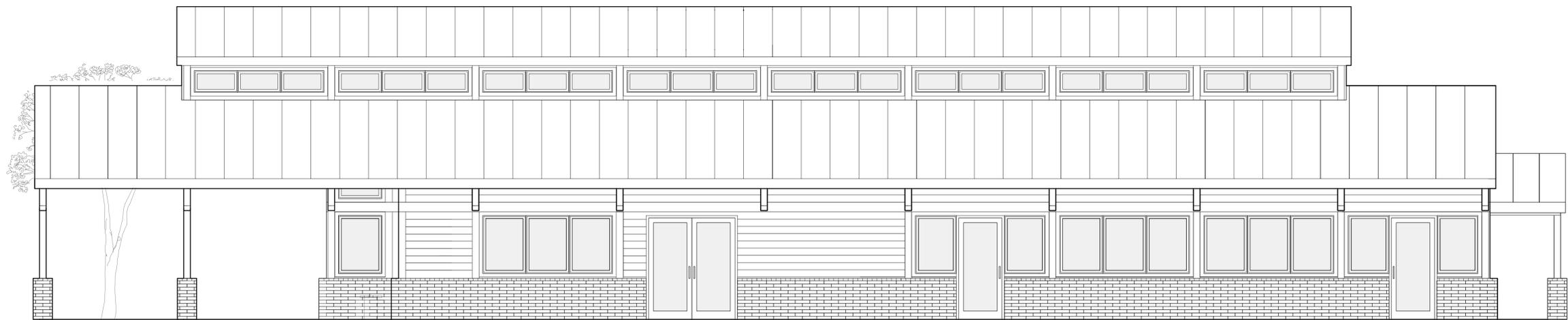
Sheet
A-02

FLOOR PLAN
1/4"=1'0"

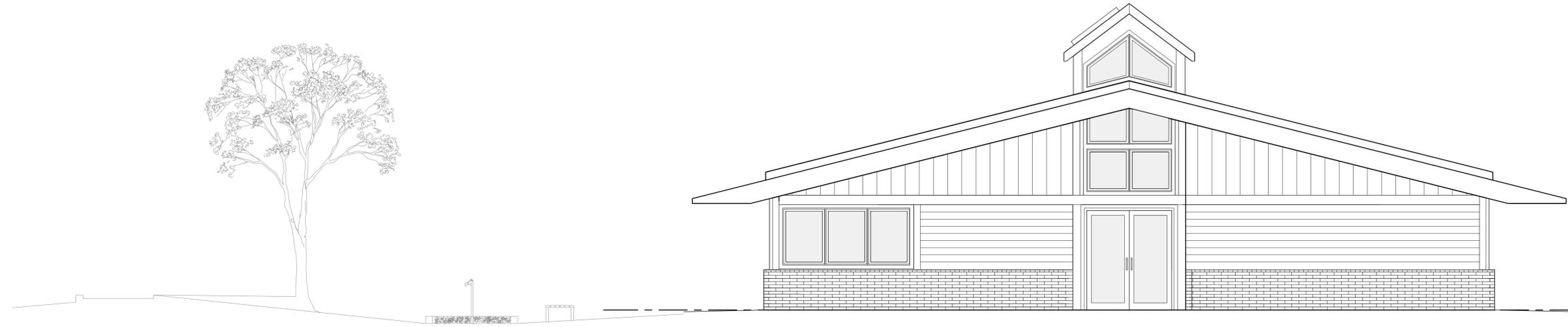
PO BOX 14747
 RTP, NC 27709
 1919.433.5300
 perkinswill.com

**RENA
 Community
 Center**

**Orange
 County**
 Chapel Hill, NC



NORTH ELEVATION
 1/4"=1'0"



EAST ELEVATION
 1/4"=1'0"

Revisions

**NOT FOR
 CONSTRUCTION**

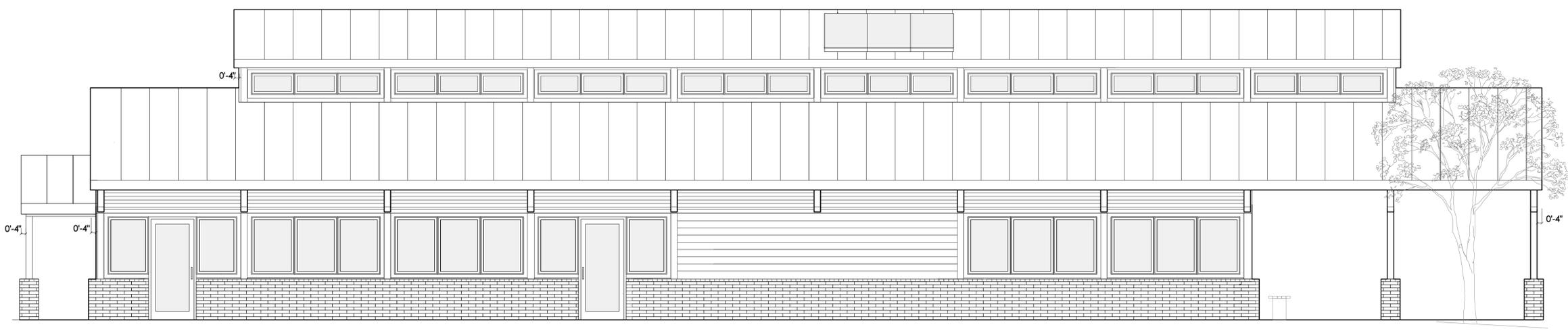
NO	ISSUE	DATE
Sheet Information		
Date	03.21.2013	
Job Number	00035.083	
Drawn	YWN	
Checked	RR	
Approved	PL	
Title		

ELEVATIONS

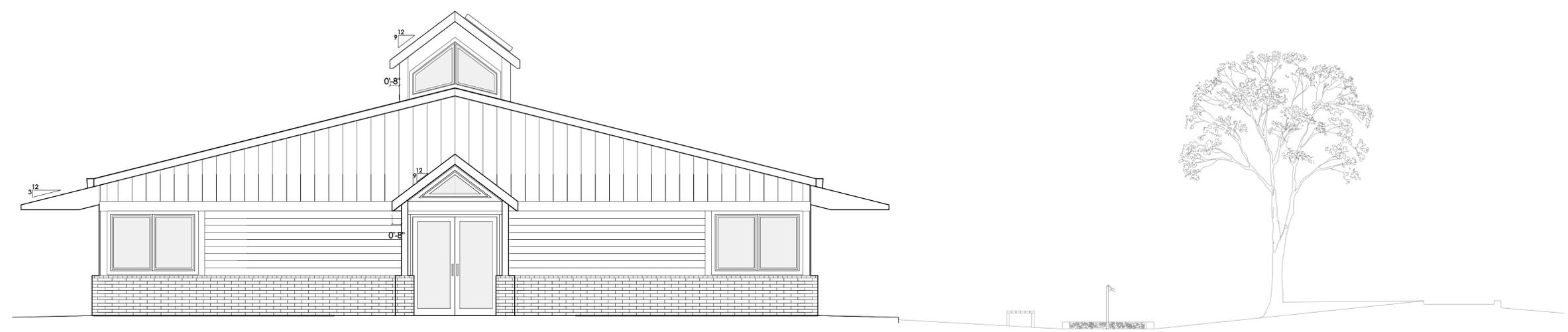
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A-03

**RENA
Community
Center**

**Orange
County**
Chapel Hill, NC



SOUTH ELEVATION
1/4"=1'0"



WEST ELEVATION
1/4"=1'0"

Revisions

**NOT FOR
CONSTRUCTION**

NO	ISSUE	DATE
Sheet Information		
Date	03.21.2013	
Job Number	00035.083	
Drawn	YWN	
Checked	RR	
Approved	PL	
Title		

ELEVATIONS

Sheet
A-04

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: April 9, 2013

**Action Agenda
Item No.** 7-b

SUBJECT: Operational and Funding Options for Orange County's Solid Waste and Recycling Programs

DEPARTMENT: Solid Waste/Recycling

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

- 1) General Statutes 153A-136 Regulations of Solid Waste
- 2) General Statutes 160A-327 Displacement of Private Solid Waste Collection Services
- 3) General Statutes 153A-421 Regional Solid Waste Management Authorities
- 4) Solid Waste Recycling Division Schedule of Revenues and Expenses for Fiscal 2011/2012
- 5) April 3, 2013 Solid Waste Advisory Board Resolution
- 6) Summary of Solid Waste & Recycling Services

INFORMATION CONTACT:

Frank Clifton, 245-2300
Gayle Wilson, 968-2885
John Roberts, 245-2318
Michael Talbert, 245-2308

PURPOSE: To discuss operational and funding options for Orange County Solid Waste and Recycling Programs.

BACKGROUND: Orange County is recognized as being number one in the state for waste reduction, reaching 59% of its 61% aggressive reduction goal. The County is disposing only 0.56 tons/person compared to the base year of 1991-92, when the disposal rate measured 1.36 tons. In the region, Wake County has achieved a 25% reduction rate, Durham County rate is at 21%, Chatham County is at 37%, and Alamance County at 26%. Orange County's 61% waste reduction goal was adopted in 1997 by the County and by the Towns of Carrboro, Chapel Hill and Hillsborough as part of the County's original Comprehensive Solid Waste Plan. The County is committed to continuous robust public education services and waste reduction programs regardless of the funding or operational program implemented by the Board.

The County's Reduce, Reuse & Recycle (3-R) Fees consists of four annual recycling fees adopted by Orange County in 2004 to fund recycling programs and services that are billed in conjunction with the annual property tax. The fee consists of a Basic Fee (\$37/year) that is charged to all improved properties county-wide and funds various recycling operations such as the county Toxicity Reduction Improvement Program (Household Hazardous Waste, batteries, waste oil, electronics, etc.), recycling drop-off sites, recycling at solid waste convenience

centers, education and outreach, enforcement, planning, etc. An Urban Curbside Fee (\$52/year) is assessed to improved residential properties within incorporated municipalities and funds weekly curbside recycling service. A Rural Curbside Fee (\$38/year) is charged to residential property in areas of unincorporated Orange County eligible to receive bi-weekly curbside recycling service. Finally, a Multi-family Fee (\$19/year) is charged multi-family units throughout Orange County for multi-family recycling services. See the Attachment 4, Solid Waste Recycling Division Schedule of Revenues and Expenses for Fiscal 2011/2012.

Not related to recycling, the County also assesses a county-wide Solid Waste Convenience Center Fee that is billed in conjunction with the annual property tax. The Unincorporated Areas Fee is (\$20/year/Household), Incorporated Areas Fee is (\$10/year/Household), and Multi-family Fee is (\$2/year/multi-family unit). This basic Solid Waste Convenience Center Fee covers a portion of the operating costs of the County's five (5) Convenience Centers.

A recent court decision, *Lanvale v Cabarrus County*, essentially says that where there is no direct statutory authority to levy a fee, a local government cannot levy a fee. Since the *Lanvale* opinion was issued, Orange County's staff has been engaged in discussions regarding how, going forward, the County can best address the issues created by this action of the Supreme Court. The Basic Fee is likely consistent with existing law, but the Urban, Rural and Multi-family recycling fees may not be consistent with existing case law. The County Manager will recommend that the Board of County Commissioners cease assessing the Urban, Rural and Multi-family recycling fees beginning with the Fiscal 2013/14 Annual Budget. The County Manager further recommends funding these services for Fiscal 2013/14 only with solid waste enterprise fund reserves to allow the County time to transition to an alternative solution.

The Rural Curbside program currently is limited to 13,730 households eligible in the unincorporated area of the County. A rural curbside recycling fee is charged to those households where recycling services are made available. These services are provided by County Staff. Just 6,000 households lack access to rural curbside service at this time and are not charged the Rural Curbside Fee. Waste collections in unincorporated Orange County are provided by private haulers, without a County Franchise Agreement, on a voluntary basis to those using the services.

The Urban Curbside recycling fee is charged to Chapel Hill, Carrboro and Hillsborough municipal residents by the County for urban curbside recycling services. The services are paid for by Orange County Solid Waste under contract with Waste Industries, Inc. and the towns are responsible for household solid waste within their town limits.

The Multi-family Fee is charged to each multi-family establishment in both incorporated and unincorporated Orange County based on the number of residential units for collection of recyclable materials at each of these locations. The multi-family recycling services are provided by Orange County Solid Waste staff.

North Carolina General Statute 153A-136 (Attachment 1) Regulation of Solid Waste, gives counties the authority to grant a franchise for the exclusive right to collect or dispose of solid waste within all or a defined portion of the county and prohibit others from collecting or disposing of solid wastes in that area. The County is exploring a franchise agreement process for the unincorporated areas of the County which would include the privatization of curbside household solid waste and recycling. The County may by resolution permit a Solid Waste Ordinance to be adopted by the Towns and applicable within the Town limits. The Towns may

negotiate a fee schedule that differs from the fees established by the County for privatized curbside solid waste or recycling services.

North Carolina General Statute 160A-327 (Attachment 2) provides that a unit of local government may displace a private company that is providing collection services for household solid waste or recovered material. The County is following the procedure outlined in GS 160A-327. The earliest possible date for the Board to hold a hearing to consider implementing provisions of the statute is April 23, 2013.

On March 7, 2013 the Board approved the scheduling of a public hearing on April 23, 2013 to discuss a proposal to move toward a county-wide Franchise agreement for curbside Solid Waste and Recycling Services in the unincorporated areas of Orange County and directed staff to proceed with the various steps required in NC General Statutes. Both rural solid waste collections and rural curbside recycling could be included in a county-wide Franchise Agreement.

Below is the anticipated timeline, if Orange County moves toward the Franchise of Curbside Solid Waste and Recycling Services in Unincorporated Area of Orange County:

- March 15, 2013 – Notice to existing private solid waste collection services of the April 23, 2013 public hearing to discuss Franchise Agreement and displacement of private solid waste collection services
- April 9, 2013 – Funding options for Orange County's Recycling Programs discussed by the Board
- April 23, 2013 – Public Hearing to discuss Franchise Agreement and displacement of private solid waste collection services implementing the 15 month public notice requirement
- April 23, 2013 – June 15, 2013 – Create Request for Proposals (RFP) - Franchise Agreement
- June 15, 2013 – August 15, 2013 RFP – available for vendors to responses
- August 15, 2013 – September 30, 2013 – Staff evaluation of proposals and negotiations with vendors
- October 8, 2013 Work Session – Discussion of Franchise Agreement
- November 5, 2013 – Public Hearing to consider Franchise Agreement
- November 19, 2013 – Board Approval of Franchise Agreement
- July 1, 2014 – December 31, 2015 – Phased Implementation of Franchise Agreement

The Board requested that staff present available options for Orange County to fund the County's Recycling Programs at a regular Board meeting on April 9, 2013. A county-wide Franchise agreement for curbside Solid Waste and Recycling Services in the unincorporated areas of Orange County is only one option being considered by the Board.

Options 1 creates an Authority which would operate much like Orange Water and Sewer Authority (OWASA) as a standalone regional solution. This option would require the cooperation of two (2) or more local governments to form an Authority. An Authority would not be included in the County's General Fund Budget and would be governed by an independent board.

Options 2, 3, & 4 explore the creation of a Solid Waste Tax Service District which would function much like a Fire District. The size of the district and scope of services provided by the district would be determined by the Board. A Solid Waste Tax Service District would not impact the County General Fund but would be an independent special revenue fund.

Options 5 & 6 propose to create a Solid Waste Franchise Agreement which could privatize rural curbside solid waste and/or rural curbside recycling. If Solid Waste collections are part of a comprehensive franchise agreement solution, unincorporated Orange County could be divided into districts which could be serviced by multiple private haulers. With either a county-wide franchise agreement or dividing the County into districts, a number of the existing twelve (12) private haulers may be displaced. Towns could opt in or opt out of a Franchise Agreement

Option 7 is the only option that would impact the County's General Fund Budget, by financing recycling via the General Fund and would possibly have impact on the funding formula for Education, based on the 48.1% of the County's General Fund commitment to Education.

Option 8 could eliminate rural curbside recycling relying on Convenience Centers and Drop-off-sites. Urban and Multifamily Urban and Multifamily curbside recycling would be left up to the Towns.

Municipal Solid Waste & Recycling Funding Options:

- 1) Eliminate all 3-R Fees & Create a County-Wide Solid Waste Management Authority. North Carolina General Statute's 153A-421 (Attachment 3) outlines how two or more units of local government may create a regional solid waste management authority by adopting substantially identical resolutions to that effect in accordance with the provisions of this Article. The resolutions creating a regional solid waste management authority and any amendments thereto are referred to in this Article as the "charter" of the regional solid waste management authority. Units of local government which participate in the creation of a regional solid waste management authority are referred to in this Article as "members". The purpose of a regional solid waste management authority is to provide environmentally sound, cost effective management of solid waste, including storage, collection, transporting, separation, processing, recycling, and disposal of solid waste in order to protect the public health, safety, and welfare. (The Basic 3-R Fee could remain in place as part of decisions an Authority might make in determining revenue sources as services are extended county-wide.)
- 2) Keep only the Basic 3-R Fee in place and supplement recycling with the creation of a County-Wide Solid Waste Tax Service District, to serve unincorporated areas of the County. Encourage the Towns to join the District, otherwise Urban and Multifamily curbside recycling would be left up to the Towns.
- 3) Eliminate all 3-R Fees including the Basic 3-R Fee & Create a County-Wide Solid Waste Tax Service District, to serve unincorporated areas of the County. Allow the Towns the option to join the District, otherwise Urban and Multifamily curbside recycling would be left up to the Towns. The new Solid Waste Tax Service District would fund the operation all five (5) Convenience Centers and recycling Drop-off Sites.

- 4) Keep the Basic 3-R Fee and Create a Solid Waste Tax Service District for current Rural Curbside Routes serving 13,730 households. Urban and Multifamily curbside recycling would be left up to the Towns. A Solid Waste Tax Service District could be expanded to include all of the unincorporated areas of Orange County.
- 5) Keep only the Basic 3-R Fee in place and create a County-Wide Solid Waste Franchise Agreement that could cover all Municipal Solid Waste (MSW) Collections and Recycling in the unincorporated areas of Orange County. Municipalities within the County could have the option to participate in the Franchise Agreement and negotiate a fee schedule that differs from the fees established by the County. An anticipated time line is discussed above.
- 6) Keep only the Basic 3-R Fee in place and create a County-Wide Recycling Franchise Agreement that could cover all curbside recycling in the unincorporated areas of Orange County. Municipalities within the County could have the option to participate in the Franchise Agreement and negotiate a fee schedule that differs from the fees established by the County. Municipal Solid Waste (MSW) Collections by the Towns and private haulers in the unincorporated areas of the County would not change.
- 7) Keep only the Basic 3-R Fee in place and supplement recycling with a contribution from the General Fund, estimated to be \$1.7 million annually, to keep Urban, Rural and Multifamily curbside recycling in place. A contribution of \$1.7 million from the General Fund to the Solid Waste Fund would equal 1.1 cents on the County Property tax rate. The funding formula for Schools sets a target of 48.1% of General Fund Expenditures for Schools. This would add \$1.6 million for a total cost to the County of \$3.3 Million or 2.1 cents on the County Property Tax Rate to supplement recycling with a General Fund Contribution.
- 8) Keep the Basic 3-R Fee, eliminate all other 3-R Fees, and eliminate rural curbside recycling relying on Convenience Centers and Drop-off-sites. Urban and Multifamily curbside recycling would be left up to the Towns. The County could increase the number of Recycling Drop-off-sites, both urban & rural, and increase the Basic 3-R fee to pay for the operation of the new Centers.

