



**Orange County
Board of Commissioners**

Agenda

Regular Meeting

May 7, 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. Local Historic Landmark Designation for Captain John S. Pope Farm
- b. Voluntary and Enhanced Agricultural District Designation – Multiple Farms – Green, Ward, Pope, Walters



- c. Proclamation Recognizing Orange High School's Wrestling Championship
- d. Older Americans Month Proclamation
- e. National Travel and Tourism Week Proclamation
- f. National Historic Preservation Month
- g. Resolution in Support of Smart Start and NC Pre K

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. Re-appointment of Four (4) Deputy Tax Collectors
 - e. Consolidated Housing Plan Annual Action Plan/HOME Program
 - f. Community Home Trust Request – Homebuyer Requirements
 - g. Legal Advertisement for Quarterly Public Hearing – May 28, 2013
 - h. Amendment Outline and Schedule for Upcoming Item – Eno Economic Development District Access Management Plan
 - i. Requests for Road Additions to the State Maintained Secondary Road System
 - j. Approval of Sewer Easement for Gravelly Hill Middle School
 - k. Approval of Contract with Holcomb and Cabe, L.L.P. to Provide Legal Services to the Department of Social Services
 - l. Renewal of Contract for Social Work Services Between Orange County Schools and Orange County Department of Social Services
 - m. Renewal of Contracts with In-Home Aide Providers to Provide In-Home Aide Services to Eligible Adults

6. Public Hearings

- a. Proposed 2012-2013 Secondary Road (SR) Construction Program for Orange County
- b. Orange County CDBG Program – FY 2010 Scattered Site Housing Rehabilitation Program Amendment
- c. Public Hearing on the Financing for Various Capital Investment Plan Projects and County Equipment
- d. Review of Unified Development Ordinance Text Amendments – Modification of Site Plan Submittal Requirements - Public Hearing Closure and Action (No Additional Comments Accepted)

7. Regular Agenda

- a. Whitted 2nd Floor “A” Building Permanent Board Meeting Facilities
- b. Information and Resolution Regarding the Next Revaluation of Real Property

8. Reports

- a. Overview of County Marketing and Public Relations Projects



9. County Manager's Report

10. County Attorney's Report

11. Appointments

12. Board Comments (Three Minute Limit Per Commissioner)

13. Information Items

- April 23, 2013 BOCC Meeting Follow-up Actions List
- Tax Collector's Report – Numerical Analysis
- BOCC Chair Letter Regarding Petitions from April 9, 2013 Regular Meeting

14. Closed Session

“To discuss and take action regarding plans to protect public safety as it relates to existing or potential terrorist activity and to receive briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions taken or to be taken to respond to such activity.” [N.C.G.S. 143-318.11(a)(9)]

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.co.orange.nc.us

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

AGENDA ITEM ABSTRACT
Meeting Date: May 7, 2013

Action Agenda
Item No. 4-a

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 7th day of May 2013.

Barry Jacobs, Chair
Orange County Board of Commissioners

Attest

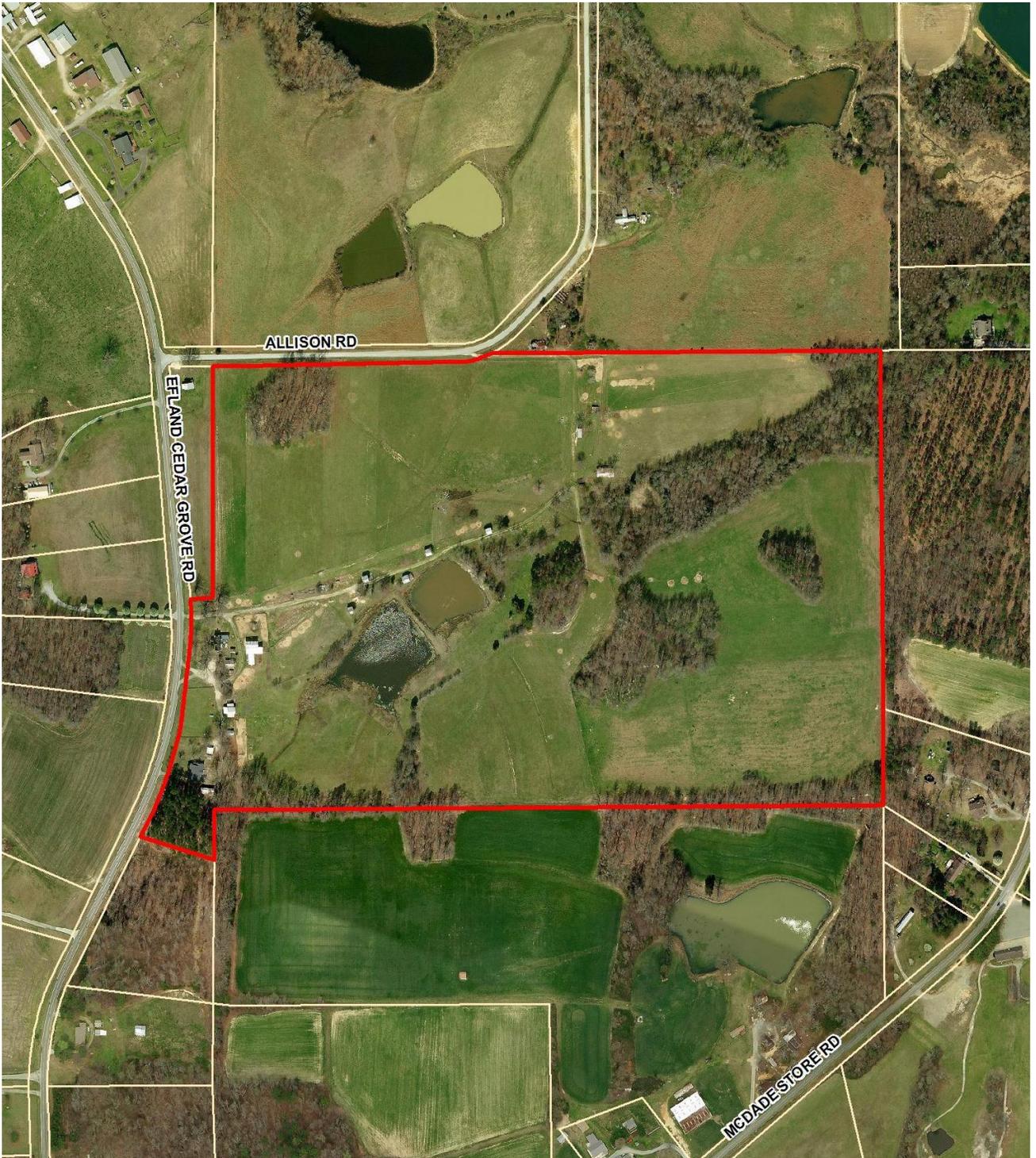
Donna Baker, Clerk to the Board

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)

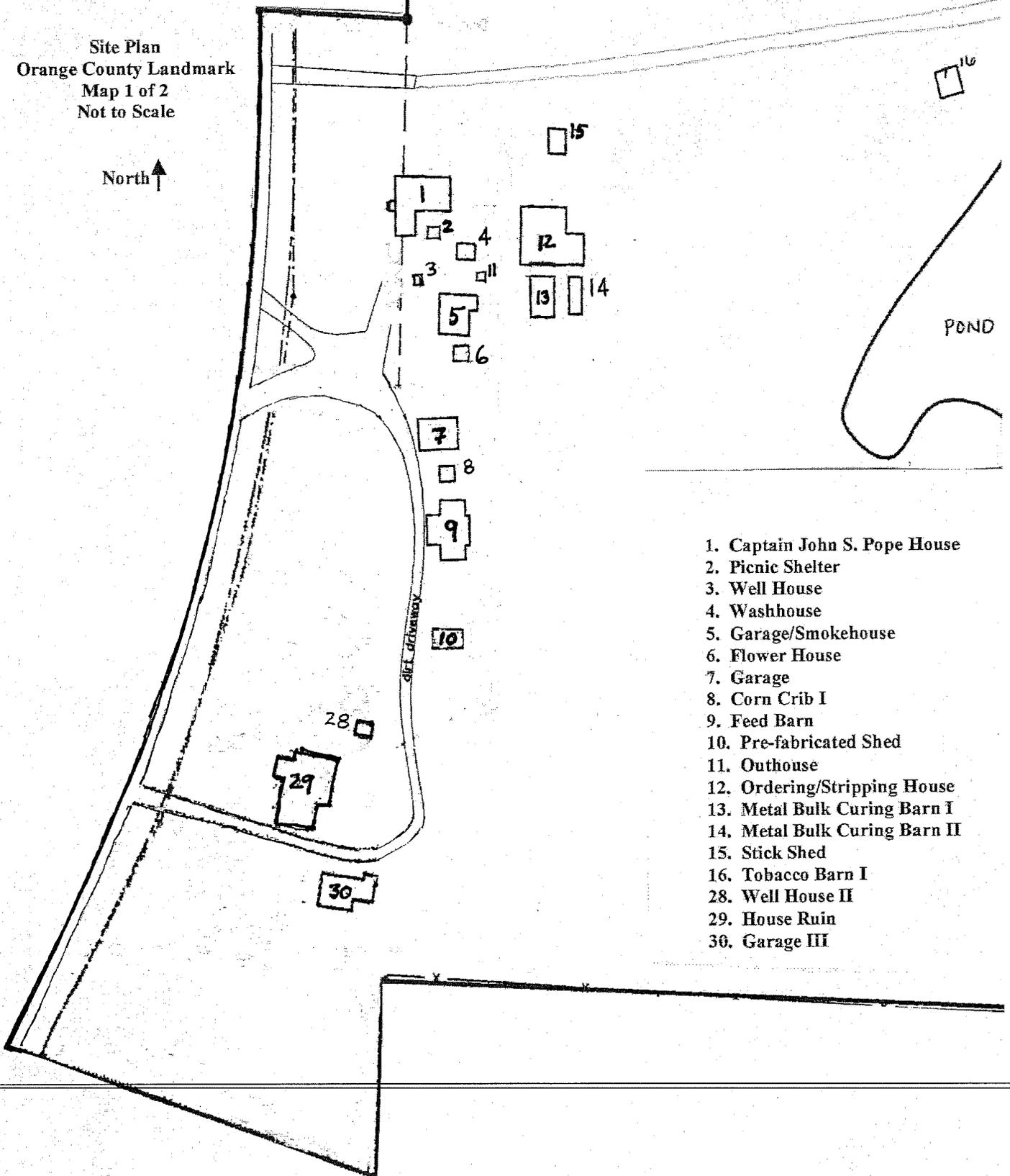
Map 2

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



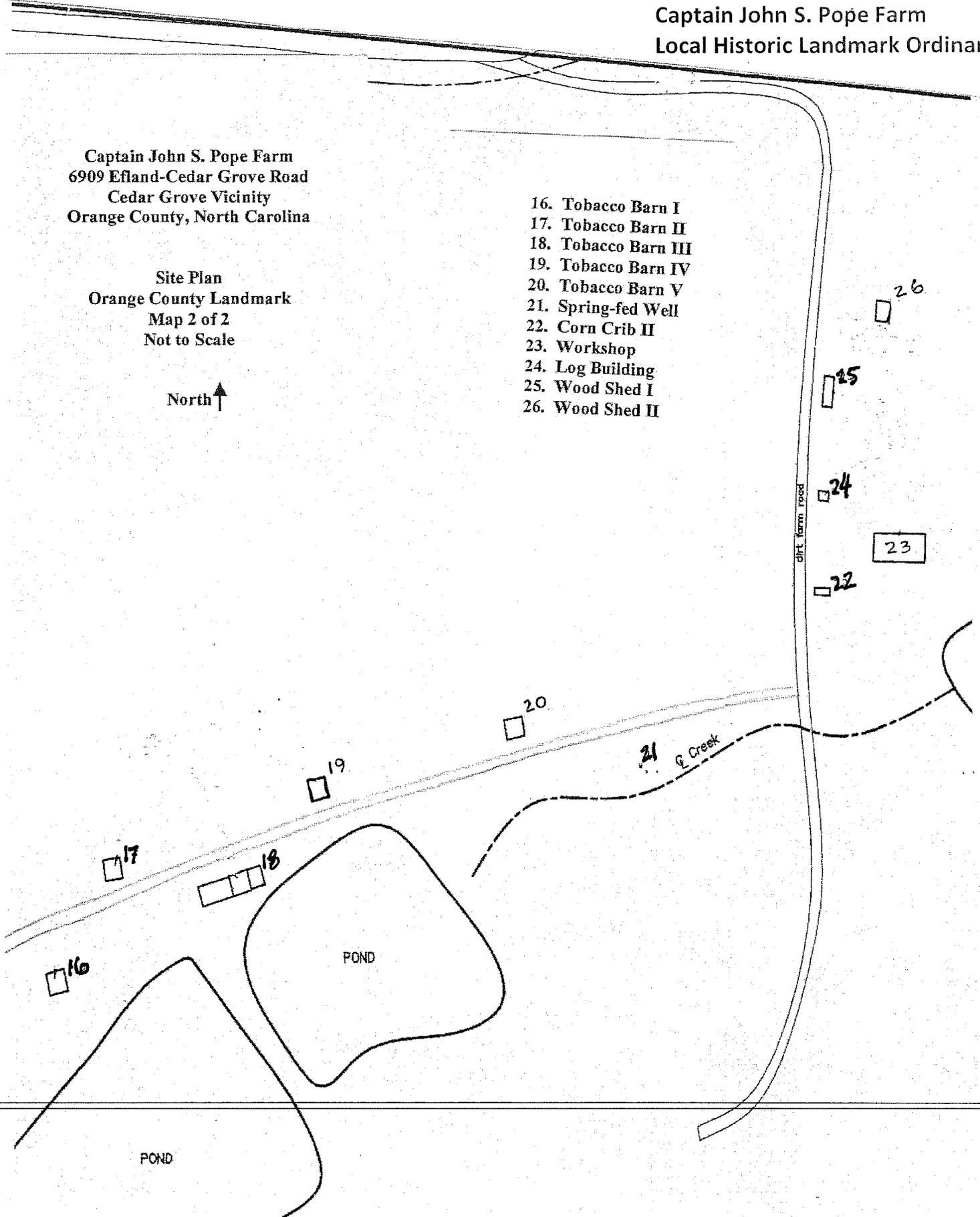
- 1. Captain John S. Pope House
- 2. Picnic Shelter
- 3. Well House
- 4. Washhouse
- 5. Garage/Smokehouse
- 6. Flower House
- 7. Garage
- 8. Corn Crib I
- 9. Feed Barn
- 10. Pre-fabricated Shed
- 11. Outhouse
- 12. Ordering/Stripping House
- 13. Metal Bulk Curing Barn I
- 14. Metal Bulk Curing Barn II
- 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: May 7, 2013

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

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 them as Enhanced Voluntary or Voluntary Agricultural District farms 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 [checked]

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

SUPPLEMENTARY INFORMATION:

NOTE: Complete this information ONLY:

- 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.

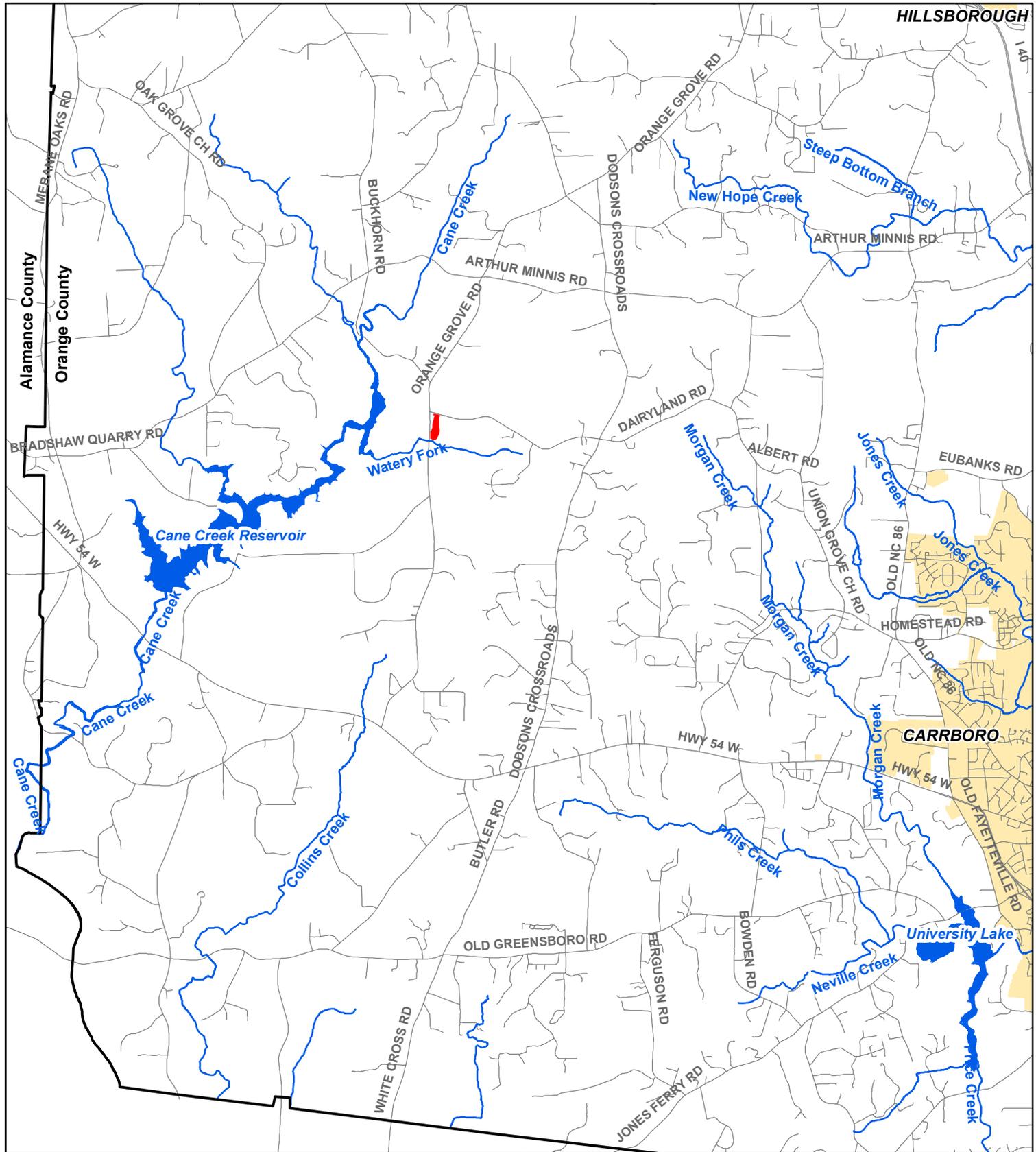
1. How long have you owned your farm? 19 years
2. How long have you lived on your farm? 19 years
3. Has your farm exceeded \$1,000 in gross income in each of the past three years?
 Yes No
4. How many acres on your farm are under cultivation? .5 acres
5. What are the major crops that you plant each year?
organically grown market produce
6. How many acres on your farm are used for pasture? 9.5 ~~10~~ acres ⁶_{3.5}

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.

For questions or more information, please contact:

Orange County Department of Environment, Agriculture, Parks and Recreation
 Natural and Cultural Division
 306 Revere Road
 Hillsborough, NC 27278
 (919) 245-2510 Office
 (919) 644-3351 (fax)



**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: Randall 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

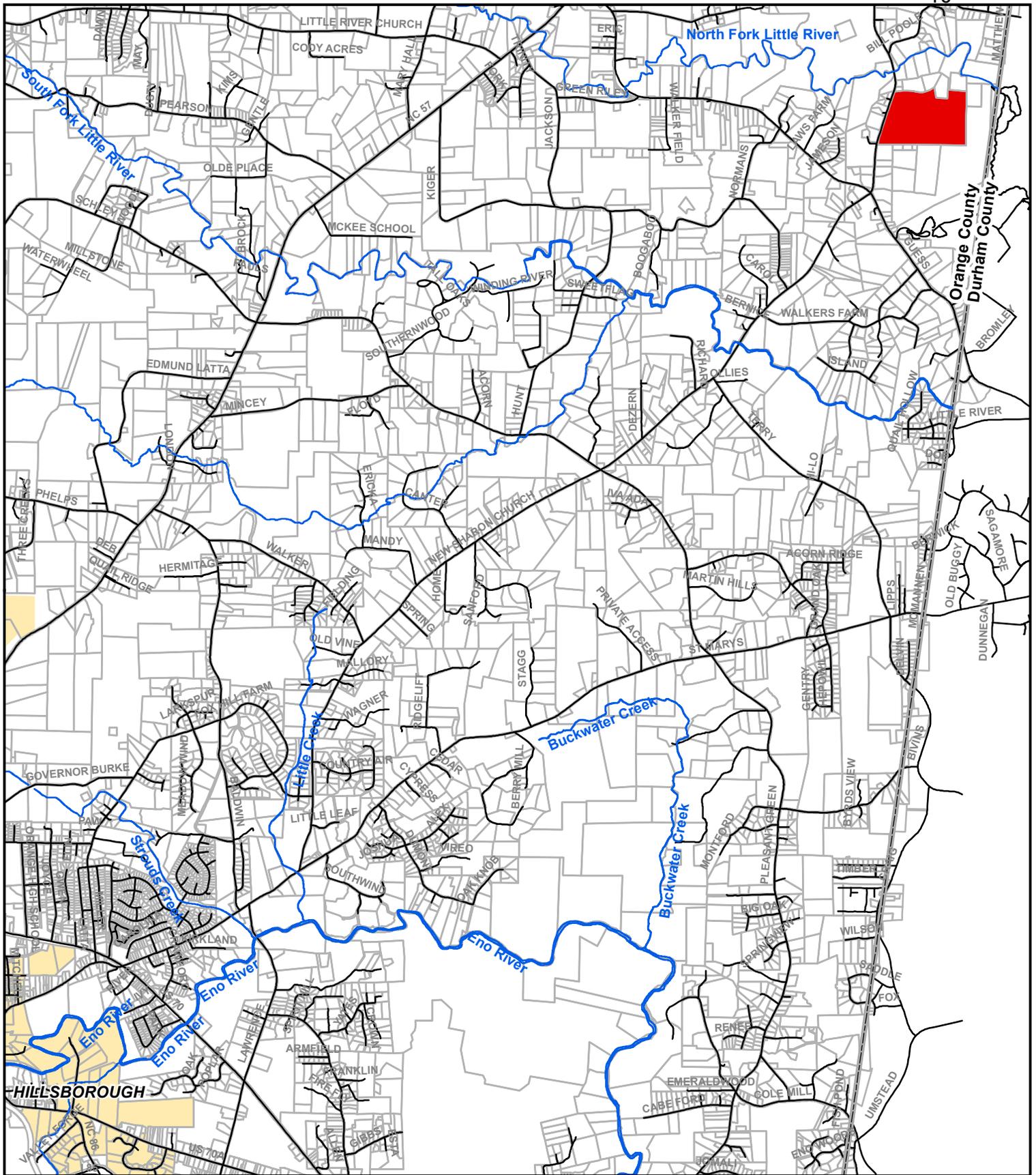
6. How many acres on your farm are used for pasture? 50 Acres (estimated)

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 -



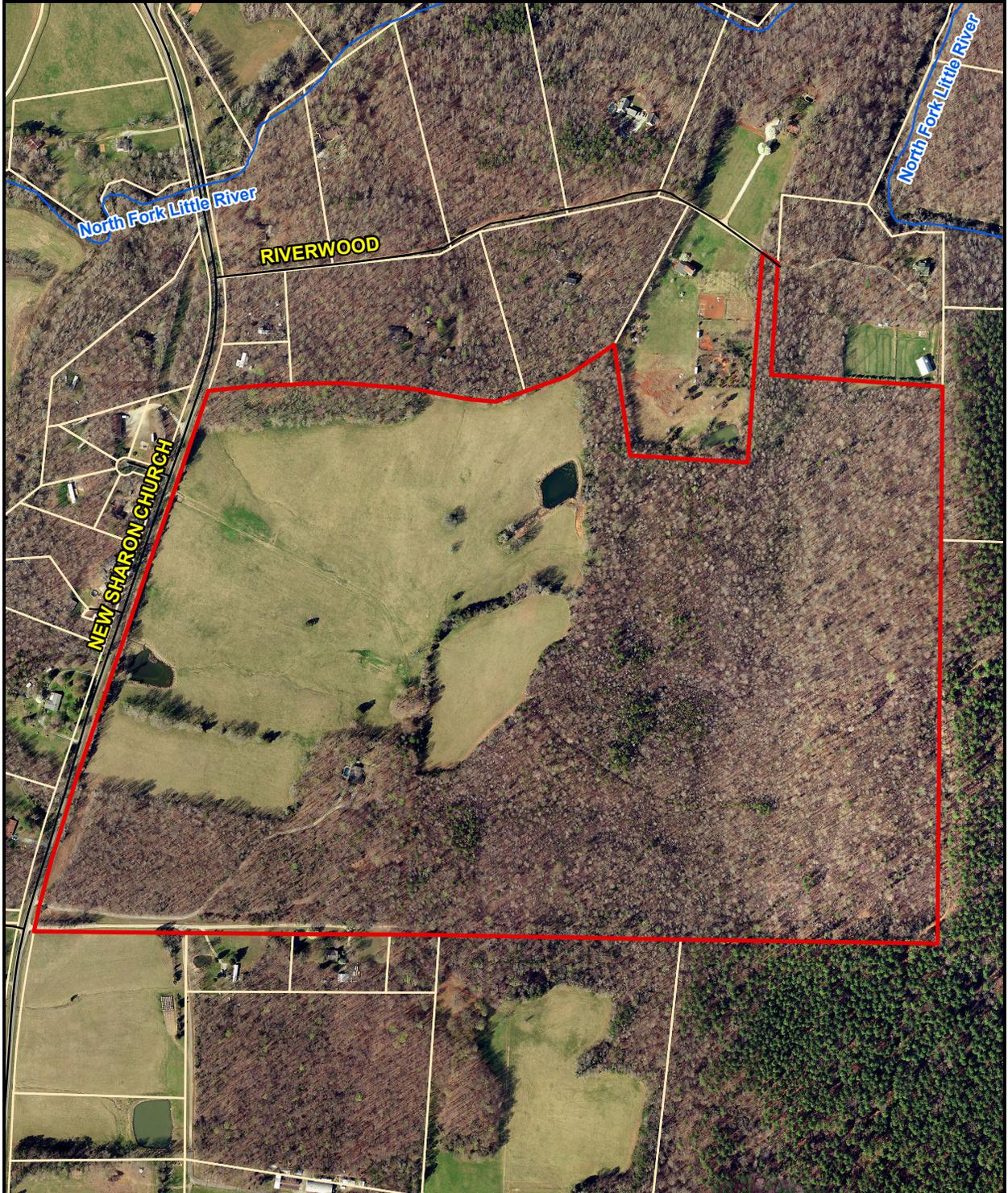
**Randall & Susan Ward Farm
 Proposed Voluntary Agricultural District
 PIN 0808823597 - Location Map**

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



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: [Signature] Date: 3-7-13

Signature: _____ Date: _____

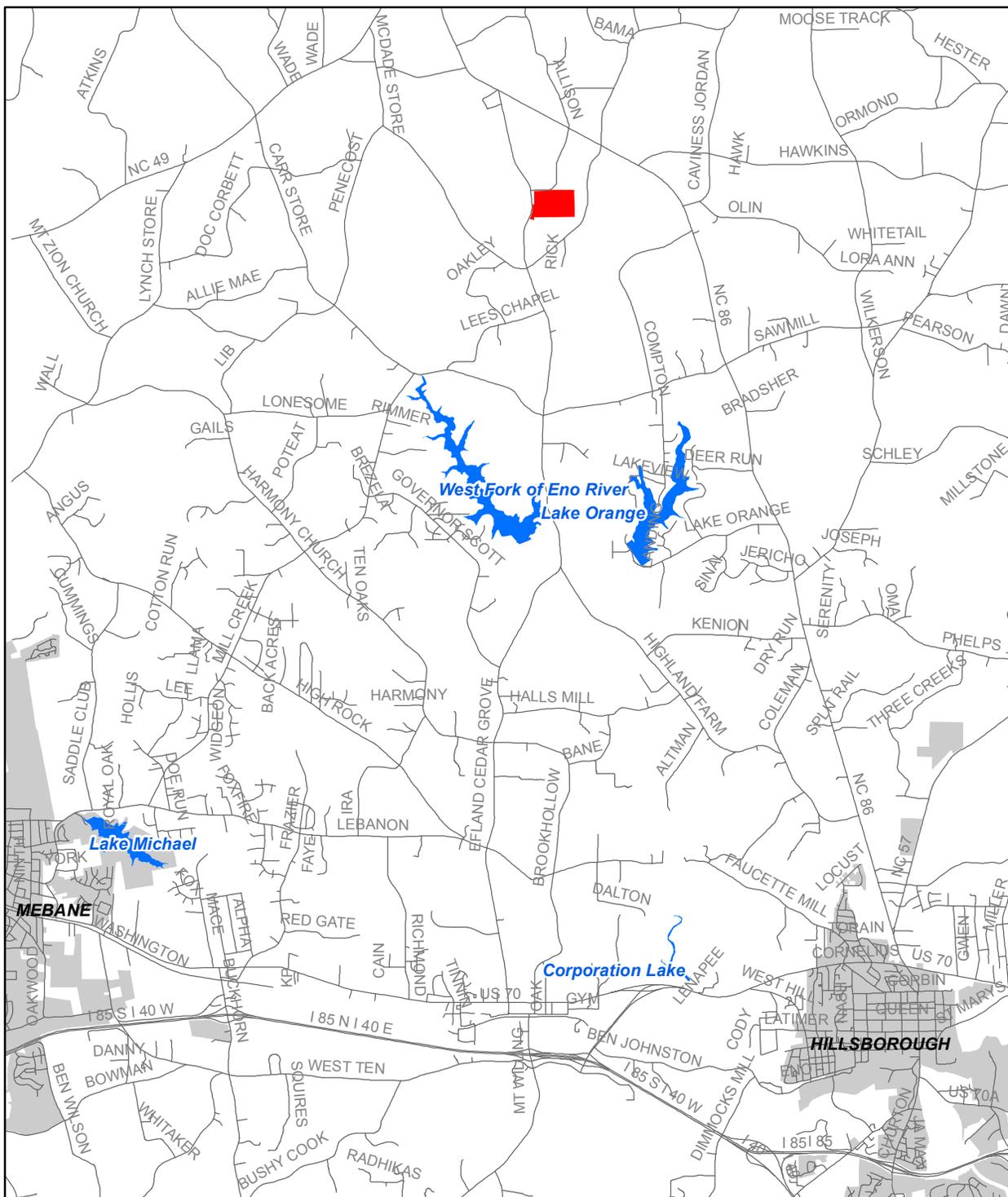
SUPPLEMENTARY INFORMATION:

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**

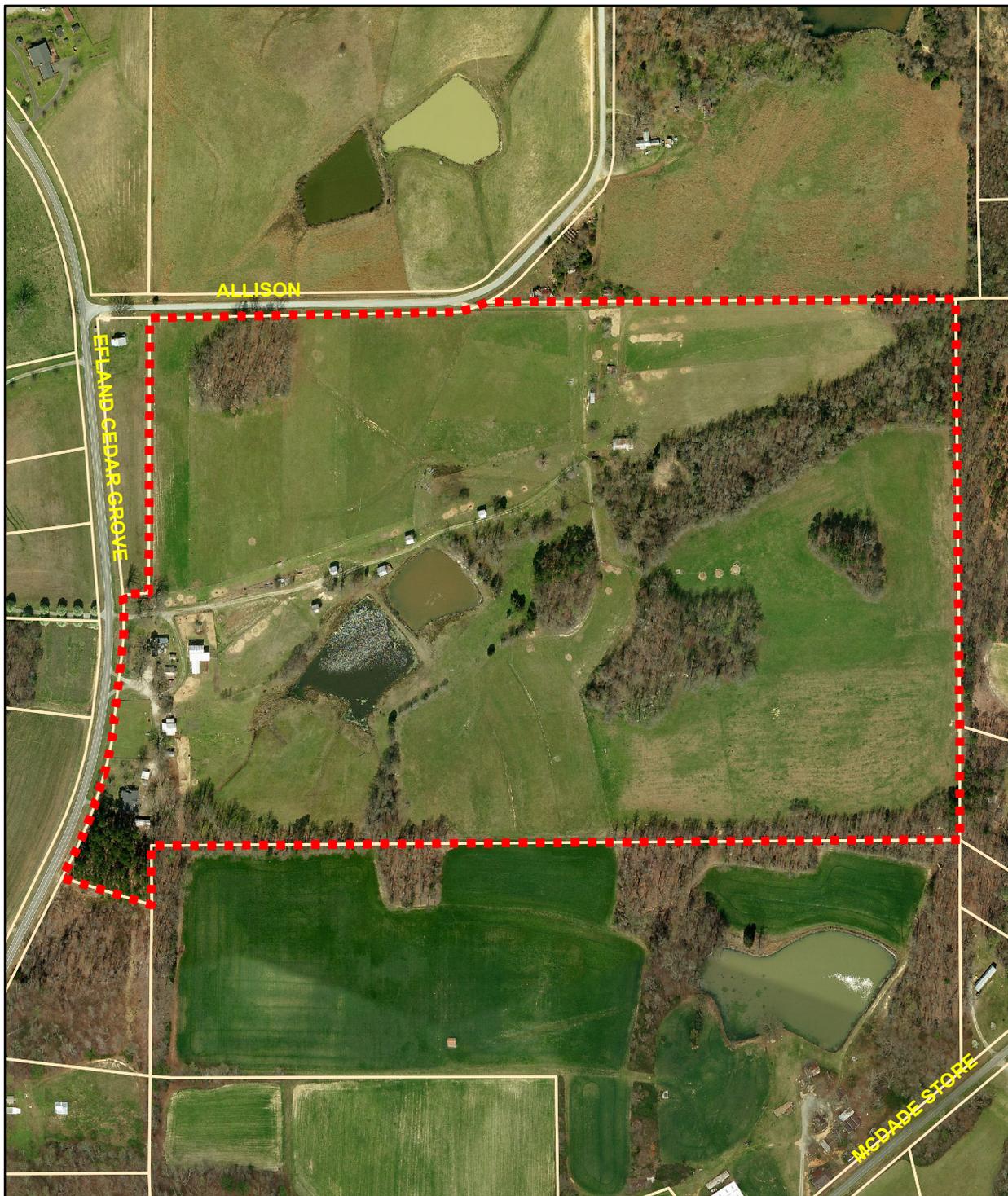
- Robert H. Pope VAD property
- Reservoirs and lakes
- Streets
- Towns



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.

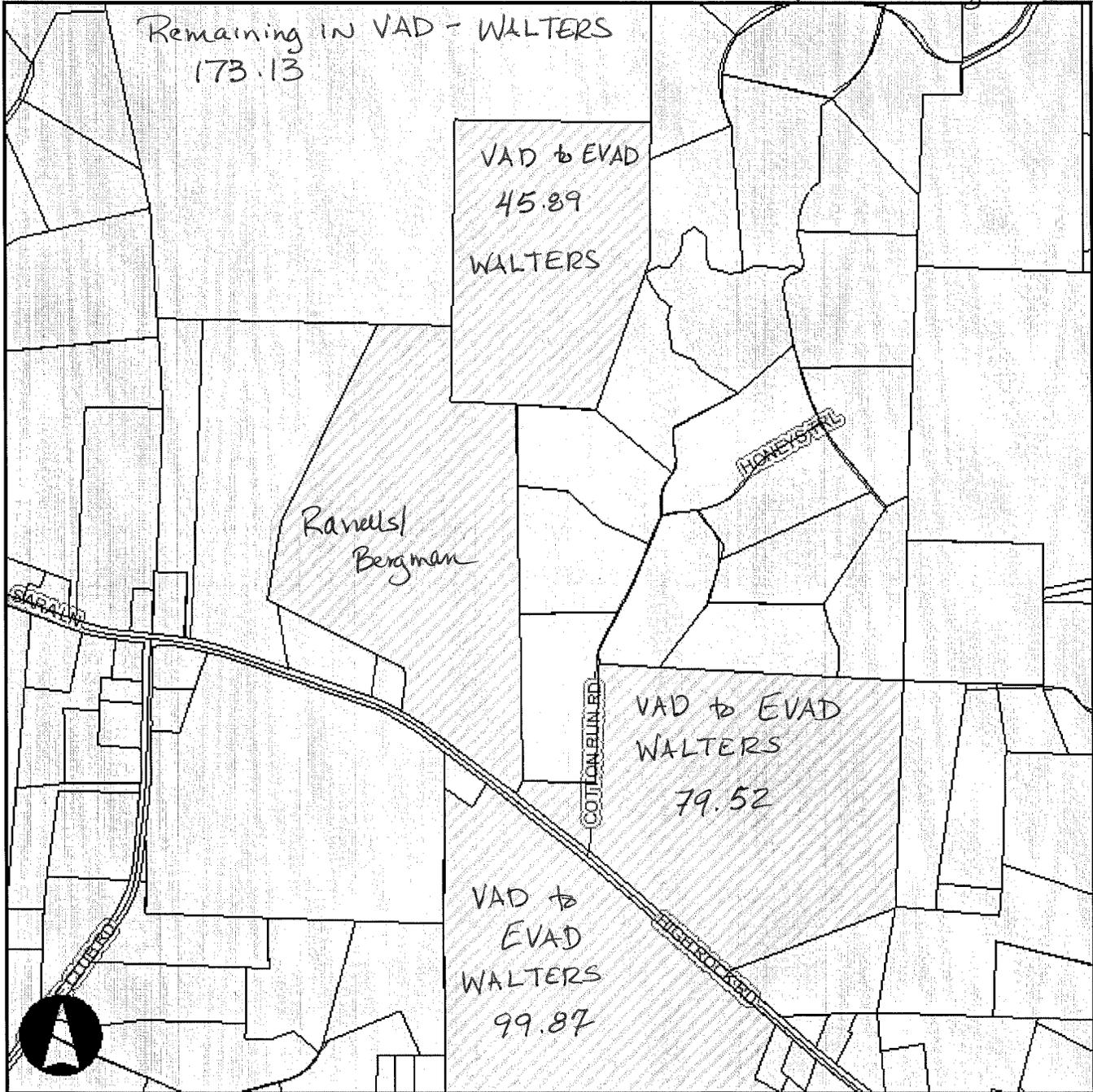
Signature: Elizabeth T. Walters Date: January 4, 2013
Signature: Roland Walters Date: 1-4-13



Orange County, NC GIS

Walters tracts

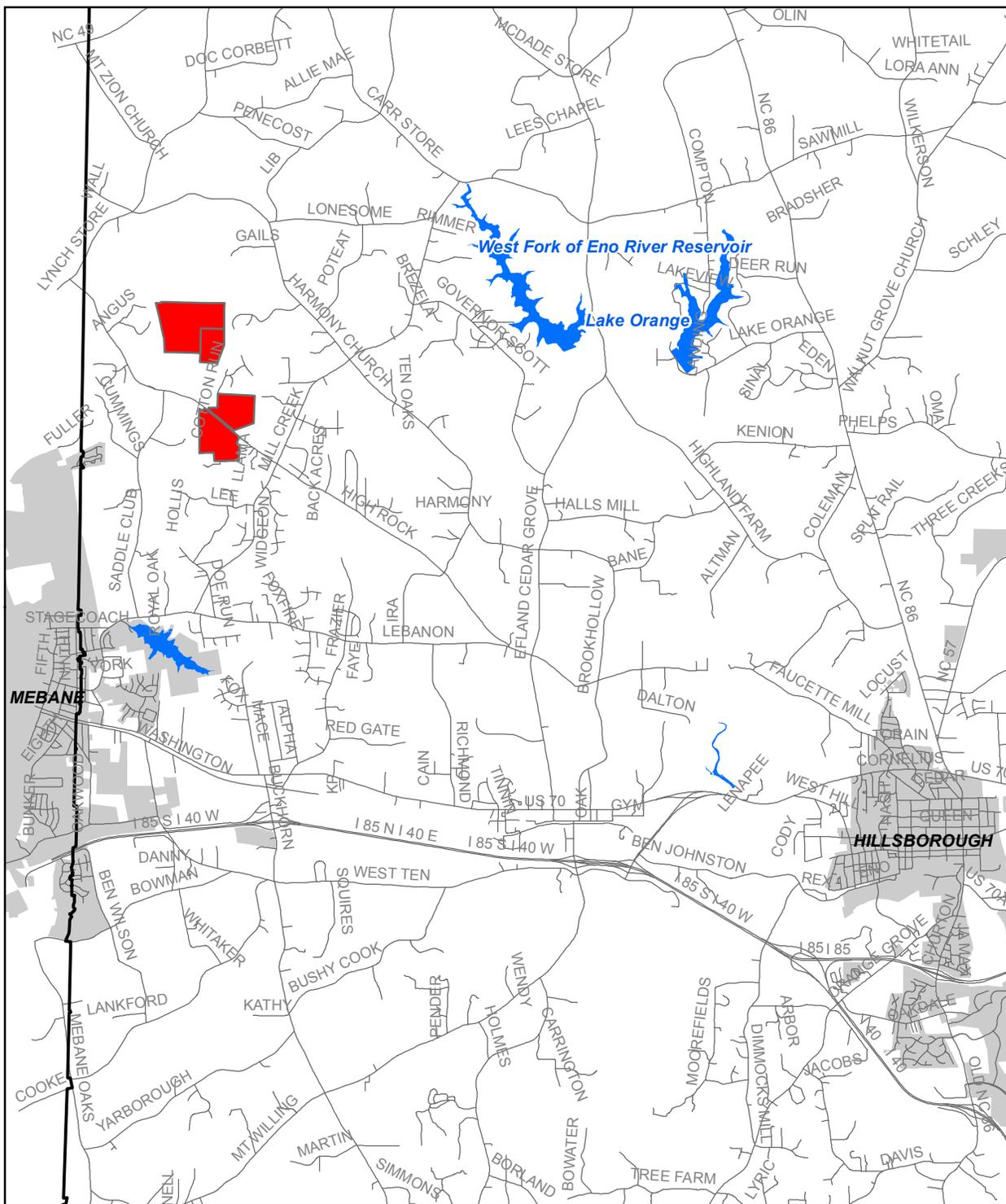
Request Change to EVAD



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

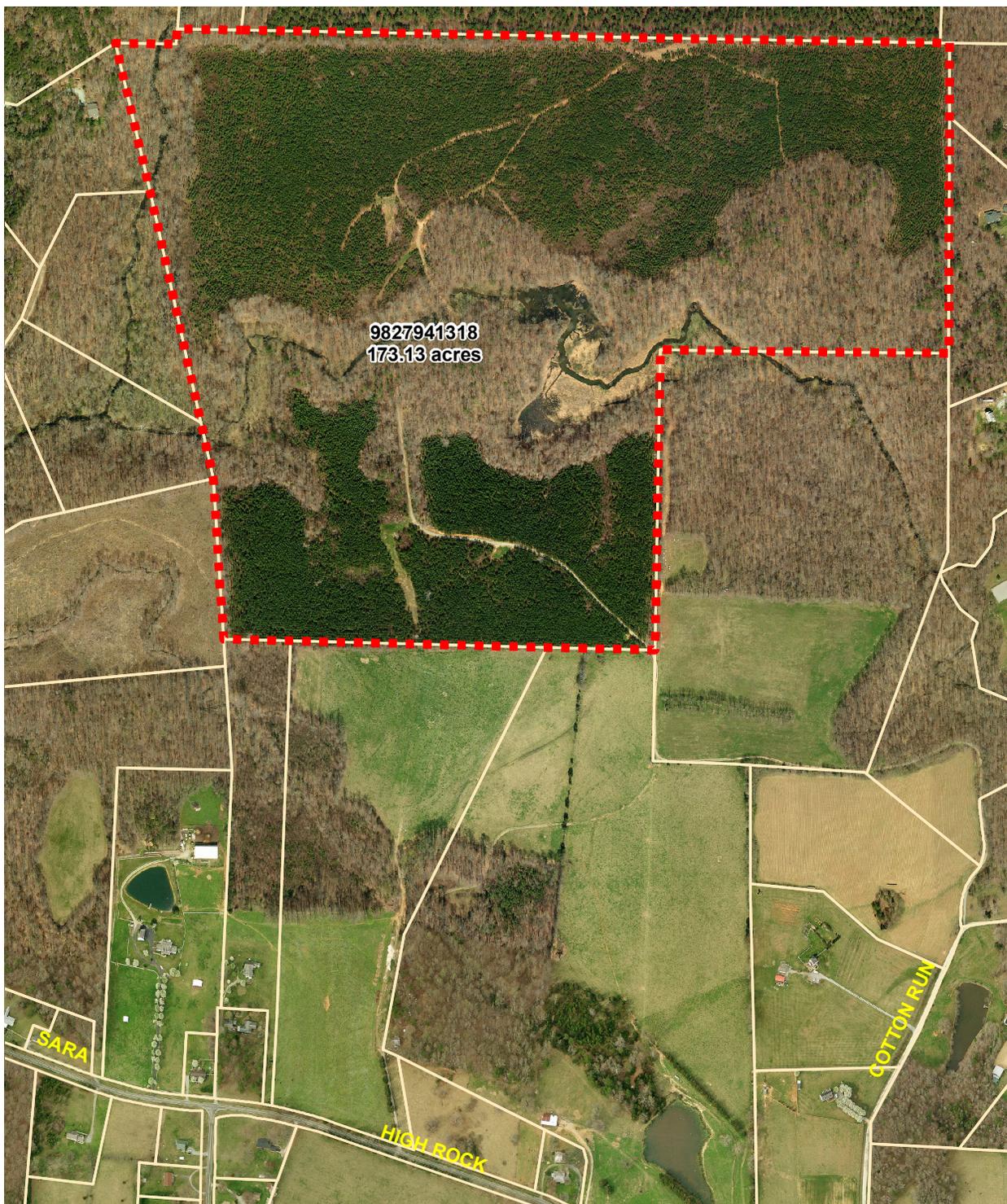
- Elizabeth Walters / Roland Walters VAD property
- County boundary
- Reservoirs and lakes
- Streets
- Towns



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**

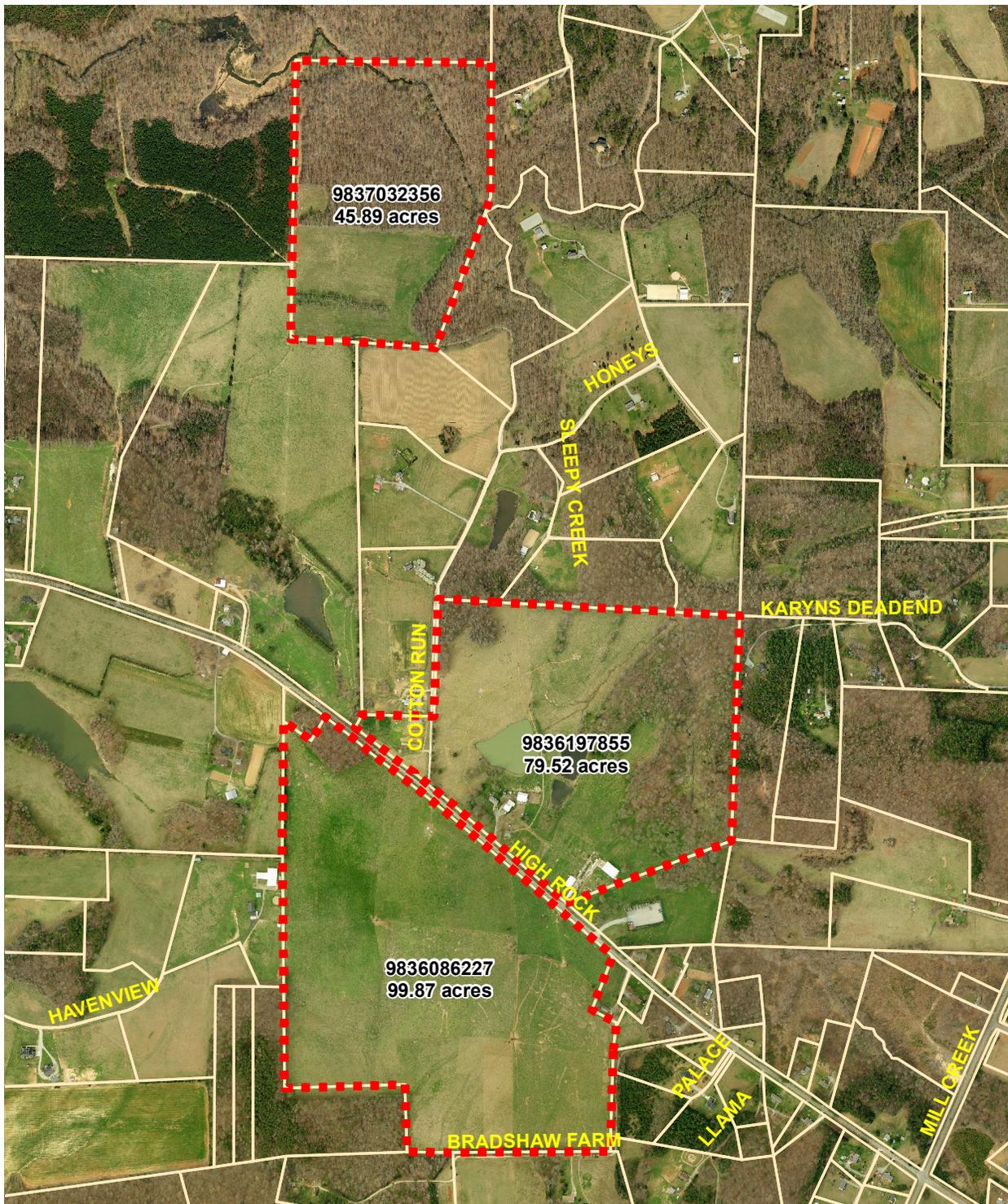
 Elizabeth Walters / Roland Walters property
 Parcel boundary
2012 aeriels



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: May 7, 2013

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

SUBJECT: Proclamation Recognizing Orange High School's Wrestling Championship

DEPARTMENT: BOCC

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

- Proclamation

INFORMATION CONTACT:

Donna Baker, Clerk to the Orange
County Board of Commissioners
(919) 245-2130

PURPOSE: To consider a proclamation recognizing Orange High School's Wrestling Team winning the 2013 North Carolina High School Athletic Association's 3A State Championship.

BACKGROUND: On March 1 and 2, 2013 Orange High School's Wrestling Team captured the North Carolina High School Athletic Association's State Championship for 3A.

Under the guidance of Head Coach Bobby Shriner, Orange High School's Wrestling Team earned its sixth state title in the past eight years.

Coach Bobby Shriner was named North Carolina Mat News Coach of the Year and the National Wrestling Coaches Association's North Carolina Coach of the Year, and reached and passed his 500th career dual team victory.

FINANCIAL IMPACT: None

RECOMMENDATION(S): The Manager recommends that the Board approve and authorize the Chair to sign the proclamation recognizing the Orange High School Wrestling Team on winning the 2013 State 3A Championship.

ORANGE COUNTY BOARD OF COMMISSIONERS

**PROCLAMATION OF RECOGNITION ON
ORANGE HIGH SCHOOL'S WRESTLING TEAM WINNING THE
2013 NCHSAA 3A STATE CHAMPIONSHIP**

WHEREAS, on March 1 and 2, 2013, Orange High School's Wrestling Team captured the North Carolina High School Athletic Association's (NCHSAA) 3A State Championship; and

WHEREAS, under the guidance of Head Coach Bobby Shriner, Orange High School's Wrestling Team earned its sixth state title in the past eight years; and

WHEREAS, six of the ten participating Orange High wrestlers made it to the semifinals, and four advanced to the finals; and

WHEREAS, Coach Bobby Shriner was named North Carolina Mat News Coach of the Year and the National Wrestling Coaches Association's North Carolina Coach of the Year, and reached and passed his 500th career dual team victory; and

WHEREAS, through hard work, dedication, teamwork, and commitment, the Panthers have brought honor upon themselves, Orange High School, the Orange County Schools District and Orange County;

NOW, THEREFORE, be it proclaimed that the Orange County Board of Commissioners expresses its sincere appreciation and respect for the Orange High School Wrestling Team and Coach Bobby Shriner for the Panthers' outstanding achievement, and their inspiration to youth across North Carolina through their dedication, teamwork, and athletic prowess.

This the seventh day of May, 2013.

Barry Jacobs, Chair
Orange County Board of Commissioners

Donna Baker, Clerk to the Board

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 7, 2013

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

SUBJECT: Older Americans Month Proclamation

DEPARTMENT: Aging and Advisory Board on
Aging

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

Older Americans Month Proclamation

INFORMATION CONTACT:

Janice Tyler, Director, 245-4255
Heather Altman, Chair – Advisory
Board on Aging

PURPOSE: To approve a proclamation joining Federal and State governments in designating the month of May as Older Americans Month and a time to honor older adults for their contributions to society and to Orange County.

BACKGROUND: May is Older Americans Month, a tradition dating back to 1963. For many years the Orange County Board of Commissioners has issued a proclamation for Older Americans Month. This year's theme is Unleash the Power of Age!

In 2013 there are over 20,000 Orange County residents who are 60+ and, of that group, over 1,600 who are over age 85. As large numbers of baby boomers reach retirement age, the community will need to continue to offer meaningful opportunities for older adults – many of who will remain physically and socially active through their 80s and beyond. Lifelong participation in social, creative and physical activities have proven health benefits, including retaining mobility, muscle mass and cognitive abilities. Older adults are not the only ones who benefit from their engagement in community life. Studies show their interactions with family, friends, and neighbors across generations enrich the lives of everyone involved.

In honor of this year's theme, Unleash the Power of Age!, the Department on Aging and the Advisory Board on Aging invite the community to take time to visit your local Senior Center and the Orange County Department on Aging and see how individuals can connect with Orange County's community of older adults.

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

RECOMMENDATION(S): The Manager recommends that the Board approve the proclamation designating May as Older Americans Month and authorize the Chair to sign the proclamation.

ORANGE COUNTY BOARD OF COMMISSIONERS

Proclamation

Older Americans Month – May 2013

WHEREAS, Orange County is a community that includes over 20,000 persons aged 60 and older; and

WHEREAS, Orange County is committed to valuing all individuals and recognizing their ongoing life achievements; and

WHEREAS, the older adults in Orange County play an important role by continuing to contribute experience, knowledge, wisdom, and accomplishments; and

WHEREAS, our older adults are active community members involved in volunteering, mentorship, arts and culture, and civic engagement; and

WHEREAS, recognizing the successes of community elders encourages their ongoing participation and further accomplishments; and

WHEREAS, our community can provide opportunities to allow older adults to continue to flourish by:

- Emphasizing the importance of elders and their leadership by publicly recognizing their continued achievements
- Presenting opportunities for older Americans to share their wisdom, experience, and skills
- Recognizing older adults as a valuable asset in strengthening our community;

NOW, THEREFORE, we, the Orange County Board of Commissioners, do hereby proclaim May 2013 to be Older Americans Month and urge all residents to take time this month to recognize older adults and the people who serve and support them as powerful and vital individuals who greatly contribute to the community.

This the 7th day of May, 2013.

Barry Jacobs, Chair
Orange County Board of Commissioners

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 7, 2013

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

SUBJECT: National Travel and Tourism Week Proclamation

DEPARTMENT: Board of Commissioners

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

Proclamation

INFORMATION CONTACT:

Clerk's Office, 245-2130
Laurie Paolicelli, 968-2064

PURPOSE: To consider proclaiming the week of May 4-12, 2013 as National Travel and Tourism Week in Orange County.

BACKGROUND: National Travel and Tourism Week was established in 1983 when the U.S. Congress adopted a joint resolution designating the week to be celebrated in May each year. The week is designated to promote greater public awareness of the powerful economic, social and cultural importance of travel and tourism through local events and celebrations. The national theme for this year is "TRAVEL EFFECT" which proves that along with its economic benefits, travel and tourism has the power to improve relationships and to create lasting family memories. The Visitors Bureau encourages everyone to be a tourist in your own backyard and appreciate the tremendous economic impact of tourism in Orange County.

FINANCIAL IMPACT: None.

RECOMMENDATION(S): The Manager recommends that the Board approve the proclamation designating the week of May 4-12, 2013 as National Travel and Tourism Week in Orange County and authorize the Chair to sign the proclamation on behalf of the Board.