FINANCIAL IMPACT: There is no financial impact to the County in discussing funding options for the County's Recycling Programs. There will be no impact on Solid Waste employees, with reductions to be managed through attrition, retirement and/or placement within Solid Waste.

RECOMMENDATION(S): The Manager's prioritized recommendations are based upon suggested considerations that attempt a comprehensive solution approach to a much broader issue than just the impacts related to the "R Fees" created by the recent rulings of the North Carolina Supreme Court in the Lanvale decision. It is certain that the existing "R Fee" system for funding 'curb-side' recycling within the Towns and portions of rural Orange County must change. The shift from a fee based recycling program to possible property tax based funding options will have an impact on all property owners and create the inequity of property owners paying for services that they may not utilize. Responding only to that need presents less than a comprehensive approach to the larger issue of solid waste management practices in Orange County going forward after June 30, 2013 when the Orange County Landfill closure occurs.

The listed recommendations come in order of preference based upon a comprehensive approach. They are based upon options that either include the Towns as 'active-partners', as 'consenting-partners' or accept the Towns will pursue a non-committal path that allows them the flexibility to do whatever is best for their needs individually versus a county-wide solution. Ultimately, a final best decision can be accomplished via a transition process that occurs over some period of time. At the moment, funding solutions for what is in place becomes the priority along with an equitable and equalized county-wide availability of service delivery options.

1. The optimal long-range solution for Orange County in this situation may be the formation of a Solid Waste Management Authority provided for within North Carolina General Statutes. The hurdle to this approach is that at least one of the three primary Towns within the county must also agree to the creation of the Authority. A comprehensive approach to both solid waste and recycling services can then be pursued that is functional and fundable via many various options. Services can be provided by County staff, contracted, franchised, optional or mandatory programs can be developed and/or otherwise formulated to compensate for a transitional process that ensures solid waste management and recycling remain an environmental priority in Orange County. (Consensus on this approach among the towns may evolve into a protracted process; a timely decision would be essential to success.)
2. If no Town is willing to work with the County on the Solid Waste Management Authority approach, then a county-wide Solid Waste Tax Service District approach is the more comprehensive and flexible option. It can provide services via County staffing, franchised, contracted, optional or mandatory programs or otherwise formulated approaches to both solid waste and recycling services as long as services are delivered and funded on some basis county-wide in the unincorporated areas of the County and can allow one or more towns to opt into the District once created. (This approach could include some combination of the Basic 3R Fees along with a county-wide tax.)
3. If either the Solid Waste Management Authority or the County-Wide Solid Waste Tax Service District approaches are not acceptable, then some configuration of a modified franchise approach to providing both solid waste and recycling services within the unincorporated areas of Orange County on a voluntary participation basis offers a solution. It allows existing participants in the unincorporated areas to gain the services (and pay for them directly) and does not require persons not using the services to pay for services they are not using (even though the services are available). Towns can pursue individual franchise agreements for services and/or be included in the County's efforts if they choose. (Again, the Basic 3R Fees could remain in place to support convenience center operations.)

There are challenges and timelines that must be addressed with any of the options recommended or highlighted within this presentation. The notification to existing private solid waste haulers within Orange County and the scheduled public hearing related to the Franchising option must go forward to allow all options further consideration. Funding constraints do exist for continuation of existing programs beyond June 2014. **As difficult as this decision may be, ultimately a change from existing circumstances is required.**

Finally, while the other options outlined may work to some extent they do extend significant inequities and/or provide for a less 'cost/service' focused approach to the issue and do not pursue actions that address solid waste management as a priority. In Orange County it is commendable that the County has the highest recycling rate in the State. **There has been less significance placed a comprehensive approach to solid waste management practices.** Outside of the Towns (which have assumed a role in solid waste collection), the County has focused on solid waste disposal (landfill operations) and recycling services. Both these roles are important environmental services. However, the landfill is closing June 30th, 2013; curbside recycling services must be funded via a different approach than the 'R Fees'; and no organized approach exists for solid waste disposal in the unincorporated areas of the County except for county operated convenience centers (which may ultimately be deemed a sufficient solution).

The recommendations above depart significantly from the County's historic approach to the issues of solid waste and recycling. They offer a more comprehensive and sustainable approach going forward. **The Board of Commissioners has the prerogative to select from any of the other available options and they can expect County Staff will do its best to implement any decision made within parameters so established.**

§ 153A-136. Regulation of solid wastes.

(a) A county may by ordinance regulate the storage, collection, transportation, use, disposal, and other disposition of solid wastes. Such an ordinance may:

- (1) Regulate the activities of persons, firms, and corporations, both public and private.
- (2) Require each person wishing to commercially collect or dispose of solid wastes to secure a license from the county and prohibit any person from commercially collecting or disposing of solid wastes without a license. A fee may be charged for a license.
- (3) Grant a franchise to one or more persons for the exclusive right to commercially collect or dispose of solid wastes within all or a defined portion of the county and prohibit any other person from commercially collecting or disposing of solid wastes in that area. The board of commissioners may set the terms of any franchise, except that no franchise may be granted for a period exceeding 30 years, nor may any franchise by its terms impair the authority of the board of commissioners to regulate fees as authorized by this section.
- (4) Regulate the fees, if any, that may be charged by licensed or franchised persons for collecting or disposing of solid wastes.
- (5) Require the source separation of materials prior to collection of solid waste for disposal.
- (6) Require participation in a recycling program by requiring separation of designated materials by the owner or occupant of the property prior to disposal. An owner of recovered materials as defined by G.S. 130A-290(a)(24) retains ownership of the recovered materials until the owner conveys, sells, donates, or otherwise transfers the recovered materials to a person, firm, company, corporation, or unit of local government. A county may not require an owner to convey, sell, donate, or otherwise transfer recovered materials to the county or its designee. If an owner places recovered materials in receptacles or delivers recovered materials to specific locations, receptacles, and facilities that are owned or operated by the county or its designee, then ownership of these materials is transferred to the county or its designee.
- (6a) Regulate the illegal disposal of solid waste, including littering on public and private property, provide for enforcement by civil penalties as well as other remedies, and provide that such regulations may be enforced by county employees specially appointed as environmental enforcement officers.
- (7) Include any other proper matter.

(b) Any ordinance adopted pursuant to this section shall be consistent with and supplementary to any rules adopted by the Commission for Public Health or the Department of Environment and Natural Resources.

(c) The board of commissioners of a county shall consider alternative sites and socioeconomic and demographic data and shall hold a public hearing prior to selecting or approving a site for a new sanitary landfill that receives residential solid waste that is located within one mile of an existing sanitary landfill within the State. The distance between an existing and a proposed site shall be determined by measurement between the closest points on the outer boundary of each site. The definitions set out in G.S. 130A-290 apply to this subsection. As used in this subsection:

- (1) "Approving a site" refers to prior approval of a site under G.S. 130A-294(a)(4).
- (2) "Existing sanitary landfill" means a sanitary landfill that is in operation or that has been in operation within the five-year period immediately prior to the date on which an application for a permit is submitted.
- (3) "New sanitary landfill" means a sanitary landfill that includes areas not within the

legal description of an existing sanitary landfill as set out in the permit for the existing sanitary landfill.

(4) "Socioeconomic and demographic data" means the most recent socioeconomic and demographic data compiled by the United States Bureau of the Census and any additional socioeconomic and demographic data submitted at the public hearing.

(d) As used in this section, "solid waste" means nonhazardous solid waste, that is, solid waste as defined in G.S. 130A-290 but not including hazardous waste.

(e) A county that has planning jurisdiction over any portion of the site of a sanitary landfill may employ a local government landfill liaison. No person who is responsible for any aspect of the management or operation of the landfill may serve as a local government landfill liaison. A local government landfill liaison shall have a right to enter public or private lands on which the landfill facility is located at reasonable times to inspect the landfill operation in order to:

(1) Ensure that the facility meets all local requirements.

(2) Identify and notify the Department of suspected violations of applicable federal or State laws, regulations, or rules.

(3) Identify and notify the Department of potentially hazardous conditions at the facility.

(f) Entry pursuant to subsection (e) of this section shall not constitute a trespass or taking of property. (1955, c. 1050; 1957, cc. 120, 376; 1961, c. 40; c. 514, s. 1; cc. 711, 803; c. 806, s. 1; 1965, c. 452; 1967, cc. 34, 90; c. 183, s. 1; cc. 304, 339; c. 495, s. 4; 1969, cc. 79, 155, 176; c. 234, s. 1; c. 452; c. 1003, s. 4; 1973, c. 476, s. 128; c. 822, s. 1; 1989 (Reg. Sess., 1990), c. 1009, s. 1; 1991 (Reg. Sess., 1992), c. 1013, s. 1; 1993, c. 165, s. 1; 1997-443, s. 11A.123; 2001-512

160A-327. Displacement of private solid waste collection services.

(a) A unit of local government shall not displace a private company that is providing collection services for municipal solid waste or recovered materials, or both, except as provided for in this section.

(b) Before a local government may displace a private company that is providing collection services for municipal solid waste or recovered materials, or both, the unit of local government shall publish notice of the first meeting where the proposed change in solid waste collection service will be discussed. Notice shall be published once a week for at least four consecutive weeks in at least one newspaper of general circulation in the area in which the unit of local government and the proposed displacement area are located. The first public notice shall be given no less than 30 days but no more than 60 days prior to the displacement issue being placed on the agenda for discussion or action at an official meeting of the governing body of the unit of local government. The notice shall specify the date and place of the meeting, the geographic location in which solid waste collection services are proposed to be changed, and the types of solid waste collection services that may be affected. In addition, the unit of local government shall send written notice by certified mail, return receipt requested, to all companies that have filed notice with the unit of local government clerk pursuant to the provisions of subsection (f) of this section. The unit of local government shall deposit notice in the U.S. mail at least 30 days prior to the displacement issues being placed on the agenda for discussion or action at an official meeting of the governing body of the unit of local government.

(c) Following the public notice required by subsection (b) of this section, but in no event later than six months after the date of the first meeting pursuant to subsection (b) of this section, the unit of local government may proceed to take formal action to displace a private company. The unit of local government or other public or private entity selected by the unit of local government may not commence the actual provision of these services for a period of 15 months from the date of the first publication of notice, unless the unit of local government provides compensation to the displaced private company as follows:

- (1) Subject to subdivision (3) of this subsection, if the private company has provided collection services in the displacement area prior to announcement of the displacement action, the unit of local government shall provide compensation to the displaced private company in an amount equal to the total gross revenues for collection services provided in the displacement area for the six months prior to the first publication of notice required under subsection (b) of this section.
- (2) Subject to subdivision (3) of this subsection, if the displaced private company has provided collection services in the displacement area for less than six months prior to the first publication of notice required under subsection (b) of this section, the unit of local government shall provide compensation to the displaced private company in an amount equal to the total gross revenues for the period of time that the private company provided such services in the displacement area.
- (3) If the displaced private company purchased an existing operation of another private company providing such services, compensation shall be for six months based on the monthly average total gross revenues for three months the immediate preceding the first publication of notice required under subsection (b) of this section.

(d) If the local government elects to provide compensation pursuant to subsection (c) of this section, the amount due from the unit of local government to the displaced company shall be paid as follows: one-third of the compensation to be paid within 30 days of the displacement and the balance paid in six equal monthly installments during the next succeeding six months.

(e) If the unit of local government fails to change the provision of solid waste services as described in the notices required under subsection (b) of this section within six months of the date of the first meeting pursuant to subsection (b) of this section, the unit of local government shall not take action to displace without complying again with the provisions of subsection (b) of this section.

(f) Notice of the provision of solid waste collection service shall be filed with the unit of local

government clerk of all cities and counties located in the private company's collection area or within five miles thereof.

(g) This section shall not apply when a private company is displaced as the result of an annexation under Article 4A of Chapter 160A of the General Statutes or an annexation by an act of the General Assembly. The provisions of G.S. 160A-37.3, 160-49.3, or 160A-324 shall apply.

(h) If a unit of local government intends to provide compensation under subsection (c) of this section to a private company that has given notice under subsection (f) of this section, the private company shall make available to the unit of local government not later than 30 days following a written request of the unit of local government, sent by certified mail, return receipt requested, all information in its possession or control, including operational, financial, and budgetary information necessary for the unit of local government to determine if the private company qualifies for compensation. The private company forfeits its rights under this section if it fails to make a good faith response within 30 days following receipt of the written request for information from the unit of local government provided that the unit of local government's written request so states by specific reference to this section.

(i) Nothing in this section shall affect the authority of a city or county to establish recycling service where recycling service is not currently being offered.

(j) As used in this section, the following terms mean:

- (1) Collection. – The gathering of municipal solid waste, recovered materials, or recyclables from residential, commercial, industrial, governmental, or institutional customers and transporting it to a sanitary landfill or other disposal facility. Collection does not include transport from a transfer station or processing point to a disposal facility.
- (2) Displacement. – Any formal action by a unit of local government that prohibits a private company from providing all or a portion of the collection services for municipal solid waste, recovered materials, or recyclables that the company is providing in the affected area at least 90 days prior to the date of the first publication of notice required by subsection (b) of this section. Displacement also means an action by a unit of local government to use an availability fee, nonoptional fee, or taxes to fund competing collection services for municipal solid waste, recovered materials, or recyclables that the private company is providing in the affected areas at least 90 days prior to the date of the first publication of notice required under subsection (b) of this section is given. Displacement does not include any of the following actions:
 - a. Failure to renew a franchise agreement or contract with a private company.
 - b. Taking action that results in a change in solid waste collection services because the private company's operations present an imminent and substantial threat to human health or safety or are causing a substantial public nuisance.
 - c. Taking action that results in a change in solid waste collection services because the private company has materially breached its franchise agreement or the terms of a contract with the local government, or the company has notified the local government that it no longer intends to honor the terms of the franchise agreement or contract. Notice of breach must be delivered in writing, delivered by certified mail to the firm in question with 30 days to cure the violation of the contract.
 - d. Terminating an existing contract or franchise in accordance with the provisions of the contract or franchise agreement.
 - e. Providing temporary collection services under a declared state of emergency.
 - f. Taking action that results in a change in solid waste collection services due to the existing providers' felony conviction of a violation in the State of federal or State law governing the solid waste collection or disposal.
 - g. Contracting with a private company to continue its existing services or

provide a different level of service at a negotiated price on terms agreeable to the parties.

- (3) Municipal solid waste. – As defined in G.S. 130A-290(18a).
- (4) Unit of local government. – A county, municipality, authority, or political subdivision that is authorized by law to provide for collection of solid waste or recovered materials, or both. (2006-193, s. 4.)

Article 22.

Regional Solid Waste Management Authorities.

§ 153A-421. Definitions; applicability; creation of authorities.

(a) Unless a different meaning is required by the context, terms relating to the management of solid waste used in this Article have the same meaning as in G.S. 130A-2 and in G.S. 130A-290. As used in this Article, the term "solid waste" means nonhazardous solid waste, that is, solid waste as defined in G.S. 130A-290 but not including hazardous waste. In addition to the meaning set out in G.S. 130A-290, the term "unit of local government" means the Eastern Band of the Cherokee Indians in North Carolina.

(b) This Article shall not be construed to authorize any authority created pursuant to this Article to regulate or manage hazardous waste. An authority created under this Article may manage sludges, other than a sludge that is a hazardous waste, under rules of the Commission for Public Health and criteria established by the Department of Environment and Natural Resources for the management of sludge.

(c) Any two or more units of local government may create a regional solid waste management authority by adopting substantially identical resolutions to that effect in accordance with the provisions of this Article. The resolutions creating a regional solid waste management authority and any amendments thereto are referred to in this Article as the "charter" of the regional solid waste management authority. Units of local government which participate in the creation of a regional solid waste management authority are referred to in this Article as "members".

(d) As used in G.S. 153A-427(a)(24), the term "transferred" means placed at or delivered to any (i) place normally and customarily used by the authority for the collection of solid waste, (ii) other place agreed upon by the generator or owner of recyclable materials and the authority, or (iii) facility owned, operated, or designated by the authority. (1989 (Reg. Sess., 1990), c. 888, s. 1; 1991, c. 580, s. 2; 1991 (Reg. Sess., 1992), c. 932, s. 4; c. 948, s. 1; 1997-443, s. 11A.123; 2007-182, s. 2.)

§ 153A-422. Purposes of an authority.

The purpose of a regional solid waste management authority is to provide environmentally sound, cost effective management of solid waste, including storage, collection, transporting, separation, processing, recycling, and disposal of solid waste in order to protect the public health, safety, and welfare; enhance the environment for the people of this State; and recover resources and energy which have the potential for further use and to encourage, implement and promote the purposes set forth in Part 2A of Article 9 of Chapter 130A of the General Statutes. (1989 (Reg. Sess., 1990), c. 888, s. 1.)

§ 153A-423. Membership; board; delegates.

(a) Each unit of local government initially adopting a resolution under G.S. 153A-421 shall become a member of the regional solid waste management authority. Thereafter, any unit of local government may join the authority by ratifying its charter and by being admitted by a unanimous vote of the existing members. All of the rights and privileges of membership in a regional solid waste management authority shall be exercised on behalf of the member units of local government by a board composed of delegates to the authority who shall be appointed by and shall serve at the pleasure of the governing boards of their respective units of local government. A vacancy on the board shall be filled by appointment by the governing board of the unit of local government having the original appointment.

(b) Any delegate appointed by a member unit of local government to an authority created pursuant to this Article who is a county commissioner or city or town alderman or commissioner serves on the board of the authority in an ex officio capacity and such service shall not constitute the holding of an office for the purpose of determining dual office holding under Section 9 of Article VI of the

Constitution of North Carolina or of Article 1 of Chapter 128 of the General Statutes. (1989 (Reg. Sess., 1990), c. 888, s. 1.)

§ 153A-424. Contents of charter.

- (a) The charter of a regional solid waste management authority shall:
- (1) Specify the name of the authority;
 - (2) Establish the powers, duties and functions that the authority may exercise and perform;
 - (3) Establish the number of delegates to represent the member units of local government and prescribe the compensation and allowances, if any, to be paid to delegates;
 - (4) Set out the method of determining the financial support that will be given to the authority by each member unit of local government; and
 - (5) Establish a method for amending the charter, and for dissolving the authority and liquidating its assets and liabilities.

(b) The charter of a regional solid waste management authority may, but need not, contain rules for the conduct of authority business and any other matter pertaining to the organization, powers, and functioning of the authority that the member units of local government deem appropriate. (1989 (Reg. Sess., 1990), c. 888, s. 1.)

§ 153A-425. Organization of authorities.

The governing board of a regional solid waste management authority shall hold an initial organizational meeting at such time and place as is agreed upon by its member units of local government and shall elect a chairman and any other officers that the charter may specify or the delegates may deem advisable. The authority shall then adopt bylaws for the conduct of its business. All meetings of regional solid waste management authorities shall be subject to the provisions of Article 33C of Chapter 143 of the General Statutes. (1989 (Reg. Sess., 1990), c. 888, s. 1.)

§ 153A-426. Withdrawal from an authority.

If the authority has no outstanding indebtedness, any member may withdraw from a regional solid waste management authority effective at the end of the current fiscal year by giving at least six months notice in writing to each of the other members. Withdrawal of a member shall not dissolve the authority if at least two members remain. (1989 (Reg. Sess., 1990), c. 888, s. 1.)

§ 153A-427. Powers of an authority.

- (a) The charter may confer on the regional solid waste management authority any or all of the following powers:
- (1) To apply for, accept, receive, and disburse funds and grants made available to it by the State or any agency thereof, the United States of America or any agency thereof, any unit of local government whether or not a member of the authority, any private or civic agency, and any persons, firms, or corporations;
 - (2) To employ personnel;
 - (3) To contract with consultants;
 - (4) To contract with the United States of America or any agency or instrumentality thereof, the State or any agency, instrumentality, political subdivision, or municipality thereof, or any private corporation, partnership, association, or individual, providing for the acquisition, construction, improvement, enlargement, operation or maintenance of any solid waste management facility, or providing for any solid waste management services;
 - (5) To adopt bylaws for the regulation of its affairs and the conduct of its business and to

- prescribe rules and policies in connection with the performance of its functions and duties, not inconsistent with this Article;
- (6) To adopt an official seal and alter the same;
 - (7) To establish and maintain suitable administrative buildings or offices at such place or places as it may determine by purchase, construction, lease, or other arrangements either by the authority alone or through appropriate cost-sharing arrangements with any unit of local government or other person;
 - (8) To sue and be sued in its own name, and to plead and be impleaded;
 - (9) To receive, administer, and comply with the conditions and requirements respecting any gift, grant, or donation of any property or money;
 - (10) To acquire by purchase, lease, gift, or otherwise, or to obtain options for the acquisition of any property, real or personal, improved or unimproved, including an interest in land less than the fee thereof;
 - (11) To sell, lease, exchange, transfer, or otherwise dispose of, or to grant options for any such purposes with respect to any real or personal property or interest therein;
 - (12) To pledge, assign, mortgage, or otherwise grant a security interest in any real or personal property or interest therein, including the right and power to pledge, assign, or otherwise grant a security interest in any money, rents, charges, or other revenues and any proceeds derived by an authority from any and all sources;
 - (13) To issue revenue bonds of the authority and enter into other financial arrangements including those permitted by this Chapter and Chapters 159, 159I, and 160A of the General Statutes to finance solid waste management activities, including but not limited to systems and facilities for waste reduction, materials recovery, recycling, resource recovery, landfilling, ash management, and disposal and for related support facilities, to refund any revenue bonds or notes issued by the authority, whether or not in advance of their maturity or earliest redemption date, or to provide funds for other corporate purposes of the authority;
 - (14) With the approval of any unit of local government, to use officers, employees, agents, and facilities of the unit of local government for such purposes and upon such terms as may be mutually agreeable;
 - (15) To develop and make data, plans, information, surveys, and studies of solid waste management facilities within the territorial jurisdiction of the members of the authority, to prepare and make recommendations in regard thereto;
 - (16) To study, plan, design, construct, operate, acquire, lease, and improve systems and facilities, including systems and facilities for waste reduction, materials recovery, recycling, resource recovery, landfilling, ash management, household hazardous waste management, transportation, disposal, and public education regarding solid waste management, in order to provide environmentally sound, cost-effective management of solid waste including storage, collection, transporting, separation, processing, recycling, and disposal of solid waste in order to protect the public health, safety, and welfare; to enhance the environment for the people of this State; recover resources and energy which have the potential for further use, and to promote and implement the purposes set forth in Part 2A of Article 9 of Chapter 130A of the General Statutes;
 - (17) To locate solid waste facilities, including ancillary support facilities, as the authority may see fit;
 - (18) To assume any responsibility for disposal and management of solid waste imposed by law on any member unit of local government;
 - (19) To operate such facilities together with any person, firm, corporation, the State, any entity of the State, or any unit of local government as appropriate and otherwise

permitted by its charter and the laws of this State;

- (20) To set and collect such fees and charges as is reasonable to offset operating costs, debt service, and capital reserve requirements of the authority;
- (21) To apply to the appropriate agencies of the State, the United States of America or any state thereof, and to any other appropriate agency for such permits, licenses, certificates, or approvals as may be necessary, and to construct, maintain, and operate projects in accordance with such permits, licenses, certificates, or approvals in the same manner as any other person or operating unit of any other person;
- (22) To employ engineers, architects, attorneys, real estate counselors, appraisers, financial advisors, and such other consultants and employees as may be required in the judgment of the authority, to fix and pay their compensation from funds available to the authority therefor, to select and retain, subject to approval of the Local Government Commission, the financial consultants, underwriters, and bond attorneys to be associated with the issuance of any revenue bonds, and to pay for services rendered by financial consultants, underwriters, or bond attorneys from funds available to the authority including the proceeds of any revenue bond issue with regard to which the services were performed;
- (23) To acquire property located within the territorial jurisdiction of any member unit of local government by eminent domain pursuant to authority granted to counties;
- (24) To require that any and all (i) solid waste generated within the authority's service area and (ii) recyclable materials generated within the authority's service area and transferred to the authority be separated and delivered to specific locations and facilities provided that if a private landfill shall be substantially affected by such requirement then the regional solid waste management authority shall be required to give the operator of the affected landfill at least two years written notice prior to the effective date of the requirement; and
- (25) To do all things necessary, convenient, or desirable to carry out the purposes and to exercise the powers granted to an authority under its charter.

(b) The acquisition and disposal of real and personal property by an authority created under this Article shall be governed by those provisions of the General Statutes which govern the acquisition and disposal of real and personal property by counties, except that Article 8 of Chapter 143 of the General Statutes and Part 3 of Article 8 of Chapter 153A of the General Statutes do not apply. No authority created pursuant to this Article shall exercise any power of eminent domain with respect to any property located outside the territorial jurisdiction of the members of such authority.

(c) Each authority's plan shall take into consideration facilities and other resources for management of solid waste which may be available through private enterprise. This Article shall be construed to encourage the involvement and participation of private enterprise in solid waste management. An authority created pursuant to this Article shall establish goals for the procurement of goods and services from minority and historically underutilized businesses. (1989 (Reg. Sess., 1990), c. 888, s. 1; 1991, c. 580, s. 1; 2007-131, ss. 1, 2.)

§ 153A-428. Fiscal accountability; support from other governments.

(a) A regional solid waste management authority is a public authority subject to the provisions of Chapter 159 of the General Statutes.

(b) The establishment and operation of an authority as herein authorized are governmental functions and constitute a public purpose, and the State and any unit of local government may appropriate funds to support the establishment and operation of an authority.

(c) The State and any unit of local government may also dedicate, sell, convey, donate, or lease any of their interests in any property to an authority. (1989 (Reg. Sess., 1990), c. 888, s. 1.)

§ 153A-429. Long-term contract permitted by and with an authority.

(a) To the extent authorized by its charter, an authority may enter into long-term and continuing contracts, not to exceed a term of 60 years, with member or other units of local government for the acquisition, construction, improvement, enlargement, operation, or maintenance of any solid waste management facility or for solid waste management services with respect to solid waste generated within their geographic boundaries or brought into their geographic boundaries.

(b) Contracts entered into by an authority may include, but are not limited to, provisions for:

- (1) Payment by the members of the authority and other units of local government of a fee or other charge by the authority to accept and dispose of solid waste;
- (2) Periodic adjustments to the fee or other charges to be paid by each member of the authority and such other units of local government;
- (3) Warranties from the members of the authority and such other units of local government with respect to the quantity of the solid waste which will be delivered to the authority and warranties relating to the content or quality of the solid waste; and
- (4) Legal and equitable title to the solid waste passing to the authority upon delivery of the solid waste to the authority. (1989 (Reg. Sess., 1990), c. 888, s. 1.)

§ 153A-430. Compliance with other law.

(a) Repealed by Session Laws 1989 (Regular Session, 1990), c. 1004, s. 47, effective July 20, 1990.

(b) An authority created pursuant to this Article shall comply with all applicable federal and State laws, regulations, and rules, including specifically those enacted or adopted for the management of solid waste or for the protection of the environment or public health.

(c) Except as provided by subsection (d) of this section, a unit of local government that is exempt from compliance with State laws or rules enacted or adopted for the management of solid waste or for the protection of the environment shall, by becoming a member of a regional solid waste management authority created under this Article and as a condition of such membership, agree to comply with and to be bound by all applicable federal and State laws, regulations, and rules enacted or adopted for the management of solid waste and for the protection of the environment with respect to all solid waste management activities of the authority within the territorial jurisdiction of the unit of local government and with respect to all solid waste management activities performed by the unit of local government in connection with membership in the authority.

(d) A unit of local government that is exempt from compliance with State laws or rules enacted or adopted for the management of solid waste shall obtain all permits that may be necessary for the conduct of solid waste management activities within the territorial jurisdiction of the unit of local government as provided by federal law and regulations. Responsibility for the enforcement of laws, regulations, and rules enacted or adopted for the management of solid waste within the territorial jurisdiction of a unit of local government that is exempt from compliance with State laws or rules enacted or adopted for the management of solid waste shall be as provided by federal law and regulations. (1989 (Reg. Sess., 1990), c. 888, s. 1; c. 1004, s. 47; c. 1075, s. 5; 1991 (Reg. Sess., 1992), c. 948, s. 2.)

§ 153A-431. Issuance of revenue bonds and notes.

The State and Local Government Revenue Bond Act, Article 5 of Chapter 159 of the General Statutes, governs the issuance of revenue bonds by an authority. Article 9 of Chapter 159 of the General Statutes governs the issuance of notes in anticipation of the sale of revenue bonds. (1989 (Reg. Sess., 1990), c. 888, s. 1.)

§ 153A-432. Advances.

Any member or other units of local government may make advances from any monies that may be available for such purpose, in connection with the creation of an authority and to provide for the preliminary expenses of an authority. Any such advances may be repaid to such member or other units of local government from the proceeds of the revenue bonds or anticipation notes issued by such authority or from funds otherwise available to the authority. (1989 (Reg. Sess., 1990), c. 888, s. 1.)

§§ 153A-433 through 153A-434: Reserved for future codification purposes.

**Solid Waste Recycling Division
Schedule of Revenues and Expenses
Fiscal 2011/2012**

	Fee per Unit	Households/units billed	Number of parcels	Revenues
Revenues:				
3-R Fee				
Basic	\$ 37.00	58,909	41,210	\$ 2,114,244
Rural	\$ 38.00	13,730	12,497	\$ 506,088
Urban	\$ 52.00	17,998	15,531	\$ 907,819
Multi-family	\$ 19.00	15,850	4,605	\$ 292,116
Total				\$ 3,820,267
Materials Revenue				\$ 757,755
Miscellaneous Revenue				\$ 141,056
Total Revenues				\$ 4,719,078

Allocated County Expenses:

Fee Type	Recycling Division Cost	Recycling Division Capital Requests - Purchased from Equip. Reserve*	Indirect Costs		Total Estimated Expenditure
			Solid Waste Convenience Center Contribution	Environmental Support/Overhead	
Basic	\$ 1,789,457	\$ (127,836)	\$ 332,806	\$ 345,846	\$ 2,340,273
Rural	\$ 477,981	\$ (21,336)		\$ 93,667	\$ 550,312
Urban	\$ 1,190,832	\$ (35,784)		\$ 208,948	\$ 1,363,996
Multi-family	\$ 303,108	\$ (16,336)		\$ 72,051	\$ 358,823
Total	\$ 3,761,378	\$ (201,292)	\$ 332,806	\$ 720,512	\$ 4,613,404
Total Expenses					\$ 4,613,404

3/28/2013

ORANGE COUNTY SOLID WASTE ADVISORY BOARD
Preserve Orange County's Integrated Recycling Program Resolution

WHEREAS, the Board of Orange County Commissioners and staff have determined that portions of the present 3-R Fee, which serve to finance some services associated with recycling in Orange County may not be authorized under present state legislation; and

WHEREAS, the SWAB finds that a primary goal for Orange County is to maintain the high level of recycling services afforded the residents of Orange County and maximize the volumes of material diverted from landfilling towards achieving the County's stated 61 percent diversion goal; and

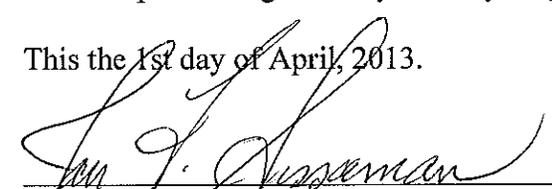
WHEREAS, this goal cannot be achieved, nor can the current rate of diversion be maintained, let alone increased, with a franchise subscription-based recycling program; and

WHEREAS, the present solid waste system is a system that is highly integrated among the county and the towns of Chapel Hill, Carrboro, and Hillsborough.

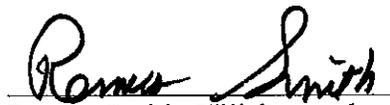
Now, therefore be it RESOLVED by the Orange County Solid Waste Advisory Board that the Board of Orange County Commissioners make every reasonable attempt to achieve a financing option that preserves the present integrated recycling system and associated solid waste disposal systems among all of the jurisdictions in Orange County, and to particularly consider the option of a creating a single solid waste collection and disposal district (in accord with NC GS § 153A-301(a)(5)) as the mechanism to continue financing this effort.

Be it further RESOLVED that the Solid Waste Advisory Board recommends revisions to the existing Interlocal Agreement that would consider a District Interlocal Agreement for Solid Waste that would preserve the interests of, and continuity for, all of the participating jurisdictions while maintaining the administrative, operational, and fiscal leadership of Orange County for recycling operations.

This the 1st day of April, 2013.



Jan Sassaman, Chair
Solid Waste Advisory Board



Remus Smith, Hillsborough

Summary of Solid Waste and Recycling Services

Material	Jurisdiction	Residential		Multi-Family/Apartments		Commercial		Government Buildings & Parks**		Public Schools K-12	
		Service Provider	Funding	Service Provider	Funding	Service Provider	Funding	Service Provider	Funding	Service Provider	Funding
Recycling	Carrboro	OC by Contract	U 3-R Fee	OC Staff & Equip	MF 3-R Fee	OC Staff & Equip (or Private Hauler*)	B 3-R Fee and Private Fee (if private service)	OC Staff & Equip	B 3-R Fee	OC Staff & Equip	Fee for Service Contract between Schools & OC
	Chapel Hill	OC by Contract	U 3-R Fee	OC Staff & Equip	MF 3-R Fee	OC Staff & Equip (or Private Hauler*)	B 3-R Fee and Private Fee (if private service)	OC Staff & Equip	B 3-R Fee	OC Staff & Equip	Fee for Service Contract between Schools & OC
	Hillsborough	OC by Contract	U 3-R Fee	OC Staff & Equip	MF 3-R Fee	OC Staff & Equip (or Private Hauler*)	B 3-R Fee and Private Fee (if private service)	OC Staff & Equip	B 3-R Fee	OC Staff & Equip	Fee for Service Contract between Schools & OC
	OC Curbside Recycling Areas	OC Staff & Equip	R 3-R Fee	OC Staff & Equip	MF 3-R Fee	OC Staff & Equip (or Private Hauler*)	B 3-R Fee and Private Fee (if private service)	OC Staff & Equip	B 3-R Fee	OC Staff & Equip	Fee for Service Contract between Schools & OC
	OC Non-Curbside Recycling Areas	Self-Haul	B 3-R Fee	N/A	N/A	Private or Self Haul to County Drop-Off sites	B 3-R Fee and Private Fee (if private service)	OC Staff & Equip	B 3-R Fee	OC Staff & Equip	Fee for Service Contract between Schools & OC
Cardboard	Carrboro	OC by Contract	U 3-R Fee	Private or Self Haul to County Drop-Off sites	Private Fee (if private service) & B 3-R Fee	Private or Self Haul to County Drop-Off sites	Private Fee (if private service) & B 3-R Fee	OC Staff & Equip	B 3-R Fee	OC Staff & Equip	Fee for Service Contract between Schools & OC
	Chapel Hill	OC by Contract	U 3-R Fee	Private or Self Haul to County Drop-Off sites	Private Fee (if private service) & B 3-R Fee	Private or Self Haul to County Drop-Off sites	Private Fee (if private service) & B 3-R Fee	OC Staff & Equip	B 3-R Fee	OC Staff & Equip	Fee for Service Contract between Schools & OC
	Hillsborough	OC by Contract	U 3-R Fee	Private or Self Haul to County Drop-Off sites	Private Fee (if private service) & B 3-R Fee	Private or Self Haul to County Drop-Off sites	Private Fee (if private service) & B 3-R Fee	OC Staff & Equip	B 3-R Fee	OC Staff & Equip	Fee for Service Contract between Schools & OC
	OC Recycling Curbside Areas	OC Staff & Equip	R 3-R Fee	Private or Self Haul to County Drop-Off sites	Private Fee (if private service) & B 3-R Fee	Private or Self Haul to County Drop-Off sites	Private Fee (if private service) & B 3-R Fee	OC Staff & Equip	B 3-R Fee	OC Staff & Equip	Fee for Service Contract between Schools & OC
	OC Non-Recycling Curbside Areas	Self-Haul to SWCC/Drop-Off sites	B 3-R Fee	Private or Self Haul to County Drop-Off sites	Private Fee (if private service) & B 3-R Fee	Private or Self Haul to County Drop-Off sites	Private Fee (if private service) & B 3-R Fee	OC Staff & Equip	B 3-R Fee	OC Staff & Equip	Fee for Service Contract between Schools & OC
Garbage	Carrboro	Town of Carrboro	Carrboro General Fund	Town of Carrboro***	Carrboro General Fund	Town of Carrboro (50% of locations)	Fee for Service to Town & Carrboro GF or Private Fee (if private service)	Town of Carrboro	Carrboro GF	Town of Carrboro	Fee for Service
	Chapel Hill	Town of Chapel Hill	Chapel Hill GF	Town of Chapel Hill (most locations) ***	Fee for Service to Town & Chapel Hill GF or Private Fee (if private service)	Town of Chapel Hill or Private Haulers	Fee for Service to Town & Chapel Hill GF or Private Fee (if private service)	Town of Chapel Hill	Chapel Hill GF	Town of Chapel Hill	Fee for Service
	Hillsborough	Town of Hillsborough	Hillsborough GF	Franchise Hauler ***	Fee for Service to Private Hauler	Franchise Hauler	Fee for Service to Private Hauler	Franchise Hauler	Hillsborough GF	OC Sanitation	Fee for Service
	OC Recycling Curbside Areas	Self-Haul to SWCC or Private Hauler	SWCC Fee/ OC GF; Private Fee (if private service)	Private ***	Fee for Service to Private Hauler	Private	Fee for Service to Private Hauler	OC Sanitation or Self-Haul	OC GF or other	OC Sanitation	Fee for Service
	OC Non-Recycling Curbside Areas	Self-Haul to SWCC or Private Hauler	SWCC Fee/ OC GF; Private Fee (if private service)	Private ***	Fee for Service to Private Hauler	Private	Fee for Service to Private Hauler	OC Sanitation or Self-Haul	OC GF or other	OC Sanitation	Fee for Service
Universal Recycling Services	All	Services include: recycling drop-off sites, hazardous waste collection, electronics recycling, enforcement, and public education and outreach. Services are provided County-wide to businesses, residents and others throughout Orange County. Funded by the B 3-R Fee and supplemented by SWCC Fee and OC General Fund.									