NATIONAL TRAVEL AND TOURISM WEEK PROCLAMATION

May 4-12, 2013

WHEREAS, the travel and tourism industry in Orange County is vital to our economic stability and growth, and the industry contributes substantially to our culture and quality of life; and

WHEREAS, travel and tourism to Orange County, brings more than two million annual visitors to our communities – families and business travelers who frequent our galleries, performing arts halls, farms and Farmers’ Markets; festivals, parades and sporting venues; and

WHEREAS, overall travel to Orange County provides significant economic benefits to our tourism industry including hotels, restaurants, attractions, shopping and retail establishments, transportation operators, and others; and

WHEREAS, tourism is a growth industry in Orange County generating \$156.82 million in expenditures in 2011 – an increase of 8.8 percent over the previous year’s figures – ranking Orange County 24th in travel impact among North Carolina’s 100 counties according to the U.S. Travel Association; and

WHEREAS, tourism provides high-quality experiences for visitors, strengthens Orange County communities and develops tourism-related livelihoods; and

WHEREAS, state and local tax revenues from travel to Orange County amounted to \$11.64 million in 2011, representing an \$86 tax saving to each County resident; and

WHEREAS, more than 1,650 jobs in Orange County were directly attributable to travel and tourism in 2011; and

WHEREAS, travel generated a \$28.72 million payroll in Orange County in 2011; and

WHEREAS, our area attractions, welcome centers and tours hosted more than 2 million visitors in 2012;

NOW THEREFORE, we, the Orange County Board of Commissioners, recognize the efforts of the Orange County Visitors Bureau and do hereby proclaim May 4-12, 2013 as NATIONAL TRAVEL AND TOURISM WEEK throughout Orange County, with the theme TRAVEL EFFECT which proves that along with its economic benefits, travel and tourism have the power to improve relationships and to create lasting family memories. Let’s discover and appreciate Orange County’s great heritage, which illustrates the importance of tourism to our County.

This the 7th day of May, 2013.

Barry Jacobs, Chair
Orange County Board of Commissioners

**ORANGE COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM ABSTRACT
Meeting Date: May 7, 2013

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

SUBJECT: National Historic Preservation Month

DEPARTMENT: Environment, Agriculture, Parks
and Recreation (DEAPR)

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):
Proclamation

INFORMATION CONTACT:
Rich Shaw, 245-2514
Peter Sandbeck, 245-2517

PURPOSE: To consider proclaiming May as National Historic Preservation Month in Orange County.

BACKGROUND: The National Trust for Historic Preservation is celebrating May as National Historic Preservation Month. This year's theme is "*See! Save! Celebrate!*"

Since 2005, the National Trust for Historic Preservation has celebrated May as National Historic Preservation Month, encouraging communities large and small to celebrate their rich, diverse heritage, and draw more Americans into the growing national preservation movement.

Each May, the Orange County Historic Preservation Commission (HPC) asks the Board of County Commissioners to adopt a resolution declaring May to be National Historic Preservation Month as a means of publicizing and promoting the many ongoing preservation efforts throughout the County.

Orange County has many historic treasures – and May is a particularly good month to celebrate them. Special places like Ayr Mount, the Burwell School, the Horace Williams House, the Historic Oconechee Speedway Trail, the Forest Theater, the Margaret Lane Cemetery, the Orange County Museum, and the Old Orange County Courthouse are waiting for residents and visitors to visit and see what riches they have to offer.

National Preservation Month offers an opportunity for Orange County and local partners to reach out to a growing audience of neighbors, tourists, students and preservationists by promoting historic places in the community, and encouraging newcomers to learn more about local preservation programs.

Orange County's current historic preservation activities include the following:

- Implementing a project to share Orange County's wealth of historic building inventory data by posting this information on the County's property web site, ARIES.

- Partnering with the Alliance for Historic Hillsborough and Preservation Chapel Hill to establish an annual symposium about Orange County's historic resources;
- Setting up a booth at the Town of Hillsborough's Last Friday's event on May 31 to highlight the HPC's preservation activities as well as to provide exhibits and activities;
- Carrying out cultural and archaeological surveys for County construction projects in areas with sensitive historic and archaeological resources;
- Demonstrating a commitment to historic resource stewardship by recognizing that many of the historic farm buildings at county park sites are irreplaceable assets and maintaining those buildings for future use;
- Including a chapter on cultural and historic resources in the 2030 Comprehensive Plan.
- Programs to reach out to local property owners and interested citizens to promote the awareness of the county's rich historic agricultural heritage, including its farmsteads, barns, outbuildings and historic open farmlands.

These examples represent a sample of the County's efforts to promote the importance of cultural heritage and to use history as well as preservation for local economic development, such as tourism, coalition building and making Orange County a destination.

FINANCIAL IMPACT: None

RECOMMENDATION(S): The Manager recommends that the Board approve the proclamation for the month of May as National Historic Preservation Month with the theme, "*See! Save! Celebrate!*" and joins with the Board to extend an invitation to the public to support the preservation of the County's irreplaceable historic resources.

ORANGE COUNTY BOARD OF COMMISSIONERS

NATIONAL HISTORIC PRESERVATION MONTH

PROCLAMATION

WHEREAS, Orange County can be proud of its long history of recognizing and protecting its rich historic and archaeological resources through the dedicated efforts of individuals, non-profit groups, local governments and County government; and

WHEREAS, Orange County continues to pursue partnership opportunities to preserve these important and often irreplaceable resources, to seek new and innovative ways to make local history engaging to the public, and to encourage others to do the same; and

WHEREAS, historic preservation is an effective tool for managing growth, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic and cultural backgrounds; and

WHEREAS, Orange County has demonstrated its commitment to historic preservation by using the restored Alexander Dickson House in Hillsborough as a visitor center, conserving historic farmsteads at future County parks, preserving the historic Old County Courthouse, and designating important properties with historic and architectural significance as local landmarks; and

WHEREAS, "*See! Save! Celebrate!*" is the theme for National Historic Preservation Month 2013, cosponsored by the Alliance for Historic Hillsborough, Preservation Chapel Hill, the Orange County Historic Preservation Commission and the National Trust for Historic Preservation;

NOW THEREFORE, we, the Orange County Board of Commissioners, do hereby proclaim May 2013 as National Historic Preservation Month and call upon the people of Orange County to join their fellow residents across the United States in recognizing and participating in this special observance.

This the 7th day of May, 2013.

Barry Jacobs, Chair
Orange County Board of Commissioners

ATTEST:

Donna Baker, Clerk to the Board

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 7, 2013

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

SUBJECT: Resolution In Support of Smart Start and NC Pre K

DEPARTMENT: County Commissioners

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

Draft Resolution In Support of Smart Start and More at NC Pre K

INFORMATION CONTACT:

Frank Clifton, County Manager, 245-2300
Margaret Samuels, Orange County Partnership for Young Children, 919-967-9091

PURPOSE: To consider a Resolution In Support of Smart Start and NC Pre K.

BACKGROUND: In the most recent budget years Smart Start and NC Pre K have received reductions in their allocations from the North Carolina General Assembly. The Board of the Orange County Partnership for Young Children has requested that the Orange County Board of Commissioners consider a resolution supporting, at a minimum, the current level of funding for both programs, and in fact voicing support for increased funding. A draft resolution is attached.

FINANCIAL IMPACT: There is no financial impact associated with consideration of the draft resolution. The financial and other impacts of the potential funding reductions have not yet been determined.

RECOMMENDATION(S): The Manager recommends that the Board discuss the draft resolution, approve the resolution as it may be modified based on Board discussion, authorize the Chair to sign the resolution; and direct the Clerk to the Board to forward the approved resolution to Orange County's legislative delegation, the leaders of the North Carolina General Assembly, and the chairs of the General Assembly's appropriations and education committees.

DRAFT

RES-2013-034

ORANGE COUNTY BOARD OF COMMISSIONERS

Resolution In Support of Smart Start and NC Pre K

WHEREAS, Orange County needs the most skilled employees now and in the future; and

WHEREAS, communities that develop and retain skilled employees excel and spend less tax money on expensive remedial programs; and

WHEREAS, public policies must support the development of the next generation of workers so that they can continue to innovate and lead; and

WHEREAS, high quality early care, education and services support the early development and learning of young children, and make possible the development of a strong future workforce for our community and businesses; and

WHEREAS, research shows that children who enter kindergarten healthy and ready to succeed grow to be job-ready workers who help businesses prosper and good residents who help communities thrive; and

WHEREAS, Smart Start and NC Pre K help create a beneficial workforce, productivity and quality of life conditions in our state by reducing the achievement gap for at-risk and underprivileged children, producing better outcomes in education, health, personal productivity and economic vitality; and

WHEREAS, Smart Start and NC Pre K contribute to the local economy of Orange County by supporting small businesses, creating jobs and allowing parents to work; and

WHEREAS, Orange County supports strong education at all levels from preschool through higher education;

NOW, THEREFORE BE IT RESOLVED that we, the Orange County Board of Commissioners, strongly recommend the North Carolina General Assembly support the current levels of funding, and consider increasing funding, for Smart Start and NC Pre K in the FY 2013-2014 budget and future budget years.

This the 7th day of May, 2013.

Barry Jacobs, Chair
Orange County Board of Commissioners

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 7, 2013

Action Agenda

Item No. 5-a

SUBJECT: Minutes

DEPARTMENT:

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

INFORMATION CONTACT:

Donna Baker, 245-2130

Draft Minutes

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

Attachment 1	March 12, 2013	BOCC Work Session (7:00pm)
Attachment 2	March 21, 2013	BOCC Joint Meeting with Town of Chapel Hill
Attachment 3	April 4, 2013	BOCC Town Hall Meeting at Whitted Building

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

MINUTES
BOARD OF COMMISSIONERS
REGULAR / CIP WORK SESSION
March 12, 2013
7:00 p.m.

8 The Orange County Board of Commissioners met in a Regular/CIP Work Session on Tuesday,
 9 March 12, 2013 at 7:00 p.m. at the Southern Human Services Center in Chapel Hill, N.C.

11 **COUNTY COMMISSIONERS PRESENT:** Chair and Commissioners Mark Dorosin, Alice M.
 12 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 and Clarence Grier, and Clerk to the Board Donna Baker (All other staff
 17 members will be identified appropriately below)

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

22 Planning Director, Craig Benedict introduced himself and the other members of the
 23 team. He said that some things have changed with the Jordan Lake Partnership and it is
 24 moving more into the planning and inspections department phase. He referenced new maps
 25 given to the Commissioners and reviewed the following PowerPoint Slides:

27 **1. Jordan Lake Water Resource Allocation Topics**

29 **JORDAN LAKE PARTNERSHIP &**
 30 **Water Supply Allocation Process**

32 **A. Background**

- 33 • HOW we got here?
 - 34 ▪ State DENR Opens Jordan Lake Additional Water Supply Allocation Request
 - 35 Process
 - 36 ▪ Jordan Lake Partnership (JLP) MOU 2/17/2009
 - 37 ▪ Partners includes Orange, Durham, & Wake County & Cities
 - 38 ▪ Pre-Application Process
 - 39 ▪ Standard Demand and Supply Assumptions

41 **DENR Application Contents**

- 42 I. Water Demand Forecast
- 43 II. Conservation and Demand Management
- 44 III. Current Water Supply
- 45 IV. Future Water Supply Needs
- 46 V. Alternative Water Supplies
- 47 VI. Plans to Use Jordan Lake

49 **B. Infrastructure Engineering Study**

- 50 • WHY do we need to do this? And WHAT is it?

1 This study determines:

- 2 ▪ Feasibility and design
- 3 ▪ Pipe sizes and distances
- 4 ▪ Various water system models
- 5 - From: Source(s)(Jordan Lake or other)
- 6 - Thru: Water Resource Partners (Durham, Hillsborough, OWASA, etc.)
- 7 - To: EDD Customer Zones
- 8 -

9 **Orange County Growth Pattern** (map)

10 **Future Land Use Map of the Orange County Comprehensive Plan** (map)

11 Untitled Table

12 Untitled Table

13 **Jordan Lake Water Sharing Agreements** (map)

14 **Potable Water Interconnections – Jordan Lake Partners** (map)

15 Untitled Map

16 **Draft Application Guidelines for Jordan Lake Water Supply Storage Allocation** (Table)

17 **Draft Application Guidelines for Jordan Lake Water Supply Storage Allocation** (pg. 2
18 Table)

19 **Study Issues**

20 Infrastructure Engineering Analysis

- 21 • Existing and Necessary
 - 22 ▪ Bolster Jordan Lake Application Request
 - 23 ▪ Non-Utility Entity is Unique Situation
 - 24 ▪ Further Dialogue and Partnerships with Local Utilities and Cities

25 **C. Next Steps**

26 Further Discussion at March 12th BOCC Work Session

- 27 • Orange County Draft Jordan Lake Application Due ~~April 4st~~ Probably October 1st
 - 28 ▪ Add the Engineering Design OC Share (\$49,901)
- 29 • 2013-2014 Budget Process
- 30 • Final Draft Application Due ~~July 1, 2013~~ Early Next Year

31 **Comments/Questions:**

32 Craig Benedict, during the presentation above, said that it is not known how much water
33 is in a future allocation request and this may delay the application request. He said some
34 forecasts estimate usage at 70 gallons per person per day, which is reasonable. He said this is
35 a raw water supply, which is 20% higher than finished water. He said there have been 13
36 entities involved in this process. He said water resources are scarce in the triangle, which
37 makes this necessary. He said that there is need for an engineering study to see how water is
38 moved around.

1 He reviewed the Growth Pattern map and said the green area represents 84% of the
2 county and is the area not intended for public water and sewer.

3 He reviewed the Future Land Use Map and said the purpose of this is to designate
4 urban growth boundaries, and the 8,000 acres of land that are not in the ETJ areas of Durham,
5 Hillsborough, or Mebane.

6 He reviewed the chart outlining the use designations and zoning districts of the acreage.
7 He said some of the information in the chart contains assumptions used to develop the water
8 usage needs. He said the multiplier designates how much acreage could be developed and not
9 be encumbered by environmental issues. With residential areas the PPH is for persons per
10 household and the APH is households per acre. In non-residential areas the GPA is for gallons
11 per acre.

12 Craig Benedict said the next chart shows the math behind the numbers. He said this is
13 adjustable if needed and is just part of the start of the application process. He said there is
14 ongoing discussion regarding interconnection and pipe sizes. He said that part of the
15 interconnection study will look at not only where water is taken from, but where it is released to.

16 He referenced the Draft Application Guidelines and said that the state will likely not just
17 accept this request without asking about what other water sources have been looked at. He
18 said other resources are being considered, analyzed, and discussed. He said there will need to
19 be collaboration with the utility partners in this process.

20 He gave timelines of October 1 for the draft application, and early 2013 for the final
21 draft. He said there is a lot of work to be done on a state level to determine the actual safe
22 water yield of Jordan Lake, before making water requests. He said that work will be done in
23 partnership with utility partners in Durham, and Mebane.

24 Commissioner Dorosin asked if the application just comes from Orange County and
25 partners are just part of the collaborative process.

26 Craig Benedict answered yes and said that the 8000 acres of urban area are outside of
27 the ETJ of Durham, Hillsborough, or Mebane so those water supply plans do not include water
28 resource allocations. He said he feels that water should be tied into the current utility
29 agreements.

30 Chair Jacobs noted that this was all based on Orange County's increased water request
31 and increased financial commitment, which makes for a more rigorous process.

32 Commissioner Rich asked if all new agreements will be drawn up.

33 Craig Benedict said not necessarily, that a determination will be made, of the best way
34 to handle this with their partners. He said that the Jordan Lake application might be as simple
35 as a memorandum of understanding with the City of Durham.

36 Commissioner Rich asked how long the agreements are written for.

37 Craig Benedict said the agreements with Mebane and Durham are unlimited. He said
38 that in the case of Mebane, there is an unlimited agreement for a certain area and water
39 allocations have been reserved for ten years. He said that things might have to be made more
40 finite with the utility providers in the future.

41 42 **2. Upper Neuse River Basin Association/Falls Lake Watershed Rules**

43 Dave Stancil, Director of the Department of Environment, Agriculture, Parks and
44 Recreation (DEAPR) said there is a long history of water protection in Orange County and the
45 discussion tonight will be regarding the Upper Neuse and Falls River Lake Watershed area,
46 which includes: Cedar Grove, Little River Township, Efland, Hillsborough and points east. He
47 referenced several letters at the Commissioners' places that are related to both Jordan Lake
48 and Falls Lake.

49 Tom Davis, Water Resources Coordinator, presented the following PowerPoint
50 presentation, which is included in the Item 2 abstract:

- 1
- 2 - **Upper Neuse River Basin Association (UNRBA) update** - Slide 1 (map)
- 3
- 4 - **DWQ Monitoring of Falls Lake Indicates Nutrient Over-Enrichment Problem** - Slide 2
- 5 (Map- chart)
- 6
- 7 - **UNRBA Response: Path Forward Process** – Slide 3
- 8 “The Path Forward” process will re-examine the Stage II nutrient reduction requirements of
- 9 the
- 10 Falls Lake Rules while preserving use of Falls Lake as a water supply.
- 11 (Graphic)
- 12
- 13 - **UNRBA – The Path Forward Process** – Slide 4
- 14 Consult contracted to support re-examination of efforts. Has completed 4 tasks designed to
- 15 inform process of examining Falls Lake Rules:
- 16
- 17 1. Develop framework for re-examination of **Stage II of Nutrient Management Rules**
- 18 2. Review existing data, summarize lake and watershed info.
- 19 3. Review methods for delivered and jurisdictional nutrient loads
- 20 4. Recommend future monitoring and modeling
- 21
- 22 - **UNRBA – The Path Forward Process** – Slide 5 (Chart)
- 23
- 24 - **UNRBA – The Path Forward Process** – Slide 6 (Chart)
- 25
- 26 - **UNRBA – The Path Forward Process** – Slide 7
- 27 What is Orange County likely to achieve via the Path Forward Process?
- 28
- 29 • Re-evaluation of Stage II nutrient reduction goals.
- 30 • Additional BMPs for use by agricultural community in urban areas.
- 31 • Information concerning jurisdiction loading and nutrient sources.
- 32 • And more...
- 33
- 34 The Consensus Principles – adopted by the BOCC in 2010 included the following:
- 35 “The affected local governments should share resources and assist with funding for the
- 36 examination for the Nutrient Management Strategy.”
- 37
- 38 - **UNRBA – The Path Forward Process** – Slide 8
- 39 Questions and Discussion
- 40
- 41 Tom Davis said the Upper Neuse River Basin Association (UNRBA) is comprised of
- 42 local governments located in the Falls Lake watershed, plus South Granville Water and Sewer
- 43 Authority (SGWASA). He said that the first slide denotes that approximately half of Orange
- 44 County is in the Falls Lake watershed and he noted that Falls Lake is shown in red, indicating
- 45 that it is rated “impaired” by the Division of Water Quality. For this reason, the Falls Lake
- 46 Nutrient Management Strategy, or Falls Lake Rules, was adopted in 2010.
- 47 Referring to slide 2, he said that the impairment of the lake is caused by too many
- 48 nutrients (nitrogen and phosphorus) in the lake. Nutrient sources include: storm water from
- 49 development, agricultural runoff, wastewater treatment plants, DOT property runoff, state and
- 50 federal property runoff, forested land runoff, as well as atmospheric deposition of nitrogen.

1 He said that the goal of the rules is to restore water quality throughout the lake and he
2 noted that DWQ modeling indicates significant reductions in nutrient runoff are needed to
3 restore the lake. Warmer colors on the map on slide 2 indicate greater impairment in the
4 Upper Lake than in the Lower Lake.

5 He said that it is anticipated to be very expensive to comply with rules as they are
6 currently written, and it is estimated that the cost will be greater than 1.5 billion dollars.

7 Referring to slide 3, he said that given the projected cost, as well as uncertainties with
8 the lake modeling completed by the Department of Water Quality (DWQ), the UNRBA has
9 embarked on a process called The Path Forward. This process will re-examine Stage II of the
10 Falls Lake Rules while preserving the lake as a water supply for the City of Raleigh. He said
11 Stage II of the rules will be in effect from 2021 to 2036 and Stage I is in effect currently. He
12 said the Path Forward Process was conceived shortly after the Falls Lake Rules were finalized,
13 and the Process is outlined in the document titled The Consensus Principles, which is included
14 in the materials provided to the Board.

15 He said that the UNRBA hired a consultant in 2011 to initiate the Path Forward process.
16 He said this consultant has completed the 4 tasks outlined on slide 4 to provide information and
17 direction to the process of re-examining Stage II of the rules. The collection of more data will
18 mean fewer assumptions in the re-examination of the Lake. He said the rules stipulate that 3
19 years of data must be submitted by 2020 to be considered in the re-examination of the Lake.

20 He said that UNRBA plans to begin monitoring in 2014, and dues and fees must be
21 increased to cover the cost of this work. He referenced the outline of these fees, shown in the
22 chart on slide 6, and noted that Orange County's share is \$68,321. He said that \$500,000 is
23 designated for Lake and Watershed monitoring and related activities during the next fiscal year.

24 He reviewed the expected achievements of the Path Forward Process, as outlined on
25 slide 7. He noted that The Consensus Principles, adopted by the BOCC in 2010, included the
26 following: "The affected local governments should share resources and assist with funding for
27 the examination of the Nutrient Management Strategy."

28 Commissioner Pelissier made reference to stage 2 in the packet, and she asked for
29 examples of some of the current best practices in use now.

30 Tom Davis said there are more BMPs in the urban areas than rural areas. He said the
31 process is to get DWQ to grant credits for certain BMPs, but this has not been done yet. He
32 gave the example of street sweeping in urban areas, and said there has been no credit
33 established for this. He said that one other urban project underway is the Efland Sewer
34 System, but there has been no credit established for switching a home from septic to sewer.
35 He said there are also a couple of projects underway in the rural areas and a long list of
36 potential agricultural BMPs.

37 Gail Hughes said that some of the examples for agricultural communities are: fencing,
38 livestock out of streams, additional buffer widths, and conservation tillage. She said that for
39 agricultural farms with no livestock, the buffers must be expanded much wider and this takes up
40 useable agricultural land. This is of great concern to the farmer or land owner. She said that
41 some things that urban areas get credit for, such as grass swells, exist in agricultural
42 communities as well, but are not credited.

43 Dave Stancil said another issue is that Orange County has done a lot over the years but,
44 many of these things don't count toward their phosphorous reduction.

46 Commissioner McKee asked where the base year would be established. He also asked
47 if the base year would affect reductions.

48 Gail Hughes said 2006 is the farthest base year that can be referred back to.

49 Dave Stancil said anything prior to that year is lost and it does not count toward the
50 County's reduction.

1 Commissioner McKee said that is his concern, as there were a lot of best practices put
2 in place in the late 70's, 80's and 90's that will be lost. He also said that he does not believe
3 that 77% can be reached.

4 Gail Hughes said the phosphorus has been discussed many times in the Watershed
5 Oversight Committees, which is the agricultural oversight committee. She said researchers
6 have said that even if no more fertilizer was ever put on the ground, the phosphorus reduction
7 goal would still not be attainable.

8 Commissioner Gordon said Orange County voluntarily put in lot reduction sizes and did
9 a lot to preserve water quality.

10 Dave Stancil said one of the dilemmas noted in 2010 is that the loading rates are
11 expected to be low, partially because of all the measures already in place. This means, by the
12 letter of the law, it is hard to reduce something that is closer to zero by 40% and 77% than it is
13 when starting from a larger number. He said this is why the opportunity to re-visit the nutrient
14 strategy is important.

15 Commissioner Gordon asked if it was possible to go to a performance base.

16 Dave Stancil said this argument has been made in the past and he expects this to come
17 out again.

18 Chair Jacobs invited Pam Hemminger, Chair and Orange County Representative with
19 the UNRBA to come forward.

20 Chair Jacobs said the letters at the Commissioners' places articulated a lot of Orange
21 County's concerns about water preservation.

22 Commissioner Pelissier said her petition was to send a copy of these letters or a revised
23 letter to DENR as soon as possible.

24 Pam Hemminger said, from a political view, the big picture is that the lake is impaired
25 and the state is expected to do something about it. The state has put the task back on the local
26 jurisdictions, and each jurisdiction will be graded on the quality of the water in the lake as a
27 whole; therefore it won't matter what one county has done or what the others haven't done.
28 She said that this does not mean that efforts shouldn't be made to get credit for things being
29 done, but this is a group project and the grading will be based on what the State finds in the
30 lake. She noted that Orange County has the largest land mass in the watershed area and most
31 of this is forested and agricultural land.

32 She said she does not know how you can reduce forested land's output by 40% and
33 77% of these nutrients other than building a big retaining lake to hold it down. She said there
34 are issues about this modeling program because it does not take into account the amount of
35 nitrogen and the distance put in. She said Department of Water Quality (DWQ) has not been
36 monitoring the lake because of cutbacks. She said she wants to know how much Orange
37 County and its tributary, the Eno River, is contributing nutrients into the lake and as of now, no
38 one knows where the nutrient problem is coming from. She noted that the biggest players are
39 Raleigh and Durham, which have mostly urban interests, and thus have more credits and
40 BMP's established by the state. She said that part of UNRBA's goal is to make sure that a long
41 list of BMP's is available to the county, and to try and help the agricultural community. She said
42 that the recommendation is that the County move forward with four years of monitoring.

43 She said that there are seven separate tributaries coming into the lake and everyone is
44 being graded on this group project. She referenced the question of why the County couldn't get
45 a delay and said that the EPA would be likely to come in if there were a delay. She said things
46 are moving in the right direction.

47 Commissioner McKee asked how long since DWQ stopped monitoring and Pam
48 Hemminger said about two years.

49 Commissioner McKee said he feels that Orange County needs to be doing their own
50 monitoring in order to have scientific data to back up arguments.

1 Pam Hemminger said DWQ will not accept individual monitoring, only project group
2 monitoring.

3 Commissioner McKee said he is almost ready to go the lawsuit route because this
4 makes no sense.

5 Pam Hemminger said she agrees that this makes no sense and she feels that this can
6 be proved with the scientific data being gathered.

7 Commissioner McKee asked if Falls Lake was designed to raise the water level
8 significantly. He said he believes the shallow depth and the upper end of the lake is the reason
9 for the algae blooms.

10 Pam Hemminger said that is part of the whole re-look at monitoring design. She said
11 that monitoring further down the lake would give totally different results.

12 Chair Jacobs said many think Orange County's regulations are too strong and slow
13 down development, where the board has staked out stronger regulations in an effort to get
14 credit. He said that the answer to Commissioner Pelissier's petition is to combine and simplify
15 these two letters and send them to DENR and Mr. Gillespie.

17 **3. Presentation of Manager's Recommended 2013-2018 Capital Investment Plan** 18 **(CIP)**

19
20 Frank Clifton said each year the Manager's office presents a 5 and 10 year CIP plan,
21 but the primary focus of this discussion is the 2013-14 process. He said there are several
22 policy comments in the appendices and several different funds will be referred to.

23 Clarence Grier said this is the start of the budget process for 2013-14 and he introduced
24 the budget staff.

25 Paul Laughton said the County changed to a 5 year CIP plan a few years ago and the
26 years 2006-2010 are included as a history. He read through the following PowerPoint slides:
27

28 **County Manager's Recommended FY 2013-18 Capital Investment Plan**

29 *Presentation*

30 *Southern Human Services Center, Chapel Hill*

31 *Orange County, NC*

32 *March 12, 2013*
33

34 **Overview**

- 35 • 5-Year Capital Investment Plan (CIP) with detailed information in Years 1-5, and an
36 overall picture in Years 6-10
- 37 • The CIP is a budget planning tool that is evaluated annually to include year-to-year
38 changes in priorities, needs, and available resources.
- 39 • Funding decisions are approved only for Year 1 (FY 2013-14).
40

41 **CIP Format**

- 42 • Divided into the following sections/tabs:
 - 43 - CIP Summaries
 - 44 - County Projects
 - 45 - Special Revenue Projects (Article 46 Sales Tax)
 - 46 - Proprietary Projects (Water & Sewer, Solid Waste, and Sportsplex)
 - 47 - School Projects

- 1 - Appendices (Debt Service, County Project balances, and Policies)

2
3 **CIP Summaries – Appropriations** (pie chart)

4
5 **CIP Summaries – Revenues** (pie chart)

6
7 **Major County Projects (Year 1)**

- 8 • Southern Library \$600,000 (land and design work)
- 9 • Information Technology \$700,000
- 10 • VIPER Radio System \$500,000 (1st year of tower cost)
- 11 • Communication Systems Improvements \$1,725,268
- 12 • EMS Substations \$875,000

13
14 **Special Revenue Projects – Year 1**

15 **(Article 46 SalesTax)**

- 16 • 50% of proceeds to Economic Development initiatives, and 50% to Schools
- 17 • Economic Development – \$1, 319,500 (distributed among 8 initiatives with
- 18 approximately 60% reserved for debt service)
- 19 • Schools – CHCCS \$801,900 (1/2 towards Technology, and 1/2 towards repairs
- 20 identified in facilities assessment); OCS \$516,850 (Technology 1:1 laptop initiative)

21
22 **Proprietary Projects – Year 1**

- 23 • Water and Sewer Projects:
- 24 - McGowan Creek Outfall \$621,250
- 25 - Efland Sewer Flow to Mebane \$160,000
- 26 - Eno EDD \$115,000
- 27 • Solid Waste Projects:
- 28 - Landfill Closure Costs \$3,166,846
- 29 • Sportsplex Projects:
- 30 - Ten (10) renovation and facility maintenance/replacement initiatives \$710,000

31
32 **School Projects (Year 1)**

- 33 • No new Debt financing of School Projects in FY 13-14
- 34 • Pay-As-You-Go funds – same amount as in FY 12-13
- 35 • Lottery Proceeds – slight increase from FY 12-13 (based on State projections)

36
37 **Major County Projects (Years 2-5)**

- 38 • FY 14-15:
- 39 - Northern Human Services Center \$2,000,000
- 40 - Lands Legacy \$2,400,000
- 41 - VIPER Radio System \$500,000 (second year of tower cost)
- 42 • FY 15-16:
- 43 - Southern Orange Campus \$3,600,000
- 44 - Whitted Building \$1,400,000
- 45 - EMS Substations \$875,000
- 46 - Blackwood Farm Park \$3,400,000 (phased in project)

- 1 - Millhouse Road Park \$6,400,000
- 2 - Eurosport Soccer Center \$942,000
- 3 - Southern Library \$525,000 (arch/engineering costs)
- 4 - Proposed New Jail \$500,000 (site design work)

5

6 **Major County Projects (Year 2-5) – cont.**

- 7 • FY 16-17:

- 8 - Southern Human Services Center Expansion \$6,650,000
- 9 - Southern Library \$3,500,000 (costs spread over 2 years)
- 10 - Blackwood Farm Park \$1,300,000 (phased in project)
- 11 - Proposed New Jail \$500,000 (arch/engineering issues)
- 12 - VIPER Radio System \$500,000 (1st year next tower cost)

- 13 • FY 17-18:

- 14 - Southern Library \$3,500,000 (second year construction)
- 15 - New Jail \$29,000,000
- 16 - Blackwood Farm Park \$2,100,000 (phased in project)
- 17 - Communication System Improvements \$920,000
- 18 - EMS Substations \$875,000
- 19 - VIPER Radio System \$500,000 (second year tower cost)

20

21 **Major Proprietary Projects (Years 2-5)**

- 22 • Water and Sewer:

- 23 - Efland Sewer Flow to Mebane \$3,436,000 and Eno EDD \$1,750,000 in FY 14-15
- 24 - Buckhorn-Mebane EDD Phase 3 & 4 \$2,500,000 in FY 15-16

- 25 • Solid Waste:

- 26 - SWCC Improvements to High Rock Road facility \$452,441 and SWCC
- 27 Improvements to Eubanks Road facility \$1,235,427 in FY 14-15
- 28 - SWCC Improvements to Ferguson Road \$288,517 in FY 15-16
- 29 - SWCC Improvements to Bradshaw Quarry \$212,028 in FY 16-17

- 30 • Sportsplex:

- 31 - Major Expansion Phase 1 (Pool Mezzanine Area) \$950,000 in FY 14-15
- 32 - Major Expansion Phase 2 (Indoor Turf Field) \$1,900,000 in FY 15-16
- 33 - Major Expansion Phase 3 (Indoor Basketball Court) \$900,000 in FY 16-17

34

35 **Major School Projects (Years 2-5)**

- 36 • Note: School construction is guided by the Schools Adequate Public Facilities
- 37 Ordinance (SAPFO) projections of capacity and need.

- 38 • Chapel Hill-Carrboro City Schools

- 39 - Middle School #5 in FY 17-18 \$39,850,680 total
- 40 - Carrboro HS Additions in FY 20-21 \$19,743,948
- 41 - Elementary #12 in FY 21-22 \$35,476,053 total

42

43 **School Projects (Years 2-5) – cont.**

- 44 • Orange County Schools
- 45 - No new schools to open in 10 year period, as per SAPFO

- 1 - Based on current SAPFO projections, the district's elementary schools reach
 2 104.9% Level of Service (LOS) in the 10th year (FY 22-23) of the plan. Funding
 3 is included in Years 9 and 10, to prepare for possible opening in FY 23-24.
 4 - Cedar Ridge HS Auxiliary Gym \$3,328,750 in FY 14-15
 5 - Cedar Ridge HS Classroom Addition \$12,282,960 in FY 15-16
 6

7 **Appendices**

- 8 • Debt Service and Debt Capacity:
 9 - General Fund – remains under the 15% debt capacity until FY 2017-18, when it
 10 would reach 15.65%
 11 - Water and Sewer Projects (Article 46 Sales Tax proceeds) – current projected
 12 revenue earmarked for debt service is adequate to cover debt service payments
 13 over the 5-Year CIP
 14 • County Capital Project balances
 15 • Capital Funding, Debt Management, and Fund Balance Management Policies
 16

17 **Document Availability**

- 18 • Clerk to Board of Commissioners
 19 • County Financial Services Office
 20 • Orange County Website
 21 - www.orangecountync.gov
 22

23 Chair Jacobs asked for clarification of the 15% debt capacity and how it affects
 24 borrowing.

25 Clarence Grier said Orange County has a policy that the debt capacity should not
 26 exceed 15% of the general fund budget. He said every year there is a forecasting process that
 27 is based on current debt service and what is known will be issued in future years.

28 Frank Clifton said it is not just a County policy, but is also a guideline followed by the
 29 Local Government Committee (LGC), who approves all of the debt. He said one limiting factor
 30 has been a lack of growth in revenue. He said that the revenue projections tend to be
 31 conservative because there is very little control over any revenue other than property tax.

32 Commissioner Dorosin questioned whether it would be better to take on more during
 33 this time when the borrowing rates are at record lows.

34 Frank Clifton said this is not a decision for Orange County but also the LGC. He said
 35 that in the State of NC, no municipality can settle debt on its own and it must be reviewed and
 36 approved by the LGC. He said the State also created a new board several years ago where all
 37 policies and debt other than jails and schools must pass through. He clarified that this is all with
 38 regard to general fund debt. He said that local sales tax projects do not affect that 15%. He
 39 said that bonded debt increases the tax rate and the general fund budget.

40 Paul Laughton said that much of the newer debt for this fiscal year will be funded with
 41 the Article 46 sales tax. He said that there is currently a 1.4 million dollar surplus in debt
 42 proceeds versus money paid out.

43 He said that there are two work sessions scheduled; one on April 11, and another on
 44 May 9, for discussion of the CIP.

45 Chair Jacobs said Northern Human Services Center is on the work session agenda on
 46 May 14th and the Whitted facility is schedule for a town meeting on April 4th. He noted that the
 47 middle school number 5 does not count the cost of land because land has been set aside at
 48 Twin Creeks. He said that the last bond was in 2001 for 70 million dollars and this was
 49 designated for: parks, Lands Legacy, Affordable Housing, Morris Grove Elementary, Carrboro
 50 High, Gravelly Hill and Twin Creeks.

51 Frank Clifton referred to the last page listing active projects, and said many of these
 52 have been in the works for years and the Board has made a concerted effort to bring these

1 older projects to fruition. He mentioned the proposed jail expansion, and said that the County's
2 Jails have been historically overcrowded and it is very fortunate that the State Administration
3 approved a long term lease on a piece of property adjacent to the State Prison. He said the
4 issue is now to negotiate terms of the lease, which will obligate the County to move forward with
5 the Jail project in a timely manner or potentially give up the spot. He asked the Board to keep
6 this in mind, as it will come before them in the coming months.

7 Commissioner McKee said, although there are no new schools in Orange County per
8 SAPFO, there are many older schools in the County that need to be replaced. He asked if this
9 had been considered.

10 OCS Superintendent Patrick Rhodes said the replacement discussion has not taken
11 place.

12 Commissioner McKee referred to the issue of the EMS stations, and said these were not
13 a recommendation out of the Emergency Services work group. He said there is currently a
14 contract in place with Orange Rural for the use of the Phelps Road station to park an
15 ambulance. He said he recommends removal of that first year EMS station since the Phelps
16 Road station takes the place of it.

17 Paul Laughton said this is noted on the EMS section in the CIP notebook.

18 Commissioner Price asked about the allocation for money for schools based on SAPFO
19 and asked about the status of students getting laptops.

20 Chair Jacobs said that schools handle that.

21 Patrick Rhodes said all students in grades 6-12 received laptops this past year and
22 grades 3-5 will receive them next year.

23 Todd LoFrieze, Assistant Superintendant for Chapel Hill/Carrboro City Schools
24 (CHCCS) said there is still work being done to achieve a higher ratio for laptop accessibility. He
25 said the target is a 2:1 ratio but this has not been reached.

26 Commissioner Gordon referred to the Culbreth science labs and noted that CHCCS
27 have put some money in designing them, but there is no funding in the CIP. She asked for
28 information on how this can be funded so that it can be brought forward in the next discussion.
29 She expressed her support for this project.

30 Commissioner Pelissier asked if there is any progress on assessing the needs for older
31 schools.

32 Patrick said they have asked the Department of Public Instruction to conduct a facilities
33 site review. He said site analysis on the older schools has been done and this was one of the
34 ways the lower capacity at Orange High School was identified. He said major
35 recommendations were identified at all older school sites, which includes all of the elementary
36 schools.

37 Todd Lofrieze said CHCCS hired an architectural firm to analyze 10 schools that range
38 from 40-60 years old and this analysis is in draft form at this point. He said the overview
39 showed widespread needs in the facilities and this will be looked at over the next few months to
40 develop recommendations to be considered by the Board.

41 Chair Jacobs said there will be a school collaboration meeting on April 3rd, and
42 recommended that CHCCS share any documents on this issue to be considered at that
43 meeting.

44 Paul Laughton said that the Article 46 sales tax provides \$400,000 for CHCCS next year
45 to go toward property repairs.

46 Chair Jacobs asked if this includes Culbreth.

47 Todd Lofrieze said this includes repairs to Culbreth but not the Science Rooms.

48 Chair Jacobs said he wanted to flag the fact that in the CIP there is discussion about the
49 aging agricultural building and where agencies in that building may move. He said Blackwood
50 Farm Park Center was mentioned as an alternative, but there has been discussion about

1 whether this could substitute for the existing facility. He said this discussion is not addressed
2 directly in the CIP. He said he would like to comb through this at their next CIP work session.

3 Chair Jacobs clarified that Whitted Building is still in two more fiscal years, 2015 and
4 2016. He noted that there is a fair amount of money already on hand that has been moved
5 over from the Link Center.

6 Frank Clifton said this was budgeted for it but not financed.

7 Chair Jacobs asked if there is still flexibility to finance it earlier if the County is under
8 15% and Frank Clifton said yes.

9 Commissioner Gordon underscored the need to address the older schools, including the
10 Culbreth science labs.

11 Chair Jacobs referenced the pie chart on page 3 of the PowerPoint, and noted that this
12 is a departure from the last 5 years in the amount of funding going to county projects. He asked
13 if this could be compared to prior years at the next meeting.

14
15 **4. Discussion on Facilitating the Performance Evaluation Process for Three Staff**
16 **Members Appointed by the Board – County Attorney, Clerk, and Manager**

17 Commissioner Rich said the sub-committee met with a consultant, Peg Carlson, for
18 discussion. She said Commissioner Price brought in information and forms from NACo, SOG,
19 NCACC, and other counties.

20 She said there is nothing standard in place at this point. She said she feels it is
21 important that the Board move forward with setting something up for the manager, but that the
22 clerk and the county attorney could be handled in a different manner. She said the cost to
23 handle only the manager would be less than doing all three positions, and she is not sure more
24 funds need to be spent to do the other two positions.

25 She said her recommendation would be to have the consultant involved in the
26 Manager's review to get a system in place for this first time. Then the Board could evaluate if
27 the consultant is needed again the next year.

28 Commissioner Price said Peg Carlson was very helpful, and it was clear in looking at
29 different examples of evaluation forms, that guidance is needed. She said Peg Carlson gave
30 three different ways this can be dealt with: 1) Facilitator is involved in walking the Board through
31 the whole process, 2) Facilitator comes to sit down with each Board member to record
32 individual comments and evaluations, or 3) Facilitator would act as mediator to receive forms
33 and pass them on.

34 She said that it would be a different process for the manager versus the county attorney
35 and clerk. She said evaluation forms that she received from other sources would be hard to fill
36 out unless working side by side with the manager or attorney.

37
38 Commissioner Rich said the Board can meet individually or as a group with Peg
39 Carlson, who would help compile all of the information and help lead the
40 conversation/evaluation. Commissioner Rich said that in the past, the evaluations went to
41 Donna Baker, who was responsible for compiling this information. She said this was striking
42 and she and the consultant felt this was not right. She asked for Donna Baker's input on this.

43 Donna Baker said, as an employee, she had sensitive and confidential information and
44 she kept it that way. She acknowledged that this is probably not the norm and the suggestion
45 to have an outside, objective facilitator is a good one. She said that this will also give more
46 freedom of discussion.

47 Commissioner Price said that the cost for the consultant should also be considered.

48 Commissioner Rich said that is why she recommends going with the consultant, but
49 doing the evaluation discussions as a group to lessen the time, and the cost of the consultant.

1 Commissioner Price said she asked the consultant about anonymity. Peg Carlson said
2 her experience is that people are usually pretty comfortable speaking in a group and she can
3 handle it if someone needs to make a private comment.

4 Commissioner Rich said Peg Carlson said that in many cases a form isn't even
5 necessary when she is there. The conversation is what is most important and the consultant
6 knows how to put it into the proper format for an evaluation.

7 Chair Jacobs asked for an explanation of the vision for the Attorney and Clerk
8 evaluations.

9 Commissioner Price said she thought Peg Carlson should be involved in that process
10 also, because someone would need to collect the forms and gather information.

11 Commissioner Rich said she does not know what has been done in the past and there is
12 accountability to state requirements.

13 Commissioner Price said the questions would be specific to those positions, but it still
14 begs the question of need for an outside facilitator.

15 Donna Baker asked for clarification on the concerns. She said the concern is how to
16 gather information and give it to the Board, etc. She said the current process is for her and the
17 Attorney to do their own forms and then give these to the Board to be done individually and
18 then discussed in closed session. Then the information is given back to the clerk to be
19 summarized, or this could be given to the Chair. Donna Baker said that she would be more
20 comfortable if the information goes to an outside consultant, or to one of the Board Members.

21 Commissioner Rich said this could certainly be tried with a consultant for one year and
22 then possibly passed delegate it to the Chair on the following year.

23 Chair Jacobs said, for the Clerk and County Attorney, the Board could just respond to
24 work plan, and then have a board member or consultant to collate the information. He said the
25 other option is to meet before reviewing the person, get the work plan and then have the
26 conversation, but this requires 2 meetings.

27 Donna Baker asked if the consultant could simply collate the results and give a
28 summary back to the Commissioners before the meeting.

29 Chair Jacobs said this is a possibility.

30 Commissioner Price said this will bring in a time frame for doing the work.

31 Chair Jacobs said that the way it works now, there is no prior conversation. The forms
32 are given to the Board; the board meets with the staff member and has the first conversation;
33 everyone leaves; the forms are given to someone to be collated; and the chair is asked to give
34 feedback to the staff member. He asked how this process will be followed or diverged from
35 under the proposed plan.

36 Commissioner Rich said the consultant said the current process for the two staff
37 members works, but the process for the manager position did not. She said she understands if
38 it Peg Carlson is needed to collate some information for these.

39 Commissioner Price said she has no problem with the information being collated by the
40 Chair, only with it being collated by Clerk or the Attorney.

41 Donna Baker agreed with this and said this responsibility should be given to a Board
42 member

43 Commissioner Price said she prefers the use of a work plan, but either a form or work
44 plan would do.

45 Commissioner Dorosin asked if information on all Board comments is just put into one
46 document, as it seems it is done now, or if there is a general summary or paraphrasing of
47 comments. He said that if the Board gets written comments, then the staff member should get
48 all of those actual comments, even if there is a summary.

1 He said he does not understand why a consultant is needed. He said he has no
2 reservation in speaking freely and does not see the need for a third party. He feels that a board
3 member can compile the information.

4 Chair Jacobs said, with regard to the first question, whoever is assigned to do the
5 minutes will summarize the comments. He deferred to Commissioner Rich and Commissioner
6 Price about the consultant.

7 Commissioner Rich said an impartial, outside person leading a conversation can get
8 more information out of people and then this person compiles it in a professional review. She
9 noted that this compilation process requires a lot of work.

10 Commissioner Dorosin said he has less faith in the facilitation process in general and as
11 an internal operation this is an issue already being wrestled with. He said in general there
12 should be able to be candid conversations about these things.

13 Commissioner Price said she was hesitant at first too and then changed her mind after
14 meeting Peg Carlson. She noted that no one on the board has experience in Human
15 Resources. She said the consultant can bring so much expertise to this process. She said the
16 consultant would work as a guide to what needs to be talked about and how to move forward in
17 the process. She said, in the case of the manager, something that works needs to be in place,
18 for now and for the future when a new manager comes in. She said this can happen with the
19 consultant operating at a bare minimum if that is what is desired. She also said it is standard
20 now for employees to be able to see their evaluations.

21 Commissioner Gordon said it would be good to approve a process and have an
22 evaluation form. She said there are effects of group dynamics when things are discussed and
23 a set of objective questions and a collation process will give a more objective result. She said
24 that the Commissioners should decide on the evaluation form and use it as a template to do
25 individual evaluations. She said the form for a compilation of the evaluations should have a
26 matrix with scores and then a section for comments. Then when the evaluation forms are
27 collated, no information or comments are lost. She said that this information can be prepared
28 ahead of time for the entire Board to look at prior to a group conversation. This takes the group
29 dynamic effect out of each person's evaluation. She said that her recommendation is that the
30 Commissioner's agree to an evaluation instrument and have someone collate it with all
31 statements included.

32 Commissioner Rich asked why Commissioner Gordon feels the comments should not
33 be attributed to a specific person.

34 Commissioner Gordon said this would allow people to be more candid.

35 Commissioner Pelissier said one of the problems the Board has had is that some parts
36 of this process have been done for some of the evaluations and then not done for others. She
37 said she agrees that some comments should be given before the Board meets to talk. She said
38 that people have not always given comments ahead of time. She clarified that Donna Baker
39 never compiled her information; the Chair did. She said that this compilation did not take a lot
40 of work. She said that the private discussion meeting is where you don't want attributions; so if
41 comments are made ahead of time, they can be made anonymous. She said this is the
42 responsibility of the Commissioners to provide these comments.

43 Donna Baker said she did compilations for the Attorney's evaluation and there were
44 often no comments, just ratings. She said the comments are helpful to the staff.

45 John Roberts said the Human Resources Director could compile for the clerk and the
46 attorney.

47 Chair Jacobs asked him how the prior form has worked.

48 John Roberts said the form works fine for him and is similar to other local governments'
49 forms for attorneys. He said that it is difficult for him to formulate a work plan for submission
50 because so much of his work plan is reactive to the Board's needs.

1 Commissioner McKee said he is comfortable with the Clerk and the County Attorney
2 (CA) using the same forms as they have in the past. He is also comfortable with one member
3 of the Board of County Commissioners compiling the information. He feels the Manager is
4 different and he can see using a consultant for this one year to get things on track. He said he
5 has seen a lot more stumbling with the Manager's position.

6 Commissioner McKee said he keeps hearing about a process the Board used to have
7 that worked. He said he is unclear why this process was left and why the Board does not go
8 back to it.

9 Chair Jacobs said Frank Clifton's predecessor did not like the process or the form, and
10 the Board had to diverge from this.

11 Commissioner McKee said he has little experience in formal evaluations. He said there
12 is a need to improve manager's evaluation, but he is comfortable with the Clerk and the CA.

13 Commissioner Price said, based on what she heard, the Board could go forward with
14 contracting the consultant to assist with the manager evaluation. She said that the current
15 form or another form from the examples provided could be used for the Clerk and CA. She said
16 she does not mind Human Resources compiling the information. She said she personally does
17 not like to rate people by numbers and prefers to write down comments.

18 Commissioner Rich asked the Board to look at attachment B on page 4 and note the
19 initial planning step one, which includes the creation of the evaluation form.

20 Commissioner Pelissier said she agrees that help is only needed with the manager's
21 evaluation. She said that what has not happened is getting the information ahead of time. She
22 said that this is the key. She said she never cared about ratings but wanted to know the why
23 behind the rating and the comments. She said this is the essence of a good evaluation.

24 John Roberts agreed that comments are helpful and gave specific examples of this on
25 his own evaluations.

26 Donna Baker also agreed with this need for constructive criticism.

27 Commissioner Gordon referred to attachment B and said that the sub-committee should
28 have the Board sign off on the form from the consultant. She said this process should start
29 now and not wait until August

30 Commissioner Rich said that a consultant cannot be used for ten months or it would be
31 too costly.

32 Commissioner Gordon said the form should be agreed on and then the process should
33 be put in place separate from the actual evaluation. She said she does not want to use the HR
34 director, who is an employee. She feels that it should be an outside person like Peg Carlson, or
35 if it is an inside person, it should be the Chair.

36 Chair Jacobs summarized that there is agreement on the same process and the same
37 forms for the Clerk and the CA.

38 Donna Baker noted that there are only 6 weeks left and these forms should be
39 submitted 2 weeks prior to the meeting.

40 Commissioner Price said these forms should be very simple.

41 Chair Jacobs clarified that a new form and process for the Clerk and CA would have to
42 be adopted at the April 9th meeting. He summarized that the Chair would be responsible for
43 compilation of comments and forms for the Clerk and CA.

44 Chair Jacobs said that a consultant could be employed to develop and guide the
45 evaluation process for the manager. He suggested that something be put together and
46 presented to the Commissioners prior to summer break in order to meet the October evaluation
47 timeframe. He said that if a consultant is used, there is still the issue of how far the consultant
48 participates. He noted that there are differing opinions about this and the issue needs to be
49 decided. He said that if the consultant is used, a form will need to be submitted at the April 9th
50 meeting to authorize expenditures to fund the consultant for whatever scope of work is decided.

1 Commissioner Gordon said that for the attorney, clerk and manager there needs to be a
2 formal statement of process. She said she and Commissioner Hemminger had developed this
3 and with a few minor changes, this process could be used. She asked that this could be looked
4 at.

5 Chair Jacobs suggested that this be part of the April 9th discussion.

6 Commissioner Dorosin said that the other piece is to give these employees some
7 guidance on the evaluation process.

8 Chair Jacobs said that there has been some standard expectation followed in the past.
9 He said that at least for this first year, perhaps this should still be closely followed. He feels that
10 the work plan should still be included in the process.

11 Commissioner Dorosin asked if those work plans are submitted to the Board for
12 approval at the beginning of the year.

13 Donna Baker said this is usually part of the evaluation form. And the Clerk and
14 Attorney's evaluations are in the spring and the manager's evaluation is now in the fall.

15 Commissioner Gordon said this is why it is important to get this started right away and
16 that this process is all outlined in the plan she mentioned earlier.

17 Chair Jacobs said that he suggests that the Board authorize the use of the consultant in
18 developing a process to evaluate the county manager, not to exceed the given estimate. He
19 said that it can be decided later what scope the consultant would operate on.

20 Commissioner Rich said she has gone through this process twice and never without an
21 outside source assisting. She feels it is important to try this new process and see how smoothly
22 it can move.

23 Chair Jacobs said that the sub-committee can make a recommendation on April 9th
24 regarding the totality of the use of the consultant and this can be discussed and voted on.

25 Frank Clifton said he feels the manager's position is different. He said that his
26 evaluations here thus far have not been the most pleasant or forthright and there has been very
27 little clarity. He said clarity is better than anonymity. He said that he has never had a work plan
28 because his plan is based on the priorities of the Board. He said that in the end, maybe a
29 consultant will help the process be more forthright. He said that he feels it will be difficult and a
30 system is needed. He said that he feels the manager should be given the opportunity to
31 respond and this has been missing.

32 Commissioner Price said that the point of the consultant is to create a conversation to
33 help things move forward.

34
35 Chair Jacobs said he appreciates the work of Commissioner Price and Rich.

36
37 **ADJOURNMENT**

38 A motion was made by Commissioner Rich, seconded by Commissioner Price to
39 adjourn the meeting at 10:04 pm.

40 VOTE: UNANIMOUS

41
42
43
44
45
46
47
48
49
50
Barry Jacobs, Chair

Donna S. Baker, CMC
Clerk to the Board

1 DRAFT

Attachment 2

2
3
4 **MINUTES**
5 **ORANGE COUNTY BOARD OF COMMISSIONERS**
6 **CHAPEL HILL TOWN COUNCIL**
7 **JOINT MEETING**
8 **March 21, 2013**

9 The Orange County Board of Commissioners met with the Town of Chapel Hill for a Joint
10 Meeting on Thursday, March 21, 2013 at the Southern Human Services Center in Chapel Hill.
11 N.C.

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

15 **COUNTY COMMISSIONERS ABSENT:** Earl McKee

16 **COUNTY ATTORNEYS PRESENT:** Annette Moore

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

20 **CHAPEL HILL TOWN COUNCIL MEMBERS PRESENT:** Mayor Mark Kleinschmidt, Ed
21 Harrison, Jim Ward, Lee Storrow, Matt Czajkowski, Donna Bell, Sally Greene

22 **CHAPEL HILL TOWN COUNCIL MEMBERS ABSENT:** Gene Pease and Lauren Easthom

23 **CHAPEL HILL STAFF PRESENT:** Town Manager Roger Stancil
24
25

26 **Welcome and Opening Remarks (Mayor Mark Kleinschmidt and Chair Barry Jacobs)**

27
28 Mayor Kleinschmidt welcomed everyone.

29 Chair Jacobs said Commissioner McKee will be unable to attend this evening.

30 Mayor Kleinschmidt said Council Member Easthom would be unable to attend.
31

32 **1. Review of Rogers Road, including Town's Small Area Plan**

33
34 Assistant County Manager Michael Talbert said this is a discussion on Rogers Road and
35 noted that the re-assembled Roger's Road Task Force held its first meeting last night. He
36 referenced Attachment 1 and noted that it contains the charge for the Task Force for the next 6
37 months. He noted that the first item is the installation of water and sewer lines, and he
38 reviewed the charges as follows:
39

- 40 • To have the Task Force consider the final costs, provision and installation of water and
- 41 sewer utility extensions preferably at no cost for members of the Historic Rogers Road
- 42 Community;
- 43 • Consider options to address gentrification;
- 44 • Consider Chapel Hill's most recent Small Area Plan; and
- 45 • Consider funding options, including the Greene Tract.

46
47 He said utility districts were the main topic at last night's meeting.

48 Mayor Kleinschmidt noted that this item also relates to item on #5 on the agenda,
49 regarding annexation changes and joint use. He suggested that they may need to bleed the
50 conversations together. He said when the Town of Chapel did the Small Area Planning (SAP)

1 process, it was assumed that there would be an agreement with Orange County and this area
2 would become a part of Chapel Hill. He said it is now known that town initiated annexation is
3 unlikely for any unincorporated parcel in the state. He said that for town services to be
4 provided, the town has legal restrictions with what it can/cannot do outside of the town limits.

5 He said there needs to be a lot of thought, as plans are made for extending urban
6 services into these joint planning areas. He said there are many factors that distinguish this
7 area from a rural area, yet this will never become part of the Town in any Town initiated
8 process. He feels the Board needs to incorporate a response to this into its discussions. He
9 questioned, if it is decided that this will never be part of the Town of Chapel Hill, whether
10 urbanizing this area is a wise effort or not. He questioned whether the Board should consider
11 transitioning this area into the Town through other mechanisms. He said that the
12 neighborhood's continued demand for urban services, like water and sewer, will put
13 development pressure that may lead to voluntary annexation by a developer.

14 Commissioner Dorosin said the Mayor's comments are important context for discussion,
15 but the Board of Commissioners needs to keep in mind that the issues related to Rogers Road
16 come in the form of remediation. He said this makes it more distinct than other ETJ areas and
17 this is a unique issue.

18 Mayor Kleinschmidt said he was just adding this to the conversation.

19 Commissioner Price said Commissioner Rich said they brought the information about
20 this proposed legislation in reference to the elimination of ETJs by the legislature to the meeting
21 yesterday of the Task Force and it was discussed.

22 Mayor Kleinschmidt asked if the task force could be encouraged to add this to their on-
23 going discussions.

24 Commissioner Rich said when the Task Force discussed this last night, it got mixed
25 reviews. She said the bills are coming to the Board of County Commissioners' so quickly these
26 days that County Commissioners often can't meet on time to discuss them so the Board has
27 had to amend how it does business. Commissioner Rich said the reaction of the task force is to
28 have the conversation in spite of the bill and she is not clear on what Mayor Kleinschmidt wants.
29

30 ***Council Member Donna Bell arrived at 7:15.***

31
32 Mayor Kleinschmidt said one response would be to come to an agreement on the zoning
33 intensity desired for this area to keep it from becoming an urbanized area outside the city. He
34 said this might be underscored more, instead of just being one of the principals.