General Notes

All industrial and construction & demo waste is privately hauled
 Commercial entities have the opportunity for food waste collection, if high food waste generators
 Does not include University waste or recycling

Footnotes

* Some private haulers provide special recycling services within the municipalities. Most ABC on-premises permit holders are collected with Orange County Staff and Equip.
 ** Government buildings and parks includes pedestrian bins and Park & Ride lots. Pedestrian bins are Fee for Service; Park & Ride lots are funded from B 3-R Fee.
 *** Apartment residents may use SWCCs for their household waste. Apartment management must use private services for waste disposal.

KEY TO FEES

GF General Fund
 U Urban Curbside Recycling Fee currently \$52/ year/unit
 R Rural Curbside Recycling Fee currently \$38/year/unit
 MF Multi-Family recycling fee, currently \$19/year/unit
 B Basic recycling fee for all improved properties, currently \$37/year/unit
 OC Orange County
 SWCC Fee Solid Waste Convenience Center Fee for all residential units currently \$20/year/unincorporated area unit; \$10/year incorporated areas unit and \$2/apartment unit

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: April 9, 2013

**Action Agenda
Item No.** 7-c

SUBJECT: Performance Evaluation Process for Three Staff Members Appointed by the Board – County Attorney, Clerk, and Manager

DEPARTMENT: County Commissioners

PUBLIC HEARING: (Y/N)

No

ATTACHMENT (S):

Attachment 1: Performance Evaluation Process for Clerk and County Attorney
Attachment 2: Examples of Evaluation Forms for Clerk (2A) and County Attorney (2B)
Attachment 3: Proposed Scope of Work - Facilitating the County Manager Performance Evaluation Process

INFORMATION CONTACT:

Commissioner Renee Price
Commissioner Penny Rich
Clerk to the Board Donna Baker, 245-2130

PURPOSE: To review and consider approval of the performance evaluation process for three staff members appointed by the Board – County Attorney, Clerk to the Board and Manager, including proposed scopes of work.

BACKGROUND: At the March 12, 2013 work session, the Board of Commissioners discussed informally an evaluation process for the three staff members who are appointed by the Board. The Board's direction from that work session was for the sub-committee (Commissioner Renee Price, Commissioner Penny Rich and Clerk to the Board Donna Baker) to bring back a revised Performance Evaluation Process for the Clerk to the Board and the County Attorney, along with examples of evaluation forms for the Board to review; and to bring back a proposed scope of work for facilitating the County Manager's performance evaluation process with the use of a consultant with a funding option not to exceed \$3,300.

The proposed project goals for the evaluation process are:

- Provide County Attorney, Clerk, and Manager with feedback on her/his performance, identifying strengths and areas for improvement
- Foster effective communication and strengthen working relationship between Board of Commissioners and County Attorney, Clerk, and Manager
- Link performance evaluation to decision about compensation for coming year

FINANCIAL IMPACT: There is a financial impact of up to \$3,300 associated with the County Manager's performance evaluation process. Funding would come from the Clerk to the Board's annual budget.

RECOMMENDATION (S): The Manager recommends the Board review and consider approval of the performance evaluation process for three staff members based on the information above and the attachments.

**Orange County Board of Commissioners
Employee Evaluation Process
For County Attorney, and Clerk to the Board**

I. Process Prior to the Board of County Commissioners (BOCC) Meeting

A. Approximately **three*** weeks prior to each employee's evaluation due date, the Clerk to the Board and the County Attorney will mail out their evaluation packets to the BOCC. This packet will include the Board adopted evaluation form for the position, with instructions.

B. The following week, Board responses for-Clerk to the Board and County Attorney evaluations are due to the BOCC Chair, so that the responses may be included in the BOCC agenda packet.

C. The summary of Board member ratings and responses will be mailed in the BOCC closed session agenda packet. In addition, the packet will include the summary of the process to be followed, the action to be taken, information on the employee's current salary and status, and the proposed work plan/goals for the next review period.

The rating categories for overall performance are listed below.

- 1 Unsatisfactory
- 2 Needs Improvement
- 3 Proficient
- 4 Proficient with Superior Meritorious Service Award
- 5 Exceptional with Exceptional Meritorious Service Award

II. BOCC Meeting (Closed Session)

A. The employee will be given an opportunity at the beginning of the BOCC closed session to speak with the commissioners regarding his/her performance.

B. The BOCC will consider all performance-related information during the closed session and determine the performance rating of the employee, using the scale in I.C above, and based on the average of all Board responses received and the Board discussion.

C. Once the Board has agreed upon the performance rating for the employee in closed session, the Board will return to open session. The Board is encouraged not to make any comments regarding the employee's evaluation or performance in open session. Any changes in salary or the employee's contract will be handled as a budget amendment on the agenda of a subsequent BOCC regular meeting.

D. As soon as possible after the Board meeting, the Board Chair will meet with the employee to discuss the evaluation and work plan/goals for the next review period. At that time, the employee will be given a copy of the summary of Board member ratings and responses.

III. Employee's Work Plan/Goals

A. The employee will prepare a proposed work plan/goals for the next review period and submit it prior to the mailing of the BOCC closed session agenda packet for the meeting at which his/her evaluation will be discussed.

DRAFT

ATTACHMENT 1

B. The BOCC will adopt a work plan/goals by which the employee will be evaluated for the next review period.

IV. Employee's Current Salary and Status

The information on the employee's current salary and status, as outlined in I.C above, will include the following:

Employee Name: _____

Employee Title: _____

Date Hired: _____

Current Salary: _____

Amount of vacation time _____

Other benefits _____

***Note: The period will be two weeks for 2013 only.**

CLERK TO THE BOARD- ANNUAL EVALUATION

DRAFT

Please evaluate the performance of the Clerk to the Board in the sections below. You should indicate your perceived level of performance for each statement based on the scale illustrated. In addition, space is available to make comments for each evaluation question and for general comments at the end. The period of evaluation approximately corresponds to the annual anniversary of the Clerk's date of hire.

Each Commissioner should sign the form.

PLEASE CIRCLE YOUR RESPONSE.

Scale:

Poor

Fair

Good

Excellent

Unable to rate

This area encompasses responsibilities for compliance with all applicable state and local laws.

1.

a) Regular and Emergency Meetings and Special Meetings/Work Sessions

- Ensures adherence with state laws and public notices
- Follows rules of procedure policy
- Prepares agendas, if needed
- Attends meetings
- Minutes
- Handles all follow-up items

Scale:

Poor

Fair

Good

Excellent

Unable to rate

Written Comments:

b) Records Management

- Oversees and manages the records management program including developing procedures for records management, retrieval and disposal; maintain, dispose, and preserve official county documents and records including resolutions, ordinances, deeds, Commissioner minutes, agreements, and reports in accordance with legal requirements; supervises the storage and protection of the county's permanent records.
- Maintains accurate files and record management systems which facilitate the efficient storage and retrieval of information when it is requested
- Facilitating open government transparency while meeting the demands for government information in multiple formats
- Establishes and maintains complex and confidential records, files and documents

- Centrally manages public requests for records, seeking innovative ways for providing information to staff and the public through technology.

Scale:

Poor Fair Good Excellent Unable to rate

Written Comments:

c) Maintenance of County Code (works in conjunction with the County Attorney’s Office)

Scale:

Poor Fair Good Excellent Unable to rate

2. OPERATIONAL SUPPORT

This area encompasses the following responsibilities:

- a) Acts as a liaison for Commissioners to the public and staff
- b) Acts as a resource for Commissioner actions
- c) Responds to public records requests in a timely manner
- d) Participates in elected officials’ orientation
- e) Oversees contracts with the Municipal Code Corporation

Scale:

Poor Fair Good Excellent Unable to rate

Written Comments:

3. MANAGEMENT OF COUNTY CLERK’S OFFICE

This area encompasses the following responsibilities:

- a) Serves as a member of the County’s team of department directors
- b) Provides for the smooth and efficient daily operation of the Clerk to the Board’s office
- c) Supervises the work of the Deputy Clerk/Information Specialist position, the Records Management position and the part-time Boards and Commissions position

Scale:

Poor Fair Good Excellent Unable to rate

Written Comments:

4. Communication Skills

- Responds to inquiries (from BOCC, management staff, and public) in a timely and efficient manner
- Keeps Commissioners informed of relevant information and issues
- Provides quality customer service to the county and community.
- Continues to expand the amount of public information routinely made available to public and staff.
- Receptive to constructive criticism and advice.

Scale:

Poor Fair Good Excellent Unable to rate

Written
Comments

5. Professional

- Provides comprehensive and professional administrative support to the Board of Commissioners
- Demonstrates commitment to the Board's stated mission and goals.
- Maintains familiarity with relevant State laws as they pertain to the clerk position
- Interprets and applies appropriate open meeting and public records laws as necessary
- Willingness to try new ideas proposed by Commissioners or staff.

- Performs Clerk responsibilities in a professional and ethical manner, in accordance with the International Institute of Municipal Clerks Code of Ethics.
http://iimc.com/Member_Services/Code%20of%20Ethics.doc and Orange County Ethics Policy for Senior Management

Scale:

Poor Fair Good Excellent Unable to rate

Written
Comments _____

6. Technical Knowledge

- Illustrates command of personal computer and associated hardware knowledge to perform job duties and responsibilities.
- Demonstrates proficiency with internet resources
- Incorporates new technology into daily operations and quickly gains proficiency
- Endeavors to expand technical knowledge
- Is open to learning new technology skill sets in order to enhance job performance

Scale:

Poor

Fair

Good

Excellent

Unable to rate

Written
Comments _____

7. Planning ,Organizing and Supervision

- Is prepared for Board meetings with all necessary information; if does not have the information needed, will provide it in a timely manner
- Supervises staff; supervisory duties include instructing, assigning, planning and reviewing work, evaluating work performance and completing performance evaluations, coordinating activities, maintaining standards, allocating personnel, selecting new employees and implementing employee discipline. Providing training, advice and assistance as needed.
- Directs, coordinates and reviews the work flow for the Clerk's Office; meets with staff to identify and resolve problems; assigns work activities and projects; monitors work flow; reviews and evaluates work products, methods and procedures.
- Ability to manage information flow (including internal, volunteer, and external communication and filing/documentation).
- Oversees and participates in the development and administration of the Clerk/BOCC Office's annual budget; participates in the forecast of funds needed for staffing, equipment, materials, and supplies; monitors and approves expenditures; implements adjustments.

Scale:

Poor

Fair

Good

Excellent

Unable to rate

Written
Comments _____

8. Performance of Work Assignments

- Works independently, exercises good judgment and makes sound recommendations
- Completes assigned tasks in a timely manner and meets agenda distribution deadlines
- Displays drive, energy and a positive attitude in completing assigned tasks and eagerly takes initiative.
- Manages complex work flow and multiple deadlines
- Able to perform multiple and concurrent detailed tasks in an environment of time constraints and frequent interruptions

Scale:

Poor Fair Good Excellent Unable to rate

Written

Comments _____

6. Citizen Advisory Boards

- Maintains harmonious relationships with support staff and members, as needed
- Responds to requests for information from Board members about citizen boards/commissions
- Contributes to BOCC discussions when appropriate
- Notifies BOCC members when information arises that is important to them as relates to boards/commissions
- Implementation of BOCC approved changes in advisory board policies—such as quick reports, annual summaries, extended usage of PSAs (public service announcements for vacancies) standardization of advisory board policies and revised volunteer application (though much more could be accomplished with full time position reinstated)
- Maintenance of database

Scale:

Poor Fair Good Excellent Unable to rate

Written Comments

7. Training

- Pursues available training options throughout the year
- Shares knowledge gained at training sessions with co-workers
- Attends Clerk’s conferences
- Represents the County in a professional manner
- Works toward acquiring MMC professional certification

Scale:

Poor Fair Good Excellent Unable to rate

Written
Comments _____

9. Judgment and Decision Making

- Displays command of pertinent information and acts accordingly
- Seeks additional information to make more informed decisions
- Handles change well.
- Demonstrates integrity and deals appropriately with ethical/confidential issues while maintaining discretion
- Stays focused under pressure

Scale:

Poor Fair Good Excellent Unable to rate

Written Comments _____

10. Interpersonal Skills

- Assumes responsibilities of others when absent or when needed
- Encourages and enhances teamwork.
- Works effectively with other employees/departments to ensure that both routine and critical tasks are completed
- Establishes and maintains effective working relationships with those contacted in the course of work including Commissioners, Manager, County Attorney, county employees, other government officials, and the general public
- Promotes ethical behavior
- Remains impartial and objective in duties and responsibilities.

Scale:

Poor Fair Good Excellent Unable to rate

Written Comments

Comments: _____

Name of Evaluator: _____

Date: _____

**ORANGE COUNTY ATTORNEY
EVALUATION**

This form may be used by each Commissioner to evaluate the County Attorney's performance in fulfilling each of the roles which he plays in the county's government. The period of evaluation approximately corresponds to the annual anniversary of the County Attorney's date of hire.

Part 1 offers you the opportunity to rate how well the attorney performs his/her principal duties using the following scale: **poor; fair; good; excellent**. If you feel you do not have the necessary information to assign a rating, indicate same by choosing the **“Unable to Rate”** area.

Part 2 provides criteria to select areas that are strengths or areas of needed improvement of the attorney.

Each Commissioner should sign the form and bring it to the County Attorney's review. The County Attorney will be provided a copy of the reviews for his/her permanent file.

Part 1

1. Personal (Circle One)

a. Invests sufficient time and effort being diligent and thorough in the discharge of duties.

POOR.....FAIR..... GOOD.....EXCELLENT.....UNABLE TO RATE

Comment? _____

b. Composure, appearance, and attitude fitting for an individual in his executive position.

POOR.....FAIR..... GOOD.....EXCELLENT.....UNABLE TO RATE

Comment? _____

2. Professional Skills and Status

a. Knowledgeable of current developments affecting the County.

POOR.....FAIR..... GOOD.....EXCELLENT.....UNABLE TO RATE

Comment? _____

b. Is interested in continuing education and stays abreast of changes in profession.

POOR.....FAIR..... GOOD.....EXCELLENT.....UNABLE TO RATE

Comment? _____

d. Anticipates problems and develops effective approaches for solving them.

POOR.....FAIR..... GOOD.....EXCELLENT.....UNABLE TO RATE

Comment? _____

- e. Willing to try new ideas proposed by Commissioners or staff.

POOR.....FAIR..... GOOD.....EXCELLENT.....UNABLE TO RATE

Comment? _____

3. Relations with Board

- a. Carries out directives of the Commissioners as a whole rather than those of any one Board member.

POOR.....FAIR..... GOOD.....EXCELLENT.....UNABLE TO RATE

Comment? _____

- b. Assists the Commissioners in determining the legality of policy while acknowledging their final authority.

POOR.....FAIR..... GOOD.....EXCELLENT.....UNABLE TO RATE

Comment? _____

- c. Promptly responds to requests for information or assistance by the Commissioners as a whole and individually with complete information.

POOR.....FAIR..... GOOD.....EXCELLENT.....UNABLE TO RATE

Comment? _____

- d. Informs the Commissioners of legal developments and updates on existing litigation.

POOR.....FAIR..... GOOD.....EXCELLENT.....UNABLE TO RATE

Comment? _____

- e. Receptive to constructive criticism and advice.

POOR.....FAIR..... GOOD.....EXCELLENT.....UNABLE TO RATE

Comment? _____

4. Policy Execution

- a. Implements Commissioners' action in accordance with the intent of the Commissioners.

POOR.....FAIR..... GOOD.....EXCELLENT.....UNABLE TO RATE

Comment? _____

- b. Supports the actions of the Commissioners after a decision has been reached.

POOR.....FAIR..... GOOD.....EXCELLENT.....UNABLE TO RATE

Comment? _____

- c. Follows up on Commissioners' matters.

POOR.....FAIR..... GOOD.....EXCELLENT.....UNABLE TO RATE

Comment?_____

- d. Understands County's laws and ordinances and anticipates when changes may be needed.

POOR.....FAIR..... GOOD.....EXCELLENT.....UNABLE TO RATE

Comment?_____

- e. Offers workable alternatives to the Commissioners for changes in the law when an ordinance or policy proves impractical in actual administration.

POOR.....FAIR..... GOOD.....EXCELLENT.....UNABLE TO RATE

Comment?_____

5. Reporting

- a. Provides the Commissioners with reports concerning matters of importance to the county.

POOR.....FAIR..... GOOD.....EXCELLENT.....UNABLE TO RATE

Comment?_____

- b. Reports are accurate and comprehensive.

POOR.....FAIR..... GOOD.....EXCELLENT.....UNABLE TO RATE

Comment?_____

- c. Reports are produced promptly.

POOR.....FAIR..... GOOD.....EXCELLENT.....UNABLE TO RATE

Comment?_____

6. Community Relations

- a. Avoids taking political positions and showing partisanship with news media.

POOR.....FAIR..... GOOD.....EXCELLENT.....UNABLE TO RATE

Comment?_____

- b. Has the capacity to listen to others and to recognize their interest --works well with others.

POOR.....FAIR..... GOOD.....EXCELLENT.....UNABLE TO RATE

Comment?_____

- c. Willing to meet with members of the community and discuss their concerns.

DRAFT

ATTACHMENT 2B

POOR.....FAIR..... GOOD.....EXCELLENT.....UNABLE TO RATE

Comment? _____

7. Supervision

- a. Oversees development and execution of all contracts the county may enter into.

POOR.....FAIR..... GOOD.....EXCELLENT.....UNABLE TO RATE

Comment? _____

- b. Has developed a friendly and informal relationship with the workforce as a whole, yet maintains the prestige and dignity of the attorney office.

POOR.....FAIR..... GOOD.....EXCELLENT.....UNABLE TO RATE

Comment? _____

8. Fiscal Management

- a. Provides Commissioners sufficient information concerning settlements, property acquisitions and other related matters.

POOR.....FAIR..... GOOD.....EXCELLENT.....UNABLE TO RATE

Comment? _____

- b. Minimizes the need to hire outside counsel.

POOR.....FAIR..... GOOD.....EXCELLENT.....UNABLE TO RATE

Comment? _____

- c. Demonstrates working knowledge of budgets and budgetary constraints.

POOR.....FAIR.....GOOD.....EXCELLENT.....UNABLE TO RATE

Comment? _____

PART 2

Finally, read these points and be prepared to indicate which of the following are areas of strengths (mark with an "S") or in need of improvement (mark with an "I") or leave blank for No Opinion.

- 1. ____ Developed and implemented an annual work plan.
- 2. ____ Effectively oversees staff's need for legal assistance.
- 3. ____ Keeps Commissioners current on matters of litigation.
- 4. ____ Understands the role and needs of the Commissioners.

DRAFT

ATTACHMENT 2B

5. ____ Explicitly raises and helps to focus issues with the Commissioners in a timely fashion.
6. ____ Provides completed and timely written reports to the Commissioners.
7. ____ Provides clear direction for Commissioners to consider in resolving legal issues.
8. ____ Effectively handles legal matters.
9. ____ Articulate spokesperson for the Commissioners and organization.
- 10 ____ Maintains positive relationships with the Commissioners, staff, residents and other special interest groups.
11. ____ Treats all Commissioners alike.
12. ____ Maintains a balanced perspective and professional demeanor even under stress.
13. ____ Keeps Commissioners informed of matters before they become public knowledge.
14. ____ Is able to clarify and expand upon Commissioners' agenda items.

COMMENTS - Strengths: (What have been the most significant accomplishments of the attorney this past year?)

COMMENTS – Weaknesses: (What areas need the most improvement? Why? What constructive, positive ideas can you offer the county attorney to improve these areas?)

Name of Evaluator: _____

Date: _____

**Facilitating the County Manager
Performance Evaluation Process
Orange County, NC
Proposed Scope of Work from Peg Carlson, Ph.D.
March 2013**

Project goals:

- Provide County Manager with feedback on his performance, identifying strengths and areas for improvement
- Foster effective communication and strengthen working relationship between Board of Commissioners and County Manager
- Link performance evaluation to decision about compensation for coming year

Proposed project steps and dates for County Manager evaluation:

- Step 1: Initial planning for Manager evaluation** (August)
Peg Carlson confers with subcommittee of Commissioners and County Manager to agree on evaluation form, process and timeline for Manager evaluation.
- Step 2: Revise evaluation form and process as needed** (late Aug.)
Peg Carlson incorporates any revisions suggested in Step 1 and sends form and instructions to Commissioners. Manager prepares self-assessment and distributes to Commissioners.
- Step 3: Compile ratings and comments** (September)
Prior to the evaluation discussion, Peg Carlson compiles ratings and comments from Commissioners* and prepares summary for Commissioners and Manager.
- Step 4: County Manager performance evaluation** (October)
Peg Carlson facilitates evaluation discussion with Board of Commissioners and County Manager participating. In addition to looking back at the past year, this session will include a portion where the Board and Manager agree on performance objectives for the coming year.
- Step 5: Debrief and agree on next steps** (November)
Peg Carlson meets with subcommittee to identify lessons learned from evaluation process and propose any changes for future years.

*Options include having Commissioners fill out evaluation form on their own, or arranging individual meetings with Peg Carlson to share their feedback.

Estimated project cost:

I expect that this project will take 12-18 hours of my time, depending on whether individual Commissioner interviews will be part of the process. My government rate is \$185/hour. The total estimated cost for this project is **\$2220-\$3330**, plus any mileage and materials expenses incurred.

Contact information:

Margaret S. (Peg) Carlson, Ph.D.
1024 Gloria Avenue
Durham, NC 27701

919.971.5233

peg@pegcarlson.com

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: April 9, 2013

**Action Agenda
Item No.** 11-a

SUBJECT: Orange County Arts Commission – Appointments

DEPARTMENT: Board of Commissioners

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S): Under Separate Cover
Membership Roster
Letters of Recommendation
Applications of Person Recommended
Applicant Interest Listing
Applications of Persons on Interest
Listing

INFORMATION CONTACT:
Clerk's Office, 245-2130

PURPOSE: To consider making appointments to the Orange County Arts Commission.

BACKGROUND: The Arts Commission will be awarding their Spring 2013 grant allocations in June and have indicated that experienced Board members are needed for choosing the recipients of these grants.

The newly adopted Board of County Commissioners Advisory Board policy states:

- No person appointed to an Orange County advisory board shall serve on that board for more than two consecutive terms of three years each.
- Extension of a member's term may be approved by the Orange County Board of Commissioners if it is determined that it is in the best interest of Orange County to allow an individual to continue to serve.

Therefore, the Arts Commission would like for the following members to remain on the Arts Commission Board for an extended period through the Spring grant allocation.

- Appointment to an extended term for Ms. Leah Rade, Ms. Bronwyn Merritt and Mr. Charles Hochman for up to six months or until replacements are appointed. (The regular terms for each expired 03/31/2013).

Position Number	Representation	Expiration Date
6 Ms. Leah R. Rade	At-Large	09/30/2013
7 Ms. Bronwyn Merritt	At-Large	09/30/2013
14 Mr. Charles Hochman	At-Large	09/30/2013

FINANCIAL IMPACT: None

RECOMMENDATION(S): The Board will consider making appointments to the Orange County Arts Commission.

Board and Commission Members

And Vacant Positions

Arts Commission

Meeting Times: 6:00 p.m. second Monday of each month

Terms: 2

Contact Person: Martha Shannon

Meeting Place: alt.:EDC, Hillsborough; SHSC, CH

Positions: 15 Length: 3 years

Contact Phone: 919-968-2011

Description: The members of this commission are appointed by the Board of Commissioners. The Arts Commission is housed with the Economic Development Department. It recommends strategies to promote the artistic and cultural growth of Orange County, advises the Board of Commissioners on matters involving the arts, and acts as the granting panel for two annual funding programs available to individual artists and non-profit groups sponsoring arts projects in Orange County. To learn more, go to the following web address: www.artsorange.org/

1	Ms. Katherine Dickson 103B Todd Street Carrboro NC 27510	Day Phone: 9192657122 Evening Phone: FAX: E-mail: dickson.katherine@gmail.com	Sex: Female Race: Caucasian Township: Chapel Hill Resid/Spec Req: At-Large Special Repr:	First Appointed: 05/03/2011 Current Appointment: 03/22/2012 Expiration: 03/31/2015 Number of Terms: 1
2	Mrs Cher Tuskey Secretary 808 Churchill Drive Chapel Hill NC 27517	Day Phone: 919-942-9656 Evening Phone: 919-434-5604 FAX: E-mail: ctuskey@aol.com	Sex: Female Race: Caucasian Township: Chapel Hill Resid/Spec Req: At-Large Special Repr:	First Appointed: 05/03/2011 Current Appointment: 03/22/2012 Expiration: 03/31/2015 Number of Terms: 1
3	Ms. Rebecca Ray 5617 Jomali Drive Durham NC 27705	Day Phone: 919.383.0685 Evening Phone: FAX: E-mail: bbray@nc.rr.com	Sex: Female Race: Caucasian Township: Eno Resid/Spec Req: At-Large Special Repr:	First Appointed: 03/03/2011 Current Appointment: 03/03/2011 Expiration: 03/31/2014 Number of Terms: 1
4	Mr. Geoffrey Hathaway 605 Jones Ferry Rd., Apt. TT-10. Carrboro NC 27510	Day Phone: (919) 270-1899 Evening Phone: (919) 270-1899 FAX: E-mail: G_Lloyd_007@msn.com	Sex: Male Race: African American Township: Chapel Hill Resid/Spec Req: At-Large Special Repr:	First Appointed: 11/08/2012 Current Appointment: 11/08/2012 Expiration: 03/31/2014 Number of Terms: 1
5	Mr. Gordon Jameson 2608 Dairyland Rd Hillsborough NC 27278	Day Phone: 919-932-3438 Evening Phone: FAX: E-mail: jame5916@bellsouth.net	Sex: Male Race: Caucasian Township: Chapel Hill Resid/Spec Req: At-Large Special Repr:	First Appointed: 04/15/2008 Current Appointment: 08/17/2010 Expiration: 03/31/2014 Number of Terms: 2

Board and Commission Members

And Vacant Positions

Arts Commission

Meeting Times: 6:00 p.m. second Monday of each month

Terms: 2

Contact Person: Martha Shannon

Meeting Place: alt.:EDC, Hillsborough; SHSC, CH

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6	Ms. Leah K. Rade 6018 Meadow Greer Rd. Chapel Hill NC 27516	Day Phone: 919-471-6443 Evening Phone: 919-357-5053 FAX: E-mail: leah.rade@gmail.com	Sex: Female Race: Caucasian Township: Chapel Hill Resid/Spec Req: At-Large Special Repr:	First Appointed: 03/27/2007 Current Appointment: 05/03/2011 Expiration: 03/31/2013 Number of Terms: 2
7	Ms. Bronwyn Merritt 113 Creekview Circle Carrboro NC 27510	Day Phone: 919-923-1058 Evening Phone: 919-967-1486 FAX: E-mail: Bronwyn@BronwynMerritt.com	Sex: Female Race: Caucasian Township: Chapel Hill Resid/Spec Req: At-Large Special Repr:	First Appointed: 09/19/2006 Current Appointment: 08/17/2010 Expiration: 03/31/2013 Number of Terms: 3
8	Dr. Alice Levinson Chair 3604 Pasture Rd Hillsborough NC 27278	Day Phone: 932-5902 Evening Phone: 932-5902 FAX: E-mail: allevs@att.net	Sex: Female Race: Caucasian Township: Bingham Resid/Spec Req: At-Large Special Repr:	First Appointed: 08/23/2011 Current Appointment: 03/22/2012 Expiration: 03/31/2015 Number of Terms: 1
9	VACANT	Day Phone: Evening Phone: FAX: E-mail:	Sex: Race: Township: Resid/Spec Req: At-Large Special Repr:	First Appointed: Current Appointment: Expiration: 03/31/2014 Number of Terms:
10	Ms. Devra Thomas 2905 Ballpark Drive Efland NC 27243	Day Phone: 919-968-1515 Evening Phone: 919-619-0697 FAX: E-mail: Stubborndev@gmail.com	Sex: Female Race: Caucasian Township: Cheeks Resid/Spec Req: At-Large Special Repr:	First Appointed: 03/19/2013 Current Appointment: 03/19/2013 Expiration: 03/31/2014 Number of Terms:

Board and Commission Members

And Vacant Positions

Arts Commission

Meeting Times: 6:00 p.m. second Monday of each month

Terms: 2

Contact Person: Martha Shannon

Meeting Place: alt.:EDC, Hillsborough; SHSC, CH

Positions: 15 Length: 3 years

Contact Phone: 919-968-2011

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11	VACANT	Day Phone:	Sex:	First Appointed:
		Evening Phone:	Race:	Current Appointment:
		FAX:	Township:	Expiration: 03/31/2014
		E-mail:	Resid/Spec Req: At-Large	Number of Terms:
			Special Repr:	
12	Mrs Emily Lees	Day Phone: 919 960-3737	Sex: Female	First Appointed: 04/21/2009
	1516 Cumberland Rd	Evening Phone:	Race: Caucasian	Current Appointment: 03/22/2012
	Chapel Hill NC 27514	FAX:	Township: Chapel Hill	Expiration: 03/31/2015
		E-mail: emilylees@bellsouth.net	Resid/Spec Req: At-Large	Number of Terms: 2
			Special Repr:	
13	Ms. Lindsey Alexander	Day Phone: 3474132381	Sex: Female	First Appointed: 03/22/2012
	2413 Wilson Road	Evening Phone: 3474132381	Race: Caucasian	Current Appointment: 03/22/2012
	Chapel Hill NC 27516	FAX:	Township: Chapel Hill	Expiration: 03/31/2015
		E-mail: lindsey.alexander@gmail.com	Resid/Spec Req: At-Large	Number of Terms: 1
			Special Repr:	
14	Mr. Charles Hochman	Day Phone: 919-968-4092	Sex: Male	First Appointed: 12/03/2007
	108 Cross Creek Drive	Evening Phone:	Race: Caucasian	Current Appointment: 05/03/2011
	Chapel Hill NC 27514	FAX: 919-933-6427	Township: Chapel Hill	Expiration: 03/31/2013
		E-mail: HochmanCharles@yahoo.com	Resid/Spec Req: At-Large	Number of Terms: 2
			Special Repr:	
15	VACANT	Day Phone:	Sex:	First Appointed:
		Evening Phone:	Race:	Current Appointment:
		FAX:	Township:	Expiration: 03/31/2013
		E-mail:	Resid/Spec Req: At-Large	Number of Terms:
			Special Repr:	

Jeanette Jones

From: Martha Shannon - Orange County Arts Commission
Sent: Monday, March 18, 2013 11:56 AM
To: Donna Baker; Jeanette Jones
Subject: FW: Stay on OCAC Board Until Replace is Found?

Importance: High

Donna & Jeannette,

Please put the name of Leah Rade on the BOCC's April 9th agenda for an "extension" of her term (until her replacement is found).

This is because of the need for experienced board members for Spring 2013 grant allocation in June, 2013. (The state Grassroots funds are paid out to grant recipients in our Spring cycle.)

I'll let you know when I hear back from my other two (Charles Hochman & Bronwyn Merritt).

Thanks!

Martha

From: leah.rade@gmail.com [mailto:leah.rade@gmail.com] **On Behalf Of** Leah Rade
Sent: Monday, March 18, 2013 11:38 AM
To: Martha Shannon - Orange County Arts Commission
Subject: Re: Stay on OCAC Board Until Replace is Found?

Hey Martha,

Great news! I would love to serve until a replacement is found! Thanks for making my day!
 Leah

On Mon, Mar 18, 2013 at 11:22 AM, Martha Shannon - Orange County Arts Commission
 <mshannon@orangecountync.gov> wrote:

Bronwyn, Leah, Charles –

Since you have each served 2 terms, and if you want to be able to stay on the OCAC board until your replacement is appointed, we will need to get permission from the BOCC for an extension of your term.

New General Advisory Board policies state that "extension of a member's term may be approved by the Orange County Board of Commissioners if it is determined that it is in the best interest of Orange County to allow an individual to continue to serve."

Jeanette Jones

From: Martha Shannon - Orange County Arts Commission
Sent: Tuesday, March 19, 2013 9:01 AM
To: Donna Baker; Jeanette Jones
Subject: FW: Stay on OCAC Board Until Replace is Found?

Importance: High

Donna and Jeanette,

Please add another name – Bronwyn Merritt – to my list of “extensions” for the BOCC meeting on April 9th.

So there are 3 names in all requesting “extensions” (Leah Rade, Charles Hochman, and Bronwyn Merritt).

Thanks again.

Martha

From: Mark Dorosin [mailto:abmd@nc.rr.com]
Sent: Monday, March 18, 2013 8:06 PM
To: Martha Shannon - Orange County Arts Commission
Subject: Re: Stay on OCAC Board Until Replace is Found?
Importance: High

I will help out as long as needed!

Bronwyn

On Mar 18, 2013, at 11:22 AM, "Martha Shannon - Orange County Arts Commission" <mshannon@orangecountync.gov> wrote:

Bronwyn, Leah, Charles –

Since you have each served 2 terms, and if you want to be able to stay on the OCAC board until your replacement is appointed, we will need to get permission from the BOCC for an extension of your term.

New General Advisory Board policies state that “extension of a member’s term may be approved by the Orange County Board of Commissioners if it is determined that it is in the best interest of Orange County to allow an individual to continue to serve.”

I just mention this because we have Spring 2013 grants to award in June, and I’m not sure we’ll have your replacements in place by that time.

If you’d like your term to be extended (for as much as 1 more year, or until your replacement is found), I need to know ASAP.

The Clerk’s office will need this info. from me by March 25th at the latest (in order to get this on the BOCC’s April 9th agenda).

Please let me know ASAP whether or not you are interested in this.

Jeanette Jones

From: Martha Shannon - Orange County Arts Commission
Sent: Monday, March 18, 2013 1:31 PM
To: Donna Baker; Jeanette Jones
Subject: FW: Stay on OCAC Board Until Replace is Found?

Hi Donna & Jeanette,

Please add another name - Charles Hochman - to the Arts Commission's list for "extended" terms to the BOCC's April 9th agenda.

Thanks so much!

Martha

From: Charles Hochman [mailto:hochmancharles@yahoo.com]
Sent: Monday, March 18, 2013 1:25 PM
To: Martha Shannon - Orange County Arts Commission
Subject: Re: Stay on OCAC Board Until Replace is Found?

Hi Martha,
 I would agree for my term to be extended if possible.
 Charles

From: Martha Shannon - Orange County Arts Commission <mshannon@orangecountync.gov>
To: HochmanCharles@yahoo.com; abmd@nc.rr.com; leah@newhorizonchurch.tv
Sent: Monday, March 18, 2013 11:22 AM
Subject: Stay on OCAC Board Until Replace is Found?

Bronwyn, Leah, Charles –

Since you have each served 2 terms, and if you want to be able to stay on the OCAC board until your replacement is appointed, we will need to get permission from the BOCC for an extension of your term.

New General Advisory Board policies state that "extension of a member's term may be approved by the Orange County Board of Commissioners if it is determined that it is in the best interest of Orange County to allow an individual to continue to serve."

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The Clerk's office will need this info. from me by March 25th at the latest (in order to get this on the BOCC's April 9th agenda).

Please let me know ASAP whether or not you are interested in this.