35 Commissioner Rich said that would be something the Task Force would be considering
36 in its discussion of gentrification anyway. She asked if he wanted to add the zoning issue to
37 that portion of the charge.

38 Council Member Jim Ward said he does not feel the vision for this area should be
39 changed based on proposed legislation. He said that as this area grows, it will make more
40 sense for that part of the community to be part of Chapel Hill. He said he feels that moving
41 forward, it should be ensured that what is being done with regard to possible utility service
42 districts is legal, even if ETJs get discontinued. He said another question that came up was
43 regarding the fact that there is no ETJ out there; it is a joint planning district and it is unclear if it
44 will be affected by ETJ legislation.

45 Commissioner Dorosin suggested the audience might benefit from an explanation about
46 the proposed legislation.

47 Mayor Kleinschmidt said the first important point is the change in the annexation rule
48 that was enacted last year. He said that in any state with limited ability to grow, even
49 temporarily, it becomes permanent; because the political will to return to thoughtful growth
50 planning never arises. He said the second concern is a more recent piece of legislation that

1 continues to handicap the ability of towns to plan for their future by proposing elimination of ETJ
2 altogether. He said this is a short bill currently before the general assembly, and coupled with
3 other legislation, it would greatly limit the Town's ability to design standards. He said there
4 needs to be thoughtful long term planning for the community. He said the impact of these bills
5 needs to be considered, and efforts should be made not to plan for creation of urban areas outside
6 of the town limits. He said another option is to require, when changes occur in their planning
7 areas or zoning, there is a condition of petition for voluntary annexation into the city.

8 Council Member Harrison said it would help if counties made it clear to the General
9 Assembly that this bill is not supported.

10 Chair Jacobs said Orange County is different, partially because the county was able to
11 come up with a joint planning agreement with the municipalities without the "wars" that often
12 occur between elected bodies and citizens. He said the Task force should move forward as
13 planned, regardless of possible legislation. He said there should be more discussions about
14 ETJs and how to plan for these areas. He said the question should be asked, if it is in the best
15 interest of municipalities to incorporate these areas into the urban town limits. He said that,
16 because of the joint planning area, there is more authority to say where water and sewer will
17 and will not go. He noted that the Rogers Road group is not going to report back to the Board
18 of County Commissioners until September, so there is time for future discussion in light of the
19 consequences of the legislation. He suggested more joint planning, especially in light of the
20 Rogers Road process.

21 Council Member Jim Ward said the task force has incorporated OWASA into its
22 discussions. He said the latest plan for that now encompasses more area than just the Historic
23 Rogers Road area. He said this was done to reduce the cost per household. He said there is
24 some pushback, but the intent of the group is to move forward with this kind of design. He said
25 he hopes there will be support for finding a way to fund the water and sewer for Rogers Road
26 and the extended areas. He said that efforts are being made to get some figures for the cost of
27 this.

28 Commissioner Rich said it may be a good idea for staff to share the new map with all
29 elected bodies. She said that the discussion was originally about just the historic area, and now
30 the conversation is about a utility district and includes more homes than proposed before. This
31 does make it more cost efficient. She said there was some push back during the meeting
32 yesterday, so more estimates and a diagram will be presented at the next meeting.

33 Commissioner Price said a lot of this has to do with costs, which is why there was a
34 request for estimates and a diagram. She said that the goals will not be accomplished if the
35 utilities are installed and then people cannot get the service.

36 Council Member Jim Ward said another piece of the puzzle is that the figure of \$6
37 million was for water and sewer to Historic Rogers Road only. He said including the other areas
38 will double the cost, but will triple the coverage. This is where the savings comes in. He said all
39 of the boards need to have this discussion, because this infrastructure is put on the landscape
40 so that most of it is with the Chapel Hill town limits. He said the other parts are in the Orange
41 County and Chapel Hill joint planning area and he questioned what this means for funding. He
42 proposed that the portion that is in Carrboro should be paid for fully by Carrboro; and the
43 portion in Chapel Hill and Orange County needs to be discussed by these two entities. He said
44 the normal population equation will not work for this. He said that this is an issue for the Town
45 and the Board of Commissioners.

46 Commissioner Price said her understanding from the Town of Carrboro was that the
47 14% would be spread out. She said there has been a request for specific numbers to be
48 presented at the next meeting.

49 Mayor Kleinschmidt said that the Mayor of Carrboro said that their \$900,000 will all be
50 spent in the portion of the area in Carrboro.

1 Commissioner Rich said that Carrboro has said that its money will only be spent in
 2 Carrboro, regardless of comments by representatives at Rogers Road Committee meetings.
 3 She said Carrboro's manager and attorney have made it clear that money is only to be spent in
 4 the city limits and on Roger's Road residents in Carrboro only.

5 Commissioner Rich said, regarding the maps, it is important to remember that the utility
 6 district does not have to be built in its entirety all at once. She said it can be built in phases with
 7 Roger's Road as phase 1.

8 Commissioner Dorosin said he attended the task force meeting, and the residents were
 9 encouraged about the commitment to finding funding to make the connections.

10 Council Member Jim Ward said funding is another piece, and one option is to consider
 11 the Greene Tract as a funding source. He said there might be some agreement with a joint
 12 conversation concerning affordable housing, affordable commercial area, school site, green
 13 space, etc. He said this conversation needs to be re-opened and a footprint defined in order to
 14 sell to a developer. He said these funds could go toward funding improvements on Rogers
 15 Road.

16 17 **2. Update on Orange County Bus and Rail Investment Plan (OCBRIP)** 18 **Implementation**

19
20 Orange County Planning Director Craig Benedict said this is an update on the OCBRIP.
 21 He noted that the sales tax passed last November and will go into effect April 1st. He said
 22 Triangle Transit is the implementing agency that will handle these funds. He said that Triangle
 23 Transit has met with other local transit agencies to begin implementing the OCBRIP. He said
 24 the implementation will include Martin Luther King bus route, Light Rail Alignment, Amtrak
 25 Station in Hillsborough, as well as some rough funding formulas from the state and local
 26 government.

27 He said an additional document, the Orange County Bus and Rail Investment Plan
 28 Interlocal Implementation Agreement, was approved between Orange County, Triangle Transit
 29 and the DCHC-MPO (Durham-Chapel Hill-Carrboro Metropolitan Planning Organization). He
 30 said this implementation agreement has a staff working group and includes all the local
 31 governments and transit agencies as well as adjacent MPO's.

32 Craig Benedict said to implement this plan, revenues from the tax will be looked at.
 33 There have been estimates of anticipated first year revenues to be used for bus service
 34 enhancements or support of existing services. He said this figure is \$730,100, and this money
 35 will be distributed to the local transit providers. He said that the shares are divided as follows:
 36 Chapel Hill Transit with a 64% share; Triangle Transit with a 24% share; and Orange Public
 37 Transportation with a 12% share. He said Triangle Transit has requested all local transit
 38 planning agencies to come up with priority routes for the first year. He said these reports will be
 39 communicated to Triangle Transit in the next 10 days. He said the implementation agreement
 40 also identifies an annual review of revenues, cost of service and cost of projects. He said this is
 41 still in the formative stages and the first rollout of services may be later this year, but will most
 42 likely come in 2014.

43 44 **3. Smoke Free Public Places**

45
46 Orange County Health Director, Colleen Bridger, presented the following PowerPoint
 47 Presentation:

48
49 **Orange County Board of Health**
50

1 Overview of the Rule

2 Where is smoking prohibited?

- 3 • Indoors
 - 4 - Where the public is invited or allowed
 - 5 - Regardless of public or private business ownership
- 6 • Outside
 - 7 ▪ Municipal or County owned/controlled property
 - 8 - Sidewalks
 - 9 - Parks and Recreation facilities
 - 10 - Bus Stops

11 Overview of the Rule

12 Where is smoking not regulated by the rule?

13 Overview of the Rule

14 Enforcement – Effective July 1, 2013

15 Smoke-free public places

16 RECENT history

17 2009

- 18 • House Bill 2 (HB2) passes
- 19 • November - TRU students present Tobacco-Free Public Places idea to the
- 20 Board of Health

21 2010

- 22 • January 2 - HB2 goes into effect as the NC Smoke-Free Restaurants and Bars
- 23 Law

24 2011

- 25 • February – UNC School of Government Webinars on Local Authority
- 26 • April – Board of Health and Intergovernmental Park Workgroup Presentations
- 27 • November – Orange County Tobacco Control Workgroup Formed

28 2012

- 29 • February – Workgroup recommends BOH adopt Tobacco-Free Public Places
- 30 • June – BOH hears presentations by NC Tobacco Prevention and Control Branch
- 31 and Gayle Harris, Durham County Health Director. BOH adopts Strategic Plan to
- 32 review current smoking ban policies for expansion
- 33 • August - BOH Tobacco Subcommittee recommends Tobacco-Free public places
- 34 to BOH. BOH discusses and decides to limit consideration to Smoke Free public
- 35 places only.
- 36 • Smoke-free public places
- 37 Preparing for the vote

38 2012

- 39 • Early September – BOCC Chair met with municipal mayors to gauge support for
- 40 the Rule

41

- 1 • September – Elected Leader survey
- 2 • September - October – Public input
- 3 1. online survey
- 4 2. e-mail
- 5 3. telephone comment line
- 6 4. U.S. Mail, and
- 7 5. a public hearing
- 8
- 9 • October – Community Leader Forum held with 18 local leaders including elected
- 10 officials from 3 out of 4 municipalities
- 11 • October – BOH holds public hearing, votes and adopts rule 10-1
- 12 • Smoke-free public places
- 13 Preparing for the vote

14 **2012**

- 15 • November – Legal notices run in the local newspaper
- 16 • November – OCHD staff meet with law enforcement officials to discuss
- 17 consistency in enforcement and other concerns
- 18 • November – BOCC holds public hearing, votes and approves The Board of
- 19 Health’s Rule 6-1
- 20 • Smoke-free public places
- 21 Jurisdictional Authority
- 22

23 **After the BOH/BOCC Vote**

- 24 • Municipal attorneys for Chapel Hill, Hillsborough and Carrboro question the
- 25 jurisdictional authority of the Board of Health
- 26 - Believe Councils must “opt-in” to participate
- 27 • Jill Moore from the School of Government publishes a whitepaper on
- 28 jurisdictional authority finding:
- 29 - Board of Health Rulemaking Authority applies to all jurisdictions in the
- 30 County and the BOCC approval is a procedural step similar to when they
- 31 approve BOH fees
- 32 • NC Attorney General’s Office sends an Advisory Letter also stating the BOH
- 33 Rule applies to all towns within Orange County
- 34 • Durham and Orange County Attorneys concur
- 35 • Implementation
- 36

37 **January 1, 2013**

- 38 • “Soft Implementation” no penalties for non-compliance

39 Start with focus on 3 key areas

- 40 • Cessation
- 41 • Public Education / Communication

- 1 • Signage

2 **July 1, 2013**

- 3 • Enforcement begins
- 4

5 **Implementation Philosophy**

- 6 • Education and empowerment are the essential components to the adherence of this
- 7 Rule. Enforcement will only be used when absolutely necessary.
- 8

9 *Presentation turned over to Board of Health Chair, Tony Whitaker*

10

11 **Board of health's rationale**

- 12 • Tobacco use and exposure to smoke are leading preventable causes of illness and
- 13 death in Orange County
- 14 • There is no safe level of second hand smoke
- 15 • Orange County is one of the healthiest counties in the state, in part due to the fact that
- 16 we are a progressive leader in public health
- 17 • Boards of Health have the responsibility to protect the public's health and to adopt rules
- 18 necessary for that purpose (NC GS 130-39(a))
- 19 • BOH was committed to a deliberative, inclusive, thoughtful process that spanned nearly
- 20 2 years
- 21

22 BOH Chair Tony Whitaker said that there has been a dramatic and immediate positive

23 impact on public health in communities across the country where smoking bans have been

24 implemented. He said that the BOH has the authority to implement rules for the protection of

25 the public health, as well as a mandate and the ability to do so because of legislation. He said

26 there has been a lot of time spent sifting through the logistics and legal basis for actions the

27 County might take, and he outlined sources of information.

28 Commissioner Price asked how enforcement will play out.

29 Colleen Bridger said experience with experience with no-smoking in restaurants has

30 shown that the majority of enforcement is done with education by fellow citizens. She believes

31 this will be the same situation in the vast majority of cases with the new rules. She said it is

32 anticipated that this could be burdensome to law enforcement; and systems are being designed

33 to re-direct any 911 calls regarding this away from law enforcement. She said there are teams

34 of educators being sent to heavy smoking areas, such as the courthouse. These teams will do

35 as much as possible to educate and divert the burden from law enforcement. She made a

36 comparison to the open container law and the discretion required in the decisions regarding

37 when and where enforcement is needed.

38 Mayor Kleinschmidt said he does not feel the analogy with restaurants works because of

39 the contrast between the outdoor and indoor situations.

40 Council Member Jim Ward asked how is the county addressing funding and resources

41 for signage and education within Chapel Hill and other municipalities versus more rural areas.

42 Colleen Bridger said they are concentrating most resources in areas where the

43 population is most concentrated.

44 Council Member Jim Ward asked if there was collaboration with the Town of Chapel Hill

45 staff to assist with identifying these areas and Colleen Bridger answered yes.

1 Council Member Jim Ward asked about the area of Chapel Hill in Durham County.

2 Colleen Bridger said Durham County enforces this area because it has a similar policy.

3 Council Member Sally Greene asked about enforcement and fines and how this is
4 managed in different scenarios.

5 Colleen Bridger said that she imagines, 99% of the time, if an officer sees someone on
6 the sidewalk smoking, the person will be asked to put out the cigarette; the cigarette will be put
7 out and the officer will move on. She said there may be some scenarios, especially where
8 alcohol is involved, where the person is belligerent. In these cases it will be the discretion of the
9 officer in delivering citations. She said that in scenarios where there is outdoor eating, such as
10 in Hillsborough, where the sidewalks are owned by the town; it is the restaurant owner's
11 responsibility to inform people that they cannot smoke at those tables.

12 Council Member Matt Czajkowski asked what instructions law enforcement are being
13 given for addressing this issue with residents. He said that requiring an officer to apply the type
14 of discretion being discussed is not police procedure. He said his request is to have the police
15 chief to come to explain the instruction officers are being given and how much burden this
16 places on them.

17 Mayor Kleinschmidt said he also feels this would be helpful and he feels that most of the
18 time officers will just ignore the smoking.

19 Council Member Lee Starrow said this brings to mind the seatbelt ordinance. He said
20 he would hope that the law enforcement doesn't spend the bulk of their time only enforcing
21 seatbelt ordinances. He said is easy to get stuck in the small details, but overall this is about
22 public education and setting cultural norms.

23 Mayor Kleinschmidt said he is most concerned about the calls to the police, because
24 these calls will require follow up.

25 Council Member Matt Czajkowski said this same discussion occurred regarding cell
26 phones. He said a law is passed with an enforcement mechanism, with the presumption that
27 the police will ignore it. He questioned the legal structure of this and he said the police need to
28 be informed and able to enforce it. He said if it is about education then there should be an
29 educational program, not the creation of a criminal offense.

30 Council Member Lee Starrow asked if the seat belt law should also be done away with.

31 Mayor Kleinschmidt said that is a state law and he agreed with Council Member Matt
32 Czajkowski.

33 Commissioner Price said she feels the market will take care of the issue in restaurants,
34 but she is concerned about law enforcement. She questioned what the recourse will be if
35 smokers are driven off the sidewalks and then just move into the streets where the cars are.

36 Colleen Bridger said smoking in the streets obviously cannot be banned. She is hopeful
37 this will not be the case for the majority of people. She said this does move second hand
38 smoke away from the public areas.

39 Commissioner Pelissier noted that Durham County implemented a very similar rule
40 about a year ago. She asked about their outcome, and if there have been problems as it
41 relates to law enforcement.

42 Colleen Bridger said she has not heard about that in any discussions with Durham about
43 the challenges. She said Durham County had the same questions about jurisdictional authority
44 and decided that the BOH had the authority to pass the rule and it does apply to the City of
45 Durham. She said the effort is an attempt to change the culture, and overnight results are not
46 expected, nor are heavy handed enforcements. The focus should be on education and
47 empowerment.

48 Mayor Kleinschmidt suggested wrapping this up and said he would ask for follow up with
49 the police and sheriff.

1 Chair Jacobs said there should also be a request for a report on how this is working in
2 Durham, and how it affects law enforcement.

3 Mayor Kleinschmidt said he does not believe there are any signs about smoking in
4 downtown Durham, so in seeking information from Durham, it needs to be relevant data. He
5 said the program is now three months into the 6 month period education span and he works in
6 downtown Chapel Hill. He said he would like to know what is going on with this education
7 component in their area because he sees no evidence of it.

8 Mayor Kleinschmidt personally objects the BOH's jurisdiction over Chapel Hill and its law
9 enforcement.

10 Colleen Bridger said their education campaign has been slowed by questions similar to
11 those discussed tonight. She said it has been a challenge to work with town staff that is
12 unsure whether town leadership will support their involvement. She said the BOH is waiting for
13 clarity on this before heading out with public works and planning folks to determine signage
14 needs.

15 Mayor Kleinschmidt said he would ask that the 6 month education period be started and
16 not be incorrectly noted to have begun on January 1st if it did not.

17 Colleen Bridger said her request is to have a deadline by which these issues are
18 resolved so that it does not drag on and prevent enforcement of the rule.

19 Mayor Kleinschmidt said this will be talked about at the Town Council Meeting.

20 Council Member Jim Ward said Mayor Kleinschmidt is the mayor and he does not speak
21 for everyone on the Council. He said he is personally supportive of the BOH's efforts and of
22 working with the police staff to see how the town can be part of the solution.

23 Mayor Kleinschmidt said he has no objection to the rules being discussed by the BOH,
24 but he has objection the Board of Health's extension of jurisdictional authority over the town.

25 26 **4. Solid Waste/Recycling**

27 28 **a) Discussion on Process to Develop New Inter-local Agreement**

29
30 Michael Talbert said this is the process of developing a new inter-local agreement. With
31 the closing of the landfill on June 30th, the existing inter-local agreement from 1999 goes away.
32 He said that as the landfill closes, many other things associated with solid waste will continue.
33 These items include: recycling, construction and demolition landfill, convenience centers, and
34 yard waste and light goods programs.

35 He said staff, the Solid Waste Advisory Board (SWAB), and the Assembly of
36 Government feel that an inter-local agreement is a good thing to have in place to optimize
37 recycling and conservation easements in regard to solid waste.

38 He said there was a work group established in 2010 to work on a new inter-local
39 agreement, but this did not come through. He said Chapel Hill staff and county staff have been
40 working on this issue for the past several months and would like to bring this agreement
41 forward at some point.

42 Chair Jacobs said that there have been several questions from Carrboro regarding
43 when the Solid Waste Advisory Board would begin meeting again. He said that the response
44 always stated this would happen when there was a new inter-local agreement. He said that if
45 there is to be an entity working on solid waste issues on behalf of the three municipalities in the
46 County, there needs to be a framework for operation.

47 Chair Jacobs said it is not clear how the SWAB can continue to meet without an
48 agreement. He said it would be good to find out what all the different entities envision in order
49 to move forward.

1 Frank Clifton said there are a lot of undecided issues and it really does not make sense
 2 for a group to meet without a clear charge. He said hopefully in the coming months boundaries
 3 can be resolved and the charge can be re-established. He said that the actual charge needs to
 4 come from the elected officials, not staff. He said he senses some frustration that the elected
 5 boards and jurisdictions have not been able to come together on some of the issues.

6 Town Manager Roger Stancil said the county manager has been keeping the town
 7 informed about the Board of County Commissioners' actions.

8 He said the garbage disposal is being moved to Durham County and this is being
 9 coordinated with county staff. He said there have been conversations with Carrboro about
 10 mutual work in the collection of commercial garbage and the efficiencies to be gained by
 11 working together. He said that once this works, the discussion can be applied to residential
 12 garbage.

13
 14 **b) Town of Chapel Hill's Solid Waste Plans**

15
 16 Town Manager Roger Stancil there are preparations for a potential transfer station on
 17 town owned property. He said an RFP is being looked at for getting bids from private entities to
 18 do a turnkey provisional transfer service; and there is also consideration of a town-owned and
 19 operated transfer station in partnership with Carrboro.

20 He said, with the decision of the county to change its recycling model, the three
 21 managers think it may be good to put out an RFP for recycling services within the towns. He
 22 feels that, with the housing density, there would be savings for the towns to operate recycling in
 23 the urban areas and for the county to continue that in the rural areas.

24 He said the direction is that the three towns put out an RFP to get more information.

25
 26 **c) Franchise and Recycling Options**

27
 28 Chair Jacobs said the county has not decided anything about recycling yet and will have
 29 a discussion at their April 9th meeting.

30 Town Manager Roger Stancil said Frank Clifton has kept them informed and he just
 31 wants to be ready to act.

32 Frank Clifton gave some general background information. He said the Board of County
 33 Commissioners has only taken actions as required by state statute in order to keep all options
 34 open.

35 Frank Clifton said, prior to 2004, recycling was funded out of landfill fees. In 2004 the
 36 county implemented a fee to cover countywide recycling services. This was followed, in 2011
 37 with a solid waste fee to support those who use convenience centers. He referenced rulings
 38 last year by the Supreme Court that local governments have no authority not granted by
 39 legislature. He said unless there are changes to the rules in the legislature, there will need to
 40 be a new methodology to fund recycling.

41 Frank Clifton said one option to consider is the franchise process, which would be a
 42 voluntary, fee based system with the potential for multiple vendors. He said if a decision was
 43 made for the county to afford recycling, there are enough reserves set aside for equipment and
 44 operation within the existing program to cover this upcoming fiscal year. He said there are no
 45 funds to extend it beyond that year, and work would need to begin early to set up for transition
 46 to the vendor, franchise system.

47 Frank Clifton gave the following other options: 1) The county could do away with
 48 curbside recycling, which is certainly not a popular option. 2) The county could establish a
 49 volunteer program where people can buy in or out. This has potential for abuse and sharing of
 50 service, and the county will get the recycling, but may not get the full revenue to pay for it. 3)

1 There could be creation of a service district concept, similar to fire districts. One could be
2 county-wide with a segregated county wide tax levied to pay for it. This would be similar to the
3 system now. He said the county only serves 1/3 of the area outside of the towns with rural
4 curb-side. He said a special tax district could be created for that area. 4) The final option is to
5 put this in the county general fund and forget about it. He said the reality is that there are a lot
6 of demands already on the general funds.

7 Frank Clifton said he personally feels the county has focused on recycling and landfills,
8 but has not paid enough attention to solid waste, county wide.

9 Chair Jacobs said the legislators have introduced a draft bill related to this. He read the
10 title and said it is another route being explored.

11 Commissioner Rich said this is a shame because the county has an amazing recycling
12 program and staff and are known throughout the state for this program. She said many people
13 in the community have spoken up and expressed their disappointment.

14 Commissioner Pelissier said she looked at this as an opportunity and suggested
15 consideration of pay as you throw programs. She would like to find a way to incentivize
16 recycling.

17 Council Member Jim Ward asked if the fees are still being collected.

18 Frank Clifton said the 4-r collections have already been done in January. He said the
19 budgetary recommendation is not to levy the 3-r fee for recycling until there is clear authority to
20 do so.

21 Council Member Jim Ward asked when the court case took place and Chair Jacobs said
22 in December.

23 Frank Clifton said this case has been through all of the courts in North Carolina, and the
24 State Supreme Court was the last to rule.

25 Council Member Jim Ward asked if this fee had been levied until the end of 2012 and
26 Frank Clifton said yes.

27 Council Member Jim Ward said he does not understand why there would be
28 consideration for continuing the program if it is not set up to pay for itself, and Frank Clifton said
29 it is not being continued.

30 Mayor Kleinschmidt said those fees that have been ruled as not collectible will not be
31 billed in the next cycle.

32 Frank Clifton said he understands it is the Board's decision, but his recommendation is
33 that those fees are not levied until the issue is resolved. He said there are only 2 of the 4 fees
34 in question.

35 Council Member Jim Ward asked if there is obligation to return that money.

36 Frank Clifton said he hoped not.

37 Council Member Jim Ward said he hoped on April 9th the town will hear about the
38 implications to Chapel Hill. He said he doesn't understand what happens to all of the education
39 programs and associated recycling efforts. He wonders if those efforts stay as is or if the town
40 will be on its own.

41 Frank Clifton said some of the educational efforts will stay as is and some won't. He
42 said the issues are curbside recycling and multi-family recycling. He said the programs
43 between governments will be discussed, but much depends on the course of action taken. He
44 said the service district gives the county the greatest number of options to continue all services
45 and perhaps justify expansion. This will only occur if the towns opt in to participate. He said
46 that the reason for the year option was to give communities the chance to sort through options.
47 He said the reserves fee is substantial enough to fund the greater portion of the next fiscal year.

48 Council Member Jim Ward said he hopes the county and town look beyond costs and
49 saving money, because this is a great program. He does not feel the current customer service
50 can be duplicated by someone who is not an invested part of the community. He said the

1 county's leadership in recycling is so great and he questions the implication of moving to
2 franchise. He does not want to see quality of service and the rate of recycling lost in the
3 shuffle. He said he feels the county manager's proposals and the town's reactions bode poorly
4 for quality of service.

5 Town Manager Roger Stancil said it was the three town managers' opinion that the
6 same level of service would be able to be achieved for less cost, because of density and the
7 ability to integrate the program with pay as you throw and other collections. He said solid waste
8 is a big core service and there are some real ways to gain efficiency. He said he is not
9 advocating for anything at this point.

10 Chair Jacobs referenced the legislative ruling from the State Supreme Court on *Lanvale*
11 *Properties LLC versus Cabarrus County*. He said if you read comments from State Legislators
12 further restricting counties, this case is cited as part of the rationale.

13 Council Member Lee Starrow said he gives thumbs up to the pay as you throw option.
14 He said there is something very unsatisfying about a voluntary program, and he feels that the
15 final two options the Manager laid out seem to be the most successful.

16 Chair Jacobs said he agrees with Commissioner Rich and Council Member Jim Ward.
17 He said that it seems that the county and the towns are not planning together and he is
18 disappointed. He asked why the county is not part of the conversation about the transfer
19 station. He questioned why the elected officials are not meeting together to figure out joint
20 solutions rather than waiting to see what other jurisdictions are doing. He asked how a
21 comprehensive system can be achieved if everyone is operating in different realms. He is
22 willing to meet with other elected officials about this. He said the reason solid waste has been
23 so successful is because elected officials in the past made decisions to do solid waste together
24 and set an aggressive goal. He urged his colleagues to plan more together. He said SWAB
25 does not have a charge at this point. He said that a short term charge could be developed to
26 allow meetings and development of a new inter-local agreement.

27 Mayor Kleinschmidt said there is some tension here because this is a transition point in
28 a process that had previously worked so well. He said it is in the interest of all of the towns,
29 which have limited their growth but expanded their numbers, to look at the alternatives to create
30 efficiency. He said it is easier to pick up recycling and solid waste in high density areas. He
31 said, with regard the countywide option, it would be unwise not to know what the opportunity,
32 cost and trade-offs would be when marrying urban and rural service.

33 Chair Jacobs said he is not sure that equal effort is being put into looking at the options.
34 He said he understands that it is reasonable to question assumptions in this transition period,
35 and to look at what is most cost efficient. He does not see the same effort going into
36 investigating how to work together in reaching goals.

37 Mayor Kleinschmidt thanked Frank Clifton for always including this as an option and he
38 said he fully expects the manager and the Board to come up with solutions incorporating the
39 varying densities of the entire county. He said the role of the county is to see the options
40 county-wide, and the town's role is to consider the options that best serve the taxpayers of
41 Chapel Hill.

42 Chair Jacobs said he would just like to make sure both sides get back together before
43 any decisions are made.

44 Commissioner Price pointed out that the term county-wide does not include the entire
45 county when referring to service areas.

46 Mayor Kleinschmidt said he was referring to her responsibilities as a County
47 Commissioner.

48 Commissioner Price said she is looking forward to continuing to work with the towns in
49 coming up with a solution. She said she appreciates Commissioner Pelissier's comment about
50 viewing this as an opportunity.

1 Frank Clifton said the services that are provided within the towns are a contract service.
 2 He said another option that he left out is to create a solid waste authority, like OWASA,
 3 with different service levels.

4 He said all of the managers meet regularly and know that there are differences between
 5 all of them. He said the problem with a combined solution is that someone loses and someone
 6 wins. He said that is where the compromise in the leadership and the elected officials comes
 7 in. He said there will always be inequities in the service cost, but the managers try to find the
 8 best solutions and stay aware of the issues.

9 Chair Jacobs said, if the Board of County Commissioners is going to be considering
 10 alternatives for recycling, and will be making a decision in the near future, he suggested that
 11 the elected boards get together to discuss things before making a decision that might drive
 12 them apart.

13 Frank Clifton said, considering the timeframe, a solution needs to be in place by June
 14 2014. He said it is incumbent for the elected officials meet again before anyone acts and he
 15 said the Chair and the Mayor need to take leadership roles. He said the managers talk
 16 constantly to stay on top of these issues.

17 Mayor Kleinschmidt said that the managers are doing what they need to do in order to
 18 make sure the other officials are in a position to make a decision when needed.

19 Chair Jacobs summarized that there should be an understanding that the towns and
 20 counties will get together again, before anyone makes an irrevocable decision, and Carrboro
 21 and Hillsborough will be included.

22 Town Manager Roger Stancil said this has allowed the town to bring the university back
 23 into the conversation as a willing partner in the efforts. He said there are also joint
 24 conversations with the City of Durham.

25 **5. Town Perspective on Annexation Changes and Joint Land Use**

26
 27
 28 Mayor Kleinschmidt said this was well articulated earlier in the discussion of item 1.

29 ***Council Member Harrison left at 9:10.***

30
 31
 32 Chair Jacobs referenced earlier comments regarding the BOH intruding on prerogatives
 33 of the Town of Chapel Hill and said he has attended meetings with County Commissioners who
 34 feel the same way about municipalities annexing into county jurisdiction. He said that if there
 35 are unresolved issues created by the potential loss of ETJs, then meetings should be held in a
 36 collaborative spirit to figure out how to proceed. He said that if there needs to be a joint
 37 planning work session versus a public meeting, then the staffs could work toward this. He
 38 suggested that the Rogers Road Task force could also bring their report to this.

39 Mayor Kleinschmidt said a meeting should be held in the fall for joint planning
 40 discussions.

41 Commissioner Gordon said she strongly encouraged them to do this and she said this
 42 joint planning is unique to the county and she would like to see it continue.

43 Frank Clifton said one of the options is for the county owned land and the jointly owned
 44 land around Rogers Road to become part of the town limits to clarify the issue and give the
 45 area plan more validity. He said Rogers Road planning should not be considered dead
 46 because of the legislative issues.

47 Mayor Kleinschmidt said this option would keep Chapel Hill at the table and would
 48 preserve its ability to participate in the solutions of the task force.

49
 50

1 **6. Chapel Hill Development Agreement Process Update for Homestead Road Campus**

2
3 Mayor Kleinschmidt said last week the town began creation of a development
4 agreement process for large scale, long term development projects. He said this agreement
5 would require 25 acres or more, could reach out 25 years, and is free of quasi-judicial
6 restrictions normally associated with permitting. He said it allows for incorporation of
7 community and government elected officials to come to the table in meaningful conversations.

8 He said the staff's proposal for how this will work has been adopted and will be applied
9 to the Southern Human Services Center expansion/master plan. He said it does cost more on
10 the front end, but in the end it is less expensive than going one permit at a time.

11 Town Manager Roger Stancil said the next step would be for the town staff to meet with
12 the county staff and explain the process and make a recommendation.

13 Mayor Kleinschmidt said both parties would have a period of evaluating if this
14 agreement should be done, before coming together to see if this is the best model for both.

15 Chair Jacobs asked if there could be negotiation around spreading the fees over the
16 lifetime of the project.

17 Council Member Jim Ward said everything is negotiable.

18 Commissioner Gordon said she would like to underscore this cooperation. She said this
19 campus is a place to offer consolidated and coordinated services and provide access to many
20 county services at once. She said she would love to see this move forward.

21
22 **7. INFORMATION ITEMS**

23
24 **a) Memorandum with Update on Town and County Library Activities**

25 No discussion

26
27 **b) Visitors Bureau Update**

28
29 Council Member Jim Ward suggested Chapel Hill/Orange County Visitors Bureau
30 Director Laurie Paolicelli be given a chance to speak on this update.

31
32 Laurie Paolicelli said, of the ten hotels in Chapel Hill, one of the biggest things is that
33 weekends are selling out. She noted that only 25 cents of every business dollar is left at the
34 hotel. She said travelers don't just come to pay for a hotel, but they come for another purpose.
35 She said that the economy is starting to dip mid-week and this is the business that pays the
36 higher rate.

37 Laurie Paolicelli said the challenge regarding the hospitality industry was to come up
38 with a campaign to stimulate mid-week business. She said it was realized that new audience
39 needs to be cultivated in order to prevent taking away business from one hotel to another. This
40 led to the placement of ads in the New Yorker, Wired, Golf Digest, etc. She said that rates are
41 increasing and this is a good metric for success, even better than occupancy. She said that
42 rates and revenues are up. She noted that Carolina Inn is suffering a bit.

43 She said a study done recently asked what would make people most likely to come to
44 the area. She said the respondents wanted to know about food, nightlife, economy, and
45 entertainment, outside of the University. She said it was clear that Chapel Hill needs to be
46 more in the foodie and music business.

47 Laurie Paolicelli said the Visitors Bureau has partnered with UNC to create a national
48 music campaign called Listen, and there will be much more coming out from a music
49 standpoint. She said the bureau continues to work on the parking problems and there is some

1 concern over the construction happening over the summer; however, she feels there has been
2 good communication about this issue.

3 She referenced the possible relocation of the Visitors Center, which is in its infancy.
4 She said there is growing demand, a need for more parking, and a possible need to be
5 strategically located on the interstate. She said the overall metrics are good and Chapel Hill
6 has 90% positive feedback.

7 Mayor Kleinschmidt said he thinks it is a big mistake for the Visitors Bureau (VB) to
8 move out of downtown Chapel Hill and away from what it is selling-which is Chapel Hill.

9 Laurie Paolicelli said that this consideration is based off of responses from visitors
10 regarding difficulty locating the VB and difficulties with parking. She said this seems to be
11 escalating, and the move is still a conversation at this point.

12 Mayor Kleinschmidt said he is just concerned about the VB's ability to be successful in
13 its mission. He said he feels this mission is undermined if the VB is not located in the area that
14 it recommends to visitors.

15 Council Member Matt Czajkowski said he would like for the old library to be back on the
16 table as a venue for the Visitor's Bureau, and he noted that it has 27 parking spaces.

17 Commissioner Price said she would like to see the VB stay in downtown Chapel Hill.

18 Frank Clifton said the issue is that visitors are not necessarily walking to the Bureau,
19 and they come by automobile and can't find a place to park. He said that with the community
20 college next door, the parking lots stay full. He said the effort is to find an effective way to get
21 business, not for the people that live here, but for the visitors.

22 Mayor Kleinschmidt suggested the east end or next to a hotel.

23 Laurie Paolicelli said the high traffic coming into town from I85 and I40 and MLK Edge
24 project were all considerations.

25 Mayor Kleinschmidt said that this is not what visitors are coming to target.

26 Frank Clifton said the issue for the county is people not being able to find the visitors
27 center. He said that if you are near enough to the interstate, it will allow signage on the
28 interstate directing people to the Visitors Center where information can then be given on finding
29 downtown. He said this creates more opportunity for interaction.

30 Council Member Jim Ward questioned how the VB will know exactly where to put
31 signage and said this will potentially only draw in a fraction of people coming in. He said that
32 this will eliminate the other people because the VB will be on the outer spokes of the wheel, so
33 to speak.

34 Chair Jacobs suggested that this be discussed at a future meeting.

35 Commissioner Dorosin noted that Chapel Hill has some OWASA appointments coming
36 up and all current members are Caucasian. He said there needs to be consideration of adding
37 some diversity on that board.

38 39 **ADJOURNMENT**

40 The meeting adjourned at 9:35.

41
42
43
44 Donna S. Baker, CMC
45 Clerk to the Board
46

Barry Jacobs, Chair

1 DRAFT

Attachment 3

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3
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5
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MINUTES
BOARD OF COMMISSIONERS
Public Meeting to Discuss a Board Meeting Room in the Whitted Building
April 4, 2013
7:00 p.m.

9 The Orange County Board of Commissioners met for a public meeting to discuss a board
10 meeting room in the Whitted Building on Thursday, April 4, 2013 at 7:00 p.m. at Whitted Building
11 in Hillsborough, N.C.

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

15 **COUNTY COMMISSIONERS ABSENT:**

16 **COUNTY ATTORNEYS PRESENT:** John Roberts

17 **COUNTY STAFF PRESENT:** County Manager Frank Clifton, Assistant County Managers
18 Michael Talbert, Clarence Grier, and Deputy Clerk to the Board David Hunt (All other staff
19 members will be identified appropriately below)

20 **TOWN OF HILLSBOROUGH:** Mayor Tom Stevens

21 **ORANGE COUNTY SCHOOLS:** Chair Donna Coffey

22
23 **NOTE: ALL DOCUMENTS REFERRED TO IN THESE MINUTES ARE IN THE PERMANENT**
24 **AGENDA FILE IN THE CLERK'S OFFICE.**

25
26 Chair Jacobs called the meeting to order and reiterated that this is not a public hearing,
27 but an information session. However, there can be some public comment.

28 Introductions were made.

29 Mayor Tom Stevens welcomed everyone to the meeting. He recognized Town Board
30 members.

31 Orange County School Board Chair Donna Coffey welcomed everyone.

32 Chair Jacobs said that there have been discussions about sharing meeting space with
33 the County and the school board and having those school board meetings televised as well.

34
35
36 **1. Conceptual Floor Plans & Aggregated Board Meeting Calendar Presentations**

37 Jeff Thompson and Architect Ken Redfoot made a PowerPoint presentation.

38
39 *Commissioner Dorosin arrived at 7:13 p.m.*

40
41 **Whitted Space Use Public Meeting**

42 April 4, 2013

43 Richard E. Whitted Building

44 **Intended Outcome:**

- 45 Share Information

- 1 ■ Receive Public Comment
- 2 ■ Discussion
- 3 ■ Permanent BOCC meeting facility site
- 4 ■ Potential Shared Use

5 **General Background:**

6 ■ **Richard E. Whitted Center Highlights:**

- 7 ■ 1922: Grady A. Brown School
- 8 ■ 1936: Auditorium Addition
- 9 ■ 1957: Building “B”, Central Recreation
- 10 ■ 1975: Acquired by Orange County
- 11 ■ Renovations
- 12 ▪ 1982, 1994, 2004, 2011
- 13 ■ 2nd Floor Area: 13,086 sq. feet
- 14 ■ Auditorium: 286 seat limit
- 15 ■ Zoning: Office – Inst.
- 16 ■ Parking: 197 lot spaces - 22 on-street

17 **General Background:**

18 ■ **Past & Present County Uses**

- 19 ▪ Grade 1-12 School
- 20 ▪ High School
- 21 ▪ Library
- 22 ▪ Health & Dental Services
- 23 ▪ Housing, Human Rights & Community Development
- 24 ▪ Recreation
- 25 ▪ County Administrative Offices

26 ■ **Facility Use Background**

- 1 ■ **2010-11:**
- 2 ■ Library Move; 2nd Floor Vacancy
- 3 ■ Link BOCC Meeting Room Study
- 4 ■ Health Department Renovation
- 5 ▪ Sprinkler system
- 6 ▪ Structural reinforcement
- 7 ■ **2012-13:**
- 8 ■ Orange County Cultural Center Discussions
- 9 ■ Hillsborough Joint Meeting Discussions
- 10 ■ Administrative Office Space Discussions

11 **Space Planning Principals**

- 12 ■ *Effective, Permanent BOCC Meeting Space*
- 13 ■ *Potential Shared Use*
- 14 ▪ *Orange County*
- 15 ▪ *Hillsborough*
- 16 ▪ *Orange County Schools*
- 17 ▪ *Visitor's Bureau*
- 18 ▪ *Orange County Cultural Center*
- 19 ■ *Parking*
- 20 ■ *Access, Egress*
- 21 ■ *Restroom Requirements*

22 **Parking Needs**

- 23 ■ *Hillsborough Administrative Approval:*
- 24 ▪ *192 Spaces Required*
- 25 ▪ *Paved Surfaces*
- 26 ▪ *East Lot*

- 1 ▪ *South of Tryon Lots*
- 2 ▪ *Additional 25 Spaces Constructed*

3

4 **Access, Egress, Restrooms**

5 ■ ***Fire Egress***

- 6 ▪ Effect of Sprinkler System
- 7 ▪ Areas for Rescue Assistance

8 ■ ***Hand Railing***

9 ■ ***Handicap Egress***

10 ■ ***Restrooms***

- 11 ▪ 15 fixtures to meet maximum need

12 **Financial Impact**

13 ■ ***Schematic Budget:***

- 14 ▪ *\$1.2 million - \$1.4 million – for Meeting Facility only*

15 ■ ***Performance Center needs/costs would be addressed by Orange***
 16 ***County Cultural Center***

17 **Potential Shared Use Planning Guidelines**

- 18 ■ Board adopted *Facilities Use Policy* is guiding document
- 19 ■ No leasing arrangements to potential users
- 20 ■ Operating Agreement framework contemplated for potential arrangement with
- 21 Orange County Cultural Center

22 **Aggregate Board Calendar**

- 23 ■ Typical annual calendar for *Hillsborough* based meetings
- 24 ■ Annual dates established in their entirety in advance
- 25 ■ Predominantly evening meetings

26

27

28

Ken Redfoot showed pictures of the various options for this building.

1 Chair Jacobs said the County had a joint meeting with the Town of Hillsborough and a
2 presentation in February, so the County Commissioners have already had this presentation. He
3 welcomed any questions.

4 Jeff Thompson said staff has prepared a schematic budget for a meeting facility, but not
5 the additional uses. He made reference to the Facilities Use Policy for any shared use of this
6 facility. He then showed the calendar for the aggregated board meetings.

7 Chair Jacobs said there is a potential of 22 Orange County Commissioner meetings in
8 Hillsborough.

9 Betty Eidner, a Hillsborough citizen, asked about the cost if another group was to use
10 this building for meetings.

11 Jeff Thompson referred to the Facilities Use Policy for this question. Currently, the
12 policy is that the costs are associated with the type of resources needed for the type of use.

13 Kathy Alberta, a neighbor to the facility, asked if there was a feeling that there were
14 other viable meeting spaces.

15 Chair Jacobs said that the Board of County Commissioners meets all over the place.
16 Staff prefers having one place to meet.

17 Donna Coffey said the school board meeting place is smaller than some people's
18 bedrooms. The school board has not discussed this yet or explored any opportunities.

19 Mayor Stevens said the Town Board typically meets at the Town Barn. This space in the
20 Whitted facility is quite large, so the Town might use it for their Quarterly Public Hearings and
21 possibly for their once a month meetings.

22 **2. Town of Hillsborough Description of Potential Review Processes**

23 Hillsborough Planning Director Margaret Hauth said this parcel is zoned Office-
24 Institutional, and under the Hillsborough Zoning Ordinance, the proposed uses are allowed.

25 If the facility would be used as an "Event Center", it would have to go through a Special
26 Use Permit process. She does not foresee this triggering the SUP process. A meeting facility,
27 offices, and performance facility fall under the zoning ordinance.

28 Chair Jacobs clarified there will not be decisions tonight.

29 **3. Orange County Cultural Center (OCCC) Presentation**

30 Margo Pinkerton made a PowerPoint presentation.

31 **OCCC**

32 **Partnering with Orange County and Our Community**

33 **First Public Gathering**

- 34 • First public gathering in this room in many years
- 35 • Thanks go to all of you present this evening
- 36 • History of Whitted Building as gathering place

37 **OCCC Mission Statement**

38 The mission of the Orange County Cultural Center (OCCC) is to promote the public
39 understanding and appreciation of the creative arts and cultural history of Orange County, and
40 to stimulate the interest and participation of its members and the community by providing
41 affordable space for exhibitions, education, and professional endeavors.

42 **A Grassroots Dream**

- 1 • Since mid-2000s
- 2 • Grassroots origins
- 3 • Desire for cultural center
- 4 • Arts, culture, and community together in one place
- 5 • Large space for community gatherings and performances
- 6 • Educational opportunities for all ages
- 7 • Serve the county, towns, and citizens
- 8 • Outreach to rural communities
- 9 • Supplement arts in Orange County schools
- 10 • Became a 501C3 non-profit organization in March of 2012

11 **Contributors to OCCC Vision**

12 The Orange County Cultural Center, a grassroots, non-profit organization, thanks the following
 13 groups that have contributed to our vision for a cultural center in Orange County:

- 14 • Hillsborough Arts Council
- 15 • Orange County Arts Commission
- 16 • Music Maker Relief Foundation
- 17 • Orange County Historical Museum
- 18 • Historic Hillsborough Commission/The Burwell School
- 19 • Orange County Visitors' Bureau
- 20 • Orange Community Players
- 21 • Orange County School System
- 22 • Alliance for Historic Hillsborough
- 23 • Members of the literary, arts, social, and business communities

24 **Business Support**

25 OCCC also thanks the following businesses:

- 26 • Antonia's
- 27 • comma
- 28 • The Depot
- 29 • Hillsborough Gallery of Arts

- 1 • Panciuto
- 2 • Purple Crow Books
- 3 • Time and Tide Productions
- 4 • The Wooden Nickel

5 **OCCC Board**

- 6 • Diverse members of the community
- 7 • Volunteer board members
 - 8 • Andrea Riley
 - 9 • Pat Revels
 - 10 • Callie Connor
 - 11 • Margo Pinkerton
 - 12 • John Delconte
 - 13 • Fred Stewart
 - 14 • Thomas Watson
 - 15 • Brad Curelop
 - 16 • Dave Gephart
 - 17 • Deryl McGuire
 - 18 • Sarah DeGennaro
 - 19 • Elizabeth Waugh, Executive Director

20 **Why the OCCC?**

21 Added value:

- 22 • Nexus for arts, culture and the community
- 23 • Hub for innovation and “Community”
- 24 • Incubator for the arts as a vital public purpose
 - 25 • Education
 - 26 • Arts
- 27 • Enhancement of facility usage
- 28 • Provision of upfits

- 1 • Gathering of diverse community members
- 2 • Strong grassroots network
- 3 • One-stop shopping – THE Resource

4 **Economic Impact**

- 5 • Arts and historical attractions = cornerstone of tourism in Orange County
- 6 • 3 of top 10 Orange County attractions = arts-related
- 7 • Presence of creative professionals » amount visitors will spend
- 8 • Higher proportions of workers in arts-related occupations » retention and attraction of
- 9 residents
- 10 • Presence of creative workers » rising household incomes ^[i]
- 11 • The Research Triangle Region employs 42,216 people in “creative enterprise”. ^[ii]

12 ^[i] “Economic Contribution of North Carolina’s Cultural Industries” by the Policy, Research, and
 13 Strategic Planning Division of the NC Dept of Commerce, June 2009.

14 ^[ii] “Creative Economy: The Arts Industry in North Carolina”, NC Arts Council, 2007.

15 **Economic Impact**

- 16 • Nonprofit arts attendees ≈ \$22.87 above event cost
- 17 • Non-local attendees ≈ 2x more than local attendees (\$38.05 vs \$21.75).^[iii]
- 18 • Total visitor spending in Orange County = \$144.07 million in 2010. ^[iv]
- 19 • Clean “industry”
- 20 • Even out seasonal fluctuations
- 21 • Businesses thrive
- 22 • Taxable dollars

23 ^[iii] “Arts & Economic Prosperity III: The Economic Impact of Nonprofit Arts and Culture
 24 Organizations and Their Audiences”, Americans for the Arts.

25 ^[iv] Orange County office of Economic Development

26

27 **What Sorts of Events?**

28 Many groups and individuals have expressed the desire for appropriate venues for:

- 29 • Educational events for all ages
- 30 • Art, movement, and music classes for all ages
- 31 • Poetry readings, writing workshops, and other literary events
- 32 • Cultural and historical exhibits

- 1 • Display of local artists' work
- 2 • Small and large theater productions
- 3 • Music and dance performances
- 4 • Rehearsals for theater and dance performances
- 5 • Church gatherings and events
- 6 • Reunions, weddings, dances, and conferences

7 **Whitted Use Calendar**

8 Typical 12-week calendar BOCC, Hillsborough, School Board

9 **BLUE 35½% low –impact use, 1-20 people GREEN 35½% medium-impact use, 21-50**
 10 **people YELLOW 29% high-impact use 51-250**

11 12 **Whitted Use Calendar**

13 Typical 12-week calendar BOCC, Hillsborough, School Board, OCCC

14 **BLUE 48% low –impact use, 1-20 people GREEN 31% medium-impact use, 21-50 people**
 15 **YELLOW 21% high-impact use 51-250**

16 17 **Whitted Partners' Calendar**

18 Typical 12-week calendar for government groups and OCCC

19
20 **Government use = that by the Board of County Commissioners, Hillsborough Town**
 21 **Board, and Orange County School Board always take top priority and are set a year in**
 22 **advance**

- 23 • OCCC's goal to do the same
- 24 • Start modestly – dip toes into the waters
- 25 • Grow slowly and carefully
- 26 • Understand the OCCC may outgrow the Whitted Building

27 **Whitted Partners' Calendar**

28 Typical 12-week calendar for government groups and OCCC

29 **Government use = that by the Board of County Commissioners, Hillsborough Town**
 30 **Board, and Orange County School Board that always take top priority**

- 31 • 48% low-impact use = 1-20 people,
- 32 • 20 events
- 33 • 31% medium-impact use = 21-50 people
- 34 • 13 events
- 35 • 5 government uses average 40-50 people, evening
- 36 • 8 OCCC uses average 25 people, daytime and evening

- 1 • 21% high-impact use = 51-250 people
- 2 • 9 events
- 3 • 4 government meetings, up to 70 people, evening
- 4 • 2 OCCC uses of 75-100 people, weekend afternoon
- 5 • AKA Sorority mother/daughter tea, Sunday afternoon 1x/year in
- 6 May
- 7 • Central High Foundation Gospel singers, Sunday afternoon
- 8 1x/year in May
- 9 • 2 OCCC uses of 100-200 people, weekend evening
- 10 • Yearly Central Orange Alumni Association dance, evening,
- 11 1x/year in May
- 12 • Theater performance, 3x/year
- 13 • 1 OCCC use of 100 people, early weekend evening
- 14 • Historical meeting, 4x/year
- 15 • Not inconsistent with historic use of the Whitted Building.

16 **Whitted Partners' Calendar**

- 17 • Other 1x/year requests:
- 18 • 1 annual late-December holiday gathering, evening
- 19 • 1 family reunion in October, afternoon to early evening
- 20 • 1 November evening dinner, 6-10 pm
- 21 • 1 jazz event to compliment town festival, weekend evening

22 **The Whitted Neighborhood**

23 The OCCC is committed to maintaining an ongoing dialogue with the neighbors by:

- 24 • Having a representative from the neighborhood on the OCCC board
- 25 • Holding regular meetings with the neighbors to seek their input on scheduling of
- 26 events
- 27 • Hiring law-enforcement officers for larger events to address parking and traffic
- 28 management

29 **Summation for Sharing Space**

- 30 • Celebrate the arts as a vital public purpose

- 1 • Education
- 2 • Arts
- 3 • Whitted Building - an historic but underutilized building
- 4 • Elegant space that speaks to complementary usage
- 5 • Demonstrated desire for a center for arts, cultural, and social gatherings in
- 6 Hillsborough and northern Orange County
- 7 • Support for the arts = tax dollars
- 8 • OCCC as nexus for arts and cultural community
- 9 • Sense of place and “Community”
- 10 • Hub for innovation
- 11 • Enhancement of facility usage
- 12 • Provision of up-fits
- 13 • Gathering of diverse community members
- 14 • OCCC = Strong grassroots network
- 15 • One-stop shopping – THE Resource
- 16 • Start modestly, grow slowly, may outgrow space
- 17 • Thank you
- 18 • A number of our board will stay after the meeting to answer further questions.

19
20 *Donna Coffey left at [7:54:46 PM](#).*

21
22
23 A citizen said there is not enough parking for this facility.
24 Ken Thompson said the recreation facility is averaging 40-50 cars daily. He said there is
25 very little use of the east lot.

26 Commissioner Dorosin made reference to the slide about impacts and asked if the 20
27 events were all OCCC events or if those included government uses.

28 Margo Pinkerton said some of the low-impact uses are Town Board meetings and
29 County meetings, but there are also potential workshops put on by the OCCC.

30 Commissioner Dorosin said he wants a sense of the goal of programming for the OCCC.

31 Margo Pinkerton said it would depend on the neighborhood because the goal is to work
32 with the neighborhood to find a good fit.

33 Commissioner Dorosin asked about the source of revenue for things such as hiring law
34 enforcement, etc.

1 Margo Pinkerton said part of it would be from fund raising and there will also be an
2 operating agreement with the County.

3 Jeff Thompson said he does not envision any of the revenue from the Facilities Use
4 Agreement going to the OCCC, but only the ticket sales from events put on by the OCCC.

5 Rosie Summers lives near the Whitted Center. She said it sounded like the intent of the
6 operating agreement is for the cultural center to actually decide the events that will take place in
7 the Whitted Center as opposed to the County determining that by the Facilities Use Policy.

8 Chair Jacobs said this has not been discussed as a Board yet.

9 Jeff Thompson said the Facilities Use Policy governs the public use of County facilities.
10 The Eno River Farmer's Market is similar to this, in that there are very strict guidelines for the
11 facility use.

12 13 **4. Public Comments**

14 Mark Donnely is a volunteer with the Hillsborough Arts Council. One of the projects that
15 he loves is the Handmade Parade. He said there is no place for the people to work on this, and
16 this facility would be very helpful. He is a bit concerned that there may be another layer of
17 administration. In the past, they have gone directly to Orange County to apply for the space.
18 He is concerned that if OCCC coordinates it then there may be additional costs.

19 Deryl McGuire was representing the Orange Community Players. She said this is a
20 community theater that started about eight years ago. Orange Community Players does not
21 have a home but has been working in cooperation with the school board and churches. This is
22 a true community theater and it desperately needs a home. She said that this performance
23 facility is needed.

24 David Gephart is Chair of the Chapel Hill-Orange County Visitors Bureau. He is pleased
25 to see the positive conversation about the cultural center. The downtown literary and arts
26 community is growing and they need to strike while the iron is hot. He said Hillsborough's time
27 is now.

28 Cher Tuskey is a member of the Orange County Arts Commission and she spoke on
29 their behalf. She said the mission of the Arts Commission is to promote the arts in Orange
30 County. She said the cultural center's vision is consistent with the goals of the Arts
31 Commission. This space would provide a place for citizens to enjoy the lighter side of life.

32 Chris Graebner is a member of the Hillsborough Gallery of Arts. Many artists would be
33 interested in teaching classes, and this facility would provide a place for this.

34 Thomas Watson is a lifelong resident of this community. He said this location would
35 make a great hub for showcasing the diverse and wonderful culture of the community. He
36 thinks this building would be a perfect place to hold plays, reunions, concerts, etc. He thanked
37 the County Commissioners for renovating this site. He would like to see it used properly.

38 Steve Gardner lives on Tryon Street. He said he opposes the use of this building for the
39 proposed purposes of the OCCC. He said work has been done behind the scenes and many
40 neighbors were not aware of the proposed use until getting a letter from the Town of
41 Hillsborough in March. There is a concern about the impact of vehicles, noise, parking, lighting,
42 etc. He does not think these concerns have been adequately addressed. He said there was
43 strong neighborhood opposition in the past for a proposed private event house to hold events.
44 He said this proposal seems like an uncontrolled use of the space. He believes that the
45 proposal would be detrimental to the neighborhood.

46 Deborah White said, looking at the history of the building, the surrounding neighborhood
47 was in place and the use was compatible with the neighborhood. She shared what it was like to
48 live in the neighborhood. She hears the gravel of cars in and out of the parking lot every day.
49 There is noise from the chiller. She said there is a disparity between what is proposed and what
50 is experienced by the neighbors. She is concerned about the facility being used during the

1 evening hours for public activities. She said she would like information on the assessment for
2 impacts as presented by the OCCC. She would like to have alternative spaces considered.

3 Tinka Jordy is Co-Chair of the Hillsborough Arts Council. She said the Arts Council
4 supports using this facility for the arts in a very low-impact and organic manner. She sees this
5 as a temporary solution and not a permanent solution for cultural activities so that the
6 neighborhood is not impacted so severely.

7 Mike Kirby lives on Hassel Street. There is a parking problem there now. There are "No
8 Parking" signs and people still park there all day and night.

9 Steven Burke said no one can deny the importance of the arts and culture, but he can
10 question the location of this facility. He said this is a residential area mixed in with churches and
11 other activities. The question is whether this area can handle the additional traffic. He said
12 without an aggressive plan that accommodates the traffic of the narrow streets, this is not a
13 useful idea.

14 Paul Mitchell lives across the street and said the parking lot is a washout all the time.
15 He said one of the reasons he moved here was because there was a library that he could walk
16 to. He is not convinced that the community has invited this event center. He suggested looking
17 at the area at the old Wal-Mart for an event center because there is not a residential area there.

18 Callie Conner lives a block away from this facility and is secretary of the OCCC. She
19 has been committed to this venture. She said that this can be a transformative, cooperative
20 venture. She said children will be served through a variety of programs here. These uses are
21 the guiding philosophy of the board. She said one of the neighbors wrote a letter of support,
22 and she read, "The Whitted Building has always served as a busy place for the public
23 betterment – a school, a library, a recreation center, a senior center, health department, and
24 social services department. As such, this spot on Tryon Street has always been a source of
25 opportunity and life. As Hillsborough continues to thrive even with the accompanying
26 drawbacks of traffic and noise, we might see these as tradeoffs against the stagnation that so
27 many small towns in North Carolina experience. As for the Whitted neighbors, the OCCC will
28 truly make every effort to support concrete, responsible plans and solutions to ensure the
29 continuation of the tradition of vitality and community enhancement that the neighborhood has
30 enjoyed in the past."

31 Robert McDonald lives on W. Tryon. He said there have been issues and problems ever
32 since the recreation department has been there. There are issues of trash, parking, and noise.

33 Pat Revels thanked the County for entering into this dialogue. She attended the summit
34 on Hillsborough tourism recently and she heard words like community, hospitality, rich culture,
35 and a sense of place to describe Hillsborough. She serves on the Historical Foundation. She
36 serves as the representative for the Hillsborough Historic Museum on the OCCC. She made
37 reference to a letter of support in the agenda packet. She said the concerns are legitimate, but
38 she thinks this is a rare opportunity.

39 Andrea Riley is the Chair of the OCCC. She lives in Efland and she goes to the different
40 events all over the Triangle, but Hillsborough has her heart. She said this place has a special
41 draw. She works part-time at the Chapel Hill-Orange County Visitor's Bureau. She said
42 Hillsborough has wonderful shops and restaurants. Last Friday is a wonderful event. The
43 Whitted Center is a place people could walk to. She said the OCCC looked at the old Wal-Mart
44 building and there are huge pillars to hold up the ceiling and there is not a clear view. They also
45 looked at other facilities and they were too expensive or not attractive. She said this building is
46 beautiful and would be a perfect fit for the proposed uses.

47 Frank Miller said he went to school at Hillsborough High School, which was in this
48 facility. He said there are four street lights in the parking lot. He has picked up dirty diapers and
49 beer bottles. The dust from the parking lot comes into his house. He said the last thing he
50 wants is more traffic, dust, or noise. He said employees yell to each other across the parking

1 lot. He is ready for some peace and quiet. He said three minutes is not much time to talk about
2 something that may impact the rest of his life.

3 Kathy Alberta lives across the parking lot from this facility. She supports the arts and
4 she thinks there can be a use for it here, but there needs to be a solution for storm water runoff.
5 There is already storm water runoff affecting her house. She is looking forward to having a
6 contact person related to landscape architecture to help her.

7 Chair Jacobs referred her to Jeff Thompson.
8

9 **5. Board Comments (Hillsborough, Orange County Schools, County)**

10 Commissioner Rich asked about any opposition to having government meetings here.

11 Steve Gardner said the County does own the building and it is fair for the County to
12 utilize the building for meeting purposes.

13 Andrea Riley said the OCCC is listening to the concerns and they take them very
14 seriously. She wants to work with the County and the Town to figure out ways to solve the
15 traffic problems. She asked for a chance to work on these things. She said they do not want to
16 make this a neighborhood eye sore and concert venue. She wants to work with neighbors and
17 not against them.

18 Paul Mitchell pointed out that the community feels that they were not invited to the
19 neighborhood meeting. Very few people got an invitation. He is against having things such as
20 dancing in the gym. He said this is a place for small scale projects such as arts education
21 instead of dancing and reunions, since such large scale events are inappropriate for this space.

22 Citizen – said the building is in use currently from 8:00 in the morning and the proposals
23 could extend hours of usage to 12-15 hours a day every day. She said it is not just the usage,
24 but it is the amount of usage that is not appropriate.

25 Margo Pinkerton said they understand the concerns. She said they want to start
26 modestly and grow slowly with the input of the neighbors. If there was a rare large event, there
27 would be law enforcement hired for parking and traffic.
28

29 Commissioner McKee said he also attended school here and he remembers school
30 events in this room. He said he was adamantly opposed to the bottom of the Link Center being
31 used for a Commissioners' meeting room because the facility is not adequate and was too
32 expensive to renovate. He supports the idea of using this facility for a multi-use purpose for
33 three different boards and other events. He wants to get as much use out of the facility as
34 possible. He thinks everyone is willing to listen to the neighbors' concerns.

35 Mayor Stevens said this building has a lot of opportunity. There is some creative tension
36 that comes with that opportunity. There are many issues not resolved such as the permanence
37 of this building. He wants to see more engagement with the neighborhood because it has not
38 happened yet.

39 Chair Jacobs said the Board of County Commissioners appreciates everyone coming
40 and it is the obligation of the Board to listen to everyone. He suggested that the OCCC engage
41 the people that were in opposition to this use. There is potentially in the CIP \$1.43 million for a
42 meeting room in this space if the Board of County Commissioners decides to proceed. The
43 hope is that the facility will be of use to more than just the Board of County Commissioners.
44 There would be an agreement that would express limits. If this becomes a meeting space, the
45 parking lot will be paved so there will not be the crunch of gravel or dust.

46 Deborah White said most county offices have been clustered around the courthouse
47 area. She said there should be more balance of uses between the historic district and the office
48 district. She is not against the arts, but she has a problem with some of the proposal.

49 Deryl McGuire said the County and the Town should get together first to come up with
50 the policies so that everyone knows them before moving forward.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 7, 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 twenty-three (23) taxpayers with a total of twenty-six (26) 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 \$3,813.36 to Orange County, the towns, and school and fire districts. Financial impact year to date for FY 2012-2013 is \$68,994.64.

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-2013-035

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
 MAY 7, 2013**

NAME	ABSTRACT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
Bacon, Terence William	1028743	2012	13,860	13,860	(243.50)	Military leave and earning statement home of record (CA) (Illegal tax)
Bacon, Terence William	999247	2012	5,290	5,290	(115.66)	Military leave and earning statement home of record (CA) (Illegal tax)
Bacon, Terence William	1010410	2012	3,180	3,180	(78.98)	Military leave and earning statement home of record (CA) (Illegal tax)
Bacon, Terence William	999573	2012	11,770	11,770	(211.30)	Military leave and earning statement home of record (CA) (Illegal tax)
Chacos, Deborah	1028795	2012	39,260	0	(634.76)	County changed to Durham (Illegal tax)
Dilweg, Anthony	630304	2012	17,940	14,352	(55.27)	High mileage (Appraisal appeal)
Dupont, Debra	1026426	2012	14,970	11,377	(32.51)	High mileage (Appraisal appeal)
Fiabema, Edmeral	1021325	2012	7,190	0	(147.13)	County changed to Wake (Illegal tax)
Friedman, Barbara	994936	2012	31,950	0	(304.13)	Double billed (Illegal tax)
Johnson, Tanya	631847	2012	14,880	12,202	(29.36)	High mileage (Appraisal apeal)
Kinney, Michael Lee	1007399	2012	5,920	0	(57.84)	County changed to Durham (Illegal tax)
Krasnov, Patricia	632174	2012	16,380	14,742	(26.79)	High mileage (Appraisal appeal)
Latta, Yolanda	639483	2012	2,780	2,780	(15.83)	Incorrect situs address (Clerical error)
Lloyd, Howard	987389	2012	14,290	0	(140.24)	County changed to Alamance (Illegal tax)
Mathias, David	99217	2012	16,020	0	(292.05)	County changed to Durham (Illegal tax)
Oakley, Thomas	1027984	2012	18,760	16,509	(20.88)	High mileage (Appraisal appeal)
Oldham, Carolyn	1027684	2012	26,730	0	(293.07)	County changed to Chatham (Illegal tax)
Sowder, John	641832	2012	4,170	3,470	(7.88)	Repair estimate (Appraisal appeal)
Spinarski, Carson	1027806	2012	2,890	2,324	(8.72)	Holds a total loss title (Appraisal appeal)
Strachan, Ryan	634699	2012	14,080	11,827	(36.86)	High mileage (Appraisal appeal)
Terry, Nancy	991749	2012	25,890	0	(408.19)	County changed to Cateret (Illegal tax)
Verville, Tara Ann	960435	2012	27,910	27,910	(118.17)	Incorrect situs address (Clerical error)
Wall, Kirk	642532	2012	11,510	9,899	(14.48)	High mileage (Appraisal appeal)
Watson, Kirsten	992181	2012	3,920	0	(90.38)	County changed to Durham (Illegal tax)
Welch, Joan	960742	2012	5,490	0	(114.56)	County changed to Chatham (Illegal tax)
Winslow, Robbi	992460	2012	18,490	0	(314.82)	County changed to Durham (Illegal tax)
				Total	(3,813.36)	

April 4, 2013 thru
 April 16, 2013

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: May 7, 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 four (4) taxpayers with a total of nine (9) 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 \$557.59 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-2013-036

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
MAY 7, 2013**

NAME	ABSTRACT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
CIT Communications	969095	2012	68302	53,989	(230.63)	Not in Orange County (illegal tax)
Gouch, John	249968	2007	2,840	0	(52.37)	Mobile home sold (clerical error)
Gouch, John	249968	2008	2,640	0	(52.53)	Mobile home sold (clerical error)
Gouch, John	249968	2009	2,470	0	(41.84)	Mobile home sold (clerical error)
Gouch, John	249968	2010	2,310	0	(39.14)	Mobile home sold (clerical error)
Gouch, John	249968	2011	2,195	0	(36.77)	Mobile home sold (clerical error)
Perez, Jose	324031	2011	4,475	0	(22.46)	Double billed mobile home sold (clerical error)
Perez, Jose	324031	2012	4,370	0	(46.51)	Double billed mobile home sold (clerical error)
Sager, Elizabeth C Trustee	313389	2012	2,000	0	(35.34)	Property sold (clerical error)
				Total	(557.59)	

April 4, 2013 thru
April 16, 2013

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 7, 2013

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

SUBJECT: Re-appointment of Four (4) Deputy Tax Collectors

DEPARTMENT: Tax Administration

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

INFORMATION CONTACT:

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

PURPOSE: To re-appoint Valerie Curry, Bernice Gwynn, Linda Jaubert, and Bobbie Underwood as Deputy Tax Collectors for two-year terms effective July 1, 2013.

BACKGROUND: Chapter 105-349(f) of the North Carolina General Statutes allows the Board of County Commissioners to appoint deputy tax collectors "for a term to be determined by the governing board". The statute reads "a deputy tax collector shall have the authority to perform, under the direction of the tax collector, any act that the tax collector may perform unless the governing body appointing the deputy specifically limits the scope of the deputy's authority". Therefore, the deputy tax collectors' work will continue to be performed under the direction of the tax administrator with the precise guidelines that exist. Orange County Deputy Tax Collectors have traditionally been appointed to two-year terms.

The continued success of the Revenue Division is evident in the outstanding collection rates that have been attained for several years. For fiscal year 2012 Orange County ranked eighth out of 100 counties in overall collections percentage.

FINANCIAL IMPACT: None.

RECOMMENDATION(S): The Manager recommends that the Board re-appoint Valerie Curry, Bernice Gwynn, Linda Jaubert, and Bobbie Underwood as Orange County Deputy Tax Collectors for two-year terms effective July 1, 2013.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 7, 2013

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

SUBJECT: Consolidated Housing Plan Annual Action Plan/HOME Program

DEPARTMENT: Housing/Human Rights and
Community Development

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):
Resolutions
FY 2013-2014 Annual Action Plan (under
separate cover)

INFORMATION CONTACT:
Tara L. Fikes, 245-2490

PURPOSE: To:

- 1) Adopt a Resolution approving the FY 2013-2014 Consolidated Housing Plan Annual Action Plan;
- 2) Adopt a Resolution approving the proposed HOME Program Activities for 2013-2014; and
- 3) Authorize the Manager to implement the HOME Program as approved by the BOCC including the ability to execute agreements with partnering non-profit organizations after consultation with the County Attorney.

BACKGROUND:

Consolidated Housing Plan Annual Action Plan

In 2010, a Consolidated Plan for Housing and Community Development Programs in Orange County was developed and approved by the U.S. Department of Housing and Urban Development (HUD). This document details the housing needs of very low income, low income and moderate-income families and special population groups in addition to outlining the strategies and plans for addressing those needs. The Consolidated Plan is required for all communities receiving HOME funds (Orange County HOME Consortium) and CDBG entitlement funds (Town of Chapel Hill).

Each year, local communities are required to submit an Annual Action Plan to the Consolidated Plan to the State HUD Office by May 15th. This Update includes the 2013-2014 Community Development Plan for the Town of Chapel Hill and the 2013-2014 HOME Program Action Plan or the Orange County HOME Consortium. Public hearings were held by the Chapel Hill Town Council on February 27 and April 10 and by the BOCC on February 5, 2013 to receive public comments regarding the Update prior to development and subsequent submission to HUD. Public comments received at the hearings are summarized in the Annual Action Plan.

A public comment period as required by HUD was established for April 8 – May 10, 2013 by notice in *The Chapel Hill Herald*. Copies of the Annual Action Plan were made available at the Orange County Housing, Human Rights and Community Development Main Office.

2013-2014 HOME Program Activities

The current Orange County HOME Consortium Agreement establishes a HOME Program Review Committee to provide general oversight of the program. Participants in the HOME Consortium are Orange County and the Towns of Carrboro, Chapel Hill, and Hillsborough. The Committee is authorized to provide policy oversight for planning, operations, and evaluation of OHC and the HOME Program. The Manager or his/her designee from each participating unit of local government and one (1) elected official from each jurisdiction shall be a member. For Orange County, Commissioner Earl McKee serves on this Committee.

Every year, the HOME Program Review Committee prepares a proposed HOME program design each year and consortium program application to HUD, in compliance with the Act, the Regulations, and the Federal Program Requirements, including reallocation of any funds from previous years not expended or any repayments or other program income consistent with this Section. The proposed HOME program design defines a strategy in sufficient detail to accommodate the collective and individual needs and priorities of the County and Towns. Each year's proposed HOME program design and the consortium program application should be consistent with the Consolidated Plan and is subject to the approval of each consortium member's elected board.

This year, as required by the Consortium Agreement, the HOME Program Review Committee reviewed applications for HOME Program funding and developed the proposed HOME Program Design for the 2013-2014 Program Year. A total of six (6) applications were received from local non-profit organizations requesting approximately \$615,000. There is approximately **\$653,441** in HOME funds, HOME program income and HOME Program match funds available for Fiscal Year 2013 - 2014. The recommended program design is detailed in the attached resolution.

In accordance with the Orange County HOME Consortium Agreement approved in May 2011, the HOME Program Design for each year must be approved by all jurisdictions prior to submission to HUD. The Program Design is scheduled for approval by Carrboro on May 7th, by Hillsborough on May 13th and has already been approved by the Town of Chapel Hill. The Board of County Commissioners (BOCC) is therefore asked to consider approval of the attached HOME Program Resolution.

HOME Program Implementation

After approval of the 2013-2014 HOME Program design by all consortium participants, authorization is also requested to allow the Orange County Manager to execute agreements with partnering non-profit organizations as necessary to implement the approved HOME Program design. All agreements will receive review and approval from the County Attorney's office.

FINANCIAL IMPACT: The Orange County HOME Consortium is scheduled to receive approximately **\$364,311** in FY 2013 HOME Program funding - a reduction of approximately five percent (5%) from the FY 2012 funding level. The required total local government match is **\$81,970**. Orange County's share of the match is **\$31,968** which will be allocated from County's general fund. There is also **\$29,001** in HOME program income and **\$178,159** in prior year funds available to commit to projects so there is a total of **\$653,441** available for programming next fiscal year.

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

- 1) Adopt and authorize the Chair to sign a Resolution approving the FY 2013-2014 Consolidated Housing Plan Action Plan;
- 2) Adopt and authorize the Chair to sign a Resolution approving the proposed HOME Program Activities for 2013-2014; and
- 3) Authorize the Manager to implement the HOME Program as approved by the BOCC including the ability to execute agreements with partnering non-profit organizations after consultation with the County Attorney.

**RESOLUTION
AUTHORIZING THE SUBMISSION OF
FY 2013 - 2014 Annual Action Plan for the
FY 2010-2015 CONSOLIDATED HOUSING PLAN
FOR ORANGE COUNTY, NORTH CAROLINA**

BE IT RESOLVED, by the Orange County Board of Commissioners, that the Commissioners authorize the County Manager to submit the Orange County Consolidated Plan for Housing and Community Development Programs Annual Action Plan to the U.S. Department of Housing and Urban Development, including all understandings, assurances, and certifications required therein.

BE IT FURTHER RESOLVED, that the Manager is hereby designated as the authorized representative of the County to act in connection with the submission of the Annual Action Plan and to provide such additional information as may be required by the U.S. Department of Housing and Urban Development.

This the 7th day of May 2013.

RESOLUTION AUTHORIZING
THE ORANGE COUNTY FY 2013 - 2014 HOME PROGRAM DESIGN

BE IT RESOLVED, by the Orange County Board of Commissioners as a member of the Orange County HOME Consortium approves the following activities for the 2013 - 2014 HOME Program.

Homeownership Assistance

Funds would be allocated to the Community Home Trust to assist first time homebuyers earning less than 80 percent of the area median income to purchase homes county-wide. Funds would be provided as a grant to Community Home Trust.

(Requested amount: \$60,000) \$ 60,000

Funds will be allocated to Orange County Habitat for Humanity to provide deferred payment zero interest second mortgages for ten (10) homes throughout Orange County. Homes will be sold to households earning between 30 percent and 65 percent of the area median income.

(Requested amount: \$300,000) \$300,000

Operational Support

Funds would be allocated to the Community Home Trust as a Community Housing Development Organization for administrative expenses.

(Requested amount: \$20,000) \$20,000

Predevelopment and Acquisition

Funds would be provided to EmPOWERment, Inc. for acquisition and rehab of one condo unit in Collins Crossings in Carrboro for lease to households earning less than 50% of area median income.

(Requested amount: \$45,000) \$45,000

Funds would be provided to EmPOWERment, Inc. for the acquisition of a duplex unit in Chapel Hill for lease to households earning less than 50% of area median income.

(Requested amount: \$140,000) \$140,000

Tenant Based Rental Assistance

Funds would be provided to Housing for New Hope Inter-Church Council to support homeless outreach and increased housing support that assist the homeless of Orange County acquire permanent housing.

(Requested amount: \$50,000) \$52,010

Program Administration

\$36,431

TOTAL FY 2012-2013 HOME PROGRAM FUNDS \$653,441

BE IT FURTHER RESOLVED, that the County Manager is hereby designated as the authorized representative of the County to act in connection with the submission of this plan and to provide such additional information as may be required by the U.S. Department of Housing and Urban Development

This the 7th day of May 2013.

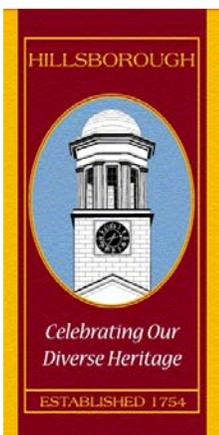
Barry Jacobs, Chair



Orange County HOME Consortium



FY 2013 - 2014 Annual Action Plan



May 15, 2013

DRAFT

FY 2013-2014 Action Plan

Narrative Responses

GENERAL

Executive Summary

Program Year 4 Action Plan Executive Summary:

In an effort to streamline several programs, the U.S. Department of Housing and Urban Development now requires all jurisdictions that receive federal Community Development Block Grant (CDBG) funds, federal HOME Program funds, Emergency Shelter Grants (ESG) and grants for Housing Opportunities for People with AIDS (HOPWA) to submit a Consolidated Plan for Housing and Community Development Programs.

The Town of Chapel Hill receives federal Community Development Block Grant funding each year and the Orange County HOME Consortium receives HOME funding each year. Since the Town of Chapel Hill is a member of the Orange County HOME Consortium, the County is permitted to submit one plan that details the housing needs and activities of the entire County including Chapel Hill.

The Consolidated Plan not only serves as an application for each of the programs, but also seeks to further the statutory goals of these programs through a collaborative process whereby a community establishes a unified vision of housing and community development actions to address identified housing needs.

Prior to beginning to develop the 2013-2014 Annual Action Plan, public forums were held to receive citizen feedback regarding the housing and community development needs and proposed activities that should be included in the Plan. Public Forums were held by the Chapel Hill Town Council on February 27 and April 10, 2013 to receive citizen comments regarding housing needs and the proposed use of \$463,191 in CDBG funds in Chapel Hill and \$383,485 in HOME funds that the Orange County HOME Consortium expects to receive for Fiscal Year (FY) 2013-2014. The Orange County Board of County Commissioners held a public hearing on February 5, 2013 regarding housing needs and the proposed use of the \$383,485 in HOME funds. Comments from these public hearings are included in this Summary.

Summary of Comments Received

A copy of the approved minutes from the February 5, 2013 public hearing for Orange County has been included below.

Excerpt from the February 5, 2013 BOCC Approved Minutes

6. Public Hearings

a. Orange County Consolidated Housing Plan Update

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

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

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

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

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

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

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

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

PUBLIC COMMENT:

Susan Levy, Executive Director of Habitat for Humanity, gave a brief overview of 2012. She said there were twelve creative partnerships formed to build twelve new homes this past year. She said that eleven of those homes were in the Phoenix Place subdivision in Historic Rogers Road and one of those homes was in the Fairview Community. She noted that families who purchase from Habitat are local people who

work and provide services within the community. She said that most of the families served, lived in overcrowded apartments, paid over 30% of their income for rent, and had high utility cost and lack of repair service. She noted that once the people move into Habitat homes, mortgage cost is often less than prior rental costs and utility cost is lower, which leaves more income to be spent in the local economy and to meet basic needs.

Susan Levy said that low and very low income households were also served through a new exterior repair program called Brush of Kindness, and she stressed the pressing need for these types of repair projects and the goal of increasing this service. She said Habitat had nearly 2000 volunteers, who logged more than 1700 volunteer hours. She noted that Habitat home owners paid a total of \$304,455 in property taxes. She said that HOME funds have been a critical factor in building efforts. She said that 225 homes have been built. Four homes are currently under construction and the demand for homes by qualified families has consistently exceeded demand. She noted that there are only seven lots left in Phoenix Place and Habitat will soon be moving on to a 28 home subdivision in Efland Cheeks Township. She recognized several home owners present who will be moving into Habitat Homes in the near future. She concluded by saying that Habitat will be requesting 2013 home funds for second mortgages for 15 new homes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

VOTE: UNANIMOUS

FY 2013 – 2014 HOME Program Activities and Projects

Homeownership Assistance

Funds would be allocated to the Community Home Trust to assist first time homebuyers earning less than 80 percent of the area median income to purchase homes county-wide. Funds would be provided as a grant to Community Home Trust.

(Requested amount: \$60,000) \$60,000

Funds will be allocated to Orange County Habitat for Humanity to provide deferred payment zero interest second mortgages for fifteen (15) homes throughout Orange County. Homes will be sold to households earning between 30 percent and 65 percent of the area median income.

(Requested amount: \$300,000) \$300,000

Operational Support

Funds would be allocated to the Community Home Trust as a Community Housing Development Organization for administrative expenses.

(Requested amount: \$20,000) \$20,000

Tenant-Based Rental Assistance

Funds would be allocated to Housing for New Hope to support a tenant-based rental assistance program to support individuals that were formerly homeless transition to permanent housing.

(Requested amount: \$50,000) \$52,010

Program Administration \$36,431

TOTAL FY 2013-2014 HOME PROGRAM FUNDS \$653,441

TOWN OF CHAPEL HILL

The citizen comments received at the Town of Chapel Hill's public forums held on February 27 and March 18, 2013, and applications received for funding are summarized below. All agencies that requested funding were required to submit an application.

In order for the agencies' activities to be eligible for Community Development Block Grant funding, the activities must meet one of three National Objectives:

- Benefit low- and moderate-income persons; or
- Aid in the prevention or elimination of slums and blight; or
- Treat urgent needs posing an immediate threat to public health and welfare.

SUMMARY OF COMMUNITY COMMENTS FROM PUBLIC FORUMS

Comments from the February 27 and March 18, 2013, Chapel Hill Town Council Public Forum

1. Terry Allebaugh, the Executive Director of Housing for New Hope, requested the Council's continued support requesting support for its services, specifically \$12,000 in CDBG funds to continue support for their housing specialist and \$50,000 in HOME funds for rental support.

Staff Comment: The approved Community Development Plan includes \$6,500 to support Housing for New Hope's outreach efforts.

2. Aubrey Vinson, a representative of the Chapel Hill-Carrboro Y, requested continued support for its after school program that serves children living in the Town's South Estes Drive public housing community. Without the Community Development program funds, the Y might not be able to continue this program.

Staff Comment: The approved Community Development Plan includes \$6,500 for the Y's after school program.

3. Jess Brandes, Projects Coordinator for CASA, requested funds to support the program's affordable rental housing program and their Supportive Housing Program which pairs tenants who are homeless or at risk of being homeless with a safe, quality, affordable apartment. The Supportive Housing Program currently serves 23 households in Chapel Hill and aims to keep these tenants permanently housed.

Staff Comment: The recommended Community Development Plan includes \$9,000 for the CASA's Supportive Housing Program.

4. At the forums on February 27 and March 18, Anita Badrock and Robert Dowling, representing the Community Home Trust, requested funds to support the organization's homeownership assistance program to reduce the sales price of homes for households earning less than 80% of the area median income. Mrs. Badrock also noted that Community Home Trust is requesting the same amount of funds as they have since 2008, and that this year they will be forced to finance homes from their reserve accounts. She stated that these practices are not sustainable for the long-term, and the

Community Home Trust staff is looking forward to the upcoming Work Session with the Council to discuss these issues in more detail.

Staff Comment: The approved Plans include allocating \$20,941 of Community Development funds and \$80,000 of HOME Program funds. We also recommend allocating \$20,000 from the Town of Chapel Hill's Affordable Housing Fund to the organization to fulfill its request.

5. Rob Reda, representing Habitat for Humanity, which provides housing for low-income individuals in the community, requested \$300,000 in HOME funds to support the building of 15 homes, 8 of which will be in Chapel Hill. He also requested that affordable housing be a high-level priority in the Town's budget for the coming year.
6. Laura Moore, representing Habitat for Humanity Board of Directors, requested funds for construction expenses for its Phoenix Place development located in the Rogers Road community. Habitat for Humanity plans to build the remaining seven houses in the Phoenix Place neighborhood with these funds.
7. Riri Way, a resident of Phoenix Place, spoke in support of Habitat for Humanity's request. She expressed her support for the allocation of HOME funds to Habitat for Humanity.
8. Jennifer Prater, a resident of Phoenix Place, related her story of acquiring home ownership through a Habitat home. She encouraged the Town to support affordable housing as a priority in the budget.
9. Barbara Redman, a resident of Phoenix Place, also spoke in support of funding for Habitat for Humanity and encouraged the Town to add affordable housing as a line-item in the budget.

Staff Comment: The approved HOME Program plan includes \$300,000 for Habitat for Humanity's second mortgage program for homebuyers in Rusch Hollow, Phoenix Place, Fairview, and Tinnin Woods communities.

10. Delores Bailey, Executive Director of EmPOWERment, Inc., requested CDBG funds for its Career Explorers program. EmPOWERment, Inc. is also requesting HOME funding for purchasing affordable housing units and increasing their inventory of affordable units at all levels.

Staff Comment: The approved Plans include allocating \$3,000 of Community Development funds for EmPOWERment's Career Explorers Program and \$178,159 of HOME Program funds for property acquisition and renovations.

11. Hudson Vaughn, representing the Marian Cheek Jackson Center for Making and Saving History, said that his organization has met or is on track to meet the goals and measurements prioritized by the Town. The Jackson Center requested \$35,000 to continue support for their services. They are not asking for more than their allotted CDBG funds, but a way for the Town to use Affordable Housing Funds to meet the rest of the \$35,000 for their initiatives.

Staff Comment: The approved Community Development Plan includes allocating \$11,000 for the Marian Cheek Jackson Center's "Mobilizing Community

Leadership and Broad-Based Partnerships for Fair Housing in Chapel Hill” program. We also recommend allocating \$24,000 from the Town of Chapel Hill’s Affordable Housing Fund to the organization to fulfill its request.

12. Theresa Merritt-Watson, Executive Director of the Young People Institute, requested \$30,000 for their Applied Skill Training program, which trains at-risk high school students and provides them with outsourced work from business leaders in the community.

Staff Comment: . The approved plan does not include funding for this project. Due to limited funds for public service activities funding was allocated to agencies with a strong track record.

SUMMARY

The Town of Chapel Hill expects to receive \$390,152 of entitlement grant funding from the U. S. Department of Housing and Urban Development (HUD); this represents the expected 5% decrease in allocation from FY2012-2013. We also propose to budget \$28,541 of program income received from the repayment of affordable housing related loans and \$44,498 of reallocated funds from completed activities. Therefore, we present a recommended budget of \$463,191.

Recommended Plan

The Chapel Hill Town Council approved the following activities for the 2013-2014 Community Development program:

1. Town of Chapel Hill - Renovation of Public Housing: \$165,000

The Council budgeted \$165,000 to perform comprehensive renovations at 12 of the 30 apartments at the Oakwood public housing neighborhood. Renovation work on the apartments at the Oakwood neighborhood would include replacement of tubs; lavatories, sinks, shower pan and head; abatement of asbestos; installation of ceramic tile floors in baths; replacement of existing outlets with GFI outlets; upgrade of electrical services; replacement of water and sewer lines; installation of new washer and dryer hook-ups; replacement of wall and base cabinets and countertops to include new range hoods and sinks; installation of new furnaces including air conditioning and water heaters; and replacement of interior and exterior doors; and site improvements.

2. Community Home Trust - Homebuyer Assistance: \$20,941

The Council allocated \$20,941 to the Community Home Trust for its Homebuyer Assistance Program to assist low-income buyers to purchase Community Home Trust homes in Chapel Hill. The majority of funds will be used at the 140 West development. The Council also reserved \$20,000 from the Affordable Housing Fund to fulfill this request.

3. Town of Chapel Hill - Code Enforcement: \$56,500

The Council approved use Community Development funds to support grant compliance and the increased enforcement efforts in the Northside and Pine

Knolls neighborhoods and other neighborhoods around the University. Funds would be used to pay a portion of the salaries of a code enforcement officer and administrative clerk, a senior planner position, and the Planning Department's Office Manager to assist with grant compliance. We note that additional staff resources for enforcement are a priority identified by the Northside and Pine Knolls Community Plan.

4. Public Service Activities - \$64,900

The use of funds for public services that benefits households earning less than 80% of the area median income is eligible under federal Community Development regulations. Examples of public service activities include programs focusing on employment, crime prevention, child care, health, drug abuse, education, fair housing counseling, energy conservation, homebuyer down payment assistance or recreational needs. The amount of Community Development funds used for public services is based on 15% of the Town's Community Development grant and program income received in fiscal year 2012-2013. We estimate this amount to be \$64,900 for 2013-2014.

We recommend that the Council allocate funds for eight community service programs. The information provided below includes the amount of funds each agency requested, its 2012-2013 allocation, and the preliminary staff recommendation.

Specifically, funds would be allocated for eight community service programs:

- Chapel Hill Police Department Youth Employment Program: \$22,900

The Youth Employment Program provides job skills training, employment experience, and economic opportunities to Chapel Hill youth aged 14-18 whose families earn less than 80% of the area median income, with the majority being from households earning less than 30% of the area median income. Many of the participants serve as interns in Town departments. Last summer, there were thirty participants in the program, and this year, the Police Department proposes enrolling the same number.

The Council has allocated Community Development funds to the Police Department to support this program since 1994. Based on our monitoring of the program, it has continued to be a highly successful program and has successfully met its goals by providing valuable work experience for the participants.

- Housing for New Hope: \$6,500

The Homeless Outreach and Housing Support Program assists those experiencing homelessness and the chronically homeless to improve their lives through obtaining and maintaining permanent housing and supportive services. Funding would be used to pay a portion of the salary for a Homeless Outreach worker.

The Council has allocated Community Development funds to Housing for New Hope since 2008 to support its homeless outreach efforts. As of March 2013, Housing for New Hope has used the Town's 2012-2013 allocation to provide

assistance to over 76 people and enrolled eighteen unsheltered, homeless people in services and housing assistance.

This program would serve households earning less than 30% of the area median income.

- EmPOWERment, Inc: \$3,000

The Career Explorers Program provides summer employment for youth ages 16-21 from low- to moderate-income households. The program is designed to provide youth an opportunity to discover valuable life and career skills that will better prepare them for future employment, financial management and assist in their social and emotional development. Program participants work 36 hours per week with local businesses.

In addition to the \$3,000 included in the preliminary Plan, EmPOWERment also intends to use \$3,000 from the 2012-2013 allocation to support this program. The Town has provided funding to the Career Explorers program in the past, most recently in 2010-2011.

This program would serve households earning less than 80% of the area median income.

- Chapel Hill Carrboro YMCA After School Outreach Program: \$6,500

The After School Outreach Program operates at the Chapel Hill/Carrboro YMCA, serving children living in the Pine Knolls neighborhood and the South Estes Drive and Airport Gardens public housing communities. Funds would be used to serve twelve eligible children.

Since 1994, the Town has provided Community Development funds to the YMCA for an afterschool program. The Outreach program has successfully merged with the YMCA's existing afterschool program held at the YMCA facility. In the current year, thirteen children are being served by the program. The YMCA continues to operate a program that meets the goals and objectives established by their Performance Agreement.

This program would serve households earning less than 30% of the area median income.

- Chapel Hill Training Outreach Project After School Enrichment Program: \$3,000

Orange County Family Resource Centers/Chapel Hill Training and Outreach requested \$5,000 for continued support of the South Estes Afterschool Program. This program provides a safe and supervised environment for children from the South Estes public housing community, the largest public housing community in Chapel Hill.

We believe that the provision of quality afterschool services and youth programs is an important activity and supports the Town's efforts in providing services to public housing residents. The Town has supported the program since 2003, and it continues to meet its goals by providing quality after school care and academic support for the children enrolled in the program.

This program would serve households earning less than 30% of the area median income.

- Volunteers for Youth, Inc.: \$3,000

Volunteers for Youth is requesting funds to continue support of its "Every Girl Counts" program. The goal of this program is to serve twelve middle-school girls from low- to moderate-income families by improving school performances and teaching valuable life skills to its members. The program will include weekly life-skill workshops and visits to college campuses.

The Council has funded this program since 2011. There are currently fifteen middle-school girls enrolled in the program, and the program continues to meet the goals and objectives established by its Performance Agreement.

This program would serve households earning less than 80% of the area median income.

- Community Alternatives for Supportive Abodes (CASA): \$9,000

Community Alternatives for Supportive Abodes (CASA) is requesting funding for its Supportive Housing Program which pairs tenants who are homeless or at risk of being homeless with a safe, quality, and affordable apartment. In addition, the Program provides comprehensive and supportive property management services. In Chapel Hill, CASA assists 23 special needs households to live independently in their own apartments for the long term.

CASA has not requested funding for a public services program in the past, but the Town has supported their work with housing/construction funding from the Community Development funds, most recently in 2010-2011.

This program would serve households earning less than 30% of the area median income.

- Marian Cheek Jackson Center: \$11,000

The Marian Cheek Jackson Center is requesting funds for the "Mobilizing Community Leadership and Broad-Based Partnerships for Fair Housing in Chapel Hill." This program would support the work of the Northside and Pine Knolls Community Plan and implement the Community Plan's action steps related to the six identified community themes. In addition, the program would advance community-led housing initiatives which support proactive neighborhood engagement as identified in the Chapel Hill 2020 comprehensive plan.

We are also recommending that the Council allocate \$24,000 from the Affordable Housing Fund to support the Marian Cheek Jackson Center's program per comments made at the Public Forum. Last year, the Council provided \$20,000 to the Marian Cheek Jackson Center from the Affordable Housing Fund for administrative support of its programs.

Funds would be used to support activities that serve households earning less than 80% of the HUD-published area median income.

5. Program Administration: \$78,030

Funds will be used for administration expenses for the Housing and Neighborhood Services division of the Planning Department. Funds would be used for oversight of the Community Development program and related affordable housing programs, as well as coordination with the U.S. Department of Housing and Urban Development and agencies that receive funding to maintain compliance with federal regulations.

Specifically, funds will be used for a portion of the salaries of the Housing and Neighborhood Services Manager and the Housing and Neighborhood Services Planner positions.

Annual Strategic Plan

As a growing community, the Orange County and the Town of Chapel Hill must successfully balance a diverse array of housing and community development issues. Given the range of competing needs, the community must invest its scarce public resources wisely. Therefore, as a general principle, the Town will attempt to expend public funds in a way that leverages the commitment of private sector support whenever possible.

The following presentation utilizes this performance-centered approach to outline the County and Town's approach to housing and community development in the upcoming year. This approach includes identifying goals, objectives and strategies; determining what resources are necessary to achieve these goals; analyzing and evaluating performance data; and using that data to drive improvements in organization. All objectives and performance indicators are based on a one year time frame.

Goal 1 – Provide Decent and Affordable Housing for Lower-Income Households

This goal includes retaining existing affordable housing stock, increasing the availability of affordable permanent housing in standard condition without discrimination, providing affordable rental housing and providing affordable housing that is accessible to job opportunities.

Priority Needs

- 1.1 Low income (< 80% AMI) homeowners that live in substandard housing
- 1.2 Rental units for low income (<60% AMI) residents

- 1.3 Low income (<80% AMI) homeowners that do not have indoor plumbing or adequate connections to existing public water and sewer systems
- 1.4 Low income (60-80% AMI) renters that are potential homebuyers
- 1.5 Very low income (<60% AMI) homeownership
- 1.6 Eliminate barriers to affordable housing
- 1.7 Extremely Low income (<30% AMI) renters looking for affordable rental housing

Goal 2 – Provide Housing and Services for Homeless Populations

This goal includes assisting homeless persons to obtain services and housing, and assisting persons at risk of becoming homeless.

Priority Needs

- 2.1 Service-enriched transitional housing for homeless persons
- 2.2 Reduce Chronic Homelessness
- 2.3 Increase Employment
- 2.4 Prevent Homelessness
- 2.5 Increase Access to Services
- 2.6 Increase Public Participation in Ending Homelessness

Goal 3 – Provide Housing and Services for Special Needs Populations

This goal includes assisting persons with special needs in obtaining supportive housing and in accessing a continuum of services specific to their unique needs.

Priority Needs

- 3.1 Service-enriched housing for persons with special needs
- 3.2 Continuum of services for special populations including older adults, disabled, mentally ill, persons with AIDS and at-risk youth

Goal 4 – Increase Capacity and Scope of Public Services.

This priority of the Consolidated Plan is to increase the capacity and scope of public services for low and moderate income families and individuals. The needs of residents with limited incomes for a unique variety of public services can be acute. Consolidated Plan funding will be used to leverage other resources to provide needed services.

Priority Need

- 4.1 Increase capacity and expand the scope of Public Services in order to reach out to more low-to-moderate income residents.

The following table shows the proposed sources and uses of funding available to Orange County for FY 2013-2014 from the U.S. Department of Housing and Urban Development. More detailed descriptions are provided in the Annual Plan portion of this document.

Fiscal Year 2013-2014 Funding	
Sources of Funds	Amount
<u>HOME Program</u>	
2013 Grant	\$364,311

Matching Funds (cash match)*	81,970
Program Income	29,001
Prior Year Funding	178,159
<u>Community Development Block Grant</u>	
2013 Grant	\$390,152
Reallocated Funds – Completed Activities	\$44,498
Program Income	\$28,541
Total	\$1,116,632
Uses of Funds	
Amount	
<u>HOME Program</u>	
Property Acquisition – EmPOWERment, Inc.	\$185,000
Homeownership Assistance – CHT	\$60,000
Homeownership Assistance – Habitat for Humanity	\$300,000
Operations Support-CHT	\$20,000
Tenant Based Rental Assistance – Housing for New Hope	\$52,010
Administration	\$36,431
<u>Community Development Block Grant</u>	
Public Housing Renovation - Town of Chapel Hill	\$165,000
Homeownership Assistance-CHT	\$20,941
Public Service Activities	\$64,900
Code Enforcement – Town of Chapel Hill	\$56,500
Program Administration	\$78,030
Total	\$1,116,632

* HOME Program matching funds requirements will be met with cash.

General Questions

1. Describe the geographic areas of the jurisdiction (including areas of low income families and/or racial/minority concentration) in which assistance will be directed during the next year. Where appropriate, the jurisdiction should estimate the percentage of funds the jurisdiction plans to dedicate to target areas.

Orange County HOME Consortium Response:

Rolling hills, forests, and farmland converge with cosmopolitan urban cities and small rural towns in Orange County. This unique mix of landforms brings to the County an abundance of historical, social, and cultural resources. Additionally, Orange County

anchors the western corner of the Research Triangle, a regional economic engine home to some of the world's leading technological companies as well as major federal research institutions. Orange County encompasses four Cities to include: Hillsborough, Chapel Hill, Carrboro, and Mebane.

The county is also divided into seven townships, though these political divisions no longer carry legal standing: Cedar Grove, Little River, Cheeks, Hillsborough, Eno, Bingham, and Chapel Hill.

Demographics

As of the 2010 Census count, Orange County had a total population of 133,801. The County's racial makeup consisted of 74% White, 15.928% Black or African American, 0% American Indian and/or Native Alaskan, 7% Asian, 0% Pacific Islander, 4% from other races, and 3% from two or more races; 8.2 were Hispanic or Latino of any race. This demographic data, along with data broken out for each of Orange County's four municipalities, is depicted in Table 1, below. According to the 2010 Census count for Orange County as a whole, there were 50,085 households out of which 20.9% had children under the age of 18 living with them; 44.6% were married couples living together, 9.4% had a female householder with no husband present, and 43% were non-families. The average household size was 2.36 and the average family size was 2.95.

Orange County Demographic Profile Highlights					
	Orange County	Chapel Hill	Carrboro	Hillsborough	Mebane
Total population	133,8017	57,233	19,582	6,087	7,284
Male	56,038	21,961	8,164	2,523	3,480
Female	62,189	26,754	8,618	2,923	3,804
One race	116,204	47,813	16,376	5,326	7,184
White	92,272	37,973	12,195	3,282	5,638
Black or African American	16,298	5,565	2,273	1,897	1,273
American Indian and Alaska Native	457	203	61	28	17
Asian	4,845	3,497	864	31	45
Native Hawaiian and Other Pacific Islander	20	12	1	0	1
Other race	2,312	563	982	88	210
Two or more races	2,023	902	406	120	100
Hispanic or Latino	5,273	1,564	2,062	152	382

Orange County Demographic Highlights: [Source: Census 2010, Summary File 1]

As researched in the 2006 – 2008 American Community Survey estimates, there were 49,369 households [an increase of 7.64% over the 2000 Census count], of which 31.2% had children under the age of 18 living with them. Out of the total 49,369 households, 46.5% were married couples living together. The 2006 – 2008 Census estimates also revealed 10.4% of families had a female head of household with no husband present. Orange County also had 39.8% non-family households. The average household size was 2.34 and the average family size was 2.88.

The 2006 – 2008 Census estimates put the total population of Orange County at 124,168. The racial makeup of the County was 76.21% White, 12.99% Black/African American, 0.37% American Indian and/or Alaskan Native, 5.66% Asian, and 2.86% some other race; the American Community Survey did not estimate the size of the Hispanic or Latino populations. Historical trends in Orange County’s racial makeup between 1990 and 2008 are depicted in the tables below.

Demographic Profile Highlights 2006-2008 Estimates*		
	Orange County	Chapel Hill
Total population	124,168	54,972
One race	121,799	53,993
White	94,631	41,886
Black or African American	16,130	5,773
American Indian and Alaska Native	461	80
Asian	7,023	5,328
Native Hawaiian and Other Pacific Islander	29	13
Other race	3,525	913
Two or more races	2,369	979
Hispanic or Latino**	--	--

Demographic Profile Highlights: 2006-2008 Estimates

[Source: 2006-2008 American Community Survey 3-year estimates]

* 2006-2008 Estimates were not available for Carrboro, Hillsborough, and Mebane.

** No 2006-2008 estimated data was available for the number of Hispanic or Latino individuals in Orange County.

Orange County Historical Demographic Trends							
	White	Black/African American	American Indian/ Alaskan Native	Asian	Native Hawaiian/ Other Pacific Islander	Other race	Hispanic/Latino
1990	75,871	14,893	286	2,325	36	440	5,273
2000	92,272	16,298	457	4,845	20	2,312	3,480
2006-2008*	94,631	16,130	461	7,023	29	3,525	--

Orange County Demographic Trends: [Sources: Census 1990 Summary Tape File 1, Census 2000 Summary File 1, and 2006-2008 American Community Survey 3-year estimates]

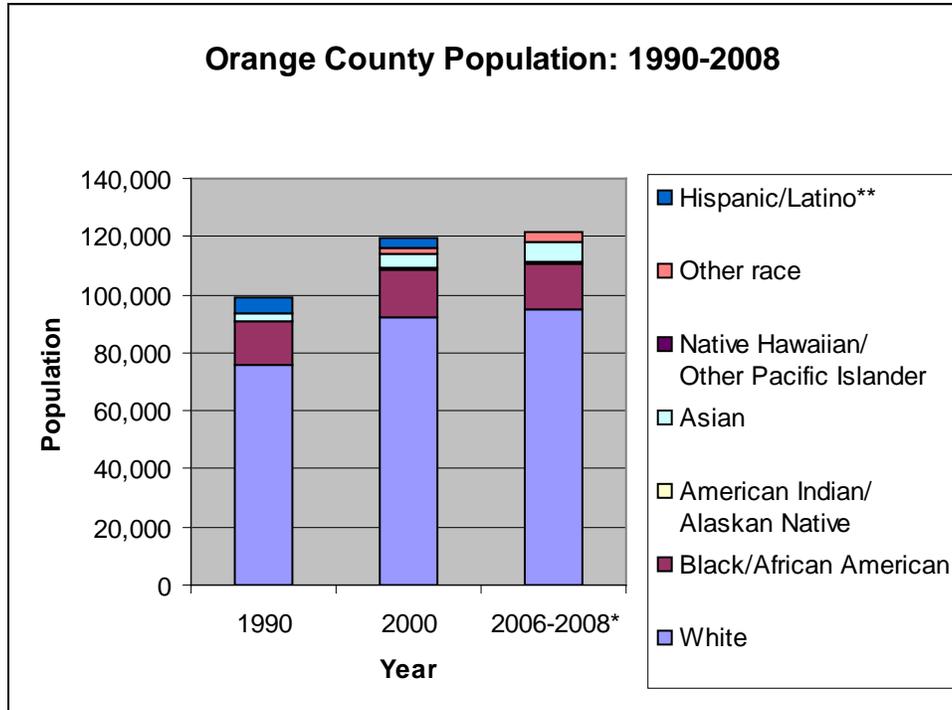
Note: No 2006-2008 estimated data was available for the number of Hispanic or Latino individuals in Orange County.

* Denotes Estimate
Orange County.

- * Denotes Estimate

Based on this historical data, between 1990 and 2008, Orange County has seen a 24.7% increase in the White population, an 8.3% increase in the Black or African American population, a 302% increase in the Asian population, and a 34.0% decrease in the Hispanic or Latino population.

The historical shift in Orange County's racial makeup is depicted in Figure 1 [below]. Over the 18-year period researched, Orange County has become more racially diverse. Whites have consistently made up the majority of the population while the Black or African American population has fluctuated. The most dramatic increase in the population of any one race is displayed by Asians, who grew from 2,325 in 1990 to 7,023 in 2006-2008, an increase of over 300%. Growth in the populations of other races (namely White, Black/African American, and American Indian/Alaskan Native) appears to have largely stabilized after a period of more rapid growth between 1990 and 2000. A variety of economic and other influences may have driven these historical population trends and shifts; however, the Orange County Housing & Community Development Department should be aware of these shifts, and continue to monitor demographic data to determine if any racially-motivated "steering" practices are contributing factors.



Orange County Population: 1990-2008 [Sources: Census 1990 Summary Tape File 1, Census 2000 Summary File 1, and 2006-2008 American Community Survey 3-year estimates]

* Denotes Estimate

** Data on the number of Hispanic or Latino individuals in Orange County was not available for 2006-2008

Using Census 2000 data (the most complete dataset currently available), Orange County had a total minority population of 28,571 compared with an overall population of 118,227, giving the County a minority population of 24%. For the purposes of this calculation, all racial or ethnic groups not categorized as “Non-Hispanic White” are considered minority groups. Using data compilations from the Federal Financial Institutions Examination Council [FFIEC], which are based upon Census 2000 data, demographic research was also conducted within Orange County at the census tract level. This detailed level of analysis is necessary in order to determine the existence of racial or ethnic segregation patterns and the degree to which these minority populations are concentrated throughout the County. As depicted in the accompanying table [Table 3], the concentrations of minority populations within Orange County ranges widely.

For each of the County’s 22 Census tracts (as defined for the 2000 Census), the following table displays the tract’s total population along with the actual number of persons belonging to the various racial and ethnic groups. Each tract’s minority population is also shown as a percentage of the tract’s total population. Minority populations range as high as 47.1% in Tract 107.03 to 12.2% in Tract 108.02. Similarly wide ranges exist within specific racial and ethnic groups. Whereas 2,235 Black or African Americans were counted in Tract 111.01, only 133 were counted in Tract 114. A perhaps even more striking tendency to concentrate is found among Asians, whose population ranged from a total of just 7 in Tract 108.01 to 703 in Tract 112.03.

Racial Composition By Orange County Census Tract

Tract Code	General Geography	Tract Population	Tract Minority %	Number of Families	# of House-holds	Non-Hisp White Population	Tract Minority Population	American Indian Population	Pacific Islander Population	Black Population	Hispanic Population	Other Population/ Two or More Races
107.01	Carrboro	1938	31.73	538	708	1323	615	3	33	496	62	21
107.02	Carrboro	8510	32.35	1980	3372	5757	2753	16	354	1293	909	181
107.03	Carrboro	5170	47.12	841	2611	2734	2436	9	286	1004	1022	115
107.04	Carrboro	4614	16.88	923	2208	3835	779	11	240	286	166	76
108.01	Cedar Grove	4567	33.04	1311	1748	3058	1509	29	7	1244	178	51
108.02	Little River	4148	12.22	1308	1603	3641	507	12	12	386	57	40
109	Eno	8207	15.57	2358	3241	6929	1278	31	71	886	191	99
110	Hillsborough	5987	24.79	1610	2360	4503	1484	13	19	1178	190	84
111.01	Cheeks	6373	40.92	1838	2443	3765	2608	31	15	2235	252	75
111.02	Cheeks	4798	19.78	1358	1896	3849	949	16	41	553	247	92
112.01	Chapel Hill	7579	25.28	1886	2988	5663	1916	16	703	722	344	131
112.02	Carrboro	5043	18.5	1371	1893	4110	933	13	82	604	159	75
112.03	Bingham	5076	15.21	1400	2055	4304	772	21	17	541	136	57
113	Chapel Hill	2400	45.96	362	1127	1297	1103	7	46	917	93	40
114	Chapel Hill	3717	13.69	550	1561	3208	509	18	233	133	69	56
115	Chapel Hill	2023	20.37	447	1024	1611	412	14	55	222	91	30
116	Chapel Hill	9295	26.21	252	1773	6859	2436	50	743	1313	175	155
117	Chapel Hill	4852	18.4	394	1265	3959	893	23	318	417	49	86
118	Chapel Hill	2692	17.01	560	1144	2234	458	3	120	209	89	37
119	Chapel Hill	8419	20.05	2139	3546	6731	1688	22	576	635	315	140
121	Chapel Hill	6291	21.41	1437	2705	4944	1347	24	463	506	235	119
122	Chapel Hill	6528	18.17	1554	2645	5342	1186	6	426	395	244	115

Racial Composition by Orange County Census Tract

[Source: FFIEC 2009 Population Report]

By converting raw numbers into percentages, a more useful set of statistics emerges wherein the various Census tracts can be more directly compared with one another. The following table [Table 4] depicts the same data contained in Table 3 as percentages. Among all tracts, the average minority tract population is 24.3%.

Accordingly, tracts with minority population percentages greater than 30% are considered to be unusually high and have been highlighted in yellow. Blue highlighting has been used to designate populations within specific racial or ethnic groups that are considerable higher than average.

Percentage Racial Composition By Orange County Census Tract										
Tract Code	General Geography	Tract Population	Non-Hisp White Population	Tract Minority Population	American Indian Population	Asian/Hawaiian/Pacific Islander Population	Black Population	Hispanic Population	Other Population/Two or More Races	
107.01	Carrboro	1938	68.3%	31.7%	0.2%	1.7%	25.6%	3.2%	1.1%	
107.02	Carrboro	8510	67.6%	32.4%	0.2%	4.2%	15.2%	10.7%	2.1%	
107.03	Carrboro	5170	52.9%	47.1%	0.2%	5.5%	19.4%	19.8%	2.2%	
107.04	Carrboro	4614	83.1%	16.9%	0.2%	5.2%	6.2%	3.6%	1.6%	
108.01	Cedar Grove	4567	67.0%	33.0%	0.6%	0.2%	27.2%	3.9%	1.1%	
108.02	Little River	4148	87.8%	12.2%	0.3%	0.3%	9.3%	1.4%	1.0%	
109	Eno	8207	84.4%	15.6%	0.4%	0.9%	10.8%	2.3%	1.2%	
110	Hillsborough	5987	75.2%	24.8%	0.2%	0.3%	19.7%	3.2%	1.4%	
111.01	Cheeks	6373	59.1%	40.9%	0.5%	0.2%	35.1%	4.0%	1.2%	
111.02	Cheeks	4798	80.2%	19.8%	0.3%	0.9%	11.5%	5.1%	1.9%	
112.01	Chapel Hill	7579	74.7%	25.3%	0.2%	9.3%	9.5%	4.5%	1.7%	
112.02	Carrboro	5043	81.5%	18.5%	0.3%	1.6%	12.0%	3.2%	1.5%	
112.03	Bingham	5076	84.8%	15.2%	0.4%	0.3%	10.7%	2.7%	1.1%	
113	Chapel Hill	2400	54.0%	46.0%	0.3%	1.9%	38.2%	3.9%	1.7%	
114	Chapel Hill	3717	86.3%	13.7%	0.5%	6.3%	3.6%	1.9%	1.5%	
115	Chapel Hill	2023	83.1%	21.3%	0.7%	2.8%	11.5%	4.7%	1.5%	
116	Chapel Hill	9295	73.8%	26.2%	0.5%	8.0%	14.1%	1.9%	1.7%	
117	Chapel Hill	4852	81.6%	18.4%	0.5%	6.6%	8.6%	1.0%	1.8%	
118	Chapel Hill	2692	83.0%	17.0%	0.1%	4.5%	7.8%	3.3%	1.4%	
119	Chapel Hill	8419	80.0%	20.0%	0.3%	6.8%	7.5%	3.7%	1.7%	
121	Chapel Hill	6291	78.6%	21.4%	0.4%	7.4%	8.0%	3.7%	1.9%	
122	Chapel Hill	6528	81.8%	18.2%	0.1%	6.5%	6.1%	3.7%	1.8%	
Average		5374	75.9%	24.3%	0.3%	3.7%	14.4%	4.3%	1.5%	

Percentage Racial Composition by Orange County Census Tract

[Source: 2009 FFIEC Census Report]

Note that a high population of a specific minority group does not necessarily indicate a high minority tract population overall. For example, all those tracts with high Black/African American populations are also high minority tracts but, of those tracts where Asians concentrate in unusually high percentages, none are high in overall minority populations.

Based on this Racial Composition by Census Tract data, the Census tracts with the highest minority concentrations are Tracts 107.01, 107.02, 107.03, 108.01, 111.01, and 113. In most cases, these high minority tracts have unusually high concentrations of only one specific minority group. While tracts 107.02 and 107.03 have very high Hispanic concentrations, the concentration of other minority groups in those tracts are generally no more than average. Similarly, tracts 107.01, 108.01, 111.01, and 113 contain very high Black concentrations but other minority groups concentrate in those tracts generally no more than average (except in Tract 108.01, which has both a high Black and a high American Indian population). This indicates a tendency of minority groups to concentrate in certain areas of the County, but not in areas where members of any other racial or ethnic group are also concentrated.

2. Describe the basis for allocating investments geographically within the jurisdiction (or within the EMSA for HOPWA) (91.215(a) (1)) during the next year and the rationale for assigning the priorities.