Volunteer Application Orange County Advisory Boards and Commissions

Name: Ms. Leah K. Rade
Name Called:
Home Address: 6018 Meadow Greer Rd.
 Chapel Hill NC 27516
Phone (Day): 919-471-6443
Phone (Evening): 919-357-5053
Phone (Cell):
Email: leah.rade@gmail.com
Place of Employment: New Horizon Church
Job Title: Director of Operations
Year of OC Residence:
Township of Residence: Chapel Hill
Zone of Residence: At-Large
Sex: Female
Ethnic Background: Caucasian

Boards/Commissions applied for:

Community Activities/Organizational Memberships:

Past Service on Orange County Advisory Boards:

Work Experience: Managing Director fo Records Management Business: 3.5 years, Director of Programs- Musuem of Life ans Science: 9 years, Director of Operations New Horizons Church 3.5 years. Parish Administrator, Chapel of the Cross, an Episcopal parish. Science Educator and Coordinator of Community Programs for six years at The Museum of Life and Science. Parish Administrator of large church in Chapel Hill. Both positions with non-profits required me to work with large, diverse populations. Extremely familiar with working with public school systems and administrators of both Orange and Durham Public Schools.

Volunteer Experience: served on the Orange County Arts Commission for 5-1/2 years, serving 5 years on executive committee (1 year - Secretary; 2 years - Vice Chair; 2 years - Chair). During this time the Arts Commission incubated the Orange County Artists' Guild, developed the successful Artists' Salons, and commissioned & installed the collaborative work Excerpts in the Government Services Center. Volunteer with NC Museum of Life and Science prior to employment with them; Director of Children's worship at my church for 10 years. Sunday school teacher; VBS Director numerous years; Board member Braggtown Baptist Preschool (2 years).

Education: High School Diploma. UNC-Greensboro - 1978-1979

Other Comments:

Orig.app.2/2/2000 for Arts Commission. COMMENTS: While I have a Chapel Hill address, I live in Orange County. My children attend Orange County Schools. A fifteen year resident of Orange County, I am an accomplished visual artist(13 commissioned portraits)who has a passion for helping other artists attain success. My astute administrative skills, including wesite design, program development, financial oversite, problem sovling skills, strong people skills; as well as overseeing the construction of a 45000 sq. ft. facility, equips me with skills to be a sucessful member of the board. STAFF COMMENTS: Reapplied for the Arts Commission 2-23-2007. ADDRESS VERIFICATION: 6018 Meadow Greer Road is in Orange County.

This application was current on: 2/23/2007

Date Printed: 4/1/2013

Volunteer Application Orange County Advisory Boards and Commissions

Name: Ms. Bronwyn Merritt
Name Called:
Home Address: 113 Creekview Circle
 Carrboro NC 27510
Phone (Day): 919-923-1058
Phone (Evening): 919-967-1486
Phone (Cell):
Email: Bronwyn@BronwynMerritt.com
Place of Employment: Dwell Real Estate
Job Title: Broker
Year of OC Residence: 1991
Township of Residence: Chapel Hill
Zone of Residence: Carrboro City Limits
Sex: Female
Ethnic Background: Caucasian

Boards/Commissions applied for:

Community Activities/Organizational Memberships:

Past Service on Orange County Advisory Boards:

Work Experience: I have worked in the Arts most of my adult life, mostly in museums and commercial galleries in this area. I owned a gallery in Downtown Carrboro for two years, I currently (12/03/01) own a Chapel hill night club and have recently become a realtor. I am opening a new studio in Carrboro this summer. 12/03/01: Current Owner Bronwyn Merritt Gallery. I have worked in several art galleries and museums around the state over the past 15 years. Recently I have curated shows for the Artscenter in Carrboro as a volunteer and run my own commercial gallery as well. My focus has been on working with young artists and organizations that support them. My most valuable training comes from two years at the Weatherspoon Gallery in Greensboro and a year at Somerhill Gallery in Chapel Hill. I have extensive teaching experience through workshops and as an art instructor at Guilford Tech, and co-founded the now-defunct non-profit book arts group Hand-to-Eye, and the BOTA Arts Collective. 02/17/2012: I have owned and operated a few business in Orange County, and I am now a real estate agent in Carrboro. I am a homeowner and an investor with 6 years experience as a residential sales agent.

Volunteer Experience: I have worked with the Artscenter, the Durham groups Hand-to-Eye and Artomatic, I have written several arts-related articles for the Independent and I served previously on the Arts Commission. I work with the Artscenter to maintain and improve its main gallery by helping to bring in quality shows, curate and hang them. I also do some paperwork and publicity associated with those tasks. Artists often ask me

to help them with hanging shows around town, which I enjoy, and I end up advising young artists on pricing, presentation, places to show and how to make connections with other artists. 02/17/2012: I have served on the Carrboro Planning Board and the Orange County Arts Commission. At times, I have worked with the Partnership for Young Children, the Chapel Hill Downtown Commission and various local arts organizations. Through realtor partners, I have helped Habitat for Humanity and NC Table.

Education: BA Psychology from Duke, 1987; MFA UNC-Greensboro, 1990. Certificate in Non-Profit Management Courses and several advanced real estate designations.

Other Comments:

I have close ties to the community right now because of the high visibility my gallery has given to me, and I feel that I am in a position to voice concerns of art. STAFF COMMENTS: Applied 12/03/01 for Arts Commission. Reapplied 06/27/2006 for Arts Commission. Applied 02/17/2012 for E&R Board. I hope to gain a better understanding of the board's role, and to address inequities where they exist. I believe my experience will be valuable, both from home sales and my work with various boards, groups and committees. ADDRESS VERIFICATION: 113 Creekview Circle is in the Carrboro City limits in Orange County.

This application was current on: 2/17/2012

Date Printed: 4/1/2013

Volunteer Application Orange County Advisory Boards and Commissions

Name: Mr. Charles Hochman
Name Called:
Home Address: 108 Cross Creek Drive
 Chapel Hill NC 27514
Phone (Day): 919-968-4092
Phone (Evening):
Phone (Cell):
Email: HochmanCharles@yahoo.com
Place of Employment: Retired
Job Title: Safety and Health Manager
Year of OC Residence:
Township of Residence: Chapel Hill
Zone of Residence: C.H. City Limits
Sex: Male
Ethnic Background: Caucasian

Boards/Commissions applied for:

Community Activities/Organizational Memberships:

Past Service on Orange County Advisory Boards:

Work Experience: US Department of Labor - Occupational Safety and Health Administration; Mine Safety and Health Administration; Office of the Assistant Secretary. New York City Health Department

Volunteer Experience: American Lung Association - Environmental Health Committee, Chairman; Program Committee.

Education: B.S.Biology - University of Charleston
 M.A. Occupational Safety and Health - New York University

Other Comments:

STAFF COMMENTS: Reapplied 3/2/2006 for CfE and Arts Commission. Originally applied for Commission for the Environment, Arts Commission and Chapel Hill Parks and Recreation Commission. ADDRESS VERIFICATION: 108 Cross Creek Drive, is in Chapel Hill township in the Chapel Hill City Limits.

This application was current on: 3/2/2006

Date Printed: 4/1/2013

Applicant Interest Listing

by Board Name and by Applicant Name

Arts Commission

Contact Person: Martha Shannon

Contact Phone: 919-968-2011

Ms. Wendy Calvin	Day Phone: 919-630-1350	Sex: Female
623 William Hooper Circle	Evening Phone:	Race: Caucasian
Hillsborough NC 27278	Cell Phone:	Township: Hillsborough
	E-mail:	Date Applied: 03/18/2013
Skills:	Also Serves On:	
<hr/>		
Mrs. Ashley Nissler	Day Phone: 919-245-3695	Sex: Female
2313 Woodbury Drive	Evening Phone:	Race: Caucasian
Hillsborough NC 27278	Cell Phone:	Township: Hillsborough
	E-mail: ranissler@mindspring.com	Date Applied: 03/24/2013
Skills: Writer	Also Serves On:	
<hr/>		
Mr. Christopher Wehrman	Day Phone: 215-806-8615	Sex: Male
2212 Becketts Ridge Drive	Evening Phone:	Race: Caucasian
Hillsborough NC 27278	Cell Phone:	Township: Hillsborough
	E-mail: cwadesigns@nc.rr.com	Date Applied: 04/27/2012
Skills:	Also Serves On: Affordable Housing Advisory Board	
Skills: Architect		

Volunteer Application Orange County Advisory Boards and Commissions

Name: Ms. Wendy Calvin
Name Called:
Home Address: 623 William Hooper Circle
 Hillsborough NC 27278
Phone (Day): 919-630-1350
Phone (Evening):
Phone (Cell):
Email:
Place of Employment:
Job Title: Office Assistant II
Year of OC Residence: 2011
Township of Residence: Hillsborough
Zone of Residence: Hillsborough Town Limits
Sex: Female
Ethnic Background: Caucasian

Boards/Commissions applied for:

Arts Commission

Board of Health

Community Activities/Organizational Memberships:

Past Service on Orange County Advisory Boards:

Work Experience: Public Service - library and health department.
 Private Sector - Bookstores, retail managment.

Volunteer Experience: Program Coordinator assistant at Nursing Homes.
 Enviornmental Awareness club President.
 Various Visual Arts programs.

Education: Associates Degree
 Bachelors Degree completion in 2012

Other Comments:

STAFF COMMENTS: 09/06 applied for Arts Commission, Animal Services Advisory Board, and Board of Health. ADDRESS VERIFICATION: 623 William Hooper Circle is Hillsborough Township ETJ.

Volunteer Application Orange County Advisory Boards and Commissions

Name: Mrs. Ashley Nissler
Name Called:
Home Address: 2313 Woodbury Drive
 Hillsborough NC 27278
Phone (Day): 919-245-3695
Phone (Evening):
Phone (Cell):
Email: ranissler@mindspring.com
Place of Employment: Self-employed
Job Title: Writer
Year of OC Residence: 1999
Township of Residence: Hillsborough
Zone of Residence: Hillsborough Town Limits
Sex: Female
Ethnic Background: Caucasian

Boards/Commissions applied for:

Arts Commission

I began my writing career as an Orange County resident and believe that the vibrant community fostered here has been critical to my development. Not only did I receive an Emerging Artist s Grant from the Durham Arts Council, I also served the following year on the selection committee. I have written and published short stories for children in Ladybug and Cricket; poetry in/at literarymama, Poemeleon, Tar River Poetry, New World Writing (formerly BLIP), and The Mom Egg; my flash fiction, one which was nominated for a Pushcart Prize, has been published in/at The Black Boot, Vestal Review, Nailpolish Stories, and Dogzplot. In addition to writing, I have translated texts and edited manuscripts. I received my B.A. from Davidson College in 1992, served as a Teaching Assistant through Fulbright in the former East Germany from 1992 through 1994), and earned my M.A. from Washington University in St. Louis in 1996. This summer I will begin work towards an M.F.A. in writing through Warren Wilson s low-residency program. Thank you for your time and consideration. It would be an honor to serve my community.

Community Activities/Organizational Memberships:

PTA and PTSO member at Hillsborough Elementary School and A.L. Stanback Middle School, member Olin T. Binkley Baptist Church (was Co-Chair of Christian Formation Committee, formerly Christian Education Committee, from 2010 through 2012 and have also taught there--please feel free to contact Stephanie Ford, Binkley s Minister of Christian Formation if you need a reference)

Past Service on Orange County Advisory Boards:

Other Comments:

STAFF COMMENTS: Originally applied for Arts Commission 03/24/2013. ADDRESS VERIFICATION: 2313 Woodbury Drive is Hillsborough Township, Hillsborough Jurisdiction, and Hillsborough Town Limits.

This application was current on: 3/24/2013 7:06:18 AM

Date Printed: 4/1/2013

**Volunteer Application
Orange County Advisory Boards and Commissions**

Name: Mr. Christopher Wehrman
Name Called:
Home Address: 2212 Becketts Ridge Drive
Hillsborough NC 27278
Phone (Day): 215-806-8615
Phone (Evening):
Phone (Cell):
Email: cwadesigns@nc.rr.com
Place of Employment: Self-employed
Job Title:
Year of OC Residence: 2011
Township of Residence: Hillsborough
Zone of Residence: Hillsborough Town Limits
Sex: Male
Ethnic Background: Caucasian
Boards/Commissions applied for:
Arts Commission

Community Activities/Organizational Memberships:

Past Service on Orange County Advisory Boards:

Work Experience: Over 25 years of experience in architectural designs, planning, and project management for health care, educational, residential, and mixed-use facilities.

Volunteer Experience: Candlelight Home Tour, Hillsborough, NC, 2011.

Education: Bachelor of Architecture, 2000
Drexel University, Philadelphia, PA

Other Comments:

I have enjoyed living in Hillsborough and everything it has to offer. I'd like to get more involved with the County and use my knowledge and skills to help enhance the quality of life for all residents. STAFF COMMENTS: Applied 04/27/2012 for Affordable Housing Advisory Board and Arts Commission. ADDRESS VERIFICATION: 2212 Becketts Ridge Drive is Hillsborough Township, Hillsborough Town Limits.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: April 9, 2013

**Action Agenda
Item No.** 11-b

SUBJECT: Orange County Parks and Recreation Council – Appointments

DEPARTMENT: Board of Commissioners

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S): Under Separate Cover
Membership Roster
Letters of Recommendation
Applications of Person Recommended
Applicant Interest Listing
Applications of Persons on Interest Listing

INFORMATION CONTACT:
Clerk's Office, 245-2130

PURPOSE: To consider making appointments to the Orange County Parks and Recreation Council.

BACKGROUND: The Parks and Recreation Council will be completing the ongoing Parks and Recreation Master Plan within the next three months. Ms. Dickinson's experience will be of great assistance during this transition.

The newly adopted Board/Commission advisory policy states:

- No person appointed to an Orange County advisory board shall serve on that board for more than two consecutive terms of three years each.
- Extension of a member's term may be approved by the Orange County Board of Commissioners if it is determined that it is in the best interest of Orange County to allow an individual to continue to serve.

Therefore, the Parks and Recreation Council would like for the Ms. Denise Dickinson to remain on the Parks and Recreation Council for six months or until a replacement is appointed. (The regular term for Ms. Dickinson expired March 31, 2013.)

The following appointments are for Board consideration:

- Appointment to an extended term for Ms. Denise Dickinson for position #10.
- Appointment to a first full term, expiring 03/31/2016 for Ms. Tori Williams Reid to fill the vacant Hillsborough Township position.
- Appointment to a first full term, expiring 03/31/2016 for Ms. Jamie Paulen to fill the at-large position for the expiring term of Mr. Keith Bagby.

- Appointment to a first partial term, expiring 03/31/2015 for Mr. Michael Stewart to fill the vacant Cheeks Township position.

Position Number	Representation	Expiration Date
10 Ms. Denise Dickinson	Hillsborough Town Limits	09/30/2013
2 Ms. Tori Williams Reid	Hillsborough Township	03/31/2016
5 Ms. Jamie Paulen	At-Large	03/31/2016
6 Mr. Michael Stewart	Cheeks Township	03/31/2015

FINANCIAL IMPACT: None

RECOMMENDATION(S): The Board will consider making appointments to the Orange County Parks and Recreation Council.

Board and Commission Members

And Vacant Positions

Orange County Parks and Recreation Council

Meeting Times: 6:30 pm first Wednesday of each month

Terms: 2

Contact Person: David Stancil

Meeting Place: Recreation and Parks Building, Area II

Positions: 12

Length: 3 years

Contact Phone: 919-245-2510

Description: Each member of the Council shall be a County resident appointed by the Orange County Board of Commissioners. This council consults with and advises the Department of Environment, Agriculture, Parks and Recreation, and the Board of County Commissioners on matters affecting recreation policies, programs, personnel, finances, and the acquisition and disposal of lands and properties related to the total community recreation program, and to its long-range planning for recreation.

1	Mr. Eric Roeder Vice-Chair 504 Cates Farm Rd Chapel Hill NC 27514	Day Phone: 919-425-6465 Evening Phone: 919-260-3480 FAX: E-mail: leroeder@gmail.com	Sex: Male Race: Caucasian Township: Chapel Hill Resid/Spec Req: Carrboro City Limits Special Repr:	First Appointed: 11/15/2011 Current Appointment: 03/22/2012 Expiration: 03/31/2015 Number of Terms: 1
2	VACANT	Day Phone: Evening Phone: FAX: E-mail:	Sex: Race: Township: Resid/Spec Req: Hillsbr. Township Special Repr: Hillsbr. Township	First Appointed: Current Appointment: Expiration: 03/31/2013 Number of Terms:
3	Mrs. Betty Khan 6023 Efland-Cedar Grove road PO Box 185 Cedar Grove NC 27231	Day Phone: Evening Phone: 919-732-8251 FAX: E-mail: BKSCTX@aol.com	Sex: Female Race: Caucasian Township: Cedar Grove Resid/Spec Req: Cedar Grove Twmsp. Special Repr: Cedar Grove Twmsp.	First Appointed: 10/16/2012 Current Appointment: 10/16/2012 Expiration: 03/31/2015 Number of Terms: 1
4	Mr. Joel Bulkley 123 Barclay rd. chapel hill NC 27516-1402	Day Phone: 968-8741 Evening Phone: same FAX: same E-mail: Joalb13@earthlink.net	Sex: Male Race: Caucasian Township: Chapel Hill Resid/Spec Req: C.Hill City Limits Special Repr:	First Appointed: 11/15/2011 Current Appointment: 11/15/2011 Expiration: 03/31/2014 Number of Terms: 1
5	Mr. Keith Bagby Sr. 902 Savannah Court Hillsborough NC 27278	Day Phone: 919-765-4292 Evening Phone: (919) 245-3814 FAX: E-mail: keith.bagby@bcbsnc.com	Sex: Male Race: African American Township: Hillsborough Resid/Spec Req: At-Large Special Repr: At-Large	First Appointed: 03/21/2006 Current Appointment: 09/21/2010 Expiration: 03/31/2013 Number of Terms: 3

Board and Commission Members

And Vacant Positions

Orange County Parks and Recreation Council

Meeting Times: 6:30 pm first Wednesday of each month

Terms: 2

Contact Person: David Stancil

Meeting Place: Recreation and Parks Building, Area II

Positions: 12 Length: 3 years

Contact Phone: 919-245-2510

Description: Each member of the Council shall be a County resident appointed by the Orange County Board of Commissioners. This council consults with and advises the Department of Environment, Agriculture, Parks and Recreation, and the Board of County Commissioners on matters affecting recreation policies, programs, personnel, finances, and the acquisition and disposal of lands and properties related to the total community recreation program, and to its long-range planning for recreation.