Orange County HOME Consortium Response:

As a growing community, Orange County and the Towns of Chapel Hill, Hillsborough and Carrboro must successfully balance a diverse array of housing and community development issues. Given the range of competing needs, the community must invest its scarce public resources wisely. Therefore, as a general principle, the County will attempt to expend public funds in a way that leverages the commitment of private sector support whenever possible. Through the public participation and consultation process, the County has identified the community's overall goals and priorities as follows:

- Provide decent and affordable housing for low to moderate income households, including providing affordable rental for <30% AMI residents
- Provide housing and services for homeless populations with special needs
- Increase the capacity and scope of Public Services

3. Describe actions that will take place during the next year to address obstacles to meeting underserved needs.

Orange County HOME Consortium Response:

The following are obstacles to meeting underserved needs in Orange County along with the Consortium's actions that are intended to minimize the impact of these obstacles:

- The current economic and housing crisis has decreased tax revenues for the County and Towns. Recognizing the heightened scarcity of available public funds, the Consortium will seek opportunities for leveraging private funds and will fund those projects of greatest strategic importance to the Consortium.

- As mixed use/mixed income communities continue to add amenities to new home construction, home costs continue to rise in Orange County despite the current housing market slowdown. It is increasingly difficult to fund projects that meet low and moderate income criteria. Orange County will continue to work with local groups, and municipalities, to determine the areas that qualify for funding by researching and evaluating alternative areas.
 - As the population of Orange County continues to grow, the lack of affordable land has become a major barrier to the development of Affordable Housing, especially when taking into account that the Town of Chapel Hill and the County will not develop infrastructure beyond the Urban Services Boundary. By waiving building permit fees and providing zoning incentives, the members of the Consortium plan to minimize the obstacles to affordable housing development.
 - There are a limited number of developers and builders who are capable of building Affordable Housing. The profit potential for middle and upscale housing draws most builders to that range of development, leaving few contractors willing to work in the Affordable Housing arena. Also, the high cost of land, costly permitting fees and the length of time to get housing projects approved is prohibitive to the development of Affordable Housing. This obstacle will be mitigated through the waived permit fees and zoning incentives already discussed.
4. Identify the federal, state, and local resources expected to be made available to address the needs identified in the plan. Federal resources should include Section 8 funds made available to the jurisdiction, Low-Income Housing Tax Credits, and competitive McKinney-Vento Homeless Assistance Act funds expected to be available to address priority needs and specific objectives identified in the strategic plan.

Orange County HOME Consortium Response:

By drawing upon financial resources available to the Consortium through HUD and by instituting or strengthening partnerships with County departments, municipalities, and nonprofit organizations, the Consortium will have sufficient resources available to accomplish the Plan goals.

The following table provides a conservative estimate of the total amount of funding that is expected to be available through HUD over the course of the five years covered by this Plan. The estimates for CDBG and HOME are based on 80% of the current FY 2010 funding level, multiplied by five (to arrive at a cumulative five-year figure). CDBG and HOME Program Income estimates are based on 80% of the projections listed in the Consortium's 2009 Annual Action Plan. The estimate for HOME Matching Funds is 25% (the minimum amount of match required) of the five-year HOME estimate.

Grant Program	Amount
CDBG (Town of Chapel Hill)*	\$2,533,620
CDBG Program Income**	\$29,352
HOME (Orange County Consortium)*	\$2,913,108
HOME Program Income**	\$204,232
HOME Matching Funds*	\$728,277
TOTAL	\$6,408,589

* 80% of FY 2010 allocations for the next 5 years

** 80% of average program income over the past 5 years

Strategic partners who will assist in the implementation and management of the Plan include the following:

Orange County
The Town of Chapel Hill
The Town of Carrboro
The Town of Hillsborough
The Community Home Trust
Habitat for Humanity of Orange County, NC
The Banks Law Firm
InterFaith Council for Social Service
Orange Congregations in Mission
The Joint Orange-Chatham Community Action Agency
EmPOWERment, Inc.
USDA/Rural Development
Chapel Hill Training & Outreach Agency
Chapel Hill-Carrboro YMCA
Inter-Church Council Housing Corporation
Housing for New Hope
CASA
Volunteers for Youth

Managing the Process

1. Identify the lead agency, entity, and agencies responsible for administering programs covered by the consolidated plan.

Orange County HOME Consortium Response:

The Orange County Consortium is made up of several local government entities. These entities have various responsibilities for administering programs and activities through a variety of departments as described below.

Orange County is responsible for administration of the Section 8 program for the County, the CDBG Small Cities program and serves as the lead agency for the Orange County HOME Consortium.

The Town of Chapel Hill is the administrator of the Town's CDBG entitlement program. The Town also conducts long-range planning and policy design for housing

development and implements the Town's Inclusionary Zoning and affordable housing program.

The Town of Carrboro administers the Carrboro CDBG Small Cities program and the planning department is responsible for planning and policy design for housing development. The Town also has a successful revolving loan fund for small businesses.

The Town of Hillsborough is responsible for planning and policy development for the Town.

2. Identify the significant aspects of the process by which the plan was developed, and the agencies, groups, organizations, and others who participated in the process.

Orange County HOME Consortium Response:

Most of the nonprofit organizations work closely together on housing issues. Local government staffs work with the nonprofits on a regular basis, since many nonprofit activities are supported with local funds. The following organizations provided a key role in the development of this 5-year Consolidated Plan:

- **Community Home Trust** is a housing development corporation, whose operating budget is funded by Orange County, Chapel Hill and Carrboro. The organization utilizes the land trust model for homeownership to create permanently affordable housing opportunities for Orange County residents.
- **Habitat for Humanity of Orange County** is a strong local affiliate of the national organization and strives to develop affordable units within Orange County, the Town of Hillsborough and Town of Chapel Hill.
- **InterFaith Council for Social Service (IFC)** operates a homeless shelter and is a chief advocate for the homeless population. IFC also offers a program to prevent homelessness through financial assistance to families that are at risk of losing their permanent housing.
- **Orange Congregations in Mission** serves northern Orange County, offering programs that prevent homelessness through financial assistance to families that are at risk of losing their permanent housing.
- **The Joint Orange-Chatham Community Action Agency** is a local community action agency offering a wide variety of rehabilitation, weatherization, counseling and financial assistance to very low-income families.
- **EmPOWERment, Inc.** is a community development corporation that promotes models of community building, problem solving and social action to mobilize low-income communities to build shared vision and power for community change.
- **Community Alternatives for Supportive Abodes (CASA)** is a non-profit a developer of affordable multi-unit rental properties for residents who are low-income or have mental and/or physical disabilities.

Private Industry

Private lenders (especially those interested in achieving the lending goals of the Community Reinvestment Act), public lenders like Rural Development, builders, realtors and developers, are entities whose assistance is crucial to the success of housing initiatives undertaken in Orange County.

Utility companies develop construction and energy conservation standards to reduce energy costs. They also provide information and training on energy-saving practices in home, such as how to install insulation and weather stripping. Low-interest loans are available from utility companies for the purchase and installation of insulation, high efficiency heat pumps and other energy conservation measures.

Public Housing Authorities

The Town of Chapel Hill Department of Housing operates 336 conventional public housing units.

The Orange County Housing Authority Board operates the Section 8 Housing Voucher Program. The program provides approximately 623 vouchers to low income families. The Orange County Board of Commissioners appoints a seven member Housing Authority Board who serves as the governing board and the managerial affairs of the County conform to applicable County ordinances and policies. A resident advisory board has been established to include Section 8 residents in the decision-making process. The Orange County Housing Authority Board of Commissioners sets policy for the public housing functions and approves the Annual Public Housing Agency Plan.

3. Describe actions that will take place during the next year to enhance coordination between public and private housing, health, and social service agencies.

Orange County HOME Consortium Response:

The existing coordination of services has been enhanced with the creation of the Orange County HOME Consortium whose members include Orange County, Carrboro, Chapel Hill and Hillsborough.

Additionally, in an effort to facilitate communication with other local housing nonprofit organizations, the members of the HOME Program Consortium will convene semi-annual meetings with these organizations. Items shared during these meetings will include clarification of federal and state housing program regulations and discussion of local housing programs and initiatives.

Citizen Participation

1. Provide a summary of the citizen participation process.

Orange County HOME Consortium Response:

Participation of the general public and also public organizations is extremely important to HUD and to the development of a consolidated plan. To maximize citizen participation, Orange County held a public hearing on February 7, 2012 to receive citizen comments regarding the Annual Action Plan. The public hearing was advertised in local newspapers in advance. The meetings were held in Orange County at the following location.

Tuesday, February 5, 2013
Hillsborough Commons - DSS Conference Room
106 Mayo Street
Hillsborough, NC 27278
7:00 P.M.

Additionally, the Town of Chapel Hill conducted two public forums. The meetings were advertised in the local newspapers and on the Town's website:

Wednesday, February 27, 2013
Wednesday, April 10, 2013
Town Council Public Forum
Town Hall Council Chambers
405 Martin Luther King Blvd.
Chapel Hill, NC 27514
7:00 P.M

A draft of the Annual Action Plan was made available on the Orange County, Town of Hillsborough, Town of Chapel Hill and Town of Carrboro websites for review and in the office of the Orange County Housing, Human Rights and Community Development Department.

2. Provide a summary of citizen comments or views on the plan.

Comments from the Orange County Board of County Commissioners February 5, 2013 board meeting:

1. Robert Dowling, Executive Director of the Community Home Trust indicated that they would request \$60,000 in HOME funds to subsidize town homes in the Ballantine and 140 West Franklin developments. The Community Home Trust will request \$20,000 for operational expenses.

Susan Levy, Executive Director of Habitat for Humanity, Inc., stated that Habitat would request \$300,000 for second mortgage assistance in the Phoenix Place subdivision, Chapel Hill, Fairview in Hillsborough and Tinnin Woods subdivision in Efland Cheeks Township, Efland, NC.

**Summary of Comments from February 27, 2013
Community Development and HOME Program Pubic Forum**

13. Terry Allebaugh, the Executive Director of Housing for New Hope, stated that Housing for New Hope is requesting support for their housing programs to end homelessness, specifically \$12,000 in CDBG funds to continue support for their housing specialist and \$50,000 in HOME funds for rental support.
14. Aubrey Vinson, the Youth Director at the Chapel Hill-Carrboro YMCA stated that the YMCA's Afterschool Outreach Program, which provides a safe, positive afterschool experience for children from low-income housing, is requesting continued funding to support the program. Mr. Vinson stated that

- without the Community Development program funds, the YMCA might not be able to continue this program.
15. Jess Brandes, Projects Coordinator for CASA, said that CASA is requesting funds to further their efforts to provide affordable rental housing and in specific their Supportive Housing Program in Chapel Hill which pairs tenants who are homeless or at risk of being homeless with a safe, quality, affordable apartment. The Supportive Housing Program currently serves 23 households in Chapel Hill and aims to keep these tenants permanently housed.
 16. Anita Badrock, the Operations Manager at the Community Home Trust, stated that the Community Home Trust is in need of funds to make homes affordable to new buyers, for the resale of existing homes, for support of existing homes, and for operational support. Anita also noted that the Community Home Trust is requesting the same amount of funds as they have since 2008, and this year they will be forced to finance homes from their reserve accounts; she stated that these practices are not sustainable for the long-term, and the Community Home Trust staff is looking forward to the upcoming Work Session with the Council to discuss these issues in more detail.
 17. Rob Reda, representing Habitat for Humanity, which provides housing for low-income individuals in the community, presented Habitat for Humanity's request for \$300,000 in HOME funds to support the building of 15 homes, eight of which will be in Chapel Hill. He also requested that affordable housing be a high-level priority in the budget for the coming year.
 18. Laura Moore, a representative of the Habitat for Humanity Board of Directors, is requesting HOME funds to build the remaining seven houses in the Phoenix Place neighborhood. Phoenix Place neighborhood has provided safe, affordable housing for 50 low-income households. She also requested that affordable housing be a priority in the Town's budget for the coming year.
 19. Riri Way, a resident of Phoenix Place, spoke in support of Habitat for Humanity's request. She said that her parents purchased their home through Habitat for Humanity, and she expressed her support for the allocation of HOME funds to Habitat for Humanity.
 20. Jennifer Prater, another resident of Phoenix Place, related her story of acquiring home ownership through a Habitat home. She encouraged the Town to support affordable housing as a priority in the budget.
 21. Barbara Redman, a homeowner in Phoenix Place, also spoke in support of funding for Habitat for Humanity and encouraged the Town to add affordable housing as a line-item in the budget.
 22. Delores Bailey, Executive Director for EmPOWERment, Inc., is requesting CDBG funds for its Career Explorers program that provides structured summer employment opportunities for low-income youth in Orange County. EmPOWERment, Inc. is also requesting HOME funding for purchasing affordable housing units and increasing their inventory of affordable units at all levels.

2. Provide a summary of efforts made to broaden public participation in the development of the consolidated plan, including outreach to minorities and non-English speaking persons, as well as persons with disabilities.

Orange County HOME Consortium Response:

The public hearings were held in central locations in the County that are accessible to public transportation lines. All facilities were ADA accessible and a Spanish interpreter was available upon request.

Public Notices were published in local newspapers and online on the County and Towns' websites, which included the location and time of the public hearing.

The Executive Summary, as well as the entire 2010-2015 Consolidated Plan was available for public review and comment.

3. Provide a written explanation of comments not accepted and the reasons why these comments were not accepted.

Orange County HOME Consortium Response:

All comments were received, none were rejected. As such, all Public Comments received were incorporated into the Annual Plan Update as appropriate.

Institutional Structure

1. Describe actions that will take place during the next year to develop institutional structure.

Orange County HOME Consortium Response:

With the creation of the Community Home Trust, Orange County, Chapel Hill, Carrboro and Hillsborough demonstrated the desire to cooperate among the several jurisdictions to provide the best housing assistance that will serve the low-income residents of Orange County. With respect to coordination of resources, funded agencies will communicate with appropriate staff regarding projects in progress, applications submitted to state and federal funding agencies, programs that are particularly successful or troublesome, and other sharing of information and sources of funds.

Monitoring

1. Describe actions that will take place during the next year to monitor its housing and community development projects and ensure long-term compliance with program requirements and comprehensive planning requirements.

Orange County HOME Consortium Response:

To insure that each recipient of HOME, CDBG, and other federal funds operates in compliance with applicable federal laws and regulations, Orange County and the Town will continue to implement a monitoring strategy that closely reviews Subrecipient activities and provides extensive technical assistance to prevent future compliance issues.

The Orange County Consortium will implement a risk analysis matrix for monitoring all appropriate CDBG/HOME subrecipients for each Fiscal Year (FY). This risk analysis closely mirrors the Community Planning Development (CPD) Notice 04-01, Issued February 2, 2004 and CPD Notice 02-11, which delineates the relevant factors to monitor for determining the risk level for the Consortium or subrecipients. Once projects have been approved and subrecipients have been issued subrecipient agreements, the staff conducts a four page risk analysis worksheet that looks at Financial Capacity; Management; Planning and National Objectives.

Each subrecipient is graded and its score is listed in one (1) of three categories: low risk: 0-30 points; moderate risk: 31-50 points; and high risk: 51-100 points. Based on the scoring for each subrecipient, the Consortium determines its annual monitoring schedule based on the number of moderate and high risk subrecipients. As a general rule, the staff will monitor on-site all moderate and high risk subrecipients on an annual basis, typically at the midway point of the Fiscal Year. Conversely, the low-risk subrecipients are monitored on-site every other Fiscal Year during the same timeframe, and desk reviews are conducted throughout the year.

When a subrecipient's risk assessment calls for an on-site monitoring, the following procedures are followed:

- The PJ reviews its own files on the subrecipient to be monitored, particularly quarterly reports, performance agreements, and payment requests.
- A visit is made to the subrecipient. PJ staff meets with subrecipient staff, reviews financial and administrative management, and visits program sites.

Documents requested of the subrecipient may include: personnel policies; annual audit; by-laws; fidelity bond; insurance policy; financial policies; tenant selection policies; and marketing strategy.

- An exit conference is held with subrecipient staff to discuss concerns and recommendations and to give the subrecipient agency an opportunity to ask questions or clarify policies.
- The PJ prepares a draft of the monitoring assessment letter to the subrecipient agency's Director for review. The subrecipient is given the opportunity to make corrections or provide additional information.
- Formal assessment letter is sent from the PJ to Director and Board Chairperson for the subrecipient.
- Staff presents the monitoring letter at a regularly scheduled Board meeting to respond to questions or concerns.
- The subrecipient submits its response to the assessment letter.

In order to facilitate desk-reviews of subrecipients who are not monitored on-site, subrecipients are required to submit detailed regular reports that describe the progress of their programs, including rates of expenditure. Quarterly report deadlines are: April 15th (Jan–Mar); July 15th (Apr–June); October 15th (July–Sept); and Jan 15th (Oct–Dec). Final reports include a summary of the program's accomplishments—including the actual number of beneficiaries—and a description of how funds were used. In certain situations, such as rental housing development, annual reports (due July 15) may be required after the project is completed for the duration of the affordability period.

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Lead-based Paint

1. Describe the actions that will take place during the next year to evaluate and reduce the number of housing units containing lead-based paint hazards in order to increase the inventory of lead-safe housing available to extremely low-income, low-income, and moderate-income families, and how the plan for the reduction of lead-based hazards is related to the extent of lead poisoning and hazards.

Orange County HOME Consortium Response:

In Orange County, evaluations (risk assessments) of lead-based paint in housing units will be conducted by on a case-by-case basis and lead abatement will be prescribed as needed for dwellings targeted for rehabilitation. In addition, all assisted housing tenants will be informed of the hazards of lead-based paint. The Orange County Health Department will provide ongoing consultation to local housing staff.

HOUSING

Specific Housing Objectives

*Please also refer to the Housing Needs Table in the Needs.xls workbook.

1. Describe the priorities and specific objectives the jurisdiction hopes to achieve during the next year.

Orange County HOME Consortium Response:

Orange County plans to achieve the following objectives during the next year, dependent on available funding:

Affordable rental subsidy	10
Affordable Rental Housing Rehabilitated	62
Affordable Rental Housing Acquired	2
First-time homebuyers assisted:	35

The County will examine options that will promote higher density, mixed-use development, and the preservation of open space.

2. Describe how Federal, State, and local public and private sector resources that are reasonably expected to be available will be used to address identified needs for the period covered by this Action Plan.

Orange County HOME Consortium Response:

HOME Program	
Tenant-Based Rental Assistance – Housing for New Hope	\$52,010
Homebuyer Assistance – Community Home Trust	\$60,000
Operations Support-Community Home Trust	\$20,000
Property Acquisition	\$185,000
Habitat for Humanity	\$300,000
Administration	\$36,431

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Needs of Public Housing

1. Describe the manner in which the plan of the jurisdiction will help address the needs of public housing and activities it will undertake during the next year to encourage public housing residents to become more involved in management and participate in homeownership.

Orange County HOME Consortium Response:

Key activities of the Chapel Hill Department of Housing are:

Administration

1. To manage the public housing apartments in accordance with the HUD guidelines and policies of the Town of Chapel Hill.
2. To provide staff support to the Public Housing Advisory Board.
3. To administer the Housing Capital Fund.

Resident Services

1. To recertify eligibility for public housing tenancy every 12 months.
2. To continue to provide financial and homeownership training opportunities for participants in the Transitional Housing Program.

Maintenance

1. To maintain the public housing apartments in a decent, safe, and sanitary condition.
 2. To continue to refurbish public housing apartments.
 3. To complete preventative maintenance, safety inspections, and repairs in all 336 housing units.
2. If the public housing agency is designated as "troubled" by HUD or otherwise is performing poorly, the jurisdiction shall describe the manner in which it will provide financial or other assistance in improving its operations to remove such designation during the next year.

Orange County HOME Consortium Response:

This is not applicable as there are not troubled agencies within Orange County or any of its municipalities.

Barriers to Affordable Housing

1. Describe the actions that will take place during the next year to remove barriers to affordable housing.

Orange County HOME Consortium Response:

To address the Impact Fee, the Orange County Board of Commissioners adopted an impact fee reimbursement policy, which provides funds to nonprofit housing developers constructing rental and owner-occupied housing. This enables non-profits to pay these fees without passing the costs on to the prospective renters or homebuyers. With this reimbursement, the Board works to alleviate barriers to affordable housing.

Strategies have been designed to help eliminate or reduce the impact of the identified barriers. The following recommendations included in the AI promote fair housing for the Orange County Consortium:

- Increase the educational opportunities and provide training relating to Fair Housing through workshops, forums and presentations
- Target specific protected groups for fair housing information
- Continue to consult with local lending institutions

- Provide training to housing providers and consumers about their obligations and rights.
- Continue to work with the County and Town governments to develop appropriate legislation and ordinances to assist with the development of affordable housing
- Monitor and track the Inclusionary Zoning Ordinance enacted by the Town of Chapel Hill for effectiveness in the development of affordable housing and utilize as a model ordinance for adoption by the Towns of Carrboro and Hillsborough and Orange County for implementation if positive results are determined.

The affordable housing provisions of the proposed Inclusionary Zoning Ordinance¹ drafted by the Town of Chapel Hill apply to homeownership developments in any of the following categories:

- Single-family or two family development, or subdivision of land to create residential lots that involve:
 - ❖ at least 5 single-family dwelling units or 2-family dwelling units; or
 - ❖ at least 5 single-family lots; or
 - ❖ two-family lots in which six (6) or more residential units are allowed by the Chapel Hill Land Use Management Ordinance, either individually or as part of the same subdivision.
- Multi-family unit developments that create at least 5 multi-family dwelling units; or
- Renovation or reconstruction of an existing building that contains multi-family dwelling units, and that increases the number of dwelling units from the number of dwelling units in the original structure by at least 5; or
- Any change in use of all or part of an existing building from a non-residential use to a residential use that has at least 5 dwelling units.

For development applications involving any of the above, provisions for affordable housing must be included as part of the development proposal.

As with other types of development, Orange County's supply of affordable housing is dictated by a variety of factors, the most significant being project affordability, availability of land and infra-structure, developer preference for building high-end housing, and government regulation. To address the Educational Impact Fee, the Orange County Board of Commissioners adopted an impact fee reimbursement policy, which provides funds to non-profit housing developers constructing rental and owner-occupied housing to enable them to pay the fee without passing the cost to the prospective renters or homebuyers. With this reimbursement, the Board works to alleviate barriers to affordable housing.

HOME/ American Dream Down payment Initiative (ADDI)

1. Describe other forms of investment not described in § 92.205(b).

¹ *Chapel Hill, North Carolina Draft Inclusionary Zoning Ordinance Ideas for Administrative Manual*, February 16, 2010, <http://www.townofchapelhill.com>.

Orange County HOME Consortium Response:

The Consortium does not propose to invest HOME funds in activities that are not described in § 92.205(b).

2. If the participating jurisdiction (PJ) will use HOME or ADDI funds for homebuyers, it must state the guidelines for resale or recapture, as required in § 92.254 of the HOME rule.

Orange County HOME Consortium Response:

All properties receiving financial assistance from Orange County for homeownership activities must ensure that the housing remain affordable to families with incomes of 80% or less of the area median for at least 99 years from the date of initial assistance.

Right of First Refusal

A right of first refusal or right to purchase is accomplished by means of a Declaration of Restrictive Covenants on the property purchased by the first-time homebuyer. Any assignment, sale, transfer, conveyance or other disposition of the property will not be effective unless the following procedures are followed.

If the original homebuyer or any subsequent qualified homebuyer contemplates a transfer to a non low-income household, the buyer must send Orange County and/or the sponsoring nonprofit organization a notice of intent to sell at least 90 days before the expected closing date. If Orange County and/or the sponsoring nonprofit organization elect to exercise its right of refusal, it will notify the buyer within 30 days of its receipt of the notice and will purchase the property within 90 days.

If neither Orange County nor the sponsoring nonprofit organization advises the buyer in a timely fashion of its intent to purchase the property, then the Buyer is be free to transfer the property in accordance with the equity sharing provisions described below.

Equity Sharing

Orange County provides its financial assistance as deferred second loans secured by a 40-year Deed of Trust and Promissory Note, forgivable at the end of 40 years. This Deed of Trust and Promissory Note constitute a lien on the property, subordinate only to private construction financing or permanent first mortgage financing.

The 99 year period of affordability for each individual housing unit is secured by a declaration of restrictive covenants that incorporate a right of first refusal that may be exercised by a sponsoring nonprofit organization and/or Orange County. This declaration of restrictive covenants is further secured by a deed of trust. The nonprofit organization and/or the County are responsible for compliance with the affordability requirement throughout the affordability period, unless affordability restrictions are terminated due to the sale of the property to a non-qualified buyer.

If the buyer no longer uses the property as a principal residence or is unable to continue ownership, then the buyer must sell, transfer or otherwise dispose of their interest in the property to a new homebuyer whose annual income does not exceed

80% of the area median. However, if the property is sold during the affordability period to a non-qualified homebuyer to be used as their principal residence, the net sales proceeds² or “equity” will be divided equally between the seller and the County. If the initial County contribution does not have to be repaid because the sale occurs more than 40 years after the County contribution is made, then the seller and the County will divide the entire equity realized from the sale.

Any proceeds from the recapture of funds will be used to facilitate the acquisition, construction, and/or rehabilitation of housing for the purposes of promoting affordable housing.

3. If the PJ will use HOME funds to refinance existing debt secured by multifamily housing that is that is being rehabilitated with HOME funds, it must state its refinancing guidelines required under § 92.206(b). The guidelines shall describe the conditions under which the PJ will refinance existing debt. At a minimum these guidelines must:
 - a. Demonstrate that rehabilitation is the primary eligible activity and ensure that this requirement is met by establishing a minimum level of rehabilitation per unit or a required ratio between rehabilitation and refinancing.
 - b. Require a review of management practices to demonstrate that disinvestments in the property has not occurred; that the long-term needs of the project can be met; and that the feasibility of serving the targeted population over an extended affordability period can be demonstrated.
 - c. State whether the new investment is being made to maintain current affordable units, create additional affordable units, or both.
 - d. Specify the required period of affordability, whether it is the minimum 15 years or longer.
 - e. Specify whether the investment of HOME funds may be jurisdiction-wide or limited to a specific geographic area, such as a neighborhood identified in a neighborhood revitalization strategy under 24 CFR 91.215(e)(2) or a Federally designated Empowerment Zone or Enterprise Community.
 - f. State that HOME funds cannot be used to refinance multifamily loans made or insured by any federal program, including CDBG.

RECAPTURE PROVISIONS

The HOME recapture provisions are established at §92.253(a)(5)(ii), and unlike the resale approach, permit the original homebuyer to sell the property to any willing buyer during the period of affordability while the PJ is able to recapture all or a portion of the HOME-assistance provided to the original homebuyer. Two key concepts in the recapture requirements – *direct subsidy to the homebuyer* and *net proceeds* - must be understood in order to determine the amount of HOME assistance subject to recapture, and the applicable period of affordability on the unit. The recapture approach requires that all or a portion of the *direct subsidy* provided to the homebuyer be recaptured from the *net proceeds* of the sale.

² New sales proceeds equals the gross sales price less selling costs, the unpaid principal amount of the original first mortgage and the unpaid principal amount of the initial County contribution and any other initial government contribution secured by a deferred payment promissory note and deed of trust.

Direct HOME subsidy is the amount of HOME assistance, *including any program income* that enabled the homebuyer to buy the unit. The direct subsidy includes down payment, closing costs, interest subsidies, or other HOME assistance provided directly to the homebuyer. In addition, direct subsidy includes any assistance that reduced the purchase price from fair market value to an affordable price. If HOME funds are used for the cost of developing a property and the unit is sold below fair market value the difference between the fair market value and the purchase price is considered to be directly attributable to the HOME subsidy.

Net proceeds are defined as the sales price minus superior loan repayment (other than HOME funds) and any closing costs. Under no circumstances can the PJ recapture more than is available from the net proceeds of the sale.

Recapture provisions cannot be used when a project receives only a development subsidy and is sold at fair market value, because there is no direct HOME subsidy to recapture from the homebuyer. Instead, resale provisions must be used.

The recapture option is used by most PJs because it is generally easier to administer than the resale option. The recapture option works well when the sale of the property will most likely preserve affordability without the imposition of resale restriction.

Homebuyer housing with a recapture agreement is not subject to the affordability requirements after the PJ has recaptured the HOME funds in accordance with its written agreement. If the ownership of the housing is conveyed pursuant to a foreclosure or other involuntary sale, the PJ must attempt to recoup any net proceeds that may be available through the foreclosure sale. Because all recapture provisions must be limited to net proceeds, the PJ's repayment obligation is limited to the amount of the HOME subsidy, if any, that it is able to recover.

The written agreement between the homebuyer and the PJ, as well as mortgage and lien documents are typically used to impose the recapture requirements in HOME-assisted homebuyer projects under recapture provisions. The purpose of these enforcement mechanisms is to ensure that the PJ recaptures the direct subsidy to the HOME-assisted homebuyer if the HOME-assisted property is transferred. Unlike the resale option, deed restrictions, covenants running with the land, or other similar mechanisms are not required by the HOME rule to be used in homebuyer projects under the recapture option. However, many PJ's choose to use these mechanisms for enforcing the affordability period and as notification of the transfer of the property.

Orange County HOME Consortium Response:

The Consortium does not propose to use HOME Program funds to refinance existing debt (including debt secured by multi-family housing rehabilitated with HOME funds); this question is not applicable.

4. If the PJ is going to receive American Dream Down payment Initiative (ADDI) funds, please complete the following narratives:
 - a. Describe the planned use of the ADDI funds.
 - b. Describe the PJ's plan for conducting targeted outreach to residents and tenants of public housing and manufactured housing and to other families assisted by public housing agencies, for the purposes of ensuring that the ADDI funds are used to provide down payment assistance for such residents, tenants, and families.

- c. Describe the actions to be taken to ensure the suitability of families receiving ADDI funds to undertake and maintain homeownership, such as provision of housing counseling to homebuyers.

Orange County HOME Consortium Response:

The Consortium will not receive ADDI funds; this question is not applicable.

- 5. Describe the policy and procedures the PJ will follow to affirmatively market housing containing five or more HOME-assisted units.

Orange County HOME Consortium Response:

The County of Orange has adopted the following HOME Affirmative Marketing Policy for use in the Orange County HOME Program in accordance with 24 CFR 92.351. The policy applies to all rental and homebuyer projects containing five or more HOME-assisted units.

1. Methods for informing the public, owners, investors and potential tenants about fair housing law and affirmative marketing policy.

- a. Application or proposal packets for HOME projects will include a fair housing brochure and language that discrimination in housing is prohibited. A copy of the County's Civil Rights Ordinance (that includes Fair Housing) and the Affirmative Marketing Policy will be available upon request.
- b. All newspaper advertisements and brochures used to publicize the HOME program and solicit participation from the public will display the Equal Housing Opportunity logo. In addition, an Equal Housing Opportunity Poster is on display in the Housing and Community Development office and discrimination complaint forms are made available to the public.

2. Requirements and practices that owners must follow to comply with affirmative marketing.

Any method used by an owner to advertise a unit for sale or rent must indicate the owner's adherence to fair housing practices. This could be demonstrated by using the Equal Housing Opportunity logo or phrase.

3. Procedures to be used to inform and solicit applications from persons in the housing market area that are not likely to apply.

- a. The Housing, Human Rights and Community Development Department will conduct outreach to very low income and minority neighborhoods. Flyers and brochures will be distributed to community centers and community based non-profit organizations. Applications will periodically be taken at sites within the neighborhoods to give homeowners with transportation difficulties the opportunity to apply for HOME assistance. Special presentations regarding the HOME projects will be made periodically to churches and community groups and other similar groups.

All rental vacancies on HOME assisted units must be reported to the County's Housing and Community Development office to be posted and made available to the public. Low-income persons applying for or receiving housing assistance use the property listings to locate housing units. Since the County receives referrals

from other social service agencies, this should assure that very low income, minority or homeless families would have the opportunity to be informed of available rental units.

4. Documentation by County and owners to assess results of efforts to affirmatively market units.

- a. The Housing and Community Development Department will maintain an Affirmative Marketing File in which all notices to the media, public service announcements, news articles, and paid advertisements are kept.
- b. The Housing and Community Development Department has developed a rental rehabilitation application form to be used by landlords in accepting applications from prospective tenants. The purpose of this form is:
 1. To assist the landlord in gathering information such as rent history and employment, etc.
 2. To provide notice that the owner adheres to fair housing practices and to encourage citizens to report any discrimination to the Housing and Community Development Department. This will be another means of notifying the public of their fair housing rights.
 3. Data concerning the family's race, ethnic group, sex and age of head of household will be requested with an explanation that the information is being collected voluntarily to assure non-discrimination in leasing the unit.
 4. To provide the owner a means of documenting compliance with affirmative marketing, the owner will be required to retain these applications and submit them to the Housing and Community Development office as each vacancy is filled.
- c. Owners are required to submit a copy of all published rental or resale advertisements as documentation of compliance with the Affirmative Marketing Plan.

5. Description of how an owner's efforts will be assessed and what corrective actions will be taken when an owner fails to follow affirmative marketing.

- a. Initial leasing of all units will be monitored closely to assure that lower income families initially occupy all units and that affirmative marketing was used. In those units leased to tenants unassisted through Section 8 vouchers, the rental application forms will be reviewed to determine the effectiveness of advertisements and outreach attempts. Annually, the tenants in each HOME rental rehabilitation unit will be recertified as an eligible low or moderate-income household.

First time homebuyers assisted through the HOME program will be required to comply with all fair housing practices in the sale of their property. Homeowners will be monitored annually during their periods of affordability for compliance with all HOME program requirements.

- b. Each owner's affirmative marketing attempts will be assessed annually. If a blatant disregard of the policies has been demonstrated, the Housing and Community Development Department will refer the matter to the Department of Human Rights and Relations to be considered as a possible violation of the County's Civil Rights Ordinance.

As a last resort, after counseling and continued lack of compliance, an owner may be required to repay, upon demand, the HOME assistance received from the County. The owner's agreement will clearly state the procedures and reasons for the County to declare an owner in default of the terms of the agreement thereby calling the promissory note due for immediate payment.

Specific Homeless Prevention Elements

*Please also refer to the Homeless Needs Table in the Needs.xls workbook.

1. Sources of Funds—Identify the private and public resources that the jurisdiction expects to receive during the next year to address homeless needs and to prevent homelessness. These include the McKinney-Vento Homeless Assistance Act programs, other special federal, state and local and private funds targeted to homeless individuals and families with children, especially the chronically homeless, the HUD formula programs, and any publicly-owned land or property. Please describe, briefly, the jurisdiction’s plan for the investment and use of funds directed toward homelessness.

Orange County HOME Consortium Response:

The Consortium expects to utilize the following funding sources during the next year to address the homeless needs identified:

❑ Orange County Consortium	
➤ HOME funds:	\$ 52,010
❑ Town of Chapel Hill	
➤ CDBG funds:	\$ 10,000
Total	\$ 62,010

2. Homelessness—In a narrative, describe how the action plan will address the specific objectives of the Strategic Plan and, ultimately, the priority needs identified. Please also identify potential obstacles to completing these action steps.

Orange County HOME Consortium Response:

The Continuum will continue working to create a less fragmented service system with fewer gaps in services. The overall coordination of the range of services offered by the Continuum is enhanced through strong community partnerships, community education, development of an HMIS system, and partnerships with various local, state and federal groups that address the many factors impacting homelessness in the community.

The Orange County Continuum of Care continues to strive toward the goals laid out in Orange County’s 10-Year Plan to End Chronic Homelessness. These goals, which have been incorporated into this Consolidated Plan, include adding additional permanent housing, implementing an HMIS system and facilitating community discussion of homeless issues.

3. Chronic homelessness—The jurisdiction must describe the specific planned action steps it will take over the next year aimed at eliminating chronic homelessness by 2012. Again, please identify barriers to achieving this.

Orange County HOME Consortium Response:

The following are the strategies outlined in the CoC's 10-Year Plan to End Homelessness to reduce Chronic Homelessness. The Orange County Consortium is adopting these strategies and incorporating them into its Consolidated Plan.

- **Strategy 1.1:** Establish an assertive street outreach program that targets unsheltered homeless people at natural gathering places throughout Orange County.
 - **Strategy 1.2:** Establish an outreach system in Northern Orange County that uses the congregate feeding programs as a place to begin identifying those who are chronically homeless in the rural part of the county.
 - **Strategy 1.3:** Create an Assertive Community Treatment (ACT) Team that targets those who are chronically homeless and integrates the team with the above outreach efforts.
 - **Strategy 1.4:** Ensure that both inpatient and outpatient substance abuse treatment is made available to those chronically homeless individuals who desire that service. If inpatient treatment is necessary, make sure that permanent housing is not lost during the inpatient stay.
 - **Strategy 1.5:** Identify strategies designed to address the needs for shelter and services for individuals with complex behaviors that result in being banned from kitchen/shelter services.
 - **Strategy 1.6:** Sheltered chronically homeless people will be able to move into permanent housing by receiving the services necessary for them to obtain and maintain permanent housing.
 - **Strategy 1.7:** 40 units will be rehabbed/rented/built to provide permanent supportive housing (including the use of Assertive Community Treatment Teams) for the chronic homeless in Orange County within the first 3-5 years of the plan.
 - **Strategy 1.8:** Ensure that nonprofit developers have the organizational and financial capacity to create new housing units within the community for the chronically homeless.
 - **Strategy 1.9:** Identify a wide variety of sites for housing the chronically homeless throughout the county in the most fair and effective places within the county.
 - **Strategy 1.10:** Establish a rigorous evaluation mechanism that measures the cost of individuals who are chronically homeless before and after they are receiving housing and support services.
4. Homelessness Prevention—The jurisdiction must describe its planned action steps over the next year to address the individual and families with children at imminent risk of becoming homeless.

Orange County HOME Consortium Response:

Goal 3: Prevent Homelessness

- **Strategy 3.1:** Youth aging out of the foster care system will maintain a relationship with human services in order to prevent homelessness.
 - **Strategy 3.2:** Begin examining the data and relevant strategies designed to work with unemancipated youth between the ages of 16-18 who are running away.
 - **Strategy 3.3:** Those exiting prison, the military, hospitals and other health related institutions will not be discharged into homelessness.
 - **Strategy 3.4:** Assess the actual need and develop step down housing for those exiting inpatient substance abuse treatment services. This housing should create a safe and supportive environment designed to promote recovery.
 - **Strategy 3.5:** Those with unstable housing will receive the necessary services to prevent loss of housing. This includes families who are doubled up that may lose their housing, those who are experiencing an immediate health care crisis that jeopardizes their housing, and those who have received eviction notices.
 - **Strategy 3.6:** Develop a plan designed to address the current gap in affordable housing units available to homeless families and individuals.
 - **Strategy 4.7:** Increase access to community resources (jobs, housing, services, and childcare) in order to develop a maximum 90-day length-of-stay strategy for homeless persons in shelters to facilitate their return to permanent housing.
 - **Strategy 5.5:** Develop strategies that demonstrate “proven results” to the taxpayers of Orange County. Include specific values for the benefits associated with investing in mental health.
5. Discharge Coordination Policy—Explain planned activities to implement a cohesive, community-wide Discharge Coordination Policy, and how, in the coming year, the community will move toward such a policy.

Orange County HOME Consortium Response:

Discharge coordination and planning is particularly important in Orange County due to the hospital downsizing initiative mandated by the North Carolina Mental Health Reform. The hospital downsizing plan calls for discharging well-functioning patients to the community to allow them to recover in the most appropriate and least restrictive setting. To respond to this initiative and to help prevent hospital discharge from resulting in homelessness, the OPC Area Program has obtained state funding for two full-time staff to serve as Community Integration Coordinators. Each client targeted for placement back in the community has access to community capacity funding to assist them in reaching their highest level of functioning in the community. This funding is earmarked for housing needs, as well as psychiatric, vocational and other community supports.

Additionally, hospital social workers currently contact the Project for Psychiatric Outreach to the Homeless (PPOH) social worker during patient discharge planning to assure that mental health services are available to patients that become clients of the Inter-Faith Council for Social Services. The PPOH is a psychiatric clinic at the IFC Community House. The PPOH social worker and the social worker crisis services of University of North Carolina Hospital are in the process of creating more comprehensive follow-up services for homeless individuals who are patients of UNC.

In addition to these efforts, the Orange County Continuum of Care (CoC) is currently working closely with the Durham County and Wake County CoC's to develop a uniform Discharge Planning policy.

Emergency Shelter Grants (ESG)

(States only) Describe the process for awarding grants to State recipients, and a description of how the allocation will be made available to units of local government.

Orange County HOME Consortium Response:

The Consortium will not receive ESG funds; this question is not applicable.

Community Development

1. Identify the jurisdiction's priority non-housing community development needs eligible for assistance by CDBG eligibility category specified in the Community Development Needs Table (formerly Table 2B), public facilities, public improvements, public services and economic development.

Town of Chapel Hill Response:

The Town of Chapel Hill employs a comprehensive strategy to community development, recognizing that simultaneous investments in housing, facilities, infrastructure, and services are necessary in order to truly improve the living environment for low- and moderate-income residents. Therefore, the housing and homelessness strategies previously discussed in this Consolidated Plan do not stand alone. Those programs are complimented by existing public facilities and public services initiatives. Continued investment in each of these areas will ensure a vital and comprehensive strategy for serving low- and moderate-income residents for years to come.

A. Public Services

Public transportation, health services, and employment training are all important facets of Chapel Hill's efforts to provide outstanding services, particularly to its low- and moderate-income residents.

a. Status of Existing Services

Public Transportation

Chapel Hill Transit provides fare-free public transportation service throughout the Chapel Hill, Carrboro, and UNC community. Working together with Orange Public Transportation and the Triangle Transit Authority, Chapel Hill Transit plays an invaluable role in the comprehensive regional transportation network. Though options in addition to general public bus service are available to residents throughout the County, residents outside the more urban areas of Chapel Hill, Carrboro, and Hillsborough are generally underserved.

Health Services

Orange County residents are offered health services to include clinical dental services for adults and children, nutrition counseling, tobacco prevention, preventive health, immunizations, family planning, maternity care, and primary care provided through County-operated facilities.

Employment Training

The Regional Partnership Workforce Development Board provides a JobLink Career Center in Chapel Hill, serving as a one-stop service center for job seekers and employers. The JobLink center provides

recruiting assistance to employers, assists job seekers with resumes and job searches and offers a wide array of other various services. Under North Carolina's Work First initiative, federal Temporary Assistance for Needy Families [TANF] funds are utilized through programs that emphasize job skills and services aimed at enhancing TANF recipients' ability to provide for the needs of their families. Additional workforce development activities are available to a broader cross section of County residents to better prepare the local workforce to take advantage of new jobs within the County.

b. Priority Needs

Need	Priority
Handicapped Services	High
Transportation Services	High
Substance Abuse Services	High
Employment Training	High
Health Services	High
Other Public Services	High

B. Infrastructure/Public Improvements

Providing essential services such as transportation, water, and sewer service to Chapel Hill and Orange County residents requires an infrastructure system that balances the reliable performance of existing systems with the need to build system capacity necessary to accommodate future growth.

a. Status of Existing Infrastructure

Water & Sewer

Orange County's water needs are met by four independent providers:

- Orange Water and Sewer Authority (serving Chapel Hill and Carrboro)
- Town of Hillsborough (serving Hillsborough)
- Orange-Alamance Water System/Efland Sewer System (serving rural western Orange and eastern Alamance County)
- Graham-Mebane Water System/Town of Mebane (serving Mebane)

In general, these water systems appear poised to meet the needs of Orange County residents well into the future. Forward-thinking leadership has secured additional water sources both in the form of expanded reservoirs (an OWASA planned expansion will add 2.8 billion gallons to its Stone Quarry Reservoir) and through inter-agency and inter-governmental agreements (OWASA reached an agreement in 2005 to purchase water from the City of Burlington).

Roads & Transportation Systems

Interstate Highways I-40 and I-85 pass through Orange County. Additionally, over 750 miles of state-maintained highways travel

through the County. Connectivity between Orange County and its dynamic Research Triangle region will allow the County and its towns to keep a competitive edge as the area's population grows. At the same time, this connectivity will ensure low- and moderate-income residents can access the full breadth of jobs and opportunities available. Planning for future growth and for the maintenance of existing roadways and transit systems will be crucial to the County's success and prosperity.

b. Priority Needs

Need	Priority
Water Improvements	Medium
Street Improvements	Medium
Sidewalks	Medium
Sewer Improvements	Medium
Storm Water Improvements	Medium
Other Infrastructure Needs	Medium

C. Public Facilities

From community centers to public parks to libraries and health centers, Orange County residents have access to an array of high-quality public facilities.

a. Status of Existing Facilities

Parks and Community Centers

The Orange County Parks and Recreation Department is dedicated to the purpose of enriching the physical, social and emotional quality of life of the people of Orange County. The Department provides a variety of enjoyable and affordable recreation programs for individuals of all ages and abilities and strives to offer programs that respond to the changing needs and interests of the community. Additionally, the Parks and Recreation Department is committed to providing clean and safe parks, preserves and greenways throughout the County, to protecting and preserving the elements of natural and cultural heritage within its parks, and to promoting the stewardship of these sites through educational and conservational programs and practices.

The following parks, community centers, and recreation centers are maintained by Orange County:

- Efland-Cheeks Park & Community Center
- Cedar Grove Park
- Central Recreation Center
- Eurosport Soccer Center
- Little River Regional Park
- Fairview Park (under construction)

The Town of Chapel Hill offers a variety of additional parks and similar amenities offering:

- Aquatics Center
- Swimming Pools
- Baseball, Softball, and multi-purpose Fields
- Batting Cage
- Skate Park
- Climbing Wall
- Community Centers
- Community Clay Studio
- Dog Parks
- Community Rose Garden
- Gymnasiums
- Picnic Shelters
- Tennis Courts
- Volleyball Courts
- Bocce Ball Courts
- Numerous Trails, Parks, and Greenways

Libraries

The Orange County Libraries exist to meet the recreational, educational, and informational reading needs of the citizens of Orange County through books and other library materials of general public interest. The library serves as a center for reliable information and promotes the communication of ideas. The library promotes an informed and enlightened citizenry and strives to strengthen the fabric of the community.

With a main library in Hillsborough, two additional branch libraries [in Chapel Hill and Hillsborough] and a “cybrary” in Carrboro, Orange County Libraries provide citizens free access to books, periodicals, audiobooks, CDs, DVDs, computers, and internet as well as book clubs, children’s programs, computer classes, public meeting space, and even an art gallery.

Additionally, Orange County and the Town of Chapel Hill jointly support the separate Town of Chapel Hill Public Library. Use of the library’s services is free of charge to both Town and County residents. Recognizing that highly specialized research collections and resources are available to all North Carolina residents through the University Library of UNC – Chapel Hill, The Town of Chapel Hill Public Library offers complimentary library services, with a particular focus on children’s collections and recreational material.

Health Centers

The Orange County Health Department provides three facilities to serve various health-related needs of residents: the Richard L. Whitted Human Services Center in Hillsborough, the Southern Human Services Center in Chapel Hill, and the Carr Mill Mall in Carrboro. Clinical dental services for adults and children, nutrition counseling, tobacco prevention, preventive health, immunizations, family planning, maternity care, and primary care are all services provided through

these important facilities. The mission of the Orange County Health Department is to enhance the quality of life, promote the health, and preserve the environment for all people in the Orange County community.

b. Priority Needs

Need	Priority
Neighborhood Facilities	Low
Parks and/or Recreation Facilities	Low
Health Facilities	Low
Parking Facilities	Low
Solid Waste Disposal Improvements	Low
Asbestos Removal	Low
Non-Residential Historic Preservation	Low
Other Public Facility Needs	Low

D. Economic Development

Economic Development initiatives in Chapel Hill seek to proactively develop the potential of agriculture and small business, providing the County with an important source of new growth and innovation.

a. Status of Existing Initiatives

Small Business Economic Development

A loan program, resource guide, and a Small Business and Technology Development Center all provide valuable resources to small businesses in the County. These efforts are assisted by additional resources contributed by the Chapel Hill Downtown Economic Development Corporation, and the Chapel Hill-Carrboro Chamber of Commerce.

b. Priority Needs

Need	Priority
Rehabilitation of Commercial and/or Industrial	Low
C/I Infrastructure	Low
Other Commercial and/or Industrial Improvements	Low
Micro-Enterprise Assistance	Low
ED Technical Assistance	Low
Other Economic Development	Low

2. Identify specific long-term and short-term community development objectives (including economic development activities that create jobs), developed in accordance with the statutory goals described in section 24 CFR 91.1 and the primary objective of the CDBG program to provide decent housing and a suitable living environment and expand economic opportunities, principally for low- and moderate-income persons.

Town of Chapel Hill Response:

Goal 4 – Increase Capacity and Scope of Public Services

<i>Priority 4.1 – Increase capacity and expand the scope of Public Services in order to reach out to more low- to moderate-income residents.</i>	
Strategies:	<ul style="list-style-type: none"> - Strengthen partnerships with non-profits and other related associations (community building, education, family services, etc.) - Promote public services opportunities for area low-income residents - Build community capacity and better coordinate services through the regular dissemination of information. Examples may include Community Development Day workshops, self-help workshops, activity updates, etc. - Continue to work with area Chambers of Commerce and others to promote the economic development of the community
Output Indicators:	<ul style="list-style-type: none"> - The plan includes funding for seven public services to activities that serve low-mod income residents.

Antipoverty Strategy

1. Describe the actions that will take place during the next year to reduce the number of poverty level families.

Orange County HOME Consortium Response:

The 2006-2008 American Community Survey Census data reported that 15,318 people in Orange County (14.2%) had incomes below the poverty level—an increase of 3,576 people since 1990. Based on 2000 Census data, approximately 6.2% of families and 14.1% of the total population in Orange County fell below the poverty line. Of all children under the age of 18, 9.0% lived in poverty while 7.4% of all County residents aged 65 or greater had income below the poverty level. Families living below the poverty level were more common in Chapel Hill and Hillsborough, but Carrboro showed a significantly higher percentage of individuals in poverty compared with all other Orange County municipalities.

In addition to housing problems, persons living in poverty often have other social service needs. Many of them lack the basic skills necessary to obtain and hold decent jobs. Some of them are single mothers who need affordable childcare while they seek or maintain jobs. Others need treatment for medical or substance abuse problems. Many of those living below the poverty level are children who would benefit from special programs to address their educational, recreational and self-esteem issues. The sheer number and variety of problems faced by people living in poverty often have a tendency to overwhelm even the most capable and determined people, creating a phenomenon of cyclical, generational poverty.

The high costs of homeownership in Orange County and the lack of safe, affordable rental housing continue to be major challenges for low-income families. Rental households face serious challenges with high cost, inadequate supply, and competition with university students for limited housing stock. Access to transportation or to communities that are practically walkable also presents a difficulty, particularly outside Chapel Hill and Carrboro.

Orange County and the Town of Chapel Hill have targeted significant CDBG and HOME resources within core low-income areas to execute their anti-poverty strategy. These resources will act as catalysts to invite additional public and private investment of capital and services; increase the quantity and quality of affordable housing; and help low to moderate-income residents acquire needed information, knowledge and skills to improve their employment opportunities.

Under North Carolina's Work First initiative, Orange County has developed a local plan to assist those most in need and forms the basis for its anti-poverty activities. Orange County's current Work First population [recipients of Temporary Assistance for Needy Families, TANF] faces major obstacles in obtaining and retaining employment because they are competing for jobs with a highly skilled workforce. Unskilled and semi-skilled workers without a high school diploma or a recent connection to the workforce are unable to obtain jobs that provide a living wage. Barriers such as substance abuse, criminal records and chronic physical and mental health problems have no quick fix. They are resolved as a result of participant commitment, adequate resources and over time. Under the Work First initiative, Orange County will provide the following:

- First Stop—provides a continuum of services including job search and job preparedness
- Childcare—provides daycare subsidy payments and assisting with After-School Programs
- Transportation—provides expanded transportation routes, vehicle donations and financial assistance to address transportation needs
- Substance Abuse Services—provides initial screening, assessment, and residential and outpatient treatment services
- Family Violence Option—provides full assessment of domestic violence, counseling and support group sessions, and coordination of services such as emergency housing, transportation and legal services
- Child Welfare Services—provides collaboration of services to ensure the safety and well-being of children
- Emergency Assistance—provides housing, food and utility assistance

The Anti-Poverty Strategy is the unifying thread that ties the housing, homeless, public housing and non-housing community development strategies together as one comprehensive plan for reducing the number of families that fall below the poverty level. In addressing each of the three components below, the Anti-Poverty Strategy simultaneously links and implements the various strategies, goals and objectives

contained throughout this Consolidated Plan to promote self-sufficiency and empowerment.

Improve the Quality and Availability of Affordable Housing

Eliminating many of the physical signs of poverty is a key element in the anti-poverty strategy. The housing, public housing and community revitalization initiatives work toward fulfilling this goal. The County and Town will direct significant resources toward the creation of affordable housing and coordinating the efforts of local nonprofit and for-profit providers. Affordable housing is the foundation for achieving self-sufficiency.

Provide For and Improve Public Services

Important long-term goals in the strategy to reduce and eliminate poverty include providing services to residents. Specifically, the strategy includes an emphasis on the provision of operational subsidies for service providers.

Neighborhoods and Economic Development

Another component of the anti-poverty strategy includes goals and objectives for improving the living and business environments throughout the Town of Chapel Hill. The consolidated plan includes strategies to demolish or reuse vacant properties and encourage businesses to invest in the Town. The Town of Chapel Hill will target funding to focus CDBG and housing efforts to revitalize low and moderate income communities within the overall community. Orange County will continue to focus its efforts on a County-wide basis.

NON-HOMELESS SPECIAL NEEDS HOUSING

Non-homeless Special Needs (91.220 (c) and (e))

*Please also refer to the Non-homeless Special Needs Table in the Needs.xls workbook.

1. Describe the priorities and specific objectives the jurisdiction hopes to achieve for the period covered by the Action Plan.

Orange County HOME Consortium Response:

Orange County has identified two priority needs related to non-homeless populations with special needs. Each priority is outlined below along with the strategies proposed to meet the needs and the output indicators expected.

Goal 3 – Provide Housing and Services for Populations with Special Needs

<i>Priority 3.1 – Service-enriched transitional housing for persons with special needs</i>	
Strategies:	<ul style="list-style-type: none"> - Promote and make public service funds available to homeless agencies that operate emergency shelters - Partner with other funding agencies to encourage the development of transitional housing (SRO's, group homes) that is service-enriched - Continue to strengthen partnerships with the local Continuum of Care - Provide property acquisition funding to eligible non-profits and for-profits to develop transitional housing
Output Indicators:	- Development of housing for 4 families with developmental disabilities
<i>Priority 3.2 – Continuum of services for special populations including older adults, disabled, mentally ill, persons with AIDS and at-risk youth</i>	
Strategies:	<ul style="list-style-type: none"> - Promote and make public service funds available to agencies that serve identified special populations - Partner with other funding agencies to encourage the development of transitional housing (SRO's, group homes) that is service-enriched - Continue to strengthen partnerships with local service providers - Support applications for federal supportive housing funds - Provide property acquisition funding to eligible non-profits and for-profits to develop permanent housing for those with special needs
Output Indicators:	- Career and employment programs funded

2. Describe how Federal, State, and local public and private sector resources that are reasonably expected to be available will be used to address identified needs for the period covered by this Action Plan.

Orange County HOME Consortium Response:

The Consortium expects to utilize the following funding sources during the next year to address the non-homeless special needs identified:

<ul style="list-style-type: none"> ❑ Orange County Consortium <ul style="list-style-type: none"> ➤ HOME funds: \$ 0 ❑ Town of Chapel Hill <ul style="list-style-type: none"> ➤ CDBG funds: <u>\$ 76,363</u> 	Total \$ 76,363
---	-----------------

Housing Opportunities for People with AIDS

Orange County HOME Consortium Response:

The Consortium will not receive HOPWA funds; this section is not applicable.

Specific HOPWA Objectives

Orange County HOME Consortium Response:

The Consortium will not receive HOPWA funds; this section is not applicable.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 7, 2013

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

SUBJECT: Community Home Trust Request – Homebuyer Requirements

DEPARTMENT: Housing/Community Dev.

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

December 18, 2012 Letter from Robert
Dowling, CHT Executive Director

INFORMATION CONTACT:

Tara L. Fikes, 245-2490

PURPOSE: To consider a request from the Community Home Trust (CHT) to modify the homebuyer requirements for properties sold by the organization using federal, state, and local housing program funding, including the Affordable Housing Bond Program and the HOME Investment Partnership Program.

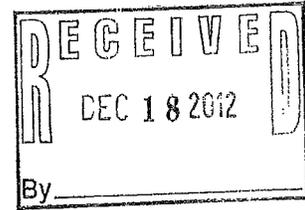
BACKGROUND: The Board of County Commissioners received the attached letter from Robert Dowling, Executive Director of Orange Community Home Trust with two requests to assist the organization to sell homes in the tight real estate market. First, CHT is requesting that the first-time homebuyer requirement be waived after a property has been on the market for 90 days or longer without a contract. Presently, the County's housing programs require that the homebuyer be a first-time purchaser to qualify for homebuyer assistance. Secondly, the Home Trust is asking that the live/work requirement be waived after 90 days as well. Presently, the homebuyer has to live or work in Orange County for one year in order to qualify for this program. Initially, potential homebuyers had to live or work in the County for one year to be eligible.

As indicated in Mr. Dowling's letter a tight credit market and low interest in homeownership are the reasons for both requests. The HOME Program Review Committee recently discussed this matter and agreed to allow the proposed waivers for a trial period of one year. Additionally, the Orange County Affordable Housing Advisory Board (AHAB) has reviewed and fully discussed this request as well.

FINANCIAL IMPACT: No immediate financial impact is anticipated; however, should these properties stay on the market for long periods of time, funding will be required to provide subsidy for potential lower income buyers.

RECOMMENDATION (S): The Manager recommends the Board:

- 1) Approve the request of Community Home Trust to modify the homebuyer requirements for properties to enable sales to non-first-time homebuyers and to persons that do not live or work in Orange County after the home has been on the market for 90 days; and
- 2) Request that the CHT Board and Staff revisit their existing housing program to determine its feasibility in the current economic climate to include the impact of housing acquired through inclusionary housing practices and rising homeowner association dues, and also meet and coordinate with the Affordable Housing Advisory Board to discuss and address these issues.



Date: December 18, 2012

To: HOME Review Committee and Chapel Hill Town Council
 From: Robert Dowling, Executive Director
 Re: Selling homes to non-first time homebuyers



BOARD OF DIRECTORS

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Jonathan Weiler

Executive Director
 Robert Dowling

The board of directors of Community Home Trust has approved this request to both the Home Review Committee and the Town Council to request relief from the first-time homebuyer requirement. Specifically, the Home Trust requests a waiver of the first time home buyer requirement after a home has been on the market for 90 days without a contract. We ask that this waiver apply to all sources of subsidy, including HOME funds, CDBG funds and local funds.

As we are all aware, the housing market has been weak for several years. The environment for Home Trust properties has worsened as lenders have tightened borrowing requirements and prospective buyers have shown less interest in home ownership. In addition, in the past year, we lost our go-to lender when RBC was purchased by PNC Bank. PNC does not make loans to our buyers.

As a result of all these factors, selling Home Trust homes has become much more difficult. As I write this memo, we have sixteen properties for sale, only five of which are under contract. The sellers of these properties, whether developers of new properties or homeowners of existing Home Trust homes, frequently become impatient and unhappy with Home Trust staff. This situation places our staff under great pressure from unhappy sellers – which has been ongoing for many months.

Allowing us to sell homes to non-first time buyers will broaden our market of buyers only slightly. However, in this difficult environment, any broadening of the market of buyers is welcome.

Earlier this year the Town Council approved a revision to the requirement that buyers must live or work in Orange County for one year prior to purchasing a home. The Council allowed us to waive that requirement for a home that had been on the market for 120 days. I would like to ask that the live/work requirement be waived after just 90 days of marketing a home. That allows consistency for our staff for both the live/work requirement and the first time homebuyer requirement.

Lastly, I would like to ask the HOME Review committee to approve this same waiver – that after 90 days without a contract, the live/work requirement is waived. Again, this change will not make a big difference to our sales efforts, but it will be helpful in some instances.

Thank you all for your consideration of these requests. I am happy to answer questions and address your concerns

A handwritten signature in black ink that reads "Robert Dowling".

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 7, 2013

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

SUBJECT: Legal Advertisement for Quarterly Public Hearing – May 28, 2013

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

1. Proposed Legal Advertisement
2. Location Maps

INFORMATION CONTACT:

Perdita Holtz, Planning Systems
Coordinator, 919-245-2578
Craig Benedict, Planning Director, 919-
245- 2592

PURPOSE: To consider the legal advertisement for items to be presented at the joint Board of County Commissioners/Planning Board Quarterly Public Hearing scheduled for May 28, 2013.

BACKGROUND: The Board of County Commissioners reviews proposals to be considered at public hearing for consistency with general County policy and presentation format. The following items are scheduled for the May 28, 2013 Quarterly Public Hearing (see maps in Attachment 2 for locations):

Applications:

1. Zoning Atlas Amendment (rezoning) request submitted by Mr. Alexander Baldwin to rezone a 3.36 acre parcel of property along Highway 70 (PIN 9893-81-7503)
From: EDE-1 (Economic Development Eno Lower Intensity)
To: EDE-2 (Economic Development Eno Higher Intensity).

County Initiated:

2. Comprehensive Plan Future Land Use Map and Zoning Atlas Amendments to establish land use designations and zoning/overlay districts for the remaining 9% of properties associated with the Orange/Alamance County line adjustment which previously did not have land use or zoning while in Alamance County.

The legal advertisement in Attachment 1 provides additional information regarding these items. The BOCC approved the Amendment Outline Form for item 2 at its February 5, 2013 meeting.

FINANCIAL IMPACT: Other than advertising costs, which are included in the FY 2012-13 Budget, there are no direct financial impacts associated with the approval of this item.

RECOMMENDATION(S): The Manager recommends the Board approve the proposed May 28, 2013 Quarterly Public Hearing legal advertisement.

**NOTICE OF JOINT PUBLIC HEARING
ORANGE COUNTY BOARD OF COMMISSIONERS
ORANGE COUNTY PLANNING BOARD**

A joint public hearing will be held at the Department of Social Services, Hillsborough Commons, 113 Mayo St., Hillsborough, North Carolina, on Tuesday, May 28, 2013 at 7:00 PM for the purpose of giving all interested citizens an opportunity to speak for or against the following items:

1. **Zoning Atlas Amendment:** In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Unified Development Ordinance (UDO), Mr. Alexander Baldwin has submitted a request to rezone a 3.36 acre parcel of property along US Highway 70 (PIN 9893-81-7503)

FROM: EDE-1 (Economic Development Eno Lower Intensity)
TO: EDE-2 (Economic Development Eno Higher Intensity).

The parcel does not have an assigned street address but is located adjacent to the Orange County ABC Store located at 122 US Highway 70.

According to the application, Mr. Alexander is requesting the rezoning to provide additional development opportunities for the parcel as well as have this parcel's zoning designation consistent with the zoning of adjacent property.

The property subject to this petition is located within the Economic Development Transition Activity Node as denoted on the Future Land Use Map of the Comprehensive Plan and the Urban Designated Area as denoted on the Growth Management System Map.

Purpose: To review the item and receive public comment on the proposed amendment.

2. **Comprehensive Plan Future Land Use Map and Zoning Atlas Amendment:**

In accordance with the provisions of Section 2.3 *Comprehensive Plan Amendments* and Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Orange County Unified Development Ordinance (UDO), the Planning Director has initiated amendments to the Comprehensive Plan Future Land Use Map and to the Zoning Atlas to assign land use category classifications and to establish zoning for properties that will now be within Orange County's planning jurisdiction as the result of the re-alignment of the Orange/Alamance County Line.

The 11 properties subject to this action are described within Session Law 2012-108 (commonly referred to as the '9% line') enacted by the North Carolina General Assembly on June 28, 2012 and are further denoted by the following Parcel Identification Numbers (PIN):

1. 9920-46-1659	2. 9920-47-1321	3. 9920-46-1622
4. 9920-46-1234	5. 9920-45-1933	6. 9920-46-1356
7. 9920-46-1170	8. 9920-46-1550	9. 9920-47-1131
10. 9920-46-1843	11. 9920-46-1967	

Portions of these properties were already located within the County's planning jurisdiction and had a land use and general use zoning district designation, specifically the Agricultural Residential Land Use Category and the Agricultural Residential (AR) zoning district. Staff is recommending that these same, existing, designations be extended on those portions of property now being located within the County's planning jurisdiction as a result of the re-alignment of the Orange/Alamance County Line.

Staff is also recommending the extension of the Back Creek Protected Watershed Protection Overlay District on the following 5 properties, consistent with existing designations:

9920-46-1170	9920-46-1550	9920-47-1131
9920-46-1843	9920-46-1967	

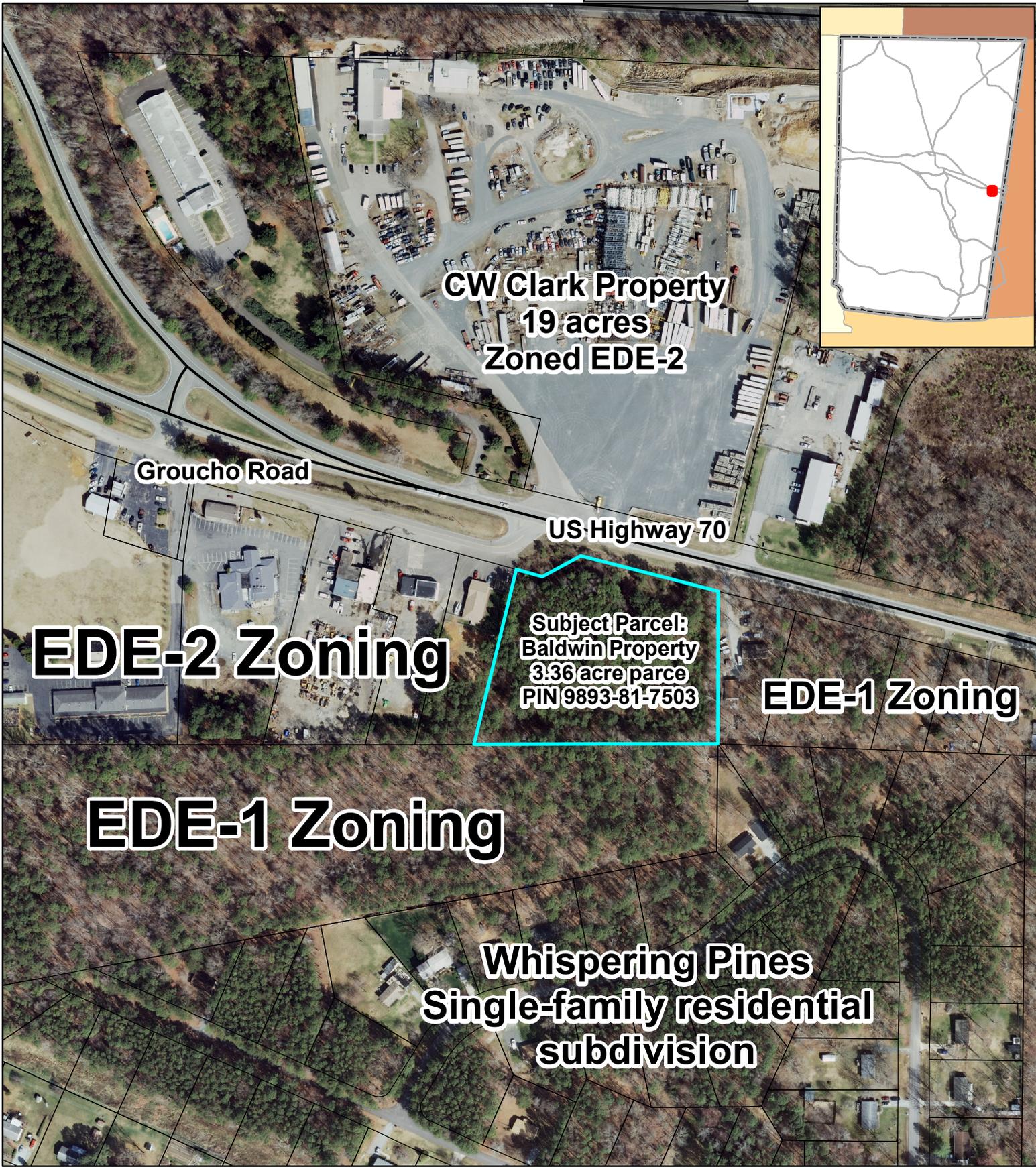
Purpose: To review the item and receive public comment on the Comprehensive Plan Land Use Element Map and Zoning Atlas amendments.

Substantial changes in items presented at the public hearing may be made following the receipt of comments made at the public hearing. Accommodations for individuals with physical disabilities can be provided if the request is made to the Planning Director at least 48 hours prior to the Public Hearing by calling the one of the phone numbers below. The full text of the public hearing items may be obtained no later than May 17, 2013 at the County website www.co.orange.nc.us at the [Meeting Agendas](#) link.

Questions regarding the proposals may be directed to the Orange County Planning Department located on the second floor of the County Office Building at 131 West Margaret Lane, Suite 201, Hillsborough, North Carolina. Office hours are from 8:00 a.m. to 5:00 p.m. Monday through Friday. You may also call (919) 245-2575 or 245-2585 and you will be directed to a staff member who will answer your questions.

PUBLISH: The Herald Sun
May 15, 2013
May 22, 2013

News of Orange
May 15, 2013
May 22, 2013



1 inch = 250 feet

0

Caswell County

Vicinity Map - properties subject to Comprehensive Plan Future Land Use Map / Zoning Atlas amendment request

Alamance County

ANDERS CT

ANDERS WAY

Area to be zoned AR and assigned Agricultural Residential land use designation

Hyco Creek Unprotected Watershed

AR

Area of properties to be zoned Back Creek Protected Watershed Protection Overlay District

Back Creek Protected Watershed

Alamance County

ELIZABETH

Data shown on this map is obtained from Orange County GIS and is for reference only. Exact locations and boundaries should be verified. Map prepared by Orange County Planning & Inspections.

- | | | | |
|----------------------------|------------------------|---------------------------------------|--|
| USGS Water Feature | Parcels | Zoning | 100 YR Floodplain (Effective 02/02/07) |
| Soils Survey Water Feature | Township | City Limits | Floodway (Effective 02/02/07) |
| OC Updated Water Feature | School System Boundary | ETJ | 500 YR Floodplain (Effective 02/02/07) |
| Water Body | Contours | Conservation Easements Held by Others | Buildings |
| River Basins | County Boundary | Orange County Conservation Easements | Water and Sewer Boundary |
| Watershed | Soils | | |



1 inch = 208.333 feet

0 80 160 320 Feet

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 7, 2013

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

SUBJECT: Amendment Outline and Schedule for Upcoming Item – Eno Economic Development District Access Management Plan

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

1. Comprehensive Plan and Zoning Atlas Amendment Outline (Other-2013-01)
2. Eno EDD Vicinity Map
3. Eno Future Land Use Map

INFORMATION CONTACT:

Abigaile Pittman, Transportation/Land Use Planner, 245-2567
Tom Altieri, Comprehensive Planning Supervisor, 245-2579
Craig Benedict, 245-2592

PURPOSE: To authorize staff to proceed with steps for the development and adoption of the Eno Economic Development District (EDD) Access Management Plan according to the schedule proposed in the Amendment outline (Attachment 1).

BACKGROUND: The Eno Economic Development District (EDD) Area Small Area Plan (adopted June 24, 2008; amended February 3, 2009) recommended the approval of an access management program for US 70 and Old Highway 10 to provide better transportation systems and capacities as development proceeds in the area.

Since adoption, several Plan recommendations have been implemented including:

- Land Use Plan Map amendments designating the development potential categories of the Eno EDD; and
- Unified Development Ordinance (UDO) amendments for the creation and regulation of uses and development standards for the Eno EDD.

Additionally, there has been progress with the Plan's Water and Sewer recommendations:

- An inter-local utility service agreement with the City of Durham was adopted in January 2012;
- A consultant (CDM Smith) was hired to complete a preliminary engineering study for a public water and sewer master plan;
- Other transportation topics;
- Potential long-term commuter rail station planning;
- New east-west bus route and planning for park and ride lots;
- I-85/US 70 interchange design;
- Private rail crossing closures; and
- High speed rail potential issues.

These initiatives are in preparation for economic development in the Eno EDD area which comprises approximately 562 acres of land. Land development in the EDD is intended to occur under Orange County development regulations in coordination with Durham.

As properties are developed for non-residential land uses, transportation interconnectivity and access will become increasingly important. In preparation, staff is recommending the BOCC initiate a process to formally adopt an access management plan for the area. Formally adopted transportation plans are necessary to procure federal and state funding for projects and to require developer action and contribution in providing transportation infrastructure consistent with a master plan. Adopted access management plans can also be incorporated into regional transportation plans, which will enhance Orange County's collaboration with the western and eastern Metropolitan Planning Organizations. A UDO amendment was adopted in August 2011 to further require integration of development proposals (whether through conditional zoning or site plans) to adopted access management plans.

Attachment 1, for the Board's review and approval, is an Amendment outline providing the rationale, process, and implications of the development and adoption of the Eno EDD Access Management Plan.

FINANCIAL IMPACT: Other than staff time, there is no financial impact associated with receiving, considering and authorizing the staff to proceed with for the development and adoption of the Eno EDD Access Management Plan. This work will be completed by existing Planning staff in the Department's Comprehensive Planning Division. Following development and adoption, Plan implementation will be performed by staff and coordinated with the City of Durham and the North Carolina Department of Transportation as warranted.

RECOMMENDATION(S): The Manager recommends the Board:

1. Approve the attached Amendment form (Attachment 1) for the Eno EDD Access Management Plan; and
2. Direct Planning staff to proceed accordingly.

COMPREHENSIVE PLAN / FUTURE LAND USE MAP AND UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT OUTLINE Other-2013-01

Eno Economic Development District Access Management Plan

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):

- Other: Eno Economic Development District (EDD) Access Management Plan

B. RATIONALE

1. Purpose/Mission

The Eno Economic Development District (EDD) Area Small Area Plan (June 24, 2008; Amended February 3, 2009) recommended the approval of an access management program for US 70 and Old Highway 10 (as described in the Plan) to provide better transportation systems and capacities as development proceeds in the area. Additionally, the I-85/US 70 interchange is under design by the North Carolina Department of Transportation (NCDOT).

2. Analysis

The required analysis will be part of the subsequent evaluation, development and approval of project implementation actions.

3. Comprehensive Plan Linkage (i.e. Principles, Goals and Objectives)

Transportation Goal 3: Integrated land use planning and transportation planning that serves existing development supports future development, and is consistent with the County’s land use plans which include provisions for preserving the natural environment and community character.

Transportation Policy Statement: The intent was that the access management policy framework of the *Orange Grove Road Project (2003)* be applied in other areas of the County.

4. New Statutes and Rules

N/A

C. PROCESS

1. TIMEFRAME/MILESTONES/DEADLINES

- a. BOCC Authorization to Proceed

May 7, 2013

- b. BOCC Public Hearing

September 9, 2013 (quarterly public hearing)
October 15, 2013 (adoption consideration)

- c. BOCC Updates/Checkpoints

- d. Other

2. PUBLIC INVOLVEMENT PROGRAM

Mission/Scope: Public involvement from all stakeholders helps to ensure that decisions are made in consideration of the view and concerns on issues pertaining to transportation access needs in the Eno EDD.

- a. Planning Board Review:

August 7, 2013

- b. Advisory Boards:

OUTBoard – September 18 2013

c. Local Government Review:

d. Notice Requirements

This item will be included in the Quarterly Public Hearing legal ad which will be published on August 28 and September 4, 2013

e. Outreach:

<input checked="" type="checkbox"/> General Public:	Public Information Meeting August 2013
<input type="checkbox"/> Small Area Plan Workgroup:	
<input type="checkbox"/> Other:	

3. FISCAL IMPACT

Existing Planning staff will accomplish the work required to develop the Eno EDD Access Management Plan. The required legal ad will be paid with Departmental funds already budgeted for this purpose.

D. AMENDMENT IMPLICATIONS

The Eno Economic Development District (EDD) Access Management Plan will implement a recommendation from the Eno EDD Small Area Plan, adopted by the BOCC in 2008. An adopted access management program will provide for improved transportation systems and capacities as development proceeds in the area. Formally adopted transportation access management plans are necessary to procure federal and state funding for projects, and to require developer compliance with the plan. Adopted access management plans can also be incorporated into regional transportation plans, which will enhance the County’s collaboration with the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO).

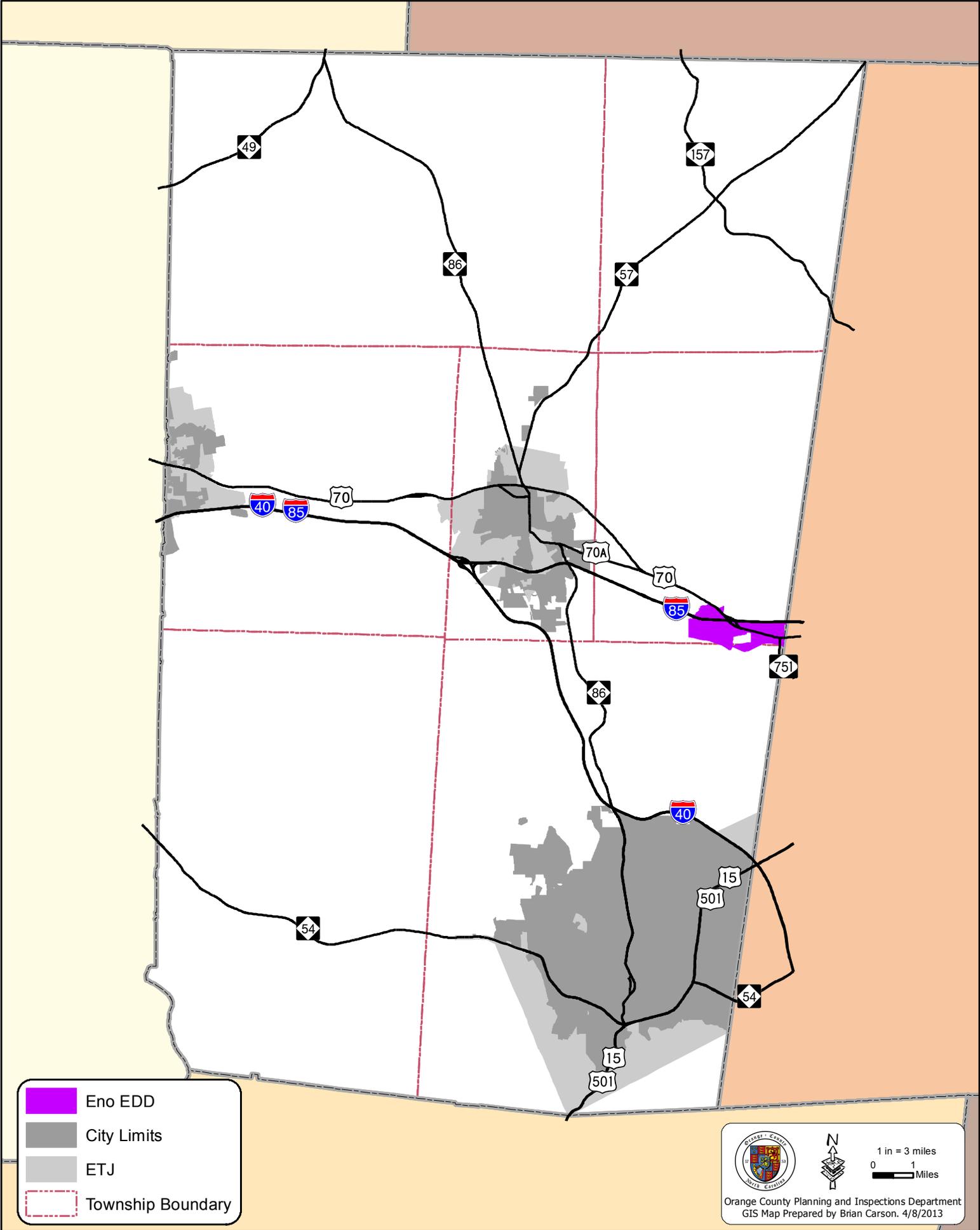
E. SPECIFIC AMENDMENT LANGUAGE

Eno Economic Development District (EDD) Access Management Plan map(s) and text will be available as part of the May Quarterly Public Hearing materials.

Primary Staff Contact:

Abigaile Pittman, AICP
 Planning Department
 (919) 245-2567
 abpittman@orangecountync.gov

Eno EDD Vicinity Map



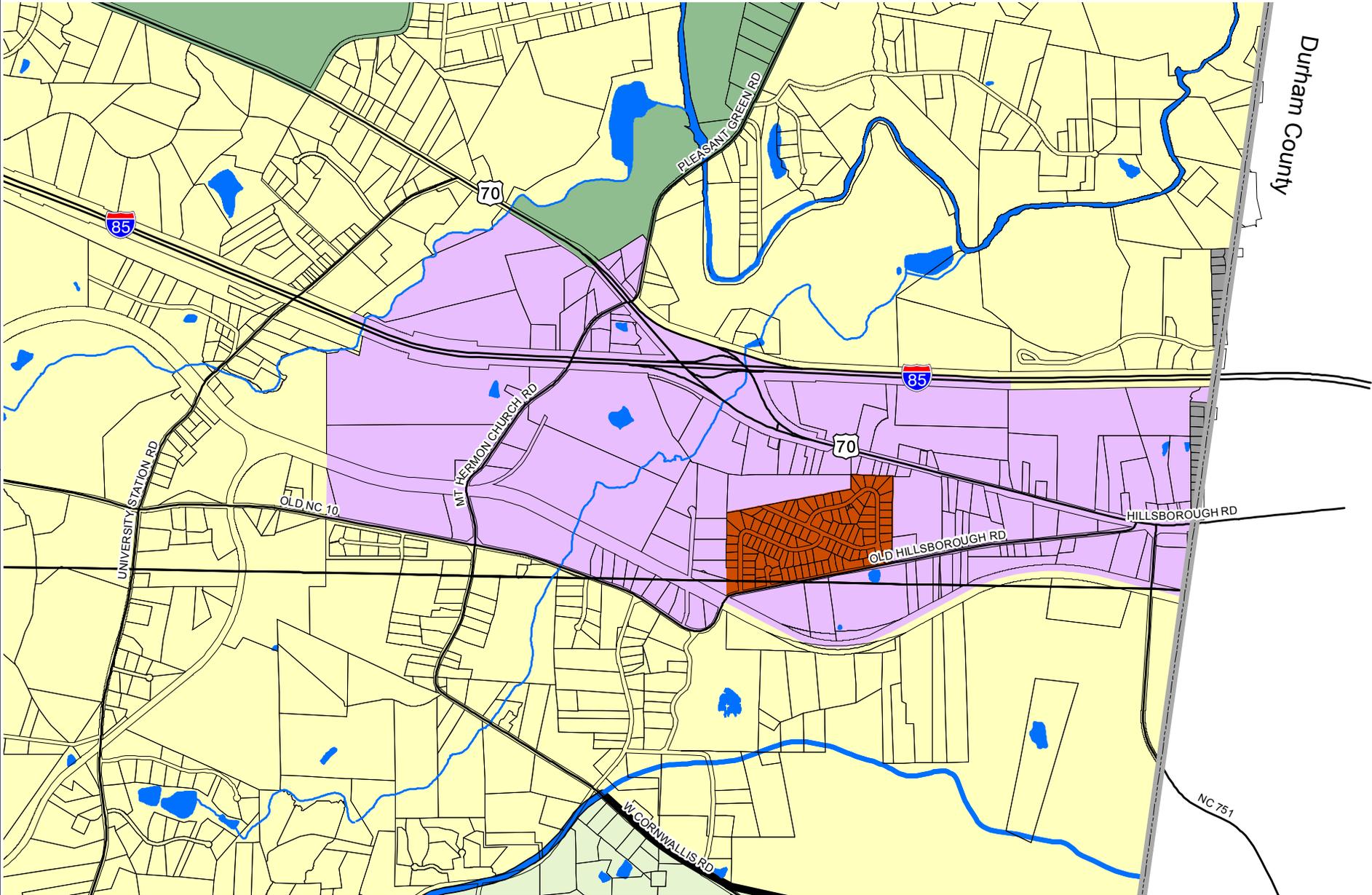
- Eno EDD
- City Limits
- ETJ
- Township Boundary

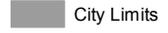
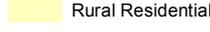


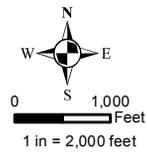
1 in = 3 miles
0 1 Miles

Orange County Planning and Inspections Department
GIS Map Prepared by Brian Carson. 4/8/2013

Future Land Use Map of the Orange County Comprehensive Plan



- | | | | |
|---|--|--|--|
|  Water Supply Watersheds |  10 Year Transition |  Rural Buffer |  City Limits |
|  OC/CH/CA Joint Planning Area |  Rural Residential |  Agricultural Residential | Activity Nodes |
| | | |  Economic Development Transition |



Adoption Date: Nov 18, 2008
Amended through September 2012
Orange County and Planning and Inspections Department.
This copy printed April 08, 2013.
Map is for reference use only.
Contact Planning staff for verification of data.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 7, 2013

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

SUBJECT: Requests for Road Additions to the State Maintained Secondary Road System

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N)

N

ATTACHMENT(S):

- 1 – Map of Willowbend Lane
- 2 – Willowbend Subdivision Final Plat
- 3 -- Willowbend Lane NCDOT Documentation

INFORMATION CONTACT:

Abigaile Pittman, 245-2567
Tom Altieri, 245-2575
Craig Benedict, 245-2585

PURPOSE: To make a recommendation to the North Carolina Department of Transportation (NCDOT) concerning a petition to add a subdivision road in Willowbend Subdivision (Willowbend Lane) to the State Maintained Secondary Road System.

BACKGROUND: This request includes one (1) petition for road additions to the State Maintained Secondary Road System. The road is as follows:

Willowbend Subdivision (Willowbend Lane)

The requested road addition is about 0.14 mile long. Five (5) houses currently have entrances to the road submitted for addition, and an additional eleven (11) undeveloped lots have frontage on the road. Willowbend Lane is located approximately .28 mile south of the intersection of NC 57 and NC 86 North (Attachment 1).

Willowbend Subdivision is located within the Town of Hillsborough's Extraterritorial Zoning Jurisdiction (ETJ) and was recorded with the Orange County Register of Deeds on April 9, 2007 (Attachment 2). Although this property is within the Town's ETJ, North Carolina General Statute §136-62* requires that road petitions for additions to the state system be made by the Board of County Commissioners (BOCC). NCDOT has investigated this request and has submitted a petition to the BOCC for its recommendation (Attachment 3).

Conclusion

The above-referenced application meets the criteria endorsed by the BOCC for recommending acceptance of a public road into the State Maintained System for roads approved through the governing jurisdiction's major subdivision process (*NCDOT Subdivision roads Minimum Construction Standards, January 2010*).

In accordance with North Carolina General Statute §136-62*, the Board is required to make a recommendation regarding the petitions to the North Carolina Board of Transportation (NC BOT) before NCDOT can consider the petitions.

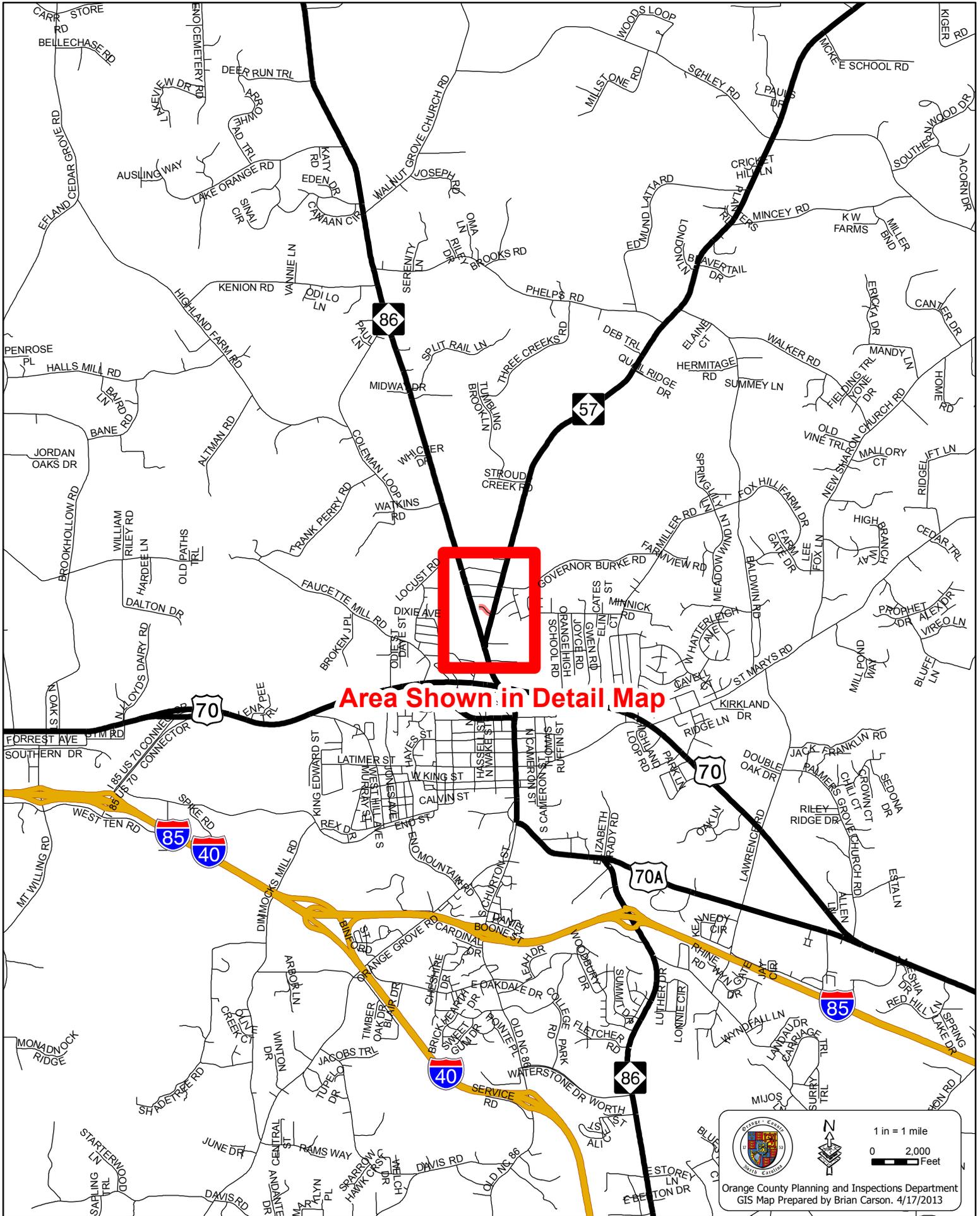
FINANCIAL IMPACT: There is no direct financial impact to the County associated with this item. NCDOT will incur additional maintenance responsibilities and costs.

RECOMMENDATION(S): The Manager recommends the Board:

1. Forward the Petition for Addition to the State Maintained System to the North Carolina Department of Transportation for Willowbend Lane subdivision road in Willowbend Subdivision; and
2. Recommend the Department of Transportation accept the road for maintenance as a State Secondary Road.

* North Carolina General Statute §136-62 directs that “The citizens of the State shall have the right to present petitions to the board of county commissioners, and through the board to the Department of Transportation, concerning additions to the system and improvement of roads. The board of county commissioners shall receive such petitions, forwarding them on to the Board of Transportation with their recommendations.”

Vicinity Map of Willowbend Lane - Willowbend Subdivision

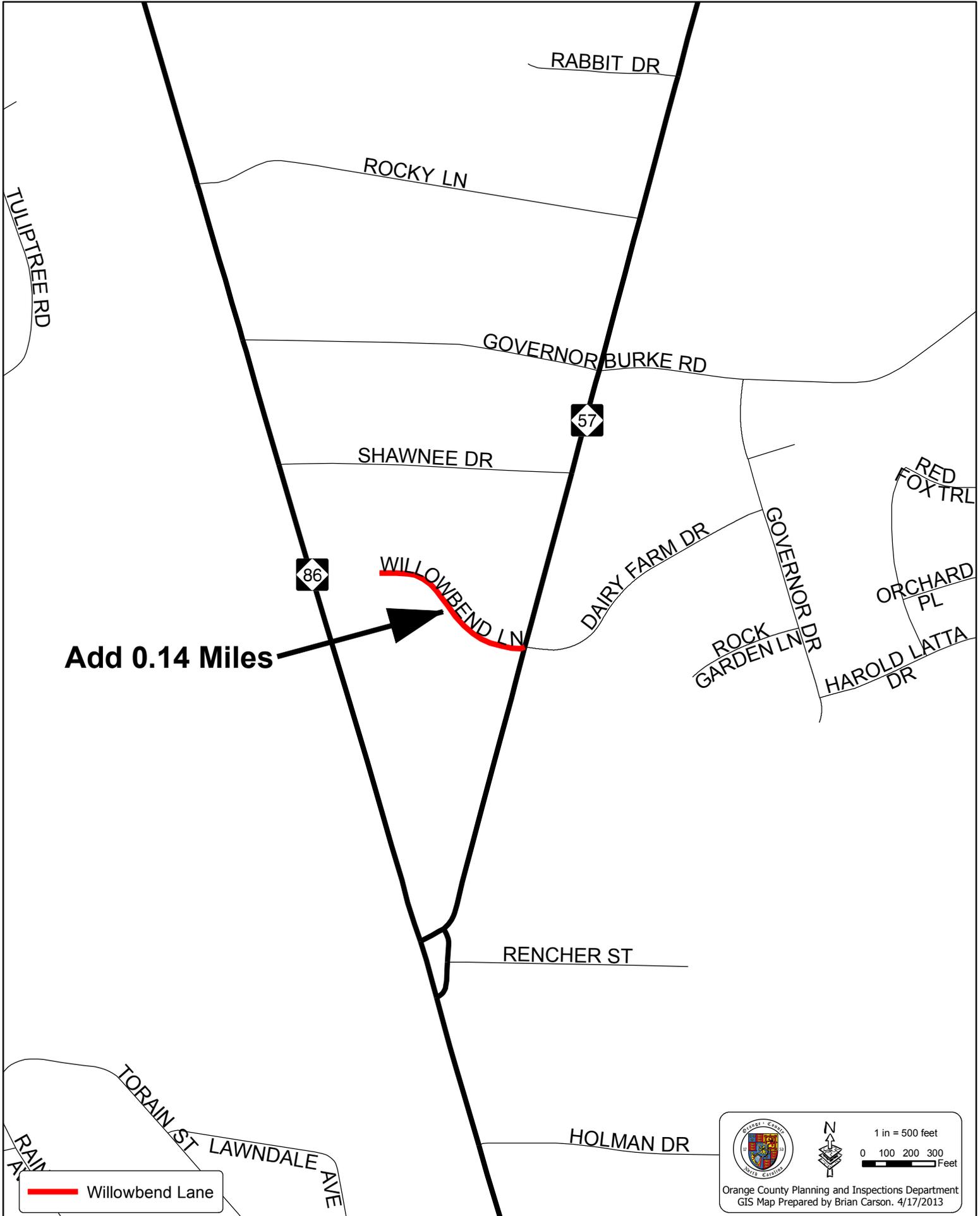


Area Shown in Detail Map



 1 in = 1 mile
 0 2,000 Feet
 Orange County Planning and Inspections Department
 GIS Map Prepared by Brian Carson. 4/17/2013

Detail Map of Willowbend Lane - Willowbend Subdivision



Attachment 2

FINAL SUBDIVISION PLAT

WILLOWBEND CLUSTER SUBDIVISION

ORANGE COUNTY, NC

ASSOCIATES

PHILIP POST

PLANNERS ARCHITECTS

401 Providence Road
Orange, NC 27501
(919) 273-7711

SCALE: 1"=40'-0"
DRAWN BY: JMS
CHECKED BY: JMS
DATE: 02/27/07
PROJECT NO.: 08119002

REVISIONS: 1. 1/29/07 - OPEN SPACE LOTS
2. 2/29/07 - WATER MAIN WORK

SHEET

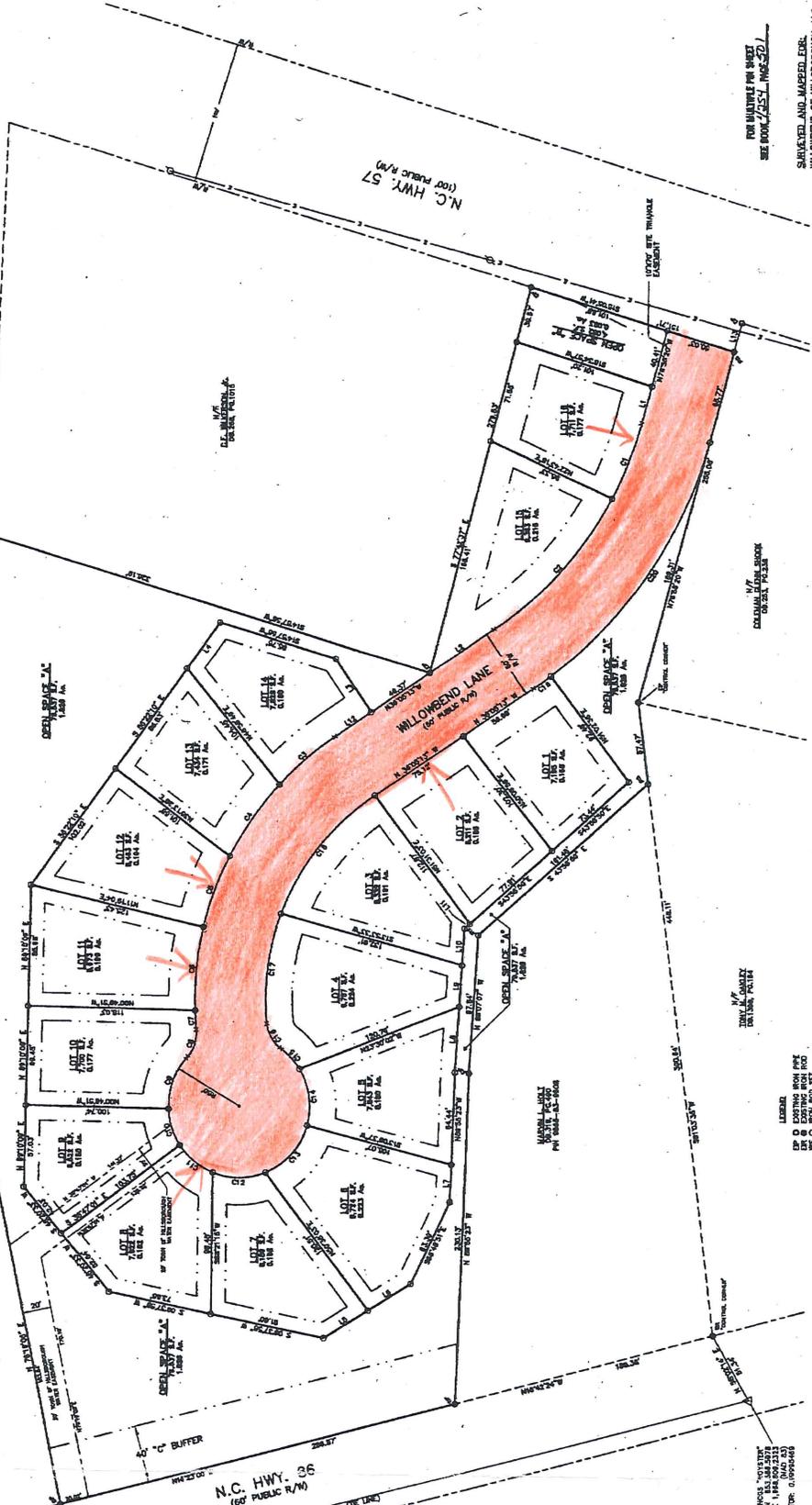
CERTIFICATE OF OWNERSHIP AND DEDICATION
I hereby certify that I am the owner of the property described below, and that I have the right to convey the same to the public for the use and purpose stated herein. I have caused the plat to be recorded in the public records of Orange County, North Carolina, and I have caused the same to be published in a newspaper of general circulation in Orange County, North Carolina, for the purpose of giving notice to all persons who may have an interest in the same. I have also caused the same to be published in a newspaper of general circulation in Orange County, North Carolina, for the purpose of giving notice to all persons who may have an interest in the same. I have also caused the same to be published in a newspaper of general circulation in Orange County, North Carolina, for the purpose of giving notice to all persons who may have an interest in the same.

CERTIFICATE OF APPROVAL
I hereby certify that the information contained herein is true and correct to the best of my knowledge and belief, and that the same has been approved by the Planning Board of Orange County, North Carolina, on this 12th day of February, 2007.

DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
CONSTRUCTION STANDARDS DIVISION
APPROVED: [Signature]
DATE: 2-15-07

I hereby certify that this information is true and correct to the best of my knowledge and belief, and that the same has been approved by the Planning Board of Orange County, North Carolina, on this 12th day of February, 2007.

Surveyor's Certificate
I, [Signature], Surveyor, do hereby certify that this plat was shown under my supervision to the [Signature], and that the same is a true and correct copy of the original survey. I have caused the same to be recorded in the public records of Orange County, North Carolina, and I have caused the same to be published in a newspaper of general circulation in Orange County, North Carolina, for the purpose of giving notice to all persons who may have an interest in the same.



CURVE TABLE

STATION	CHORD BEARING	CHORD LENGTH	CHORD CURVATURE
1+00.00	S 89° 57' 00" W	100.00	0.0000
1+05.00	S 89° 57' 00" W	105.00	0.0000
1+10.00	S 89° 57' 00" W	110.00	0.0000
1+15.00	S 89° 57' 00" W	115.00	0.0000
1+20.00	S 89° 57' 00" W	120.00	0.0000
1+25.00	S 89° 57' 00" W	125.00	0.0000
1+30.00	S 89° 57' 00" W	130.00	0.0000
1+35.00	S 89° 57' 00" W	135.00	0.0000
1+40.00	S 89° 57' 00" W	140.00	0.0000
1+45.00	S 89° 57' 00" W	145.00	0.0000
1+50.00	S 89° 57' 00" W	150.00	0.0000
1+55.00	S 89° 57' 00" W	155.00	0.0000
1+60.00	S 89° 57' 00" W	160.00	0.0000
1+65.00	S 89° 57' 00" W	165.00	0.0000
1+70.00	S 89° 57' 00" W	170.00	0.0000
1+75.00	S 89° 57' 00" W	175.00	0.0000
1+80.00	S 89° 57' 00" W	180.00	0.0000
1+85.00	S 89° 57' 00" W	185.00	0.0000
1+90.00	S 89° 57' 00" W	190.00	0.0000
1+95.00	S 89° 57' 00" W	195.00	0.0000
2+00.00	S 89° 57' 00" W	200.00	0.0000

RECORDED: ORANGE COUNTY PLAT BOOK 10 PAGE 157



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

PAT MCCRORY
GOVERNOR

ANTHONY J. TATA
SECRETARY

March 18, 2013

ORANGE COUNTY

Mr. Frank Clifton
County Manager
Orange County
P.O. Box 8181
Hillsborough, North Carolina 27278

SUBJECT: Request for Road Addition
Willowbend Lane
Willowbend Subdivision

Dear Mr. Clifton:

Please find attached is Form SR-4 Secondary Road Addition Investigation Report, Form SR-1 Petition for Road Addition, recorded plat, and a location map for the above subject.

This is being forwarded to you for consideration by your Board of Commissioners.

Sincerely,

A handwritten signature in cursive script, appearing to read "C.N. Edwards, Jr.".

C.N. Edwards, Jr., P.E.
District Engineer

Attachments
/tcs

North Carolina Department of Transportation
Division of Highways
Secondary Road Addition Investigation Report

County: ORANGE Co. File No: O-12-11 Date: 01-28-2013
Township: Hillsborough Div. File No: Div. No: 7

Local Name: WILLOWBEND LANE Subdivision Name: WILLOWBEND SUBDIVISION
Length: 0.14 Miles Width: 22-Feet Surface: SF9.5A PVMT Condition: Good
Surface Thickness: 2-inches Base Type: ABC Base Thickness: 8-inches

*Bridges Yes No_X * Pipe > 48" Yes No_X
*Retaining Walls Within Right of Way Yes No_X

* If Yes -Include Bridge Maintenance Investigation Report

Is this a subdivision street subject to the construction requirements for such streets? Yes.

Recording Date: 4/9/2007 Book: 101 Page: 157

Number of homes having entrances into road: 5

Other uses having entrances into road: none

Right-of-Way Width: 50-feet If right-of-way is below the desired width, give reasons under "Remarks and Recommendations."

Is petition (SR-1) attached? Yes

Is the County Commissioners Approval (SR-2) attached? Yes If not, why not?

Is a map attached indicating information for reference in locating road by the Planning Department? Yes

Cost to place in acceptable maintenance condition: Total Cost: \$ 0.00

Grade, drain, stabilize: \$ 0.00 Drainage: \$ 0.00 Other: \$ 0.00

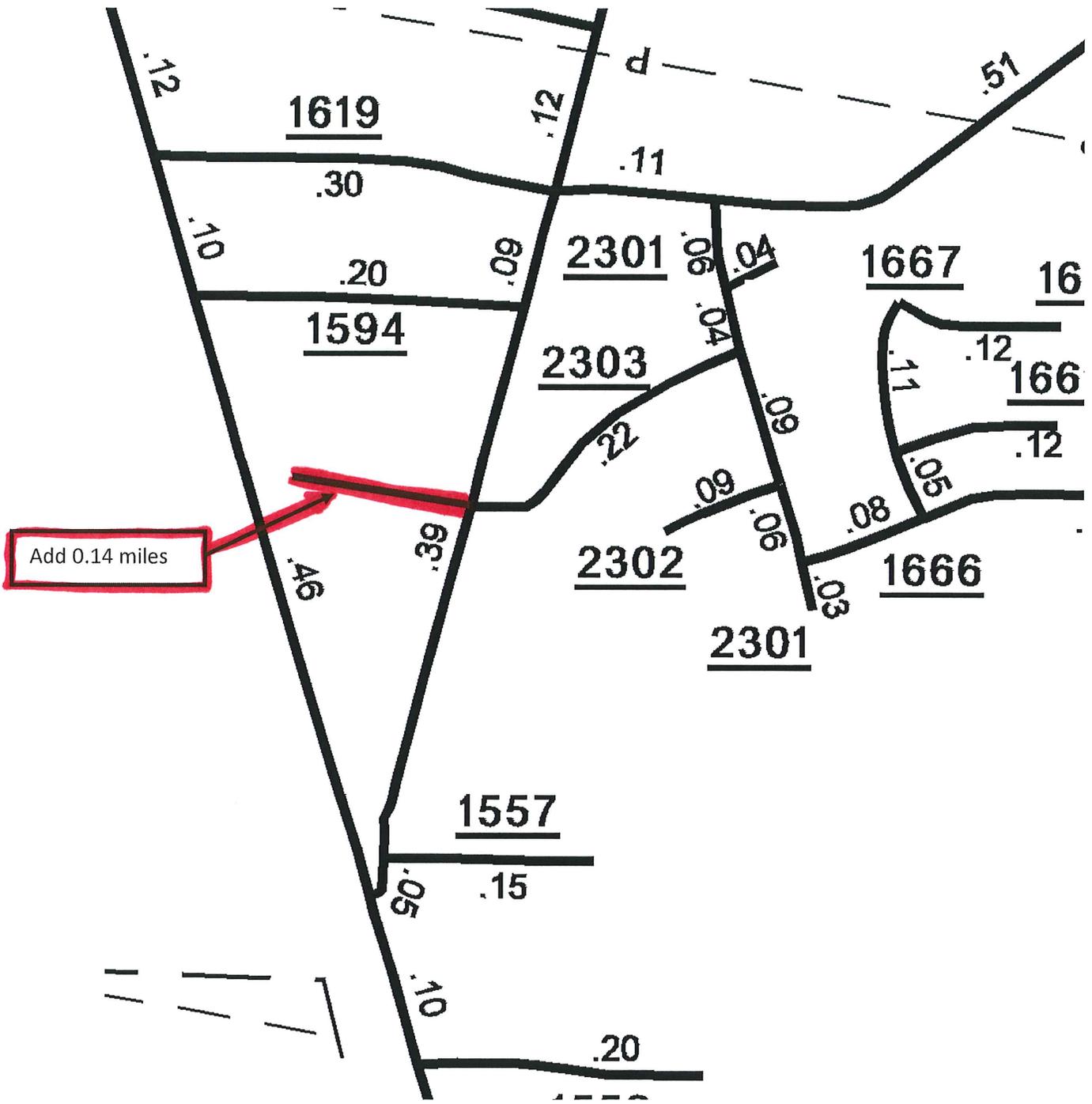
Remarks and Recommendations: Road meets minimum requirements. Recommend addition

Submitted by: C.N. Edwards Reviewed and Approved: J.M. Mills
DISTRICT ENGINEER DIVISION ENGINEER

Reviewed and Approved

BOARD OF TRANSPORTATION MEMBER:

Table with 2 columns: empty space for signature, and text: Do not write in this space- For Use by Secondary Roads Unit, Petition #



Attachment 3

North Carolina Department of Transportation
Division of Highways
Petition for Road Addition

ROADWAY INFORMATION: (Please Print/Type)

County: ORANGE Road Name: WILLOWBEND LANE (ONE STREET ONLY)
(Please list additional street names and lengths on the back of this form.)

Subdivision Name: WILLOWBEND SUB-DIVISION Length (miles): .14

Number of occupied homes having street frontage: ~~7~~ 5 Location _____

miles .3 miles N S E W of the intersection of Route NC 57 and Route NC 86
(Check one) (SR, NC, US) (SR, NC, US)

We, the undersigned, being property owners and/or developers of WILLOWBEND SUBDIVISION in ORANGE County, do hereby request the Division of Highways to add the above described road.

CONTACT PERSON: Name and Address of First Petitioner. (Please Print/Type)

Name: JEFF HOPPER Phone Number: 919-730-6037

Street Address: 215 WILLOWBEND LANE

Mailing Address: P.O. BOX 1492, HILLSBOROUGH, N.C. 27278

PROPERTY OWNERS

<u>Name</u>	<u>Mailing Address</u>	<u>Telephone</u>
JAMES E. HOPPER, SR. (208 WILLOWBEND LN)	P.O. BOX 1492 HILLSBOROUGH, NC 27278	919-880-6718
RHONDA HENDERSON	202 WILLOWBEND LN. HILLSBOROUGH, NC 27278	919-730-6037
RICHARD AND BARBARA COVITZ	210 WILLOWBEND LN. HILLSBOROUGH, NC 27278	919-732-7832
JEFF AND KELLY HOPPER	215 WILLOWBEND LN. HILLSBOROUGH, NC 27278	919-730-6837
LORI AND MICHAEL RUSSELL	222 WILLOWBEND LN. HILLSBOROUGH, NC 27278	919-245-0710

Attachment 3

INSTRUCTIONS FOR COMPLETING PETITION:

1. Complete Information Section
2. Identify Contact Person (This person serves as spokesperson for petitioner(s)).
3. Attach four (4) copies of recorded subdivision plat or property deeds, which refer to candidate road.
4. Adjoining property owners and/or the developer may submit a petition. Subdivision roads with prior NCDOT review and approval only require the developer's signature.
5. If submitted by the developer, encroachment agreements from all utilities located within the right of way shall be submitted with the petition for Road addition. However, construction plans may not be required at this time.
6. Submit to District Engineer's Office.

FOR NCDOT USE ONLY: Please check the appropriate block

- Rural Road Subdivision platted prior to October 1, 1975 Subdivision platted after October 1, 1975

REQUIREMENTS FOR ADDITION

If this road meets the requirements necessary for addition, we agree to grant the Department of Transportation a right-of-way of the necessary width to construct the road to the minimum construction standards of the NCDOT. The right-of-way will extend the entire length of the road that is requested to be added to the state maintained system and will include the necessary areas outside of the right-of-way for cut and fill slopes and drainage. Also, we agree to dedicate additional right-of-way at intersections for sight distance and design purposes and execute said right-of-way agreement forms that will be submitted to us by representatives of the NCDOT. The right-of-way shall be cleared at no expense to the NCDOT, which includes the removal of utilities, fences, other obstructions, etc.

General Statute 136-102.6 (see page 29 for Statute) states that any subdivision recorded on or after October 1, 1975, must be built in accordance with NCDOT standards in order to be eligible for addition to the State Road System.

<u>ROAD NAME</u>	<u>HOMES</u>	<u>LENGTH</u>	<u>ROAD NAME</u>	<u>HOMES</u>	<u>LENGTH</u>

Attachment 3

- INSTRUCTIONS FOR COMPLETING PETITION:**
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 2. Identify Contact Person (This person serves as spokesperson for petitioner(s)).
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 4. Adjoining property owners and/or the developer may submit a petition. Subdivision roads with prior NCDOT review and approval only require the developer's signature.
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 6. Submit to District Engineer's Office.

FOR NCDOT USE ONLY: Please check the appropriate block
 Rural Road Subdivision platted prior to October 1, 1975 Subdivision platted after October 1, 1975

REQUIREMENTS FOR ADDITION

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<u>ROAD NAME</u>	<u>HOMES</u>	<u>LENGTH</u>	<u>ROAD NAME</u>	<u>HOMES</u>	<u>LENGTH</u>

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 7, 2013

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

SUBJECT: Approval of Sewer Easement for Gravelly Hill Middle School

DEPARTMENT: Planning & Inspections

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

Declaration of Easement for Sewer Line
and Easement Plat

INFORMATION CONTACT:

Craig Benedict, 245-2585

PURPOSE: To authorize the Chair of the Board of County Commissioners to sign easement documents for sewer utility and access for the Orange County Gravelly Hill Middle School.

BACKGROUND: Orange County is in the process of acquiring sewer utility easements for the Buckhorn-Mebane Utilities Phase II project. A portion of the sewer line will be constructed on the Gravelly Hill Middle School property from the nearby sewage lift station.