6	VACANT	Day Phone: Evening Phone: FAX: E-mail:	Sex: Race: Township: Resid/Spec Req: Cheeks Twmsp Special Repr: Cheeks Township	First Appointed: Current Appointment: Expiration: 03/31/2015 Number of Terms:
7	Mr. Neal Bench Chair 397 Lakeshore Lane Chapel Hill NC 27514	Day Phone: 919-260-9058 Evening Phone: 919-942-4050 FAX: E-mail: nj397bench@gmail.com	Sex: Male Race: Caucasian Township: Chapel Hill Resid/Spec Req: Chapel Hill Twmsp Special Repr: Chapel Hil Township	First Appointed: 11/15/2011 Current Appointment: 11/15/2011 Expiration: 03/31/2014 Number of Terms: 1
8	VACANT	Day Phone: Evening Phone: FAX: E-mail:	Sex: Race: Township: Resid/Spec Req: Little River Townshi Special Repr: Little River Township	First Appointed: Current Appointment: Expiration: 03/31/2011 Number of Terms:
9	Mr. Allan Green 5604 Dairyland Road Hillsborough NC 27278	Day Phone: 919-933-5105 Evening Phone: 919-933-5105 FAX: E-mail: allan@woodcrestfarmnc.com	Sex: Male Race: Caucasian Township: Bingham Resid/Spec Req: Bingham Township Special Repr: Bingham Township	First Appointed: 12/14/2010 Current Appointment: 09/20/2011 Expiration: 03/31/2014 Number of Terms: 1
10	Ms. Denise Dickinson 225 W. Margaret Lane Hillsborough NC 27278	Day Phone: 265-2638 Evening Phone: 644-1364 FAX: E-mail: ddickinson@pire.org	Sex: Female Race: Caucasian Township: Hillsborough Resid/Spec Req: Hillsbr. Town Limits Special Repr:	First Appointed: 09/13/2005 Current Appointment: 09/21/2010 Expiration: 03/31/2013 Number of Terms: 2

Board and Commission Members

And Vacant Positions

Orange County Parks and Recreation Council

Meeting Times: 6:30 pm first Wednesday of each month

Terms: 2

Contact Person: David Stancil

Meeting Place: Recreation and Parks Building, Area II

Positions: 12

Length: 3 years

Contact Phone: 919-245-2510

Description: Each member of the Council shall be a County resident appointed by the Orange County Board of Commissioners. This council consults with and advises the Department of Environment, Agriculture, Parks and Recreation, and the Board of County Commissioners on matters affecting recreation policies, programs, personnel, finances, and the acquisition and disposal of lands and properties related to the total community recreation program, and to its long-range planning for recreation.

<p>11 Mr James E. Carter 400 Dumont Drive Hillsborough NC 27278</p>	<p>Day Phone: 732-2358 Evening Phone: 618-0482 FAX: E-mail: jemmitt66@earthlink.net</p>	<p>Sex: Male Race: African American Township: Eno Resid/Spec Req: Eno Township Special Repr: Eno Township</p>	<p>First Appointed: 09/21/2010 Current Appointment: 03/19/2013 Expiration: 12/31/2015 Number of Terms: 2</p>
<p>12 Mrs. Erin Dillard 4807 Governor Hunt Street Efland NC 27243</p>	<p>Day Phone: 919-414-6573 Evening Phone: 919-732-9019 FAX: E-mail: erindillard0519@gmail.com</p>	<p>Sex: Female Race: Caucasian Township: Cedar Grove Resid/Spec Req: At-Large Special Repr: At-Large</p>	<p>First Appointed: 01/24/2013 Current Appointment: 03/19/2013 Expiration: 03/31/2016 Number of Terms: 1</p>

Orange County Parks and Recreation Council
PO Box 8181, Hillsborough, NC 27278 (919) 245-2510

March 11, 2013

Barry Jacobs, Chair
Board of County Commissioners
PO Box 8181
Hillsborough, NC 27278

Re: Recommended Appointments

Dear Chair Jacobs:

The Orange County Parks and Recreation Council (PRC) has three existing vacancies, and two other members with expiring terms on March 31, 2013. The Council met on March 6 and made the following recommendations for appointment, for your consideration:

The Council recommends that applicant **Tori Williams-Reid** be appointed to fill the vacant Hillsborough Township position (position #2).

The Council recommends that applicant **Michael Stewart** be appointed to fill the vacant Cheeks Township position (position #6).

The Council recommends that applicant **Jamie Paulen** be appointed to fill At-Large position #5, for the expiring term of Keith Bagby (on March 31, 2013).

The Council will continue to work to recruit applicants for the Little River Township position (#8) and the Town of Hillsborough slot filled by Denise Dickinson (position 10).

In the meantime, the Council asks that Ms. **Dickinson (position 10) be granted an extension of six months** in order that she may continue to participate in the completion of the ongoing Parks and Recreation Master Plan. Ms. Dickinson's term also expires on March 31, but she has expressed an interest in continuing to work with the Council as the Master Plan is completed in the next three months – and her experience during the transition will be of great assistance.

Thank you for consideration of these appointments.

Sincerely,

David Stancil
Director, Department of Environment, Agriculture, Parks and Recreation

Volunteer Application Orange County Advisory Boards and Commissions

Name: Ms. Denise Dickinson
Name Called:
Home Address: 225 W. Margaret Lane
 Hillsborough NC 27278
Phone (Day): 265-2638
Phone (Evening): 644-1364
Phone (Cell):
Email: ddickinson@pire.org
Place of Employment: Pacific Institute for Research and Evaluation
Job Title: Senior Program Manager
Year of OC Residence:
Township of Residence: Hillsborough
Zone of Residence: Hillsborough Town Limits
Sex: Female
Ethnic Background: Caucasian

Boards/Commissions applied for:

Community Activities/Organizational Memberships:

Past Service on Orange County Advisory Boards:

Work Experience: Sr. Program Manager, 2004-present
 Pacific Institute for Research and Evaluation
 Chapel Hill, NC

Project Director, 1993-2004
 Department of Health Behavior and Health Education
 University of North Carolina at Chapel Hill, Chapel Hill, NC

Public Health Education Supervisor, 1991-1993
 Alamance County Health Department
 Burlington, NC

Adjunct Instructor, 1992 - 1996
 Department of Health Behavior and Health Education, University of North Carolina at
 Chapel Hill.

Graduate Assistant, 1990-1991
 Institute of Latin American Studies, University of North Carolina at Chapel Hill.

Video Producer, 1990-1991
 Helping Families Program, University of North Carolina at Chapel Hill

Instructor, 1989

Facultad de Medicina, Universidad Nacional Autónoma de Nicaragua, Community Field
Work Program
Managua Nicaragua

Volunteer Placement Coordinator, 1987-1989.

TECNICA, Managua Nicaragua,

Program Coordinator, 1986-1987

TECNICA, Berkeley CA

Volunteer Experience: Fiesta del Pueblo volunteer (founding member)

AIDS Care Team - Holy Family Catholic Church 1994-1999

Community Health Educator (student project) 1989-1990

Person County, NC

Researcher, Central America Research Institute, Berkeley CA, 1983-1987.

Interpreter and Paralegal, San Francisco Lawyer's Committee for Urban Affairs, 1984-1987. (Prepared political asylum applications for Central American refugees in the U.S.)

Education:

Master's degree in Public Health - University of North Carolina at Chapel Hill.- August
1991

Certificate in Latin American Studies -- University of North Carolina at Chapel Hill --
August 1991

Bachelor's degree in Anthropology and Physiology - University of California at Berkeley -
1986

High School Diploma - El Cerrito High School
El Cerrito, CA - 1981

Other Comments:

I have two children, ages 12 and 7, involved in various Orange County recreational programs.

I speak Spanish fluently and would look forward to assisting the Recreation and Parks

Dept. in doing outreach to Latino residents of Orange County so that they are more aware of recreational programs and opportunities.

I am particularly interested in the community theater program and in environmental education programs.

I would be most interested in being involved in Hillsborough area projects. STAFF COMMENTS: Originally applied for the Rec. and Parks Advisory Council 4/18/2005. ADDRESS VERIFICATION: 225 W. Margaret Lane is in the Hillsborough Town Limits in Orange County.

This application was current on: 4/16/2005 3:21:53 PM

Date Printed: 4/1/2013

Volunteer Application Orange County Advisory Boards and Commissions

Name: Dr. Tori Williams Reid
Name Called:
Home Address: 904 Chandler Court
 Hillsborough NC 27278
Phone (Day): 919-241-5292
Phone (Evening):
Phone (Cell):
Email: TReid@rahdch.com
Place of Employment: Right at Home - Durham/Chapel Hill
Job Title: Agency Director/Owner
Year of OC Residence: 2001
Township of Residence: Hillsborough
Zone of Residence:
Sex: Female
Ethnic Background: African American

Boards/Commissions applied for:

Advisory Board on Aging

As an owner of Right at Home - Durham/Chapel Hill in-home care and assistance, I have learned quite a bit about the benefits and challenges of growing older.

As part of a workgroup for the Master Plan on Aging, I learned quite a bit about the services that are available in the county and what is lacking. During those discussions, I found that being a native of Roxboro and being familiar with a rural outlook helped me add to the discussion from a point of view that was different from most of the voices represented.

I believe the knowledge that I have acquired in our four years in business will be valuable to continuing the conversation regarding aging.

Finally, parts of background and education are very analytical in nature and allows for looking at a problem in a very systematic way. However, I have always been involved in volunteer activities. I earned BS in chemistry from NC A&T and a Ph.D. in Molecular Biophysics and Biochemistry from Yale University. Following this, I worked for 10 years, as a technology consultant at Accenture gathering requirements and testing new applications.

I have participated in volunteer activities starting with Girl Scouts and going through to being on the Board of Directors for Habitat for Humanity in New Haven, CT. I have been a reading tutor and chaired a First Book advisory board. First Book raised money to provide books to children from low income families.

Orange County Parks and Recreation Council

I am interested in contributing to this board from the standpoint of an involved parent. Both my young children continue to be involved in Parks and Recreation programs. We enjoy the variety of programs that are offered and the financial accessibility.

As a triathlete in continual training, I spend quite a bit of time outdoors. I have a personal interest in safe places to swim, bike and run. However, it is through children that many of us more fully take part in the Orange County Park System. We seek safe open spaces for kids to explore and learn.

As my children age, I would expect that the involvement would grow and I would like to see that there continue to be good places for my children and others.

I believe that being a part of the planning process is a great way to look into the future and try to manage as best we can continued positive growth and new opportunities.

Finally, parts of background and education are very analytical in nature and allows for looking at a problem in a very systematic way. However, I have always been involved in volunteer activities. I earned BS in chemistry from NC A&T and a Ph.D. in Molecular Biophysics and Biochemistry from Yale University. Following this, I worked for 10 years, as a technology consultant at Accenture gathering requirements and testing new applications.

I have participated in volunteer activities starting with Girl Scouts and going through to being on the Board of Directors for Habitat for Humanity in New Haven, CT. I have been a reading tutor and chaired a First Book advisory board. First Book raised money to provide books to children from low income families. I currently volunteer at my daughter s school New Hope Elementary. I was elected to the School Improvement Team and serve as secretary.

Community Activities/Organizational Memberships:

Hillsborough/Orange County Chamber of Commerce Board of Directors - incoming Treasurer

Carol Woods Retirement Community - Board of Directors

Alzheimer s Association - Speaker s Bureau volunteer

Past Service on Orange County Advisory Boards:

None

Other Comments:

This application was current on: 11/19/2012 11:21:13 AM

Date Printed: 4/1/2013

Volunteer Application Orange County Advisory Boards and Commissions

Name: Ms. Jamie Paulen
Name Called:
Home Address: 5500 Spring House Lane
 Chapel Hill NC 27516
Phone (Day): 216-965-5095
Phone (Evening):
Phone (Cell):
Email: jamiopaulen@gmail.com
Place of Employment: Smith Moore Leatherwood LLP
Job Title: Attorney
Year of OC Residence: 2010
Township of Residence: Chapel Hill
Zone of Residence: Orange County
Sex: Female
Ethnic Background: Caucasian

Boards/Commissions applied for:

Economic Development Advisory Board (REQUIRES DISCLOSURE ST

I am an attorney who represents businesses and have an interest in bringing more business to Orange County. I can bring that experience to the advisory board.

Human Relations Commission

I am an attorney specializing in employment law. I have volunteered with the Pennsylvania Human Relations Commission and am dedicated to prevention of discrimination. I would bring that background to the board. I have experience as an employment attorney that would be relevant. I also sit on the personnel committee for the Orange County Rape Crisis Center.

Orange County Planning Board (REQUIRES DISCLOSURE STATEMEN

I am an attorney with experience representing municipal clients. I can bring that experience to the advisory board.

Orange County Parks and Recreation Council

I have a young child who uses the parks in the county, so I am often a visitor. In addition, my background representing municipalities as an attorney could be beneficial.

Community Activities/Organizational Memberships:

Past Service on Orange County Advisory Boards:

None

Other Comments:

STAFF COMMENTS: Originally applied for Economic Development Advisory Board; Human Relations Commission, and Orange County Planning Board 09/17/2012; RE-APPLIED 10/15/2012 FOR HUMAN RELATIONS COMMISSION, PERSONNEL HEARING BOARD, AND ORANGE COUNTY PARKS AND RECREATION COUNCIL. . UPDATED APPLICATION FOR PARKS AND REC. 12/19/1012. ADDRESS VERIFICATION: 5500 Spring House Lane is Chapel Hill Township, Orange County Jurisdiction, Rural Buffer.

This application was current on: 12/19/2012

Date Printed: 4/1/2013

Volunteer Application Orange County Advisory Boards and Commissions

Name: Mr Michael Stewart
Name Called:
Home Address: 3303 Highland Farm Rd
 Hillsborough NC 27278
Phone (Day): 919=644=0499
Phone (Evening): 919=644=0499
Phone (Cell):
Email: mikestewartnc@gmail.com
Place of Employment: Retired
Job Title: Teacher & Coach
Year of OC Residence: 1997
Township of Residence: Cheeks
Zone of Residence: Does not apply
Sex: Male
Ethnic Background: Caucasian

Boards/Commissions applied for:
 Orange County Parks and Recreation Council

Community Activities/Organizational Memberships:

Past Service on Orange County Advisory Boards:

Work Experience: 30 years as a teacher and coach in NC high schools and 5 years as an assistant coach in college football.

Volunteer Experience: Volunteered at schools in Orange County and the VA in Durham

Education: Graduate of North Davidson High School
 Graduate of Guilford College w/ BS in Health and Physical Education

Other Comments:

STAFF COMMENTS: Originally applied for Orange County Parks and Recreation Council, Human Relations Commission, and Animal Services Advisory Board 04/09/2011. UPGRADED APPLICATION for Parks & Rec. 12/22/2012. ADDRESS VERIFICATION: 3303 Highland Farm Road is Orange County Jurisdiction and Cheeks Township.

This application was current on: 12/22/2012

Date Printed: 4/1/2013

Applicant Interest Listing

by Board Name and by Applicant Name

Orange County Parks and Recreation Council

Contact Person: David Stancil
Contact Phone: 919-245-2510

No applicants for this board.	Day Phone:	Sex:
	Evening Phone:	Race:
	Cell Phone:	Township:
	E-mail:	Date Applied:
Skills:	Also Serves On:	
<hr/>		
Mr. Mark Anderson	Day Phone: 919-259-1295	Sex: Male
2310 Stagecoach Dr.	Evening Phone: 919-423-6081	Race: Caucasian
Hillsborough NC 27278	Cell Phone:	Township: Eno
	E-mail: mark.g.anderson@us.pwc.com	Date Applied: 12/19/2012
Skills: Web Site Advisor	Also Serves On:	
<hr/>		
Mr. Brian Finch	Day Phone: 704-989-4886	Sex: Male
601 Porteur Point	Evening Phone: 704-989-4886	Race: Caucasian
Cedar Grove NC 27231	Cell Phone:	Township: Cedar Grove
	E-mail: roundunderpar@gmail.com	Date Applied: 02/06/2013
Skills:	Also Serves On:	
Skills: Education	Also Serves On:	
<hr/>		
Ms. Jamie Paulen	Day Phone: 216-965-5095	Sex: Female
5500 Spring House Lane	Evening Phone:	Race: Caucasian
Chapel Hill NC 27516	Cell Phone:	Township: Chapel Hill
	E-mail: jamiepaulen@gmail.com	Date Applied: 12/19/2012
Skills: Attorney	Also Serves On:	
<hr/>		
Dr. Tori Williams Reid	Day Phone: 919-241-5292	Sex: Female
904 Chandler Court	Evening Phone:	Race: African American
Hillsborough NC 27278	Cell Phone:	Township: Hillsborough
	E-mail: TReid@rahdch.com	Date Applied: 11/19/2012
Skills:	Also Serves On:	
<hr/>		
Mr. Brian Rowe	Day Phone: 919-389-2331	Sex: Male
3235 Rigsbee Road N	Evening Phone:	Race: Caucasian
Chapel Hill NC 27514	Cell Phone:	Township: Chapel Hill
	E-mail: bsrowe67@aol.com	Date Applied: 01/05/2013
Skills: Accounting Experience	Also Serves On:	
Skills: Insurance	Also Serves On:	

Applicant Interest Listing

by Board Name and by Applicant Name

Orange County Parks and Recreation Council

Contact Person: David Stancil
Contact Phone: 919-245-2510

Mr. Jeffrey L. Schmitt

2101 Schley Road
Hurdle Mills NC 27541

Day Phone: 919-732-9852
Evening Phone: 919-732-9852
Cell Phone:
E-mail: calaveras@embarqmail.com

Sex: Male
Race: Caucasian
Township: Cedar Grove
Date Applied: 01/16/2013

Skills: Financial Planner

Also Serves On:

Skills: Former Library Services Taskforce Mem

Also Serves On:

Skills: Former Member - O.C. Bd. Adj.

Also Serves On:

Skills: Former O/C Rec. & Parks Advisory Co

Also Serves On:

Skills: Former Orange County Planning Board

Also Serves On:

Mr Michael Stewart

3303 Highland Farm Rd
Hillsborough NC 27278

Day Phone: 919=644=0499
Evening Phone: 919=644=0499
Cell Phone:
E-mail: mikestewartnc@gmail.com

Sex: Male
Race: Caucasian
Township: Cheeks
Date Applied: 12/22/2012

Skills: Coach

Also Serves On: Animal Services Advisory Board

Skills: Teacher

Volunteer Application Orange County Advisory Boards and Commissions

Name: Mr. Mark Anderson
Name Called:
Home Address: 2310 Stagecoach Dr.
 Hillsborough NC 27278
Phone (Day): 919-259-1295
Phone (Evening): 919-423-6081
Phone (Cell):
Email: mark.g.anderson@us.pwc.com
Place of Employment: PricewaterhouseCoopers LLP
Job Title: Manager
Year of OC Residence: 2006
Township of Residence: Eno
Zone of Residence: Does not apply
Sex: Male
Ethnic Background: Caucasian

Boards/Commissions applied for:

Orange County Planning Board (REQUIRES DISCLOSURE STATEMEN

Orange County Parks and Recreation Council

Hillsborough Planning Board

Community Activities/Organizational Memberships:

Past Service on Orange County Advisory Boards:

Work Experience: I have over 18 years of experience dedicated to managing the design of web applications. I specializes in User Experience (UX) Design and have experience in functional and technical roles within the UX context. These include Usability, User Interface Design, Usability Evaluation, Usability Testing, Accessibility Evaluation and Information Architecture. I have performed multiple design and consulting roles during my career including Designer, Design Manager, Creative Director, Usability Engineer and Production Manager.