In October 2006 the Orange County Schools Board of Education conveyed the tract of land on which the middle school is constructed to Orange County. However, the Orange County Schools Board of Education has leased the subject property pursuant to a long term lease with the option to repurchase the property from Orange County. Due to their respective interests in the property, the consent of the County and Orange County Schools Board of Education is necessary for the construction of the sewer line on the property. The north-south extent of the easement is along the western property and does not affect any existing or future facilities.

The sewer utility easement is jointly declared between Orange County and the Orange County Schools Board of Education. The declaration also provides for future conveyance to the City of Mebane which has accepted maintenance of the sewer system. The attached plat shows the location of the sewer line and easement area. The Declaration of Easement will be presented to Board of Education for approval on May 13, 2013.

FINANCIAL IMPACT: There is no financial impact to the County.

RECOMMENDATION(S): The Manager recommends that the Board authorize the Chair to sign the Declaration of Easement for the Sewer Line.

Prepared by & Return after recording to: Sahana Ayer, Attorney, Orange County Planning Dept.
PIN 9844-05-7652

NORTH CAROLINA,

ORANGE COUNTY.

DECLARATION OF EASEMENT
FOR SEWER LINES

THIS DECLARATION OF EASEMENT FOR SEWER LINES, made this the _____ day of _____, 2013, by and between Orange County, North Carolina, P.O. Box 8181 Hillsborough, NC 27278, a body politic, organized and existing pursuant to the laws of the State of North Carolina, Party of the First Part, and the Orange County Board of Education, 200 East King Street, Hillsborough, NC 27278, a body politic organized and existing under the laws of the State of North Carolina, Party of the Second Part, collectively referred to as the “Declarants”.

WITNESSETH:

THAT, WHEREAS, the Orange County Board of Education has constructed a middle school on that certain tract or parcel of land located in Cheeks Township, Orange County, North Carolina and being more specifically shown as Tract A on the plat recorded in Plat Book 96, Page 86, Orange County Registry;

AND, WHEREAS, the Orange County Board of Education conveyed title to the tract of land on which the middle school is located to Orange County by deed recorded in Deed Book 4014 at Page 24, Orange County Registry. However, the Orange County Board of Education has leased the subject property pursuant to the long term lease with an option to repurchase from Orange County;

AND, WHEREAS, as part of the Buckhorn-Mebane Utilities Phase II Project certain sewer improvements will be made to serve the middle school as are indicated on the plat entitled "Utility Easement Survey for Orange County, North Carolina, on the Property of Orange County Board of Education," dated January 2013 and surveyed and platted by Kenneth W. Rock attached hereto as Exhibit A and recorded in Plat Book _____ at Page _____, Orange County Registry;

AND, WHEREAS, Declarants wish to preserve in perpetuity the said sewer easements;

NOW THEREFORE, in consideration of the sum of Ten and No/100 (\$10.00) Dollars, and other good and valuable consideration, paid to Declarants, the receipt and sufficiency of which is hereby fully acknowledged, Declarants, do hereby give, grant, quitclaim, and convey unto Orange County, its successors and assigns, the right and privilege and perpetual easement over, upon and through the Property to construct, install, maintain, repair, modify or remove one or more underground sewer and/or other utility lines, all as more specifically described and located as shown on the plat recorded in Plat Book _____ at Page _____, Orange County Registry; together with the perpetual right and easement to go upon the Property whenever the same is reasonably necessary for the purposes of constructing, inspecting, and maintaining said lines and making all necessary alterations and repairs thereto. Orange County its successors and assigns, in the event of any construction, inspection or maintenance of said line, shall remove all surplus earth, shall make level the surface of the ground above said lines and apparatus and shall interfere as little as reasonably possible with any plants, fences and other improvements upon the Property, provided that such plants, fences and other improvements shall not interfere with the right of Orange County, its successors and assigns, of ingress and egress to the Property for the purpose of construction, installation, maintenance and repair said sewer lines, main or mains, laterals and connections.

Orange County shall also have the right of ingress and egress through, over and across the Property, to and from such easement at such times as Orange County deems it necessary for the purpose of constructing, installing, maintaining and repairing said lines; the lines of pipe shall be located at such point or points, elevations or elevations below the surface of the earth as shall be necessary for proper operation of the system, and shall be established at the proper grade for running said lines and for conveying sewage as aforesaid, and said manholes, if any shall be

at such point below or above the surface of the earth as may be necessary for the proper operation of said pipeline or lines; and Orange County shall have the right, privilege and easement to tap the line or lines and construct laterals from the main to the outside boundary of the right-of-way over which the easement and privilege extends.

The parties hereto acknowledge that it is contemplated that the responsibility and ownership of the said sewer improvement shall ultimately be assumed by the City of Mebane, North Carolina, and nothing set forth herein shall prevent or restrict in any way Orange County from conveying its rights, privileges and obligations herein set forth to the City of Mebane for the operation and maintenance of the said water and sewer lines in which event all of the obligations, rights and privileges herein prescribed for and by Orange County will be, by the conveyance to the City of Mebane, merged in the conveyance to the City of Mebane.

IN WITNESS WHEREOF, Orange County and the Orange County Board of Education have caused this instrument to be executed signed in their corporate names the day and year first above written.

ORANGE COUNTY NORTH CAROLINA

ATTEST: _____
Donna S. Baker, Clerk to the Board
of County Commissioners

By: _____
Barry Jacobs, Chair
Orange County Board of Commissioners

STATE OF NORTH CAROLINA

COUNTY OF ORANGE

I, _____, Notary Public for _____ County, North Carolina certify that Donna S. Baker personally came before me this day and acknowledged that she is the Clerk to the Board of County Commissioners for Orange County, North Carolina, and that by authority duly given and as the act of the said County, the foregoing instrument was signed in its name by the Chair of the Board of County Commissioners and attested by her as its Clerk.

Witness my hand and notarial seal, this the _____ day of _____, 2013.

(SIGNATURE)

(PRINT OR TYPE NAME OF NOTARY PUBLIC)

My commission expires: _____

**ORANGE COUNTY BOARD OF
EDUCATION**

ATTEST: _____
Patricia M. Coleman, Secretary to
the Orange County Board of
Education

By: _____
Donna Coffey, Chair
Orange County Board of Education

STATE OF NORTH CAROLINA

COUNTY OF ORANGE

I, _____, Notary Public for _____ County,
North Carolina certify that Patricia M. Coleman personally came before me this day and
acknowledged that she is the Secretary to the Orange County Board of Education, and that by
authority duly given and as the act of the said County, the foregoing instrument was signed in its
name by the Chair of the said Orange County Board of Education and attested by her as its
Secretary.

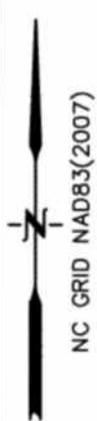
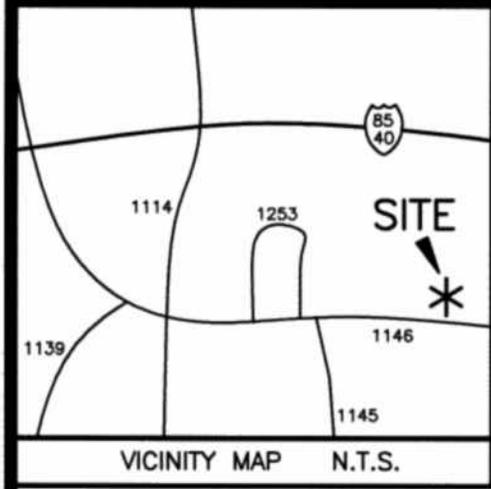
Witness my hand and notarial seal, this the _____ day of _____, 2013.

(SIGNATURE)

(PRINT OR TYPE NAME OF NOTARY PUBLIC)

My commission expires: _____

File: S:\OC1001\01 EDUCATION REV.dwg, Layout: Model, By: DStephens, Plotted: Tue Jan 08, 2013 at 2:03pm, XREFs Used:



"I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 4014, PAGE 24 OR OTHER REFERENCE SOURCE _____); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION IN BOOK AND PAGE (SEE PLAT) OR OTHER REFERENCE SOURCE; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY DOES NOT EXCEED 0.05' (95% CONFIDENCE LEVEL); AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600)." THIS _____ DAY OF _____, 2013.

PROFESSIONAL LAND SURVEYOR

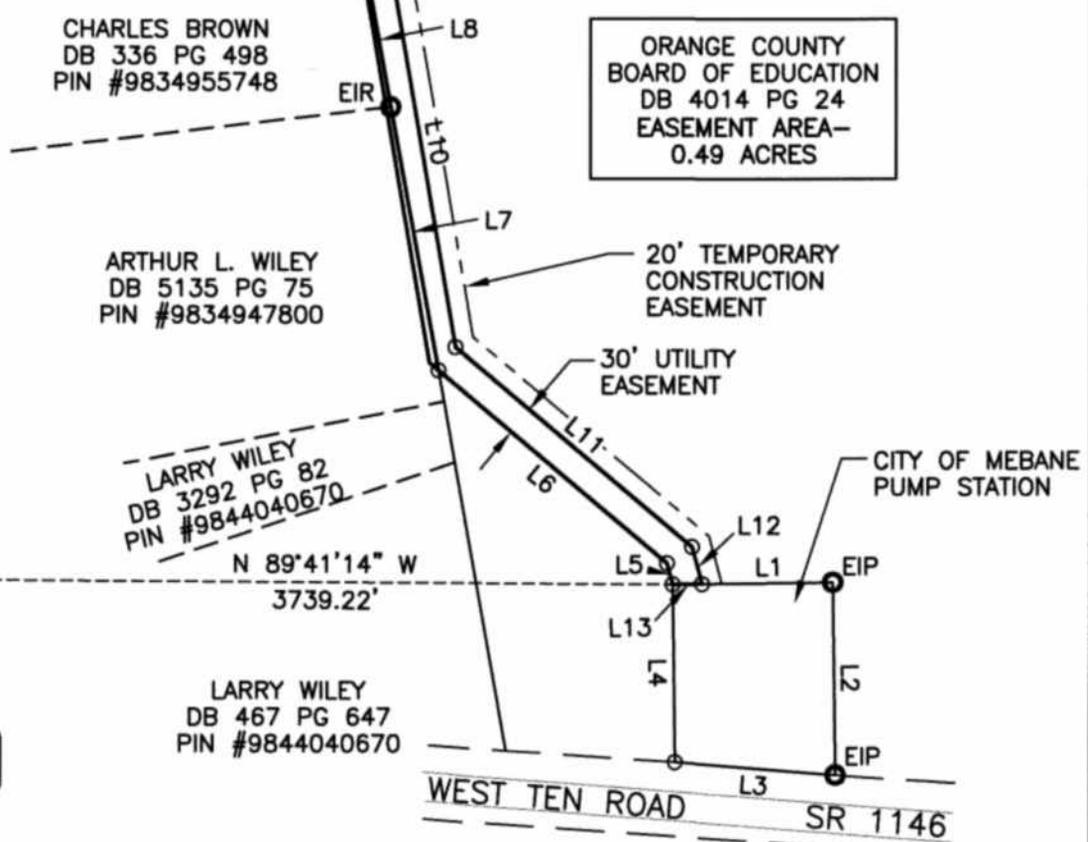
LIC. NUMBER



LINE TABLE		
LINE	LENGTH	BEARING
L1	137.38'	N 89°11'16" E
L2	200.16'	S 00°48'44" E
L3	169.11'	N 85°32'22" W
L4	184.62'	N 00°48'44" W
L5	22.78'	N 15°26'29" W
L6	313.93'	N 50°20'17" W
L7	278.21'	N 10°34'44" W
L8	201.33'	N 10°22'10" W
L9	43.40'	S 47°34'36" E
L10	424.59'	S 09°56'28" E
L11	324.82'	S 50°20'17" E
L12	40.04'	S 15°26'29" E
L13	31.01'	S 89°11'16" W

NOTES:

1. THIS PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RIGHT-OF-WAYS AND AGREEMENTS OF RECORD PRIOR TO THE DATE OF THIS PLAT.
2. ALL DISTANCES ARE HORIZONTAL GROUND.
3. ALL AREAS BY COORDINATE COMPUTATION.
4. NC GRID COORDINATES ESTABLISHED BY GPS METHODS.
5. PIN #9844057652



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.

PRELIMINARY

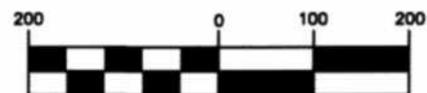
UTILITY EASEMENT SURVEY FOR
**ORANGE COUNTY
NORTH CAROLINA**

ON THE PROPERTY OF: ORANGE COUNTY BOARD OF EDUCATION

CHEEKS TOWNSHIP

ORANGE COUNTY NORTH CAROLINA
SCALE 1" = 200' JULY, 2012

REVISED: JANUARY, 2013 1.



1 inch = 200 ft.

LEGEND

- COMPUTED POINT
- ⊙ EIP
- ⊙ EIR
- ROAD RIGHT-OF-WAY
- UTILITY EASEMENT
- SURVEYED PROPERTY LINE
- UN-SURVEYED PROP. LINE
- TEMP. CONST. EASEMENT

SURVEYOR:

KENNETH W. ROCK
300 S.W. BROAD STREET
SOUTHERN PINES, N.C. 28387
(910) 692-5616



Hobbs, Upchurch & Associates, P.A.
Consulting Engineers, Surveyors & Land Planners
Southern Pines, North Carolina 28387
CERTIFICATE OF LICENSURE C-0454

Several years ago, the Orange County Board of Commissioners studied the feasibility of providing legal counsel for these services through a DSS staff attorney. At that time, the Board indicated the desire to continue contracted services for as long as Ms. Holcomb provided these services. Ms. Holcomb has indicated that she may retire from this practice in about three years, but would give sufficient notice to allow for the hiring and training of a staff attorney as well as work through a transition period to assure continuity of legal consultation to child welfare and adult services cases.

During the upcoming year, DSS staff and the County Attorney will meet with Ms. Holcomb to determine the timeframe for transition of legal services from a contractual arrangement to agency counsel. This will allow adequate time to analyze all services being provided, create in-house resources, begin the training process and develop a transition plan.

FINANCIAL IMPACT: Social Services estimates \$165,000 will be spent on legal fees during FY 2013-2014. The costs are the same as last year's budgeted amount for legal services. Approximately half of this cost will be paid by State and Federal revenues.

RECOMMENDATION(S): The Manager recommends the Board:

- 1) Accept the Social Services Board recommendation and approve the contract for legal representation with Holcomb and Cabe, L.L.P., for Fiscal Year 2013-2014;
- 2) Authorize the Manager to sign the contract contingent upon approval of the Orange County FY 2013-14 budget; and
- 3) Authorize the Manager to sign any future agreements or amendments to this contract subject to County Attorney review.

Contract # 68-2001 Fiscal Year Begins July 1, 2013 Ends June 30, 2014

This contract is hereby entered into by and between the Orange County Department of Social Services (the "County") and Holcomb and Cabe, L.L.P. (the "Contractor") (referred to collectively as the "Parties"). The Contractor's federal tax identification number or Social Security Number is _____.

1. Contract Documents: This Contract consists of the following documents

- (1) This contract
- (2) The General Terms and Conditions (Attachment A)
- (3) The Scope of Work, description of services, and rate (Attachment B)
- (4) Federal Certification Regarding Drug-Free Workplace & Certification Regarding Nondiscrimination (Attachment C)
- (5) Conflict of Interest (Attachment D)
- (6) No Overdue Taxes (Attachment E)
- (7) Federal Certification Regarding Lobbying (Attachment G)
- (8) Federal Certification Regarding Debarment (Attachment H)
- (9) Outcomes and Reporting (Attachment N)
- (10) Contract Determination Questionnaire

These documents constitute the entire agreement between the Parties and supersede all prior oral or written statements or agreements.

2. Precedence Among Contract Documents: In the event of a conflict between or among the terms of the Contract Documents, the terms in the Contract Document with the highest relative precedence shall prevail. The order of precedence shall be the order of documents as listed in Paragraph 1, above, with the first-listed document having the highest precedence and the last-listed document having the lowest precedence. If there are multiple Contract Amendments, the most recent amendment shall have the highest precedence and the oldest amendment shall have the lowest precedence.

3. Effective Period: This contract shall be effective on July 1, 2012 and shall terminate on June 30, 2013. The contract may automatically be extended for two additional one year terms under the same terms of this Agreement unless one of the Parties provides the other with notice of intent to terminate or amend no later than 60 days prior to the end of the contract term. This contract must be twelve months or less.

4. Contractor's Duties: The Contractor shall provide the services and in accordance with the approved rate as described in Attachment B, Scope of Work, and shall meet the requirements set forth in Attachment N, Outcomes and Reporting.

5. County's Duties: The County shall pay the Contractor in the manner and in the amounts specified in the Contract Documents. The total amount paid by the County to the Contractor under this contract shall not exceed \$165,000. This amount consists of \$165,000 in Federal (CFDA # _____), State and County funds, \$0 (*source of other funds if applicable*).

a. There are no matching requirements from the Contractor.

b. The Contractor's matching requirement is \$_____, which shall consist of:

- | | |
|---|--|
| <input type="checkbox"/> In-kind | <input type="checkbox"/> Cash |
| <input type="checkbox"/> Cash and In-kind | <input type="checkbox"/> Cash and/or In-kind |

The contributions from the Contractor shall be sourced from non-federal funds.
The total contract amount including any Contractor match shall not exceed \$165,000.

6. Reporting Requirements:

Contractor shall comply with audit requirements as described in N.C.G.S. § 143C-6-22 & 23 and OMB Circular A-133.

7. Payment Provisions:

Payment shall be made in accordance with the Contract Documents as described in the Scope of Work, Attachment B.

8. Contract Administrators: All notices permitted or required to be given by one Party to the other and all questions about the contract from one Party to the other shall be addressed and delivered to the other Party's Contract Administrator. The name, post office address, street address, telephone number, fax number, and email address of the Parties' respective initial Contract Administrators are set out below. Either Party may change the name, post office address, street address, telephone number, fax number, or email address of its Contract Administrator by giving timely written notice to the other Party.

9. Key Personnel: Carol Holcomb is the Key Personnel assigned to the performance of this contract. Ms. Holcomb must perform at least 80 percent of all services described in the Scope of Work, Attachment B.

For the County:

IF DELIVERED BY US POSTAL SERVICE	IF DELIVERED BY ANY OTHER MEANS
Denise Shaffer, Social Work Program Director Orange County Department of Social Services P.O. Box 8181 Hillsborough, NC 27278 (919) 245-2246 dshaffer@co.orange.nc.us	Denise Shaffer, Social Work Program Director Orange County Department of Social Services 2501 Homestead Road Chapel Hill, NC 27516

For the Contractor:

IF DELIVERED BY US POSTAL SERVICE	IF DELIVERED BY ANY OTHER MEANS
Carol Holcomb Holcomb and Cabe, L.L.P. 2013 S. Lakeshore Drive Chapel Hill, NC 27514	Carol Holcomb Holcomb and Cabe, L.L.P. 2013 S. Lakeshore Drive Chapel Hill, NC 27514

10. Signature Warranty:

The undersigned represent and warrant that they are authorized to bind their principals to the terms of this agreement.

The Contractor and the County have executed this contract in duplicate originals, with one original being retained by each party.

HOLCOMB AND CABE, L.L.P.

Signature Date

Printed Name Title

ORANGE COUNTY, NORTH CAROLINA

By: _____
Barry Jacobs, Board of County Commissioners Date

NAME OF SUPERVISING DEPARTMENT

Nancy Coston, Social Services Department Director Signature Date

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Clarence G. Grier, Asst. County Manager/CFO Date

This contract has been approved as to form and legal sufficiency.

Annette M. Moore, County Attorney's Office Date

ATTACHMENT A GENERAL TERMS AND CONDITIONS

Orange County Department of Social Services

Relationships of the Parties

Independent Contractor: The Contractor is and shall be deemed to be an independent contractor in the performance of this contract and as such shall be wholly responsible for the work to be performed and for the supervision of its employees. The Contractor represents that it has, or shall secure at its own expense, all personnel required in performing the services under this agreement. Such employees shall not be employees of, or have any individual contractual relationship with the County.

Subcontracting: The Contractor shall not subcontract any of the work contemplated under this contract without prior written approval from the County. Any approved subcontract shall be subject to all conditions of this contract. Only the subcontractors specified in the contract documents are to be considered approved upon award of the contract. The County shall not be obligated to pay for any work performed by any unapproved subcontractor. The Contractor shall be responsible for the performance of all of its subcontractors.

Assignment: No assignment of the Contractor's obligations or the Contractor's right to receive payment hereunder shall be permitted. However, upon written request approved by the issuing purchasing authority, the County may:

- (a) Forward the Contractor's payment check(s) directly to any person or entity designated by the Contractor, or
- (b) Include any person or entity designated by Contractor as a joint payee on the Contractor's payment check(s).

In no event shall such approval and action obligate the County to anyone other than the Contractor and the Contractor shall remain responsible for fulfillment of all contract obligations.

Beneficiaries: Except as herein specifically provided otherwise, this contract shall inure to the benefit of and be binding upon the parties hereto and their respective successors. It is expressly understood and agreed that the enforcement of the terms and conditions of this contract, and all rights of action relating to such enforcement, shall be strictly reserved to the County and the named Contractor. Nothing contained in this document shall give or allow any claim or right of action whatsoever by any other third person. It is the express intention of the County

and Contractor that any such person or entity, other than the County or the Contractor, receiving services or benefits under this contract shall be deemed an incidental beneficiary only.

Indemnity and Insurance

Indemnification: The Contractor agrees to indemnify and hold harmless the County and any of their officers, agents and employees, from any claims of third parties arising out or any act or omission of the Contractor in connection with the performance of this contract.

Insurance: During the term of the contract, the Contractor at its sole cost and expense shall provide commercial insurance of such type and with such terms and limits as may be reasonably associated with the contract. As a minimum, the Contractor shall provide and maintain the following coverage and limits:

- (a) **Worker's Compensation** - The contractor shall provide and maintain Worker's Compensation Insurance as required by the laws of North Carolina, as well as employer's liability coverage with minimum limits of \$500,000.00, covering all of Contractor's employees who are engaged in any work under the contract. If any work is sublet, the Contractor shall require the subcontractor to provide the same coverage for any of his employees engaged in any work under the contract.
- (b) **Commercial General Liability** - General Liability Coverage on a Comprehensive Broad Form on an occurrence basis in the minimum amount of \$1,000,000.00 Combined Single Limit. (Defense cost shall be in excess of the limit of liability.)
- (c) **Automobile Liability Insurance:** The Contractor shall provide automobile liability insurance with a combined single limit of \$500,000.00 for bodily injury and property damage; a limit of \$500,000.00 for uninsured/under insured motorist coverage; and a limit of \$25,000.00 for medical payment coverage. The Contractor shall provide this insurance for all automobiles that are:
 - (i) owned by the Contractor and used in the performance of this contract;
 - (ii) hired by the Contractor and used in the performance of this contract; and

- (iii) Owned by Contractor's employees and used in performance of this contract ("non-owned vehicle insurance"). Non-owned vehicle insurance protects employers when employees use their personal vehicles for work purposes. Non-owned vehicle insurance supplements, but does not replace, the car-owner's liability insurance.

The Contractor is not required to provide and maintain automobile liability insurance on any vehicle – owned, hired, or non-owned -- unless the vehicle is used in the performance of this contract.

- (d) Transportation of Clients by Contractor: The contractor will maintain Insurance requirements if required as noted under Article 7 Rule R2-36 of the North Carolina Utilities Commission.
- (e) Professional Liability Insurance - Professional liability insurance, covering personal injury, bodily injury and property damage and claims arising out of or related to the performance under this Agreement by the Provider, or his agents, or Providers employees. Maintain professional liability insurance coverage with coverage of at least \$1 million, per occurrence, \$2 million aggregate while providing services to the Department, proof of such insurance shall be submitted annually.
- (f) The insurance coverage minimums specified in subparagraph (a) are exclusive of defense costs.
- (g) The Contractor understands and agrees that the insurance coverage minimums specified in subparagraph (a) are not limits, or caps, on the Contractor's liability or obligations under this contract.
- (h) The Contractor may obtain a waiver of any one or more of the requirements in subparagraph (a) by demonstrating that it has insurance that provides protection that is equal to or greater than the coverage and limits specified in subparagraph (a). The County shall be the sole judge of whether such a waiver should be granted.
- (i) The Contractor may obtain a waiver of any one or more of the requirements in paragraph (a) by demonstrating that it is self-insured and that its self-insurance provides protection that is equal to or greater than the coverage and limits specified in subparagraph (a). The County shall be the sole judge of whether such a waiver should be granted.
- (j) Providing and maintaining the types and amounts of insurance or self-insurance specified in this paragraph is a material obligation of the Contractor and is of the essence of this contract.
- (k) The Contractor shall only obtain insurance from companies that are authorized to provide such coverage and that are authorized by the Commissioner of Insurance to do business in the State of North Carolina.

All such insurance shall meet all laws of the State of North Carolina.

- (l) The Contractor shall comply at all times with all lawful terms and conditions of its insurance policies and all lawful requirements of its insurer.
- (m) The Contractor shall require its subcontractors to comply with the requirements of this paragraph.
- (n) The Contractor shall demonstrate its compliance with the requirements of this paragraph by submitting certificates of insurance to the County before the Contractor begins work under this contract.

Default and Termination

Termination Without Cause: The County may terminate this contract without cause by giving 30 days written notice to the Contractor.

Termination for Cause: If, through any cause, the Contractor shall fail to fulfill its obligations under this contract in a timely and proper manner, the County shall have the right to terminate this contract by giving written notice to the Contractor and specifying the effective date thereof. In that event, all finished or unfinished deliverable items prepared by the Contractor under this contract shall, at the option of the County, become its property and the Contractor shall be entitled to receive just and equitable compensation for any satisfactory work completed on such materials, minus any payment or compensation previously made. Notwithstanding the foregoing provision, the Contractor shall not be relieved of liability to the County for damages sustained by the County by virtue of the Contractor's breach of this agreement, and the County may withhold any payment due the Contractor for the purpose of setoff until such time as the exact amount of damages due the County from such breach can be determined. In case of default by the Contractor, without limiting any other remedies for breach available to it, the County may procure the contract services from other sources and hold the Contractor responsible for any excess cost occasioned thereby. The filing of a petition for bankruptcy by the Contractor shall be an act of default under this contract.

Waiver of Default: Waiver by the County of any default or breach in compliance with the terms of this contract by the Provider shall not be deemed a waiver of any subsequent default or breach and shall not be construed to be modification of the terms of this contract unless stated to be such in writing, signed by an authorized representative of the County and the Contractor and attached to the contract.

Availability of Funds: The parties to this contract agree and understand that the payment of the sums specified in

this contract is dependent and contingent upon and subject to the appropriation, allocation, and availability of funds for this purpose to the County.

Force Majeure: Neither party shall be deemed to be in default of its obligations hereunder if and so long as it is prevented from performing such obligations by any act of war, hostile foreign action, nuclear explosion, riot, strikes, civil insurrection, earthquake, hurricane, tornado, or other catastrophic natural event or act of God.

Survival of Promises: All promises, requirements, terms, conditions, provisions, representations, guarantees, and warranties contained herein shall survive the contract expiration or termination date unless specifically provided otherwise herein, or unless superseded by applicable Federal or State statutes of limitation.

Intellectual Property Rights

Copyrights and Ownership of Deliverables: All deliverable items produced pursuant to this contract are the exclusive property of the County. The Contractor shall not assert a claim of copyright or other property interest in such deliverables.

Federal Intellectual Property Bankruptcy Protection Act: The Parties agree that the County shall be entitled to all rights and benefits of the Federal Intellectual Property Bankruptcy Protection Act, Public Law 100-506, codified at 11 U.S.C. 365 (n) and any amendments thereto.

Compliance with Applicable Laws

Compliance with Laws: The Contractor shall comply with all laws, ordinances, codes, rules, regulations, and licensing requirements that are applicable to the conduct of its business, including those of federal, state, and local agencies having jurisdiction and/or authority.

Title VI, Civil Rights Compliance: In accordance with Federal law and U.S. Department of Agriculture (USDA) and U.S. Department of Health and Human Services (HHS) policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age or disability. Under the Food Stamp Act and USDA policy, discrimination is prohibited also on the basis of religion or political beliefs.

Equal Employment Opportunity: The Contractor shall comply with all federal and State laws relating to equal employment opportunity.

Health Insurance Portability and Accountability Act (HIPAA): The Contractor agrees that, if the County determines that some or all of the activities within the scope of this contract are subject to the Health Insurance Portability and Accountability Act of 1996, P.L. 104-91, as amended (“HIPAA”), or its implementing regulations, it will comply with the HIPAA requirements and will execute such agreements and practices as the County may require to ensure compliance.

Trafficking Victims Protection Act of 2000 :

The Contractor will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act of 2000, as amended (22 U.S.C. 7104)

Confidentiality

Confidentiality: Any information, data, instruments, documents, studies or reports given to or prepared or assembled by the Contractor under this agreement shall be kept as confidential and not divulged or made available to any individual or organization without the prior written approval of the County. The Contractor acknowledges that in receiving, storing, processing or otherwise dealing with any confidential information it will safeguard and not further disclose the information except as otherwise provided in this contract.

Oversight

Access to Persons and Records: The State Auditor shall have access to persons and records as a result of all contracts or grants entered into by State agencies or political subdivisions in accordance with General Statute 147-64.7. Additionally, as the State funding authority, the Department of Health and Human Services shall have access to persons and records as a result of all contracts or grants entered into by State agencies or political subdivisions.

Record Retention: Records shall not be destroyed, purged or disposed of without the express written consent of the County. The North Carolina State basic records retention policy requires all grant records to be retained for a minimum of five years or until all audit exceptions have been resolved, whichever is longer. If the contract is subject to federal policy and regulations, record retention may be longer than five years since records must be retained for a period of three years following submission of the final Federal Financial Status Report, if applicable, or three years following the submission of a revised final Federal Financial Status Report. Also, if any litigation, claim, negotiation, audit, disallowance action, or other action involving this Contract has been started before

expiration of the five-year retention period described above, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular five-year period described above, whichever is later.

Warranties and Certifications

Date and Time Warranty: The Contractor warrants that the product(s) and service(s) furnished pursuant to this contract ("product" includes, without limitation, any piece of equipment, hardware, firmware, middleware, custom or commercial software, or internal components, subroutines, and interfaces therein) that perform any date and/or time data recognition function, calculation, or sequencing will support a four digit year format and will provide accurate date/time data and leap year calculations. This warranty shall survive the termination or expiration of this contract.

Certification Regarding Collection of Taxes: G.S. 143-59.1 bars the Secretary of Administration from entering into contracts with vendors that meet one of the conditions of G.S. 105-164.8(b) and yet refuse to collect use taxes on sales of tangible personal property to purchasers in North Carolina. The conditions include: (a) maintenance of a retail establishment or office; (b) presence of representatives in the State that solicit sales or transact business on behalf of the vendor; and (c) systematic exploitation of the market by media-assisted, media-facilitated, or media-solicited means. The Contractor certifies that it and all of its affiliates (if any) collect all required taxes.

Miscellaneous

Choice of Law: The validity of this contract and any of its terms or provisions, as well as the rights and duties of the parties to this contract, are governed by the laws of North Carolina. The Contractor, by signing this contract, agrees and submits, solely for matters concerning this Contract, to the exclusive jurisdiction of the courts of North Carolina and agrees, solely for such purpose, that the exclusive venue for any legal proceedings shall be Orange County, North Carolina. The place of this contract and all transactions and agreements relating to it, and their situs and forum, shall be Orange County, North Carolina, where all matters, whether sounding in contract or tort, relating to the validity, construction, interpretation, and enforcement shall be determined.

Amendment: This contract may not be amended orally or by performance. Any amendment must be made in written form and executed by duly authorized representatives of the County and the Contractor.

Severability: In the event that a court of competent jurisdiction holds that a provision or requirement of this contract violates any applicable law, each such provision or requirement shall continue to be enforced to the extent it is not in violation of law or is not otherwise unenforceable and all other provisions and requirements of this contract shall remain in full force and effect.

Headings: The Section and Paragraph headings in these General Terms and Conditions are not material parts of the agreement and should not be used to construe the meaning thereof.

Time of the Essence: Time is of the essence in the performance of this contract.

Executive Order # 24: "By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor). This prohibition covers those vendors and contractors who have a contract with a governmental agency; or have performed under such a contract within the past year; or anticipate bidding on such a contract in the future.

For additional information regarding the specific requirements and exemptions, vendors and contractors are encouraged to review Executive Order 24 and G.S. Sec. 133-32.

Executive Order 24 also encouraged and invited other State Agencies to implement the requirements and prohibitions of the Executive Order to their agencies. Vendors and contractors should contact other State Agencies to determine if those agencies have adopted Executive Order 24."

Key Personnel: The Contractor shall not replace any of the key personnel assigned to the performance of this contract without the prior written approval of the County. The term "key personnel" includes any and all persons identified as such in the contract documents and any other

persons subsequently identified as key personnel by the written agreement of the parties.

Care of Property: The Contractor agrees that it shall be responsible for the proper custody and care of any property furnished to it for use in connection with the performance of this contract and will reimburse the County for loss of, or damage to, such property. At the termination of this contract, the Contractor shall contact the County for instructions as to the disposition of such property and shall comply with these instructions.

Travel Expenses: Reimbursement, if provided in this Agreement, to the Contractor for travel mileage, meals, lodging and other travel expenses incurred in the performance of this contract shall not exceed the rates established in County policy.

Sales/Use Tax Refunds: If eligible, the Contractor and all subcontractors shall: (a) ask the North Carolina Department of Revenue for a refund of all sales and use

taxes paid by them in the performance of this contract, pursuant to G.S. 105-164.14; and (b) exclude all refundable sales and use taxes from all reportable expenditures before the expenses are entered in their reimbursement reports.

Advertising: The Contractor shall not use the award of this contract as a part of any news release or commercial advertising.

Orange County Living Wage: Orange County is committed to providing its employees with a living wage and encourages agencies to which it provides funding to pursue the same goal. The County's living wage hourly standard, as adopted by the Orange County Board of County Commissioners annually, can be found in the Orange County Budget Ordinance. To the extent possible, Orange County recommends that the Contractor and all subcontractors provide a living wage, as defined in this section, to their employees.

ATTACHMENT B
SCOPE OF WORK

Orange County Department of Social Services

Federal Tax Id. or SSN _____
Contract # 68-2001

A. CONTRACTOR INFORMATION

1. Contractor Agency Name: Holcomb and Cabe, L.L.P.

2. *If different* from Contract Administrator Information in General Contract:
Address _____

Telephone Number: _____ Fax Number: _____ Email: _____

3. Name of Program (s): Legal Services

4. Status: () Public () Private, Not for Profit (X) Private, For Profit

5. Contractor's Financial Reporting Year July 1, 2013 through June 30, 2014

B. Explanation of Services to be provided and to whom (include SIS Service Code): The Contractor will provide legal consultation to agency staff regarding child welfare issues and adult protective services cases. The Contractor will conduct court proceedings and handle other legal matters on behalf of the County related to adoption, foster care, adult protective services and child protective services. The Contractor is required to meet all goals and outcomes listed in Attachment N.

C. Rate per unit of Service (define the unit):

1. If Standard Fixed Rate, Maximum Allowable, (See Rates for Services Chart)

2. Negotiated County Rate.

\$165/hour

D. Number of units to be provided: _____

E. Details of Billing process and Time Frames; The County will reimburse the Contractor for services described in this contract up to the budgetary limits of the contract allotment. For reimbursement, the Contractor must submit an original and two copies of an invoice by the fifth of the month for the preceding month's expenditures to the designated County Administrator. The County will reimburse the Contractor monthly upon receipt of a complete and correctly filed report.

The Contractor shall be compensated at the hourly rate set forth in this contract for attendance at programs, meetings and seminars relating to Social Services law, and for any training provided to

the Department's employees, and shall be reimbursed for lodging and transportation necessary for attendance at those programs, meetings, seminars and presentations.

The Contractor shall be reimbursed for the services of clerks and legal assistants hired to assist the Contractor in the performance of the Contractor's duties to the County, and the cost of faxing, telephone, copying, and postal expenses at a flat rate of \$500.00/month. Related costs and expenses advanced by the Contractor on behalf of the County shall be reimbursed to Contractor.

The Contractor shall be reimbursed for the services of expert witnesses hired to assist the Contractor in the performance of the Contractor's duties to the County.

F. Area to be served/Delivery site(s): Orange County

(Signature of County Authorized Person)

(Signature of Contractor)

(Date Submitted)

(Date Submitted)

ATTACHMENT C
CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS
AND CERTIFICATION REGARDING NONDISCRIMINATION

Orange County Department of Social Services

- I. By execution of this Agreement the Contractor certifies that it will provide a drug-free workplace by:
- A. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the Contractor's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 - B. Establishing a drug-free awareness program to inform employees about:
 - (1) The dangers of drug abuse in the workplace;
 - (2) The Contractor's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
 - C. Making it a requirement that each employee be engaged in the performance of the agreement be given a copy of the statement required by paragraph (A);
 - D. Notifying the employee in the statement required by paragraph (A) that, as a condition of employment under the agreement, the employee will:
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
 - E. Notifying the County within ten days after receiving notice under subparagraph (D)(2) from an employee or otherwise receiving actual notice of such conviction;
 - F. Taking one of the following actions, within 30 days of receiving notice under subparagraph (D)(2), with respect to any employee who is so convicted:
 - (1) Taking appropriate personnel action against such an employee, up to and including termination; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency; and

Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (A), (B), (C), (D), (E), and (F).

II. The site(s) for the performance of work done in connection with the specific agreement are listed below:

1. _____
(Street address)

(City, county, state, zip code)

2. _____
(Street address)

(City, county, state, zip code)

Contractor will inform the County of any additional sites for performance of work under this agreement.

False certification or violation of the certification shall be grounds for suspension of payment, suspension or termination of grants, or government-wide Federal suspension or debarment (45 C.F.R. Section 82.510. Section 4 CFR Part 85, Section 85.615 and 86.620).

CERTIFICATION REGARDING NONDISCRIMINATION

The Vendor certifies that it will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (h) the Food Stamp Act and USDA policy, which prohibit discrimination on the basis of religion and political beliefs; and (i) the requirements of any other nondiscrimination statutes which may apply to this Agreement.

Signature

Title

Agency/Organization

Date

(Certification signature should be same as Contract signature.)

ATTACHMENT D**CONFLICT OF INTEREST POLICY**

Orange County Department of Social Services

The Board of Directors/Trustees or other governing persons, officers, employees or agents are to avoid any conflict of interest, even the appearance of a conflict of interest. The Organization's Board of Directors/Trustees or other governing body, officers, staff and agents are obligated to always act in the best interest of the organization. This obligation requires that any Board member or other governing person, officer, employee or agent, in the performance of Organization duties, seek only the furtherance of the Organization mission. At all times, Board members or other governing persons, officers, employees or agents, are prohibited from using their job title, the Organization's name or property, for private profit or benefit.

A. The Board members or other governing persons, officers, employees, or agents of the Organization should neither solicit nor accept gratuities, favors, or anything of monetary value from current or potential contractors/vendors, persons receiving benefits from the Organization or persons who may benefit from the actions of any Board member or other governing person, officer, employee or agent. This is not intended to preclude bona-fide Organization fund raising-activities.

B. A Board or other governing body member may, with the approval of Board or other governing body, receive honoraria for lectures and other such activities while not acting in any official capacity for the Organization. Officers may, with the approval of the Board or other governing body, receive honoraria for lectures and other such activities while on personal days, compensatory time, annual leave, or leave without pay. Employees may, with the prior written approval of their supervisor, receive honoraria for lectures and other such activities while on personal days, compensatory time, annual leave, or leave without pay. If a Board or other governing body member, officer, employee or agent is acting in any official capacity, honoraria received in connection with activities relating to the Organization are to be paid to the Organization.

C. No Board member or other governing person, officer, employee, or agent of the Organization shall participate in the selection, award, or administration of a purchase or contract with a vendor where, to his knowledge, any of the following has a financial interest in that purchase or contract:

1. The Board member or other governing person, officer, employee, or agent;
2. Any member of their family by whole or half blood, step or personal relationship or relative-in-law;
3. An organization in which any of the above is an officer, director, or employee;
4. A person or organization with whom any of the above individuals is negotiating or has any arrangement concerning prospective employment or contracts.

D. Duty to Disclosure -- Any conflict of interest, potential conflict of interest, or the appearance of a conflict of interest is to be reported to the Board or other governing body or one's supervisor immediately.

E. Board Action -- When a conflict of interest is relevant to a matter requiring action by the Board of Directors/Trustees or other governing body, the Board member or other governing person, officer, employee, or agent (person(s)) must disclose the existence of the conflict of interest and be given the opportunity to disclose all material facts to the Board and members of

committees with governing board delegated powers considering the possible conflict of interest. After disclosure of all material facts, and after any discussion with the person, he/she shall leave the governing board or committee meeting while the determination of a conflict of interest is discussed and voted upon. The remaining board or committee members shall decide if a conflict of interest exists. In addition, the person(s) shall not participate in the final deliberation or decision regarding the matter under consideration and shall leave the meeting during the discussion of and vote of the Board of Directors/Trustees or other governing body.

F. Violations of the Conflicts of Interest Policy -- If the Board of Directors/Trustees or other governing body has reasonable cause to believe a member, officer, employee or agent has failed to disclose actual or possible conflicts of interest, it shall inform the person of the basis for such belief and afford the person an opportunity to explain the alleged failure to disclose. If, after hearing the person's response and after making further investigation as warranted by the circumstances, the Board of Directors/Trustees or other governing body determines the member, officer, employee or agent has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

G. Record of Conflict -- The minutes of the governing board and all committees with board delegated powers shall contain:

1. The names of the persons who disclosed or otherwise were found to have an actual or possible conflict of interest, the nature of the conflict of interest, any action taken to determine whether a conflict of interest was present, and the governing board's or committee's decision as to whether a conflict of interest in fact existed.
2. The names of the persons who were present for discussions and votes relating to the transaction or arrangement that presents a possible conflict of interest, the content of the discussion, including any alternatives to the transaction or arrangement, and a record of any votes taken in connection with the proceedings.

Approved by:

Name of Organization

Signature of Organization Official

Date

NOTARIZED CONFLICT OF INTEREST POLICY

State of North Carolina

County of Orange

I, _____, Notary Public for said County and State, certify that _____ personally appeared before me this day and acknowledged that he/she is _____ of _____ and by that authority duly given and as the act of the corporation, affirmed that the foregoing Conflict of Interest Policy was adopted by the Board of Directors in a meeting held on the _____ day of _____, _____. Sworn to and subscribed before me this _____ day of _____, ____.

(Official Seal)
Notary Public

My Commission expires _____, 20 __/

ATTACHMENT E
OVERDUE TAXES

Orange County Department of Social Services

Instructions: Grantee/Provider should complete this certification for all funds received. Entity should enter appropriate data in the yellow highlighted areas. The completed and signed form must be provided to the County Department of Social Services.

Entity's Letterhead

[Date of Certification (mmddyyyy)]

To: Orange County Department of Social Services

Certification:

We certify that the **[insert organization's name]** does not have any overdue tax debts, as defined by N.C.G.S. 105-243.1¹, at the federal, State, or local level. We further understand that any person who makes a false statement in violation of N.C.G.S. 143C-6-23(c) is guilty of a criminal offense punishable as provided by N.C.G.S. 143C-10-1(b).

Sworn Statement:

[Name of Board Chair] and **[Name of Second Authorizing Official]** being duly sworn, say that we are the Board Chair and **[Title of the Second Authorizing Official]**, respectively, of **[insert name of organization]** of **[City]** in the State of **[Name of State]**; and that the foregoing certification is true, accurate and complete to the best of our knowledge and was made and subscribed by us. We also acknowledge and understand that any misuse of State funds will be reported to the appropriate authorities for further action.

Board Chair

[Title of Second Authorizing Official]

Sworn to and subscribed before me on the day of the date of said certification.

(Notary Signature and Seal)

My Commission Expires: _____

¹ G.S. 105-243.1 defines: Overdue tax debt. – Any part of a tax debt that remains unpaid 90 days or more after the notice of final assessment was mailed to the taxpayer. The term does not include a tax debt, however, if the taxpayer entered into an installment agreement for the tax debt under G.S. 105-237 within 90 days after the notice of final assessment was mailed and has not failed to make any payments due under the installment agreement.”

ATTACHMENT G
CERTIFICATION REGARDING LOBBYING

Orange County Department of Social Services

Certification for Contracts, Grants, Loans and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal, state or local government agency, a Member of Congress, a Member of the General Assembly, an officer or employee of Congress, an officer or employee of the General Assembly, an employee of a Member of Congress, or an employee of a Member of the General Assembly in connection with the awarding of any Federal or state contract, the making of any Federal or state grant, the making of any Federal or state loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal or state contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal, state or local government agency, a Member of Congress, a Member of the General Assembly, an officer or employee of Congress, an officer or employee of the General Assembly, an employee of a Member of Congress, or an employee of a Member of the General Assembly in connection with the awarding of any Federal or state contract, the making of any Federal or state grant, the making of any Federal or state loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal or state contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.
- (4) This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Notwithstanding other provisions of federal OMB Circulars A-122 and A-87, costs associated with the following activities are unallowable:

Paragraph A.

- (1) Attempts to influence the outcomes of any Federal, State, or local election, referendum, initiative, or similar procedure, through in kind or cash contributions, endorsements, publicity, or similar activity;
- (2) Establishing, administering, contributing to, or paying the expenses of a political party, campaign, political action committee, or other organization established for the purpose of influencing the outcomes of elections;
- (3) Any attempt to influence: (i) The introduction of Federal or State legislation; or (ii) the enactment or modification of any pending Federal or State legislation through communication with any member or employee of the Congress or State legislature (including efforts to influence State or local

- officials to engage in similar lobbying activity), or with any Government official or employee in connection with a decision to sign or veto enrolled legislation;
- (4) Any attempt to influence: (i) The introduction of Federal or State legislation; or (ii) the enactment or modification of any pending Federal or State legislation by preparing, distributing or using publicity or propaganda, or by urging members of the general public or any segment thereof to contribute to or participate in any mass demonstration, march, rally, fundraising drive, lobbying campaign or letter writing or telephone campaign; or
 - (5) Legislative liaison activities, including attendance at legislative sessions or committee hearings, gathering information regarding legislation, and analyzing the effect of legislation, when such activities are carried on in support of or in knowing preparation for an effort to engage in unallowable lobbying.

The following activities as enumerated in Paragraph B are excepted from the coverage of Paragraph A:

Paragraph B.

- (1) Providing a technical and factual presentation of information on a topic directly related to the performance of a grant, contract or other agreement through hearing testimony, statements or letters to the Congress or a State legislature, or subdivision, member, or cognizant staff member thereof, in response to a documented request (including a Congressional Record notice requesting testimony or statements for the record at a regularly scheduled hearing) made by the recipient member, legislative body or subdivision, or a cognizant staff member thereof; provided such information is readily obtainable and can be readily put in deliverable form; and further provided that costs under this section for travel, lodging or meals are unallowable unless incurred to offer testimony at a regularly scheduled Congressional hearing pursuant to a written request for such presentation made by the Chairman or Ranking Minority Member of the Committee or Subcommittee conducting such hearing.
- (2) Any lobbying made unallowable by subparagraph A (3) to influence State legislation in order to directly reduce the cost, or to avoid material impairment of the organization's authority to perform the grant, contract, or other agreement.
- (3) Any activity specifically authorized by statute to be undertaken with funds from the grant, contract, or other agreement.

Paragraph C.

- (1) When an organization seeks reimbursement for indirect costs, total lobbying costs shall be separately identified in the indirect cost rate proposal, and thereafter treated as other unallowable activity costs in accordance with the procedures of subparagraph B.(3).
- (2) Organizations shall submit, as part of the annual indirect cost rate proposal, a certification that the requirements and standards of this paragraph have been complied with.
- (3) Organizations shall maintain adequate records to demonstrate that the determination of costs as being allowable or unallowable pursuant to this section complies with the requirements of this Circular.
- (4) Time logs, calendars, or similar records shall not be required to be created for purposes of complying with this paragraph during any particular calendar month when: (1) the employee engages in lobbying (as defined in subparagraphs (a) and (b)) 25 percent or less of the employee's compensated hours of employment during that calendar month, and (2) within the preceding five-year period, the organization has not materially misstated allowable or unallowable costs of any nature, including legislative lobbying costs. When conditions (1) and (2) are met, organizations are not required to establish records to support the allowability of claimed costs in addition to records already required or maintained. Also, when conditions (1) and (2) are met, the absence of time logs, calendars, or similar records will not serve as a basis for disallowing costs by contesting estimates of lobbying time spent by employees during a calendar month.

- (5) Agencies shall establish procedures for resolving in advance, in consultation with OMB, any significant questions or disagreements concerning the interpretation or application of this section. Any such advance resolution shall be binding in any subsequent settlements, audits or investigations with respect to that grant or contract for purposes of interpretation of this Circular; provided, however, that this shall not be construed to prevent a contractor or grantee from contesting the lawfulness of such a determination.

Paragraph D.

Executive lobbying costs. Costs incurred in attempting to improperly influence either directly or indirectly, an employee or officer of the Executive Branch of the Federal Government to give consideration or to act regarding a sponsored agreement or a regulatory matter are unallowable. Improper influence means any influence that induces or tends to induce a Federal employee or officer to give consideration or to act regarding a federally sponsored agreement or regulatory matter on any basis other than the merits of the matter.

Signature

Title

Agency/Organization

Date

(Certification signature should be same as Contract signature.)

ATTACHMENT H
CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY
AND VOLUNTARY EXCLUSION-LOWER TIER COVERED TRANSACTIONS

Orange County Department of Social Services

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of the fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant will provide immediate written notice to the person to which the proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter any lower tier covered transaction with a person who is debarred, suspended, determined ineligible or voluntarily excluded from participation in this covered transaction unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency of which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized in paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension, and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Signature Title

Agency/Organization Date

(Certification signature should be same as Contract signature.)

ATTACHMENT N
OUTCOMES AND REPORTING

Orange County Department of Social Services

By signing and submitting this document, the Contractor certifies that it agrees to the following:

- 1. The Contractor agrees to participate in program, fiscal and administrative monitoring and/or audits, making records and staff time available to Federal, State and County staff.
- 2. The Contractor agrees to take necessary steps for corrective action, as negotiated within a corrective action plan, for any items found to be out of compliance with Federal, State, and County laws, regulations, standards and/or terms of the Contract.
- 3. The Contractor agrees that continuation of and/or renewal of this Contract is contingent on meeting the following requirements. The Contractor agrees to:
 - A. Assure that all court proceedings be conducted within the timeframes required by General Statute.
 - B. Provide case consultation to Orange County Department of Social Services staff within a reasonable timeframe so as to assure client safety and compliance with North Carolina laws and regulations.
 - C. Assure that all court orders are prepared in a timely manner.

Signature

Title

Agency/Organization

Date

(Certification signature should be same as Contract signature.)

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 7, 2013

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

SUBJECT: Renewal of Contract for Social Work Services Between Orange County Schools and Orange County Department of Social Services

DEPARTMENT: Social Services

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):
Contract

INFORMATION CONTACT:
Nancy Coston, 245-2800

PURPOSE: To consider renewal of the contract between the Orange County Schools and the Orange County Department of Social Services for the provision of eight Department of Social Services positions and related supervision to provide social work and case management services in the schools.

BACKGROUND: The Orange County Schools system had determined a need for additional social workers to expand services to students within the district. The original contract added four positions, in addition to the four employed by the schools, to serve at risk children. In 2005-2006, three additional social workers were added so that all schools had a social worker assigned. With the opening of Gravelly Hill Middle School in FY 2006-2007, one new worker was requested. Services include identification of family, economic and social issues impacting the ability of students to have successful academic outcomes, provision of counseling to children and families with certain risk factors, and provision of other supportive services to address the identified problems.

The Orange County Department of Social Services has as a part of its mission the prevention of abuse and neglect of children as well as the promotion of self-sufficiency and family well-being. The Department has federal Medicaid funding available through a program called At-Risk Case Management to assist certain at-risk families. This particular service requires a local match and service must be provided by employees of a local department of social services.

Through a contractual arrangement, Orange County Department of Social Services began providing services to the Orange County Schools in January 2005. The staff are located at the schools although they are employees of the Department of Social Services. The social work positions are contingent on the existence of this contract and staff members hired into those positions are informed of this contingency. Social work staff are hired, supervised, and trained by the Department of Social Services in regular communication and consultation with

appropriate school staff. This is the same methodology currently in place between the Orange County Department of Social Services and the UNC Hospitals for the employment of Medicaid workers.

This program utilizes a very specific type of Medicaid funding. Should these funds cease to be available, the program will be discontinued. The School Social Workers are **not** part of the 48.1% target calculation for school funding. The five (5) components which make up the 48.1% target are Current Expense, Recurring Capital, Long Range Capital, Debt Service, and Fair Funding.

FINANCIAL IMPACT: The Department of Social Services will bill Medicaid when the client and service meet the eligibility requirements. All other costs for the positions will be billed to the Orange County Schools system. The Orange County Schools system will pay these costs from funds available in the approved budget. No additional County funds are being requested. Orange County Schools also recognizes that this pass-through, contractual arrangement does not represent an increase in its continuing budget as far as State-prescribed per pupil funding is concerned. Should any of the funding sources cease to be available, the program will be discontinued.

RECOMMENDATION(S): The Manager recommends the Board:

- 1) Accept the recommendation of the Social Services Board and renew the contract for eight permanent full time social worker positions and supervision to be funded through the contract; and
- 2) Authorize the County Manager to sign this agreement, any future agreements, and any amendments to these agreements subject to County Attorney review and contingent upon the continuation of federal and contract funding and approval of the annual County budget.

STATE OF NORTH CAROLINA
 COUNTY OF ORANGE

AGREEMENT BETWEEN
 THE ORANGE COUNTY SCHOOLS
 AND
 ORANGE COUNTY, NORTH CAROLINA

THIS AGREEMENT, made and entered into this the 1st day of July, 2013 by and between The Orange County School System (“Orange County Schools”) and Orange County (“County”) by and through the Orange County Department of Social Services, (“DSS”) both located in Hillsborough, Orange County, North Carolina.

WITNESSETH:

WHEREAS, the parties have agreed with each other that DSS will provide certain services for Orange County Schools; and

WHEREAS, Orange County Schools have agreed to pay certain compensation for said service and the parties desire to execute this contract to delineate their understanding of this agreement; and

WHEREAS, DSS is authorized by the State Division of Medical Assistance to provide case management services to Medicaid eligible children at risk of abuse or neglect and is eligible to receive certain Medicaid reimbursement for the costs of providing this service; and

WHEREAS, many of the children served by Orange County Schools are Medicaid eligible;

NOW, THEREFORE, the parties hereby agree as follows:

1. Term. This Agreement shall be effective from July 1, 2013 to June 30, 2014. This Agreement may be renewed annually by the parties; however, the parties agree to review the terms of the Agreement by May 31st of each year.
2. DSS agrees to the following:
 - a. Scope of Services. To provide eight social work staff to provide services exclusively to referrals of the Orange County Schools.
 - i. The Social Workers shall provide case management services to Medicaid eligible children at risk of abuse or neglect. Services may include identification of family, economic and social issues impacting the ability of students to have successful academic outcomes, provision of counseling

to children and families with certain risk factors, and provision of other supportive services to address the identified problems.

- ii. The social workers shall be employees of Orange County and will be directly supervised by and accountable to DSS.
- b. Other Supportive Services. To provide other supportive services without additional charge to Orange County Schools including continuing program training of social workers, verification of Medicaid eligibility, and Medicaid billing and reconciliation.
3. Orange County Schools agrees to the following:
- a. Payment. Orange County Schools agrees to reimburse Orange County within 30 days of receipt of monthly billings for the county's share of the salary, benefits, and all indirect costs, including travel costs, of the eight social work staff assigned to the Orange County Schools not covered by Medicaid.
 - b. Other Supportive Services. To provide supportive services without charge to DSS including: office space; parking space; office equipment; clerical support; and telephone service.
 - c. Liaison Assigned. Due to the nature of this agreement, a close working relationship between the two organizations is essential. To facilitate this relationship, Orange County Schools and DSS will establish liaisons to provide coordination and oversight. Assignment of work to the social workers and coordination of sick, vacation, and other leave will be the joint responsibility of the liaisons.
 - d. The Social Workers shall be employed by Orange County; however, Orange County Schools shall participate in the interviewing and selection process utilized by DSS for the hiring of the social workers covered by this agreement in accordance with the Orange County Personnel Ordinance and Office of State Personnel Policy.
4. The Parties agree to the following:
- a. Compensation. Compensation for the cost of the social work services will be provided by a federally funded Medicaid Program entitled "At Risk Case Management" with a local match provided by Orange County Schools.
 - i. DSS will bill the Medicaid At Risk Case Management Services when the client and services to children at risk of abuse of neglect meet eligibility requirements for these funds.