Volunteer Experience: Architecture Review Board Chairman, Auburn Neighborhoods, Durham 2003-2006

Education: Ohio State University Columbus OH, Graduate work in Geographic Information Systems design 1991-1993; Tongji University Shanghai, The People's Republic of China Grad Study Abroad Program Summer 1993; Purdue University West Lafayette IN Bachelor of Science (graduated with highest distinction) 1991; US Army 1984 - 1987, US Army Honorable Discharge 5/1987

St. Francis College Ft. Wayne IN Commercial Art and Design 1979-1981.

Other Comments:

STAFF COMMENTS: 05/02/2011 - Originally applied for Orange County Planning Board, Orange County Parks and Recreation Council, and Hillsborough Planning Board. UPDATED APPLICATION 02/13/2012 FOR OC PLANNING BOARD. UPDATED APPLICATION 12/19/2012 FOR PARKS AND REC. COUNCIL. ADDRESS VERIFICATION: 2310 Stagecoach Dr., Hillsborough is Orange County Jurisdiction and Eno Township.

This application was current on: 12/19/2012

Date Printed: 4/1/2013

Volunteer Application Orange County Advisory Boards and Commissions

Name: Mr. Brian Finch
Name Called:
Home Address: 601 Porteur Point
 Cedar Grove NC 27231
Phone (Day): 704-989-4886
Phone (Evening): 704-989-4886
Phone (Cell):
Email: roundunderpar@gmail.com
Place of Employment: Johnston Community College
Job Title: Lead Coordinator
Year of OC Residence: 2012
Township of Residence: Cedar Grove
Zone of Residence: Orange County
Sex: Male
Ethnic Background: Caucasian

Boards/Commissions applied for:

Durham Technical Community College Board of Directors

Fifteen years of secondary school experience, six years of community college experience. Doctorate in Education for adult learning.

Orange County Parks and Recreation Council

Fifteen years of secondary school experience, six years of community college experience. Doctorate in Education for adult learning.

Joint Orange Chatham Community Action Agency

Fifteen years of secondary school experience, six years of community college experience. Doctorate in Education for adult learning.

Community Activities/Organizational Memberships:

Past Service on Orange County Advisory Boards:

Other Comments:

STAFF COMMENTS: Originally applied (02/06/2013) for Durham Technical Community College Board of Directors, Orange County Parks and Recreation Council, and Joint Orange Chatham Community Action Agency. ADDRESS VERIFICATION: 601 Porteur Point is Cedar Grove Township, Orange County Jurisdiction and Agricultural Residential Zoning.

Volunteer Application Orange County Advisory Boards and Commissions

Name: Mr. Brian Rowe
Name Called:
Home Address: 3235 Rigsbee Road N
 Chapel Hill NC 27514
Phone (Day): 919-389-2331
Phone (Evening):
Phone (Cell):
Email: bsrowe67@aol.com
Place of Employment: OE Enterprises, Inc.
Job Title: Accounting Manager
Year of OC Residence: 2011
Township of Residence: Chapel Hill
Zone of Residence:
Sex: Male
Ethnic Background: Caucasian

Boards/Commissions applied for:
 Orange County Parks and Recreation Council

Chapel Hill/Orange County Visitors Bureau

Community Activities/Organizational Memberships:

Past Service on Orange County Advisory Boards:

Work Experience: OE Enterprises, Inc. - Hillsborough, NC; NC Mutual Life Insurance Company - Durham, NC; Builders Mutual Life Insurance Company - Raleigh, NC

Volunteer Experience: American Red Cross; Jimmy V Celebrity Golf Classic; Special Olympics

Education: Bryant College - Smithfield, RI; BS/BA '89 - Concentration in Finance & Accounting

Other Comments:

I have recently relocated to Orange County from Wake County and have an interest in contributing to my community through volunteer opportunities throughout the county.
 STAFF COMMENTS: Originally applied (1/12/2012) for Orange County Emergency Services Work Group, Orange County Parks and Recreation Council, and Chapel Hill/Orange County Visitors Bureau. ADDRESS VERIFICATION: Rigsbee Road N is Orange County Jurisdiction, Eno Fire Tax, and Chapel Hill Township.

Volunteer Application Orange County Advisory Boards and Commissions

Name: Mr. Jeffrey L. Schmitt
Name Called:
Home Address: 2101 Schley Road
 Hurdle Mills NC 27541
Phone (Day): 919-732-9852
Phone (Evening): 919-732-9852
Phone (Cell):
Email: calaveras@embarqmail.com
Place of Employment: Retired
Job Title: n/a
Year of OC Residence: 1996
Township of Residence: Cedar Grove
Zone of Residence: At-Large
Sex: Male
Ethnic Background: Caucasian

Boards/Commissions applied for:

Orange County Board of Adjustment (REQUIRES DISCLOSURE STATE

Prior experience for six years (four as Chair) on this Board and 6 years on OC Planning Board to get a broad understanding of the contents of the UDO

Orange County Planning Board (REQUIRES DISCLOSURE STATEMEN

Prior experience (two terms on this board) plus general understanding of the UDO

Orange County Parks and Recreation Council

served two terms on this board, one as the Chairpperson.

Community Activities/Organizational Memberships:

Friends of the Orange County Public Library, Schley Grange, Orange/Durham Cattlemen s Assn.,

Past Service on Orange County Advisory Boards:

Orange County Parks and Rec. Board; Orange County Board of Adjustments, Orange County Planning Board; two Library Task Force boards

Other Comments:

STAFF COMMENTS: :Renewed application on 2/24/2009 for Hyconeechee Regional Library. Renewed application on 1/11/2006 for HSAC rep from Co-Op Extention . Renewed application 11/16/2004 for Orange County Planning Board. Renewed app. For Library Services Task Force (Reconvened 2004) 2/22/04. Renewed app.

10/30/2000 for OCPB. Renewed app. 03/04/1999. Appointed by Orange County Recreation and Parks Adv. Council to IP Work Group, 10/00. Board(s) app. For: O/C Planning Bd., Rec. & Parks Adv. Council. UPDATED APPLICATION 11/12/2010 BY E-MAIL FOR: ECONOMIC DEVELOPMENT COMMISSION. Renewed application 1/19/2013 for OC Board of Adjustment, OC Planning Board, and OC Parks and Recreation Council. ADDRESS VERIFICATION: 2101 Schley Rd is Orange County, Cedar Grove Township, Orange County Jurisdiction, Agrucultural Residential Zoning..

This application was current on: 1/16/2013

Date Printed: 4/1/2013

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: April 9, 2013

**Action Agenda
Item No.** 11-c

SUBJECT: Equalization and Review Board – Appointment

DEPARTMENT: County Attorney

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

INFORMATION CONTACT:
John Roberts, 245-2318

PURPOSE: To revisit an appointment to the Board of Equalization and Review.

BACKGROUND: Pursuant to North Carolina General Statute (NCGS) 105-312k, a Special Board of Equalization and Review was created by a Resolution adopted by the Orange County Board of Commissioners on February 19, 2013. The Clerk's office has advertised and recruitment has also been done by the Tax Administrator's office. On March 19, 2013 the Board of Commissioners appointed members to serve on the Board of Equalization and Review

During the March 19, 2013 meeting, Commissioner Mark Dorosin asked the County Attorney whether it was a conflict for him to nominate or vote on the appointment of his partner, Bronwyn Merritt, to the Board of Equalization and Review. The County Attorney interpreted the word partner to refer to a business partner and explained that since that person would be appointed in their personal rather than professional capacity there would be no conflict. Bronwyn Merritt is the spouse of Commissioner Dorosin and therefore NCGS 153A-44 which states in part "The board may excuse a member from voting, but only on questions involving the member's own financial interest..." could apply.

The Board of Commissioners' vote on this appointment is not necessarily invalidated because there may be no financial interest conflict. If there is a financial interest conflict and had Commissioner Dorosin been excused from voting originally the Board of Commissioners may have voted in the same manner. Regardless, it is prudent for the Board of Commissioners to determine if a conflict exists and to revisit the appointment if necessary.

FINANCIAL IMPACT: Each member will be paid \$75 per meeting attended, and the Chair will be paid \$100 per meeting attended. The funds are included in the Tax Administrator's budget.

RECOMMENDATION(S): The Manager and the Attorney recommend the Board determine whether there is a conflict of interest such as to require this appointment to be revisited and if necessary make one appointment to the Board of Equalization and Review at an upcoming Board meeting.

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
3/19/13	Bring back Planning Board and Board of Adjustment appointments after the Board has had the opportunity to further discuss the appointments process for advisory boards	6/4/2013	Donna Baker	Appointments to be brought back after further Board discussion at May 14, 2013 Work Session
3/19/13	Review and consider request by Commissioner Dorosin that the Board ask staff to provide information on the impact of the “banning of the box” for employment applications and the potential need for a policy addressing employment applications and the review of those applications	4/23/2013	Chair/Vice Chair/Manager	DONE Manager to follow-up with Information Item on future Regular Meeting agenda
3/19/13	Review and consider request by Commissioner Jacobs that the Board consider a more expeditious way to respond to issues before the General Assembly and provide feedback to Orange County’s legislative delegation	4/23/2013	Chair/Vice Chair/Manager	DONE Chair to consult with County Attorney, with plan that information will be provided to the full Board and Chair and Vice Chair to be authorized to advise Orange County’s legislative delegation
3/19/13	Review and consider request by Commissioner Jacobs that the Board consider potential methods to share information with the public regarding Board member questions to staff on agenda items prior to the meeting	4/23/2013	Chair/Vice Chair/Manager	DONE Information to be posted on BOCC webpage
3/19/13	Evaluate comments provided by the Board to staff regarding the Southern Branch Library and move forward with next steps	10/8/2013	Frank Clifton, Lucinda Munger & Jeff Thompson	Comments to be evaluated and next steps to move forward
3/19/13	Keep the Board updated on Tax Administration’s efforts and status regarding properties in foreclosure	6/4/2013	Dwane Brinson	Staff to update the Board

INFORMATION ITEM

Tax Collector's Report - Numerical Analysis

Effective Date of Report: March 22, 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	\$ 132,289,818.66	\$ 4,074,807.10	\$ 135,068,463.00	\$ 2,778,644.34	97.94%
Prior Year Taxes	\$ 4,026,736.27	\$ 1,382,318.00	\$ 2,287,265.42	\$ 994,130.00	\$ (388,188.00)	139.05%
Total	\$ 139,095,199.27	\$ 133,672,136.66	\$ 6,362,072.52	\$ 136,062,593.00	\$ 2,390,456.34	98.24%
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	\$ 131,031,075.86	\$ 4,093,645.45	\$ 131,785,329.00	\$ 754,253.14	99.43%
Prior Year Taxes	\$ 3,553,341.59	\$ 1,360,039.54	\$ 2,001,512.40	\$ 843,846.00	\$ (516,193.54)	161.17%
Total	\$ 135,338,670.59	\$ 132,391,115.40	\$ 6,095,157.85	\$ 132,629,175.00	\$ 238,059.60	99.82%
Current Year Overall Collection Percentage Tax Year 2012			97.02%			
Current Year Overall Collection Percentage Tax Year 2011			96.98%			

Accounts Receivable will increase throughout the fiscal year due to discoveries, audits and remaining billings for registered motor vehicles.

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



March 25, 2013

Dear Commissioners,

At the Board's March 7, 2013 regular meeting, three petitions were brought forth which were reviewed by the Chair/Vice Chair/Manager Agenda team and the petitions and responses are below:

- 1) Review and consider a request by a citizen that the Board convene an impartial group to review issues related to Lake Orange, water management practices and the Capacity Use Agreement

Response: Chair to provide letter to petitioner noting an existing group that includes all stakeholders, and suggestion for petitioner to contact this group (which meets annually in August); if this meeting does not suffice, we can discuss next steps with county staff.

- 2) Review and consider a request by Commissioner Gordon that the Board adopt a more formal process for closed session discussions, including agenda abstracts, attachments, etc.

Response: Staff plans to provide summaries of closed session topics, when feasible, and Economic Development issues will be handled as they are currently.

- 3) Review and consider request by Chair Jacobs that staff investigate the County's use of Outlook for email service, alternatives to Outlook, and related information

Response: IT staff has followed up with Board members on this request.

This letter will be provided as an Information Item on the April 9, 2013 agenda for public information.

Regards,


Barry Jacobs, Chair
Board of County Commissioners

CC: Frank Clifton, County Manager

www.co.orange.nc.us

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Orange County, North Carolina – You Count!
(919) 245-2130 • FAX (919) 644-0246

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



April 3, 2013

Dear Commissioners,

At the Board's March 19, 2013 regular meeting, three petitions were brought forth from Commissioners which were reviewed by the Chair/Vice Chair/Manager Agenda team and the petitions and responses are below:

- 1) Review and consider a request by Commissioner Dorosin for staff to provide information on the impact of the "banning of the box" for employment applications and the potential need for a policy addressing employment applications and the review of those applications.

Response: Manager to follow up with an Information Item on a future agenda.

- 2) Review and consider a request by Chair Jacobs that the Board consider a more expeditious way to respond to issues before the General Assembly and provide feedback to the Orange County's Legislative Delegation.

Response: To ask County Attorney to raise legislative issues to a higher priority; and authorize Chair/Vice Chair to respond in an expeditious manner, as needed, and when possible, to allow Board members 24 hours in which to respond to a pending legislative item, before forwarding responses to Legislative Delegation.

- 3) Review and consider request by Chair Jacobs that the Board consider potential methods to share information with the public regarding Board member questions to staff on agenda items prior to regular meetings.

Response: Staff will post Board questions/staff responses on the Board of Commissioners' webpage for public access; also, as a follow up to Commissioner Dorosin's request from January 24th on public access/viewing of consent agenda, the Public Affairs Office in working on a solution for this viewing on the county's cable channel.

This letter will be provided as an Information Item on the April 9, 2013 agenda for public information.

Regards,

Barry Jacobs, Chair
Board of County Commissioners

www.co.orange.nc.us

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Orange County, North Carolina – You Count!
(919) 245-2130 • FAX (919) 644-0246

INFORMATION ITEM

Memorandum

To: Frank Clifton, County Manager

From: Gayle Wilson, Director, Solid Waste Management

Subject: Mattress Recycling Pilot Final Report

Date: April 1, 2013

Beginning February 18 and ending March 6, 2013 the Solid Waste Management Department conducted a pilot mattress recycling project in which we collected and transported 101 dry mattresses and box springs (hereinafter 'mattresses') to Mattress Go Round (MGR), a mattress recycler in Greensboro that is now about two years old and expanding rapidly. Those delivering dry mattresses to the landfill during the pilot project were charged the prevailing tipping fees e.g. \$10 per car or \$22 per pick up and by the ton for anything larger and were directed to a covered staging area on the north side of the landfill. Haulers placed mattresses on pallets by size and from there MGR collected them manually on call in two loads of about 50 each. The pilot project was successful and proved that it is certainly possible the County can continue to accept mattresses and box springs after the landfill closes and transport those items to either MGR for recycling or, if they are not recyclable, to the City of Durham Transfer Station for disposal.

Background

Once the municipal solid waste landfill closes June 30, mattresses will become more difficult to manage locally as they cannot be placed in the County's construction and demolition landfill and are not accepted at the convenience centers. The County initiated a pilot project to determine if it was possible to get those delivering mattresses to deposit them in a designated area on pallets until they could be collected by a recycler or alternatively deposited in a roll-off dumpster for disposal if unsuitable for recycling. If successful, we could then establish a mattress collection program.

A proven mattress recycler, Mattress-Go-Round in Greensboro, was identified and the operation vetted on-site by Solid Waste staff members. The Solid Waste Department and MGR agreed that MGR would transport and recycle the mattresses for \$10 each and the County would accept up to two loads to evaluate the program. The concept was that, if possible, mattresses would be separated and held for recycling by this company or other bona fide recyclers. The pilot project was also used to determine possible handling costs and potential problems.

--over--

Discussion

In early February staff designated a mattress collection area on the north side of the landfill under an existing canopy adjacent to where cardboard is now collected in a compactor. MGR provided appropriately sized pallets to accept varying sizes of mattresses. Solid waste staff installed three signs at the pallets to encourage recycling by size – twin, full and queen. Any king sized units were to be placed against the posts also under the canopy and loaded separately.

All involved landfill and scale house staff were fully informed about the proposed operation and it was the duty of scale house operators to identify the mattresses appropriate for recycling as they were brought in typically in pick-up trucks or tied to the tops of cars and direct the haulers, once they paid the tip fee, to the recycling area. Further conversations were held with A Better Sleep, a local mattress retailer who brought their delivery trucks with the discards for recycling. The Towns' Sanitation Divisions were also informed of the program and encouraged to separate mattresses picked up as part of their bulky items for disposal at the recycling area.

Staff oversaw separation of mattresses and in the first ten days collected 48 units and called MGR for collection. MGR's two-man crew arrived in a 26' straight truck the day after they were called and took about 15 minutes to manually load the mattresses and return them to Greensboro for recycling. [See attached photos] Over the following six days, another 53 mattresses were separated for recycling and MGR sent two smaller trucks to pick those up. Again, loading took their two staff members about fifteen minutes. MGR was very satisfied with product quality and storage. Mattresses were kept dry by County staff using tarps to cover them if rain was predicted at the close of the business day. During the pilot project we also received 28 mattresses staff determined to be unrecyclable and those were landfilled.

There was minimal staff involvement in the placement or maintenance of the site as landfill staff reductions limit availability for this task. Most of the mattress handling was successfully accomplished by the haulers. Scale house staff determined if incoming mattresses were dry enough to be recycled and if not, they were directed to a roll-off container for disposal. That protocol would continue in a mattress recycling program.

Recommendation

Once the MSW landfill closes the County should initiate a formal mattress recycling collection program at the same canopy area. A fee of \$10 per mattress or box spring should be established rather charging for mattresses using the current fee structure that charges for each type of conveyance or by weight, regardless of number of mattresses. In order for the program to work MGR will have to commit to loading and hauling within the proposed \$10 fee. The Manager's proposed budget will include a recommendation to establish a fee for mattresses, whether for recycling or disposal, depending on the condition of each mattress.



Figure 1 Mattresses stored under canopy at landfill. Note sign showing which type mattress belongs on each pallet



Figure 2 MGR truck arriving to load mattresses



Figure 3 MGR staff loading the truck manually (50 units in 15 minutes).