- ii. DSS will provide a monthly invoice to Orange County Schools for reimbursement of the costs of the social workers not covered by Medicaid. The County's invoice will include all costs associated with the social worker positions including costs for salary and benefits of the social workers based on the Orange County pay plan; FICA taxes; local government retirement; vacation, sick, petty, or other leave under approved county plan; paid holidays as observed by county; county paid insurance (health, dental, and life) and all other costs associated with these positions.
 - iii. Orange County will not provide any funds to cover the cost of the social workers, if the costs provided by either Orange County Schools or the Medicaid At Risk Case Management Services cease to exist this Agreement will be terminated unless another source of funding can be identified.
 - b. Work together to develop procedures for referral and service provision for students at the schools.
 - c. Coordination of Work Assignments and Leave. Assignment of work to the social workers and coordination of sick, vacation, and other leave will be the joint responsibility of the liaisons and DSS.
 - d. Performance of Social Workers. Although the Social Workers are Orange County DSS employees, if at any time Orange County Schools determines that a social worker's performance or professional interactions are inadequate or inappropriate, Orange County Schools may request that DSS initiate appropriate action to correct or dismiss that employee. Any disciplinary action shall be pursued in compliance with the Orange County Personnel Ordinance and the State Personnel Act. Upon request, Orange County Schools shall provide sufficient documentation to support any such action.
 - e. Business Associates Agreement. To abide by the conditions set forth in attached Business Associate Agreement, which is attached hereto and incorporated by reference.
5. Termination.
- a. This Agreement or its renewals may be terminated at any time without penalty by either party provided that written notice of such termination is furnished to the other party at least 60 days prior to termination.
 - b. This contract may be terminated within 30 days if sufficient funds are not available to pay the costs of the positions.

- c. In the event of such termination any payment shall be prorated to the date of termination.
6. Indemnity. Orange County Schools agrees to defend, indemnify and hold harmless the County from all loss, liability, claims or expense, including attorney's fees, arising out of or related to the Agreement and arising from bodily injury including death or property damage to any person or persons caused in whole or in part by the negligence or misconduct of the Orange County Schools except to the extent same are caused by the negligence or willful misconduct of the DSS. It is the intent of this provision to require the Orange County Schools to indemnify the County to the fullest extent permitted under North Carolina law.
 7. Amendments or Modification. This Agreement shall not be altered, amended or modified, except by an agreement in writing executed by the duly authorized officials of both parties.
 8. Subcontract or Assignment. The County shall not sub-contract out any of the services provided for in this Agreement or make any assignment of this Agreement (including rights to payments) without the prior written consent of the Orange County Schools.
 9. Relationship of the Parties. The County is an independent contractor. Neither the County nor any employee of the County shall be deemed to be an officer, employee or agent of Orange County Schools. County personnel shall not be employees of, or have any contractual relationship with the Orange County Schools.
 10. Intent to be Bound. The parties have read this Agreement, including the Business Associates Agreement attached, and agree to be bound by all of its terms, and further agree that the documents constitute the complete and exclusive statement of the Agreement between the parties.
 11. Entire Understanding. The Agreement contains the entire understanding of the parties and shall not be altered, amended or modified, except by an agreement in writing executed by the duly authorized officials of both parties.
 12. Governing Law. The laws of North Carolina shall govern the validity and interpretation of the provisions, terms and conditions of this Agreement.
 13. Notices. Any notice required by this Agreement shall be in writing and delivered by certified or registered mail, return receipt requested to the following:

Orange County Social Services
 Nancy Coston
 Director
 P.O. Box 8181
 Hillsborough, NC 27278

Orange County Schools
 Alex Herring
 Student Discipline Officer
 200 East King Street
 Hillsborough, NC 27278

IN WITNESS WHEREOF, the parties hereto have caused this contract to be signed by its duly authorized officials.

FOR AND ON BEHALF OF:
ORANGE COUNTY, NORTH CAROLINA

FOR AND ON BEHALF OF:
THE ORANGE COUNTY SCHOOLS

County Manager, Orange County

Superintendent, Orange County Schools

DATE:_____

DATE:_____

Attest:

Clerk of the Orange County
Board of Commissioners

[SEAL]

This instrument has been approved as to technical content.

Nancy Coston, Social Services Director Date

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Clarence. Grier, Director Date
Orange County Financial Services Director

This instrument has been approved as to form and legal sufficiency.

Annette M. Moore, Staff Attorney Date
Office of the County Attorney

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 7, 2013

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

SUBJECT: Renewal of Contracts with In-Home Aide Providers to Provide In-Home Aide Services to Eligible Adults

DEPARTMENT: Social Services and Aging **PUBLIC HEARING: (Y/N)**

ATTACHMENT(S): **INFORMATION CONTACT:**
Sample Contract with Attachments Nancy Coston, 245-2800
Janice Tyler, 245-4255

There are six total contracts for In-Home Aides that are the same.

PURPOSE: To continue the contracts to provide In-Home Aide Services with Arcadia Health Services, Inc., Premier Home Health Care Services, Inc., Personalized Patient Home Assistance, Inc., CNC Access, Inc., Flaircare, Inc., and TAMM, L.L.C. for eligible adults using a joint contract between the Department of Social Services and the Department on Aging and the Contractor.

BACKGROUND: The Department of Social Services and Department on Aging provide In-Home Aide Services to older and disabled adults. In-Home Aide involves the provision of paraprofessional services that assist functionally impaired older or disabled adults and/or their families with essential home management and personal care and/or supervision to enable the adult to remain at home as long as possible. These services vary in terms of amount and duration as indicated on an individualized case plan developed by County staff.

In an effort to streamline the contracting and approval process, the Department of Social Services and Department on Aging have developed a joint contract template to use with In-Home Aide Providers. The Departments contract with six providers to perform In-Home Aide Services for clients.

FINANCIAL IMPACT: Social Services has requested \$415,647 for in-home services provided by these six providers during next year's budget. This amount is the same as last year. \$207,824 of these costs will be paid with State and Federal dollars. Aging has requested \$75,000 for in-home services provided by these six providers. This amount is the same as last year. It should be noted that County staff continues to encourage the providers to pay a living wage to their employees.

These contracts do not guarantee that this amount of funds will be made available to the providers, but rather assures availability of contracted providers when needed for individuals in Orange County.

RECOMMENDATION(S): The Manager recommends the Board:

1. Approve the contract renewals using a joint contract with Arcadia Health Services, Inc., Premier Home Health Care Services, Inc., Personalized Patient Home Assistance, Inc., CNC Access, Inc., Flaircare, Inc. and TAMM, L.L.C. for FY 2013-2014; and
2. Authorize the County Manager to sign these contracts, any future contracts, and any amendments to these contracts subject to County Attorney review and contingent upon approval of the annual County budget.

CONTRACT # 68-2012 **Fiscal Year Begins** July1, 2013 **Ends** June 30, 2014

NORTH CAROLINA
ORANGE COUNTY

IN-HOME AIDE PROVIDER SERVICES AGREEMENT

THIS AGREEMENT, is made and entered into this ___ day of _____, 2013 by and between Orange County, North Carolina for and on behalf of the Orange County Department of Social Services and the Orange County Department of Aging (the "County"); and CNC/Access, Inc. d/b/a ResCare HomeCare (the "Contractor") whose federal tax identification number or Social Security Number is: _____.

WITNESSETH:

For the purpose and subject to the terms and conditions hereinafter set forth, the County hereby contracts for the services of the Contractor, and the Contractor agrees to provide the services to the County in accordance with the terms of this Agreement.

1. Contract Documents: This Agreement consists of this document as well as each of the documents listed below as indicated (collectively referred to as the "Contract Documents"). If the word "Yes" appears beside the title of the contract document at the time both parties execute this Agreement, then that document is included as part of this Agreement. If the word "No" appears beside the title of the contract document at the time both parties execute this Agreement, then that document is not included as part of this Agreement. Each of the Contract Documents made part hereof are attached hereto and incorporated herein by reference to the same:

<u>TITLE OF CONTRACT DOCUMENT</u>	<u>YES/NO</u>
(1) The General Terms and Conditions (Attachment A)	<u>YES</u>
(2) The Scope of Work, services, and rate (Attachment B)	<u>YES</u>
(3) Federal Drug Free Workplace & Nondiscrimination Certification (Attachment C)	<u>YES</u>
(4) Conflict of Interest Policy (Attachment D)	<u>YES</u>
(5) No Overdue Taxes Certification (Attachment E)	<u>YES</u>
(6) Certification Regarding Lobbying (Attachment G)	<u>YES</u>
(7) Certification Regarding Debarment (Attachment H)	<u>YES</u>
(8) Business Associate Addendum (Attachment I)	<u>YES</u>
(9) Certification Regarding Transportation (Attachment J)	<u>YES</u>

- (10) Outcomes & Reporting (Attachment N) YES
- (11) Contract Determination Questionnaire YES

2. Precedence Among Contract Documents: In the event of a conflict between or among the terms of the Contract Documents and this Agreement, the terms of this Agreement shall control. In the event of a conflict between or among the terms of the Contract Documents, then the Contract Documents with the highest relative precedence shall prevail. The order of precedence shall be the order of documents as listed in Section 1, above, with Attachment A having precedence over Attachment B and so forth. If there are multiple Contract Amendments, the most recent amendment shall have the highest precedence and the oldest amendment shall have the lowest precedence.

3. Effective Period: This Agreement shall be effective from July 1, 2013 through June 30, 2014.

4. Contractor's Duties: The Contractor shall provide the services to the County described in Attachment B in accordance with the approved rate as described in Attachment B, Scope of Work, and shall meet the requirements set forth in Attachment N, Outcomes and Reporting.

5. County's Duties: The County shall pay the Contractor in the manner and in the amounts specified in the Contract Documents.

(a) The total amount paid by the County to the Contractor under this Agreement for the provision of services to the Department of Social Services shall not exceed: \$415,647. This amount consists of \$415,647 in Federal, State and County funds (CFDA # _____), \$0 (*source of other funds if applicable*).

(b) The total amount paid by the County to the Contractor under this Agreement for the provision of services to the Department on Aging shall not exceed: \$75,000. This amount consists of \$75,000 in Federal, State and County funds (CFDA # _____), \$0 (*source of other funds if applicable*).

(c) There are no matching requirements from the Contractor.

(d) The Contractor's matching requirement is \$_____, which shall consist of:

<input type="checkbox"/> In-kind	<input type="checkbox"/> Cash
<input type="checkbox"/> Cash and In-kind	<input type="checkbox"/> Cash and/or In-kind

The contributions from the Contractor for matching requirements for the provision of services to the Department of Social Services shall be sourced from non-federal funds.

6. Reporting Requirements: Contractor shall comply with audit requirements as described in N.C.G.S. § 143-6-22 & 23 and OMB Circular A-133.

7. Payment Provisions: Payment shall be made in accordance with the Contract Documents as described in the Scope of Work, Attachment B.

8. Contract Administrators: All notices permitted or required to be given by one Party to the other and all questions about the contract from one Party to the other shall be addressed and delivered to the other Party's Contract Administrator. The name, post office address, street address, telephone

number, fax number, and email address of the Parties' respective initial Contract Administrators are set out below. Either party may change the name, post office address, street address, telephone number, fax number, or email address of its Contract Administrator by giving timely written notice to the other Party.

For Services Performed on Behalf of the Department of Social Services:

IF DELIVERED BY US POSTAL SERVICE	IF DELIVERED BY ANY OTHER MEANS
Renee Bynum, Adult Services Supervisor Orange County Department of Social Services P.O. Box 8181 Hillsborough, NC 27278 (919) 245-2881 (919) 644-3005 bynum@co.orange.nc.us	Renee Bynum, Adult Services Supervisor Orange County Department of Social Services 113 Mayo Street Hillsborough, NC 27278

For Services Performed on Behalf of the Department on Aging:

IF DELIVERED BY US POSTAL SERVICE	IF DELIVERED BY ANY OTHER MEANS
Janice Tyler, Director Orange County Department on Aging 2551 Homestead Road Chapel Hill, NC 27516 (919) 968-2071 jtyler@co.orange.nc.us	Janice Tyler, Director Orange County Department on Aging 2551 Homestead Road Chapel Hill, NC 27516

For the Contractor:

IF DELIVERED BY US POSTAL SERVICE	IF DELIVERED BY ANY OTHER MEANS
Rick Godwin CNC Access, Inc. 830 Tyvola Road Suite 104A Charlotte, NC 28217 (704) 405-9035	Rick Godwin CNC Access, Inc. 830 Tyvola Road Suite 104A Charlotte, NC 28217

9. No Assignment or Sub-Contract: Contractor shall not sub-contract out any of the services provided for in this Agreement or make any assignment of this Agreement (including rights to payments) without the prior written Consent of the County as specified more fully in Attachment A, General Terms and Conditions.

10. Relationship of the Parties: Contractor is an independent contractor of the County. Contractor represents that it has or will secure, at its own expense, all personnel required in performing the services under this Agreement. Such personnel shall not be employees of or have any contractual relationship with the County. All personnel engaged in work under this Agreement shall be fully qualified and shall be authorized or permitted under state and local law to perform such services. It is

further agreed by Contractor that it shall obey all State and Federal statutes, rules and regulations which are applicable to provisions of the services called for herein. Neither Contractor nor any employee of the Contractor shall be deemed an officer, employee or agent of the County.

11. Termination: This Agreement may be terminated as specified in Attachment A, General Terms And Conditions.

12. Insurance Requirements: Contractor shall obtain, at its sole expense, all insurance as required in Attachment A, General Terms And Conditions.

13. Indemnification: Contractor agrees to defend, indemnify, and hold harmless the County, for all loss, liability, claims or expense (including reasonable attorney's fees) arising from bodily injury, including death or property damage, to any person or persons caused in whole or in part by Contractor in accordance with Attachment A, General Terms And Conditions. It is the intent of this Section that Contractor indemnify County to the full extent permitted by law.

14. Entire Agreement: The parties have read this Agreement, including the Contract Documents, and agree to be bound by all of its terms, and further agree that it constitutes the complete and exclusive statement of the Agreement between the parties.

15. Interpretation: When the context in which words are used in this Agreement indicates that such is the intent, words shall in the singular number shall include the plural and vice versa. The masculine gender shall include the feminine and neuter.

IN WITNESS WHEREOF, the County and the Contractor have been first duly authorized, have executed and entered into this Agreement as of the day and year first above written.

CNC/ACCESS, INC. D/B/A RESCARE HOMECARE

By: _____
Signature Date

Printed Name Title

ORANGE COUNTY, NORTH CAROLINA

By: _____
Frank Clifton, County Manager Date

NAME OF SUPERVISING DEPARTMENTS

Nancy Coston, Social Services Department Director Signature Date

Janice Tyler, Department of Aging Director Signature Date

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Clarence G. Grier, Asst. County Manager/CFO Date

This contract has been approved as to form and legal sufficiency.

Annette M. Moore, County Attorney's Office Date

ATTACHMENT A GENERAL TERMS AND CONDITIONS

Orange County Department of Social Services and Orange County Department on Aging

Relationships of the Parties

Independent Contractor: The Contractor is and shall be deemed to be an independent contractor in the performance of this contract and as such shall be wholly responsible for the work to be performed and for the supervision of its employees. The Contractor represents that it has, or shall secure at its own expense, all personnel required in performing the services under this agreement. Such employees shall not be employees of, or have any individual contractual relationship with the County.

Subcontracting: The Contractor shall not subcontract any of the work contemplated under this contract without prior written approval from the County. Any approved subcontract shall be subject to all conditions of this contract. Only the subcontractors specified in the contract documents are to be considered approved upon award of the contract. The County shall not be obligated to pay for any work performed by any unapproved subcontractor. The Contractor shall be responsible for the performance of all of its subcontractors.

Assignment: No assignment of the Contractor's obligations or the Contractor's right to receive payment hereunder shall be permitted. However, upon written request approved by the issuing purchasing authority, the County may:

- (a) Forward the Contractor's payment check(s) directly to any person or entity designated by the Contractor, or
- (b) Include any person or entity designated by Contractor as a joint payee on the Contractor's payment check(s).

In no event shall such approval and action obligate the County to anyone other than the Contractor and the Contractor shall remain responsible for fulfillment of all contract obligations.

Beneficiaries: Except as herein specifically provided otherwise, this contract shall inure to the benefit of and be binding upon the parties hereto and their respective successors. It is expressly understood and agreed that the enforcement of the terms and conditions of this contract, and all rights of action relating to such enforcement, shall be strictly reserved to the County and the named Contractor. Nothing contained in this document shall give or allow any claim or right of action whatsoever by any other third person. It is the express intention of the County

and Contractor that any such person or entity, other than the County or the Contractor, receiving services or benefits under this contract shall be deemed an incidental beneficiary only.

Indemnity and Insurance

Indemnification: The Contractor agrees to indemnify and hold harmless the County and any of their officers, agents and employees, from any claims of third parties arising out or any act or omission of the Contractor in connection with the performance of this contract.

Insurance: During the term of the contract, the Contractor at its sole cost and expense shall provide commercial insurance of such type and with such terms and limits as may be reasonably associated with the contract. As a minimum, the Contractor shall provide and maintain the following coverage and limits:

- (a) **Worker's Compensation** - The contractor shall provide and maintain Worker's Compensation Insurance as required by the laws of North Carolina, as well as employer's liability coverage with minimum limits of \$500,000.00, covering all of Contractor's employees who are engaged in any work under the contract. If any work is sublet, the Contractor shall require the subcontractor to provide the same coverage for any of his employees engaged in any work under the contract.
- (b) **Commercial General Liability** - General Liability Coverage on a Comprehensive Broad Form on an occurrence basis in the minimum amount of \$1,000,000.00 Combined Single Limit. (Defense cost shall be in excess of the limit of liability.)
- (c) **Automobile Liability Insurance:** The Contractor shall provide automobile liability insurance with a combined single limit of \$500,000.00 for bodily injury and property damage; a limit of \$500,000.00 for uninsured/under insured motorist coverage; and a limit of \$25,000.00 for medical payment coverage. The Contractor shall provide this insurance for all automobiles that are:
 - (a) owned by the Contractor and used in the performance of this contract;
 - (b) hired by the Contractor and used in the performance of this contract; and

- (c) Owned by Contractor's employees and used in performance of this contract ("non-owned vehicle insurance"). Non-owned vehicle insurance protects employers when employees use their personal vehicles for work purposes. Non-owned vehicle insurance supplements, but does not replace, the car-owner's liability insurance.

The Contractor is not required to provide and maintain automobile liability insurance on any vehicle – owned, hired, or non-owned -- unless the vehicle is used in the performance of this contract.

- (d) The insurance coverage minimums specified in subparagraph (a) are exclusive of defense costs.
- (e) The Contractor understands and agrees that the insurance coverage minimums specified in subparagraph (a) are not limits, or caps, on the Contractor's liability or obligations under this contract.
- (f) The Contractor may obtain a waiver of any one or more of the requirements in subparagraph (a) by demonstrating that it has insurance that provides protection that is equal to or greater than the coverage and limits specified in subparagraph (a). The County shall be the sole judge of whether such a waiver should be granted.
- (g) The Contractor may obtain a waiver of any one or more of the requirements in paragraph (a) by demonstrating that it is self-insured and that its self-insurance provides protection that is equal to or greater than the coverage and limits specified in subparagraph (a). The County shall be the sole judge of whether such a waiver should be granted.
- (h) Providing and maintaining the types and amounts of insurance or self-insurance specified in this paragraph is a material obligation of the Contractor and is of the essence of this contract.
- (i) The Contractor shall only obtain insurance from companies that are authorized to provide such coverage and that are authorized by the Commissioner of Insurance to do business in the State of North Carolina. All such insurance shall meet all laws of the State of North Carolina.
- (j) The Contractor shall comply at all times with all lawful terms and conditions of its insurance policies and all lawful requirements of its insurer.
- (k) The Contractor shall require its subcontractors to comply with the requirements of this paragraph.
- (l) The Contractor shall demonstrate its compliance with the requirements of this paragraph by submitting certificates of insurance to the County before the Contractor begins work under this contract.

The contractor will maintain Insurance requirements if required as noted under Article 7 Rule R2-36 of the North Carolina Utilities Commission.

Default and Termination

Termination Without Cause: The County may terminate this contract without cause by giving 30 days written notice to the Contractor.

Termination for Cause: If, through any cause, the Contractor shall fail to fulfill its obligations under this contract in a timely and proper manner, the County shall have the right to terminate this contract by giving written notice to the Contractor and specifying the effective date thereof. In that event, all finished or unfinished deliverable items prepared by the Contractor under this contract shall, at the option of the County, become its property and the Contractor shall be entitled to receive just and equitable compensation for any satisfactory work completed on such materials, minus any payment or compensation previously made. Notwithstanding the foregoing provision, the Contractor shall not be relieved of liability to the County for damages sustained by the County by virtue of the Contractor's breach of this agreement, and the County may withhold any payment due the Contractor for the purpose of setoff until such time as the exact amount of damages due the County from such breach can be determined. In case of default by the Contractor, without limiting any other remedies for breach available to it, the County may procure the contract services from other sources and hold the Contractor responsible for any excess cost occasioned thereby. The filing of a petition for bankruptcy by the Contractor shall be an act of default under this contract.

Waiver of Default: Waiver by the County of any default or breach in compliance with the terms of this contract by the Provider shall not be deemed a waiver of any subsequent default or breach and shall not be construed to be modification of the terms of this contract unless stated to be such in writing, signed by an authorized representative of the County and the Contractor and attached to the contract.

Availability of Funds: The parties to this contract agree and understand that the payment of the sums specified in this contract is dependent and contingent upon and subject to the appropriation, allocation, and availability of funds for this purpose to the County.

Force Majeure: Neither party shall be deemed to be in default of its obligations hereunder if and so long as it is prevented from performing such obligations by any act of

war, hostile foreign action, nuclear explosion, riot, strikes, civil insurrection, earthquake, hurricane, tornado, or other catastrophic natural event or act of God.

Survival of Promises: All promises, requirements, terms, conditions, provisions, representations, guarantees, and warranties contained herein shall survive the contract expiration or termination date unless specifically provided otherwise herein, or unless superseded by applicable Federal or State statutes of limitation.

Intellectual Property Rights

Copyrights and Ownership of Deliverables: All deliverable items produced pursuant to this contract are the exclusive property of the County. The Contractor shall not assert a claim of copyright or other property interest in such deliverables.

Federal Intellectual Property Bankruptcy Protection Act: The Parties agree that the County shall be entitled to all rights and benefits of the Federal Intellectual Property Bankruptcy Protection Act, Public Law 100-506, codified at 11 U.S.C. 365 (n) and any amendments thereto.

Compliance with Applicable Laws

Compliance with Laws: The Contractor shall comply with all laws, ordinances, codes, rules, regulations, and licensing requirements that are applicable to the conduct of its business, including those of federal, state, and local agencies having jurisdiction and/or authority.

Title VI, Civil Rights Compliance: In accordance with Federal law and U.S. Department of Agriculture (USDA) and U.S. Department of Health and Human Services (HHS) policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age or disability. Under the Food Stamp Act and USDA policy, discrimination is prohibited also on the basis of religion or political beliefs.

Equal Employment Opportunity: The Contractor shall comply with all federal and State laws relating to equal employment opportunity.

Health Insurance Portability and Accountability Act (HIPAA): The Contractor agrees that, if the County determines that some or all of the activities within the scope of this contract are subject to the Health Insurance Portability and Accountability Act of 1996, P.L. 104-91, as amended ("HIPAA"), or its implementing regulations, it will comply with the HIPAA requirements and will

execute such agreements and practices as the County may require to ensure compliance.

Trafficking Victims Protection Act of 2000 :

The Contractor will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act of 2000, as amended (22 U.S.C. 7104)

Confidentiality

Confidentiality: Any information, data, instruments, documents, studies or reports given to or prepared or assembled by the Contractor under this agreement shall be kept as confidential and not divulged or made available to any individual or organization without the prior written approval of the County. The Contractor acknowledges that in receiving, storing, processing or otherwise dealing with any confidential information it will safeguard and not further disclose the information except as otherwise provided in this contract.

Oversight

Access to Persons and Records: The State Auditor shall have access to persons and records as a result of all contracts or grants entered into by State agencies or political subdivisions in accordance with General Statute 147-64.7. Additionally, as the State funding authority, the Department of Health and Human Services shall have access to persons and records as a result of all contracts or grants entered into by State agencies or political subdivisions.

Record Retention: Records shall not be destroyed, purged or disposed of without the express written consent of the County. The North Carolina State basic records retention policy requires all grant records to be retained for a minimum of five years or until all audit exceptions have been resolved, whichever is longer. If the contract is subject to federal policy and regulations, record retention may be longer than five years since records must be retained for a period of three years following submission of the final Federal Financial Status Report, if applicable, or three years following the submission of a revised final Federal Financial Status Report. Also, if any litigation, claim, negotiation, audit, disallowance action, or other action involving this Contract has been started before expiration of the five-year retention period described above, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular five-year period described above, whichever is later.

Warranties and Certifications

Date and Time Warranty: The Contractor warrants that the product(s) and service(s) furnished pursuant to this contract ("product" includes, without limitation, any piece of equipment, hardware, firmware, middleware, custom or commercial software, or internal components, subroutines, and interfaces therein) that perform any date and/or time data recognition function, calculation, or sequencing will support a four digit year format and will provide accurate date/time data and leap year calculations. This warranty shall survive the termination or expiration of this contract.

Certification Regarding Collection of Taxes: G.S. 143-59.1 bars the Secretary of Administration from entering into contracts with vendors that meet one of the conditions of G.S. 105-164.8(b) and yet refuse to collect use taxes on sales of tangible personal property to purchasers in North Carolina. The conditions include: (a) maintenance of a retail establishment or office; (b) presence of representatives in the State that solicit sales or transact business on behalf of the vendor; and (c) systematic exploitation of the market by media-assisted, media-facilitated, or media-solicited means. The Contractor certifies that it and all of its affiliates (if any) collect all required taxes.

Miscellaneous

Choice of Law: The validity of this contract and any of its terms or provisions, as well as the rights and duties of the parties to this contract, are governed by the laws of North Carolina. The Contractor, by signing this contract, agrees and submits, solely for matters concerning this Contract, to the exclusive jurisdiction of the courts of North Carolina and agrees, solely for such purpose, that the exclusive venue for any legal proceedings shall be Orange County, North Carolina. The place of this contract and all transactions and agreements relating to it, and their situs and forum, shall be Orange County, North Carolina, where all matters, whether sounding in contract or tort, relating to the validity, construction, interpretation, and enforcement shall be determined.

Amendment: This contract may not be amended orally or by performance. Any amendment must be made in written form and executed by duly authorized representatives of the County and the Contractor.

Severability: In the event that a court of competent jurisdiction holds that a provision or requirement of this contract violates any applicable law, each such provision or requirement shall continue to be enforced to the extent it is not in violation of law or is not otherwise unenforceable.

and all other provisions and requirements of this contract shall remain in full force and effect.

Headings: The Section and Paragraph headings in these General Terms and Conditions are not material parts of the agreement and should not be used to construe the meaning thereof.

Time of the Essence: Time is of the essence in the performance of this contract.

Executive Order # 24: "By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor). This prohibition covers those vendors and contractors who have a contract with a governmental agency; or have performed under such a contract within the past year; or anticipate bidding on such a contract in the future.

For additional information regarding the specific requirements and exemptions, vendors and contractors are encouraged to review Executive Order 24 and G.S. Sec. 133-32.

Executive Order 24 also encouraged and invited other State Agencies to implement the requirements and prohibitions of the Executive Order to their agencies. Vendors and contractors should contact other State Agencies to determine if those agencies have adopted Executive Order 24."

Key Personnel: The Contractor shall not replace any of the key personnel assigned to the performance of this contract without the prior written approval of the County. The term "key personnel" includes any and all persons identified as such in the contract documents and any other persons subsequently identified as key personnel by the written agreement of the parties.

Care of Property: The Contractor agrees that it shall be responsible for the proper custody and care of any property furnished to it for use in connection with the performance of this contract and will reimburse the County for loss of,

or damage to, such property. At the termination of this contract, the Contractor shall contact the County for instructions as to the disposition of such property and shall comply with these instructions.

Travel Expenses: Reimbursement, if provided in this Agreement, to the Contractor for travel mileage, meals, lodging and other travel expenses incurred in the performance of this contract shall not exceed the rates established in County policy.

Sales/Use Tax Refunds: If eligible, the Contractor and all subcontractors shall: (a) ask the North Carolina Department of Revenue for a refund of all sales and use taxes paid by them in the performance of this contract, pursuant to G.S. 105-164.14; and (b) exclude all refundable sales and use taxes from all reportable

expenditures before the expenses are entered in their reimbursement reports.

Advertising: The Contractor shall not use the award of this contract as a part of any news release or commercial advertising.

Orange County Living Wage: Orange County is committed to providing its employees with a living wage and encourages agencies to which it provides funding to pursue the same goal. The County's living wage hourly standard, as adopted by the Orange County Board of County Commissioners annually, can be found in the Orange County Budget Ordinance. To the extent possible, Orange County recommends that the Contractor and all subcontractors provide a living wage, as defined in this section, to their employees.

ATTACHMENT B
SCOPE OF WORK

Orange County Department of Social Services and Orange County Department on Aging

Federal Tax Id. or SSN _____
Contract # 68-2012

A. CONTRACTOR INFORMATION

1. Contractor Agency Name: CNC/Access, Inc. d/b/a ResCare HomeCare

2. *If different* from Contract Administrator Information in General Contract:
Address _____

Telephone Number: _____ Fax Number: _____ Email: _____

3. Name of Program (s): In-Home Services

4. Status: () Public () Private, Not for Profit (X) Private, For Profit

5. Contractor's Financial Reporting Year July 1, 2013 through June 30, 2014

B. Explanation of Services to be provided and to whom (include SIS Service Code): The Contractor will provide employees to perform in-home services for the Department of Social Services' clients and the Department on Aging's clients, at the level, amount and frequency specified by the social worker in the In-Home Aide Services Plan. (SIS Code 042) The Contractor will provide Level II Home Management and Level III Personal Care. The Contractor is required to meet all goals and outcomes listed in Attachment N.

C. Rate per unit of Service (define the unit):

1. If Standard Fixed Rate, Maximum Allowable, (See Rates for Services Chart)

\$14.40/hour

2. Negotiated County Rate.

D. Number of units to be provided: _____

E. Details of Billing process and Time Frames; The County will reimburse the Contractor for services described in this contract up to the budgetary limits of the contract allotment. The County will reimburse the Contractor at a rate of \$14.40/hour for approved services provided. For reimbursement, the Contractor must submit an original and two copies of an invoice by the fifth of the month for the preceding month's expenditures to the designated County Administrator. All invoices for the provision of services to the Department of Social Services shall be submitted to the Administrator for said Department. All invoices for the provision of services to the Department on Aging shall be submitted to the Administrator for said Department. The County will reimburse the Contractor monthly upon receipt of a complete and correctly filed report.

F. Area to be served/Delivery site(s): Orange County

Nancy Coston, Social Services Director

(Signature of Contractor)

(Date Submitted)

(Date Submitted)

Janice Tyler, Aging Director

(Date Submitted)

ATTACHMENT C
CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS
AND CERTIFICATION REGARDING NONDISCRIMINATION

Orange County Department of Social Services

- I. By execution of this Agreement the Contractor certifies that it will provide a drug-free workplace by:
- A. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the Contractor's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 - B. Establishing a drug-free awareness program to inform employees about:
 - (1) The dangers of drug abuse in the workplace;
 - (2) The Contractor's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
 - C. Making it a requirement that each employee be engaged in the performance of the agreement be given a copy of the statement required by paragraph (A);
 - D. Notifying the employee in the statement required by paragraph (A) that, as a condition of employment under the agreement, the employee will:
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
 - E. Notifying the County within ten days after receiving notice under subparagraph (D)(2) from an employee or otherwise receiving actual notice of such conviction;
 - F. Taking one of the following actions, within 30 days of receiving notice under subparagraph (D)(2), with respect to any employee who is so convicted:
 - (1) Taking appropriate personnel action against such an employee, up to and including termination; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency; and

Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (A), (B), (C), (D), (E), and (F).

II. The site(s) for the performance of work done in connection with the specific agreement are listed below:

1. _____
(Street address)

(City, county, state, zip code)

2. _____
(Street address)

(City, county, state, zip code)

Contractor will inform the County of any additional sites for performance of work under this agreement.

False certification or violation of the certification shall be grounds for suspension of payment, suspension or termination of grants, or government-wide Federal suspension or debarment (45 C.F.R. Section 82.510. Section 4 CFR Part 85, Section 85.615 and 86.620).

CERTIFICATION REGARDING NONDISCRIMINATION

The Vendor certifies that it will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (h) the Food Stamp Act and USDA policy, which prohibit discrimination on the basis of religion and political beliefs; and (i) the requirements of any other nondiscrimination statutes which may apply to this Agreement.

Signature

Title

Agency/Organization

Date

(Certification signature should be same as Contract signature.)

ATTACHMENT D**CONFLICT OF INTEREST POLICY**

Orange County Department of Social Services and Orange County Department on Aging

The Board of Directors/Trustees or other governing persons, officers, employees or agents are to avoid any conflict of interest, even the appearance of a conflict of interest. The Organization's Board of Directors/Trustees or other governing body, officers, staff and agents are obligated to always act in the best interest of the organization. This obligation requires that any Board member or other governing person, officer, employee or agent, in the performance of Organization duties, seek only the furtherance of the Organization mission. At all times, Board members or other governing persons, officers, employees or agents, are prohibited from using their job title, the Organization's name or property, for private profit or benefit.

A. The Board members or other governing persons, officers, employees, or agents of the Organization should neither solicit nor accept gratuities, favors, or anything of monetary value from current or potential contractors/vendors, persons receiving benefits from the Organization or persons who may benefit from the actions of any Board member or other governing person, officer, employee or agent. This is not intended to preclude bona-fide Organization fund raising-activities.

B. A Board or other governing body member may, with the approval of Board or other governing body, receive honoraria for lectures and other such activities while not acting in any official capacity for the Organization. Officers may, with the approval of the Board or other governing body, receive honoraria for lectures and other such activities while on personal days, compensatory time, annual leave, or leave without pay. Employees may, with the prior written approval of their supervisor, receive honoraria for lectures and other such activities while on personal days, compensatory time, annual leave, or leave without pay. If a Board or other governing body member, officer, employee or agent is acting in any official capacity, honoraria received in connection with activities relating to the Organization are to be paid to the Organization.

C. No Board member or other governing person, officer, employee, or agent of the Organization shall participate in the selection, award, or administration of a purchase or contract with a vendor where, to his knowledge, any of the following has a financial interest in that purchase or contract:

1. The Board member or other governing person, officer, employee, or agent;
2. Any member of their family by whole or half blood, step or personal relationship or relative-in-law;
3. An organization in which any of the above is an officer, director, or employee;
4. A person or organization with whom any of the above individuals is negotiating or has any arrangement concerning prospective employment or contracts.

D. Duty to Disclosure -- Any conflict of interest, potential conflict of interest, or the appearance of a conflict of interest is to be reported to the Board or other governing body or one's supervisor immediately.

E. Board Action -- When a conflict of interest is relevant to a matter requiring action by the Board of Directors/Trustees or other governing body, the Board member or other governing person, officer, employee, or agent (person(s)) must disclose the existence of the conflict of interest and be given the opportunity to disclose all material facts to the Board and members of

committees with governing board delegated powers considering the possible conflict of interest. After disclosure of all material facts, and after any discussion with the person, he/she shall leave the governing board or committee meeting while the determination of a conflict of interest is discussed and voted upon. The remaining board or committee members shall decide if a conflict of interest exists. In addition, the person(s) shall not participate in the final deliberation or decision regarding the matter under consideration and shall leave the meeting during the discussion of and vote of the Board of Directors/Trustees or other governing body.

F. Violations of the Conflicts of Interest Policy -- If the Board of Directors/Trustees or other governing body has reasonable cause to believe a member, officer, employee or agent has failed to disclose actual or possible conflicts of interest, it shall inform the person of the basis for such belief and afford the person an opportunity to explain the alleged failure to disclose. If, after hearing the person's response and after making further investigation as warranted by the circumstances, the Board of Directors/Trustees or other governing body determines the member, officer, employee or agent has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

G. Record of Conflict -- The minutes of the governing board and all committees with board delegated powers shall contain:

1. The names of the persons who disclosed or otherwise were found to have an actual or possible conflict of interest, the nature of the conflict of interest, any action taken to determine whether a conflict of interest was present, and the governing board's or committee's decision as to whether a conflict of interest in fact existed.
2. The names of the persons who were present for discussions and votes relating to the transaction or arrangement that presents a possible conflict of interest, the content of the discussion, including any alternatives to the transaction or arrangement, and a record of any votes taken in connection with the proceedings.

Approved by:

Name of Organization

Signature of Organization Official

Date

NOTARIZED CONFLICT OF INTEREST POLICY

State of North Carolina

County of Orange

I, _____, Notary Public for said County and State, certify that _____ personally appeared before me this day and acknowledged that he/she is _____ of _____ and by that authority duly given and as the act of the corporation, affirmed that the foregoing Conflict of Interest Policy was adopted by the Board of Directors in a meeting held on the _____ day of _____, _____. Sworn to and subscribed before me this _____ day of _____, ____.

(Official Seal)
Notary Public

My Commission expires _____, 20 ___/

ATTACHMENT E
OVERDUE TAXES

Orange County Department of Social Services and Orange County Department on Aging

Instructions: Grantee/Provider should complete this certification for all funds received. Entity should enter appropriate data in the yellow highlighted areas. The completed and signed form must be provided to the County Department of Social Services.

Entity's Letterhead

[Date of Certification (mmddyyyy)]

To: Orange County Department of Social Services

Certification:

We certify that the **[insert organization's name]** does not have any overdue tax debts, as defined by N.C.G.S. 105-243.1¹, at the federal, State, or local level. We further understand that any person who makes a false statement in violation of N.C.G.S. 143C-6-23(c) is guilty of a criminal offense punishable as provided by N.C.G.S. 143C-10-1(b).

Sworn Statement:

[Name of Board Chair] and **[Name of Second Authorizing Official]** being duly sworn, say that we are the Board Chair and **[Title of the Second Authorizing Official]**, respectively, of **[insert name of organization]** of **[City]** in the State of **[Name of State]**; and that the foregoing certification is true, accurate and complete to the best of our knowledge and was made and subscribed by us. We also acknowledge and understand that any misuse of State funds will be reported to the appropriate authorities for further action.

Board Chair

[Title of Second Authorizing Official]

Sworn to and subscribed before me on the day of the date of said certification.

(Notary Signature and Seal)

My Commission Expires: _____

¹ G.S. 105-243.1 defines: Overdue tax debt. – Any part of a tax debt that remains unpaid 90 days or more after the notice of final assessment was mailed to the taxpayer. The term does not include a tax debt, however, if the taxpayer entered into an installment agreement for the tax debt under G.S. 105-237 within 90 days after the notice of final assessment was mailed and has not failed to make any payments due under the installment agreement.”

ATTACHMENT G
CERTIFICATION REGARDING LOBBYING

Orange County Department of Social Services and Orange County Department on Aging

Certification for Contracts, Grants, Loans and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal, state or local government agency, a Member of Congress, a Member of the General Assembly, an officer or employee of Congress, an officer or employee of the General Assembly, an employee of a Member of Congress, or an employee of a Member of the General Assembly in connection with the awarding of any Federal or state contract, the making of any Federal or state grant, the making of any Federal or state loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal or state contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal, state or local government agency, a Member of Congress, a Member of the General Assembly, an officer or employee of Congress, an officer or employee of the General Assembly, an employee of a Member of Congress, or an employee of a Member of the General Assembly in connection with the awarding of any Federal or state contract, the making of any Federal or state grant, the making of any Federal or state loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal or state contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.
- (4) This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Notwithstanding other provisions of federal OMB Circulars A-122 and A-87, costs associated with the following activities are unallowable:

Paragraph A.

- (1) Attempts to influence the outcomes of any Federal, State, or local election, referendum, initiative, or similar procedure, through in kind or cash contributions, endorsements, publicity, or similar activity;
- (2) Establishing, administering, contributing to, or paying the expenses of a political party, campaign, political action committee, or other organization established for the purpose of influencing the outcomes of elections;
- (3) Any attempt to influence: (i) The introduction of Federal or State legislation; or (ii) the enactment or modification of any pending Federal or State legislation through communication with any member or employee of the Congress or State legislature (including efforts to influence State or local

- officials to engage in similar lobbying activity), or with any Government official or employee in connection with a decision to sign or veto enrolled legislation;
- (4) Any attempt to influence: (i) The introduction of Federal or State legislation; or (ii) the enactment or modification of any pending Federal or State legislation by preparing, distributing or using publicity or propaganda, or by urging members of the general public or any segment thereof to contribute to or participate in any mass demonstration, march, rally, fundraising drive, lobbying campaign or letter writing or telephone campaign; or
 - (5) Legislative liaison activities, including attendance at legislative sessions or committee hearings, gathering information regarding legislation, and analyzing the effect of legislation, when such activities are carried on in support of or in knowing preparation for an effort to engage in unallowable lobbying.

The following activities as enumerated in Paragraph B are excepted from the coverage of Paragraph A:

Paragraph B.

- (1) Providing a technical and factual presentation of information on a topic directly related to the performance of a grant, contract or other agreement through hearing testimony, statements or letters to the Congress or a State legislature, or subdivision, member, or cognizant staff member thereof, in response to a documented request (including a Congressional Record notice requesting testimony or statements for the record at a regularly scheduled hearing) made by the recipient member, legislative body or subdivision, or a cognizant staff member thereof; provided such information is readily obtainable and can be readily put in deliverable form; and further provided that costs under this section for travel, lodging or meals are unallowable unless incurred to offer testimony at a regularly scheduled Congressional hearing pursuant to a written request for such presentation made by the Chairman or Ranking Minority Member of the Committee or Subcommittee conducting such hearing.
- (2) Any lobbying made unallowable by subparagraph A (3) to influence State legislation in order to directly reduce the cost, or to avoid material impairment of the organization's authority to perform the grant, contract, or other agreement.
- (3) Any activity specifically authorized by statute to be undertaken with funds from the grant, contract, or other agreement.

Paragraph C.

- (1) When an organization seeks reimbursement for indirect costs, total lobbying costs shall be separately identified in the indirect cost rate proposal, and thereafter treated as other unallowable activity costs in accordance with the procedures of subparagraph B.(3).
- (2) Organizations shall submit, as part of the annual indirect cost rate proposal, a certification that the requirements and standards of this paragraph have been complied with.
- (3) Organizations shall maintain adequate records to demonstrate that the determination of costs as being allowable or unallowable pursuant to this section complies with the requirements of this Circular.
- (4) Time logs, calendars, or similar records shall not be required to be created for purposes of complying with this paragraph during any particular calendar month when: (1) the employee engages in lobbying (as defined in subparagraphs (a) and (b)) 25 percent or less of the employee's compensated hours of employment during that calendar month, and (2) within the preceding five-year period, the organization has not materially misstated allowable or unallowable costs of any nature, including legislative lobbying costs. When conditions (1) and (2) are met, organizations are not required to establish records to support the allowability of claimed costs in addition to records already required or maintained. Also, when conditions (1) and (2) are met, the absence of time logs, calendars, or similar records will not serve as a basis for disallowing costs by contesting estimates of lobbying time spent by employees during a calendar month.

- (5) Agencies shall establish procedures for resolving in advance, in consultation with OMB, any significant questions or disagreements concerning the interpretation or application of this section. Any such advance resolution shall be binding in any subsequent settlements, audits or investigations with respect to that grant or contract for purposes of interpretation of this Circular; provided, however, that this shall not be construed to prevent a contractor or grantee from contesting the lawfulness of such a determination.

Paragraph D.

Executive lobbying costs. Costs incurred in attempting to improperly influence either directly or indirectly, an employee or officer of the Executive Branch of the Federal Government to give consideration or to act regarding a sponsored agreement or a regulatory matter are unallowable. Improper influence means any influence that induces or tends to induce a Federal employee or officer to give consideration or to act regarding a federally sponsored agreement or regulatory matter on any basis other than the merits of the matter.

Signature

Title

Agency/Organization

Date

(Certification signature should be same as Contract signature.)

ATTACHMENT H
CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY
AND VOLUNTARY EXCLUSION-LOWER TIER COVERED TRANSACTIONS

Orange County Department of Social Services and Orange County Department on Aging

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of the fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant will provide immediate written notice to the person to which the proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter any lower tier covered transaction with a person who is debarred, suspended, determined ineligible or voluntarily excluded from participation in this covered transaction unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency of which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized in paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension, and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Signature Title

Agency/Organization Date

(Certification signature should be same as Contract signature.)

ATTACHMENT I
BUSINESS ASSOCIATE ADDENDUM

Orange County Department of Social Services and Orange County Department on Aging

This Agreement is made effective the ___ day of _____, 20__, by and between Orange County (“Covered Entity”) and CNC/Access, Inc. d/b/a ResCare HomeCare. (“Business Associate”) (collectively the “Parties”).

1. BACKGROUND

- a. Covered Entity and Business Associate are parties to a contract entitled #68-2012 (the “Contract”), whereby Business Associate agrees to perform certain services for or on behalf of Covered Entity.
- b. Covered Entity is an organizational unit of Orange County (the “County”) that has been designated in whole or in part by the County as a health care component for purposes of the HIPAA Privacy and Security Rules.
- c. The relationship between Covered Entity and Business Associate is such that the Parties believe Business Associate is or may be a “business associate” within the meaning of the HIPAA Privacy and Security Rules.
- d. The Parties enter into this Business Associate Addendum to the Contract with the intention of complying with the HIPAA Privacy and Security Rules provision that a covered entity may disclose electronic protected health information or other protected health information to a business associate, and may allow a business associate to create or receive electronic protected health information or other protected health information on its behalf, if the covered entity obtains satisfactory assurances that the business associate will appropriately safeguard the information.

2. DEFINITIONS

Unless some other meaning is clearly indicated by the context, the following terms shall have the following meaning in this Agreement:

- a. “Electronic Protected Health Information” shall have the same meaning as the term “electronic protected health information” in 45 CFR 160.103, limited to the information created or received by Business Associate from or on behalf of Covered Entity.
- b. “HIPAA” means the Administrative Simplification Provisions, Sections 261 through 264, of the federal Health Insurance Portability and Accountability Act of 1996, Public Law 104-191.
- c. “Individual” shall have the same meaning as the term “individual” in 45 CFR 160.103 and shall include a person who qualifies as a personal representative in accordance with 45 CFR 164.502(g).
- d. “Privacy and Security Rules” shall mean the Standards for Privacy of Individually Identifiable Health Information and the Security Standards for the Protection of Electronic Protected Health Information set out in 45 CFR part 160 and part 164, subparts A and E.
- e. “Protected Health Information” shall have the same meaning as the term “protected health information” in 45 CFR 160.103, limited to the information created or received by Business Associate from or on behalf of Covered Entity.

- f. "Required By Law" shall have the same meaning as the term "required by law" in 45 CFR 164.103.
- g. "Secretary" shall mean the Secretary of the United States Department of Health and Human Services or his designee.
- h. "Security Incident" shall have the same meaning as the term "security incident" in 45 CFR 164.304.
- i. Unless otherwise defined in this Agreement, terms used herein shall have the same meaning as those terms have in the Privacy and Security Rules.

3. OBLIGATIONS OF BUSINESS ASSOCIATE

- a. Business Associate agrees to not use or disclose electronic protected health information or other protected health information other than as permitted or required by this Agreement or as required by law.
- b. Business Associate agrees to implement administrative, physical, and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of the electronic protected health information and other protected health information that it creates, receives, maintains, or transmits on behalf of Covered Entity, as required by the Privacy and Security Rules.
- c. Business Associate agrees to mitigate, to the extent practicable, any harmful effect that is known to Business Associate of a use or disclosure of electronic protected health information or other protected health information by Business Associate in violation of the requirements of this Agreement.
- d. Business Associate agrees to report to Covered Entity (i) any use or disclosure of electronic protected health information or other protected health information not provided for by this Agreement of which it becomes aware and (ii) any security incident of which it becomes aware.
- e. Business Associate agrees to ensure that any agent, including a subcontractor, to whom it provides electronic protected health information and/or other protected health information received from, or created or received by Business Associate on behalf of Covered Entity (i) agrees to be bound by the same restrictions and conditions that apply through this Agreement to Business Associate with respect to such information, and (ii) agrees to implement reasonable and appropriate safeguards to protect such information.
- f. Business Associate agrees to provide access, at the request of Covered Entity, to electronic protected health information and other protected health information in a Designated Record Set to Covered Entity or, as directed by Covered Entity, to an individual in order to meet the requirements under 45 CFR 164.524.
- g. Business Associate agrees, at the request of Covered Entity, to make any amendment(s) to electronic protected health information and other protected health information in a Designated Record Set that Covered Entity directs or agrees to pursuant to 45 CFR 164.526.
- h. Unless otherwise prohibited by law, Business Associate agrees to make internal practices, books, and records, including policies and procedures concerning electronic protected health information and other protected health information, relating to the use and disclosure of electronic protected health information and other protected health information received from, or created or received by Business Associate on behalf of, Covered Entity available to the Covered Entity, or to the Secretary, in a time and manner

designated by the Secretary, for purposes of the Secretary determining Covered Entity's compliance with the Privacy and Security Rules.

- i. Business Associate agrees to document such disclosures of electronic protected health information and other protected health information related to such disclosures as would be required for Covered Entity to respond to a request by an individual for an accounting of disclosures of electronic protected health information and other protected health information in accordance with 45 CFR 164.528, and to provide this information to Covered Entity or an individual to permit such a response.

4. PERMITTED USES AND DISCLOSURES

- a. Except as otherwise limited in this Agreement or by other applicable law or agreement, if the Contract permits, Business Associate may use or disclose electronic protected health information and other protected health information to perform functions, activities, or services for, or on behalf of, Covered Entity as specified in the Contract, provided that such use or disclosure:
 - 1) would not violate the Privacy and Security Rules if done by Covered Entity; or
 - 2) would not violate the minimum necessary policies and procedures of the Covered Entity.
- b. Except as otherwise limited in this Agreement or by other applicable law or agreements, if the Contract permits, Business Associate may use electronic protected health information and other protected health information as necessary for the proper management and administration of the Business Associate or to carry out the legal responsibilities of the Business Associate.
- c. Except as otherwise limited in this Agreement or by other applicable law or agreements, if the Contract permits, Business Associate may disclose electronic protected health information and other protected health information for the proper management and administration of the Business Associate, provided that:
 - 1) disclosures are required by law; or
 - 2) Business Associate obtains reasonable assurances from the person to whom the information is disclosed that it will remain confidential and will be used or further disclosed only as required by law or for the purpose for which it was disclosed to the person, and the person notifies the Business Associate of any instances of which it is aware in which the confidentiality of the information has been breached.
- d. Except as otherwise limited in this Agreement or by other applicable law or agreements, if the Contract permits, Business Associate may use electronic protected health information and other protected health information to provide data aggregation services to Covered Entity as permitted by 45 CFR 164.504(e)(2)(i)(B).
- e. Notwithstanding the foregoing provisions, Business Associate may not use or disclose electronic protected health information or other protected health information if the use or disclosure would violate any term of the Contract or other applicable law or agreements.

5. TERM AND TERMINATION

- a. Term. This Agreement shall be effective as of the effective date stated above and shall terminate when the Contract terminates.
- b. Termination for Cause. Upon Covered Entity's knowledge of a material breach by Business Associate, Covered Entity may, at its option:

- 1) Provide an opportunity for Business Associate to cure the breach or end the violation, and terminate this Agreement and services provided by Business Associate, to the extent permissible by law, if Business Associate does not cure the breach or end the violation within the time specified by Covered Entity;
 - 2) Immediately terminate this Agreement and services provided by Business Associate, to the extent permissible by law; or
 - 3) If neither termination nor cure is feasible, report the violation to the Secretary as provided in the Privacy and Security Rules.
- c. Effect of Termination.
- 1) Except as provided in paragraph (2) of this section or in the Contract or by other applicable law or agreements, upon termination of this Agreement and services provided by Business Associate, for any reason, Business Associate shall return or destroy all electronic protected health information and other protected health information received from Covered Entity, or created or received by Business Associate on behalf of Covered Entity. This provision shall apply to electronic protected health information and other protected health information that is in the possession of subcontractors or agents of Business Associate. Business Associate shall retain no copies of the electronic protected health information or other protected health information..
 - 2) In the event that Business Associate determines that returning or destroying the electronic protected health information or other protected health information is not feasible, Business Associate shall provide to Covered Entity notification of the conditions that make return or destruction not feasible. Business Associate shall extend the protections of this Agreement to such electronic protected health information and other protected health information and limit further uses and disclosures of such electronic protected health information and other protected health information to those purposes that make the return or destruction infeasible, for so long as Business Associate maintains such electronic protected health information and other protected health information.

6. GENERAL TERMS AND CONDITIONS

- a. This Agreement amends and is part of the Contract.
- b. Except as provided in this Agreement, all terms and conditions of the Contract shall remain in force and shall apply to this Agreement as if set forth fully herein.
- c. In the event of a conflict in terms between this Agreement and the Contract, the interpretation that is in accordance with the Privacy and Security Rules shall prevail. In the event that a conflict then remains, the Contract terms shall prevail so long as they are in accordance with the Privacy and Security Rules.
- d. A breach of this Agreement by Business Associate shall be considered sufficient basis for Covered Entity to terminate the Contract for cause.

Nancy Coston, Social Services Director

(Date Submitted)

Janice Tyler, Aging Director

(Date Submitted)

(Signature of Contractor)

(Date Submitted)

ATTACHMENT J
CERTIFICATION REGARDING TRANSPORTATION

Orange County Department of Social Services and Orange County Department on Aging

By execution of this Agreement the Contractor certifies that it will provide safe client transportation by:

1. Insuring that all drivers (including employees, contractors, contractor’s employees, and volunteers) shall be at least 18 years of age;
2. Insuring that all drivers (including employees, contractors, contractor’s employees, and volunteers) shall be licensed to operate the specific vehicle used in transporting clients in accordance with Chapter 20-7 of the General Statutes of North Carolina and the Division of Motor Vehicle requirements;
3. Insuring that all vehicles transporting clients shall have at least the minimum level of liability insurance appropriate for the type of vehicle as defined by Article 7, Rule R2-36 of the North Carolina Utilities Commission;
4. Insuring that the contractor shall have written policies and procedures regarding how drivers handle and report client emergencies and/or vehicle crashes involving clients to contractor and how contractor notifies the Orange County Department of Social Services;
5. Contractor will maintain records documenting the following (County may require contractor to provide):
 - a. Valid current copies of Drivers License for all drivers;
 - b. Current valid Vehicle Registration, for all vehicles transporting clients;
 - c. Driving records for all drivers for the past three years and with annual updates;
 - d. Criminal Background checks through North Carolina Law Enforcement or NCIC quarterly;
 - e. Alcohol and Drug Testing policy to meet the Federal Transit Authority guidelines.
6. Disclosing, at the outset of the contract, upon renewal and upon request, any criminal convictions or other reasons for disqualifications from participation in Medicare, Medicaid or Title XX programs. Signature on this form confirms this statement.

Signature

Title

Agency/Organization

Date

(Certification signature should be same as Contract signature.)

ATTACHMENT N
OUTCOMES AND REPORTING

Orange County Department of Social Services and Orange County Department on Aging

By signing and submitting this document, the Contractor certifies that it agrees to the following:

1. The Contractor agrees to participate in program, fiscal and administrative monitoring and/or audits, making records and staff time available to Federal, State and County staff.
2. The Contractor agrees to take necessary steps for corrective action, as negotiated within a corrective action plan, for any items found to be out of compliance with Federal, State, and County laws, regulations, standards and/or terms of the Contract.
3. The Contractor agrees that continuation of and/or renewal of this Contract is contingent on meeting the following requirements. The Contractor agrees to:
 - A. Allow the County to complete the assessment of each client. The County will complete an In-Home Aide Service Plan as part of the assessment. The County will provide the In-Home Aide Service Plan to the Contractor prior to the start of service. The County will update the In-Home Aide Service Plan as needed.
 - B. Provide employees to perform in-home services for the County's clients, at the level, amount and frequency specified by the social worker in the In-Home Aide Service Plan.
 - C. Assure that employees meet the competency requirements for the level(s) of service provided. The Contractor will provide verification, upon request, that the selected employee has been properly licensed and trained and is qualified to perform assigned tasks.
 - D. Select and assign qualified employees to clients according to the clients' needs and the employees' abilities and experience. The Contractor agrees to honor requests made by the County for a change in assignment.
 - E. Fulfill all employer financial obligations.
 - F. In a timely manner, provide the County with information on significant changes in the clients' conditions or situations.
 - G. Assure that the client is treated with dignity and respect, assist in protecting the client's assets and possessions, and assure confidentiality of client's circumstances.
 - H. Allow aides to provide transportation, within reason, for both medical and personal reasons.
 - I. Provide care at Level II as appropriate to the needs of the client.
 - J. Complete, for employees serving Level II clients, at least a quarterly on site visit to the home of at least one client the employee is serving.
 - K. Maintain all financial and program records for a period of three years from the date of final payment under this agreement for inspection by the County, the Area Agency on Aging and the Comptroller General of the United States, or any of their duly authorized representatives. If any claim, litigation, negotiation, audit or other action involving the Contractor's records has been started before the expiration of the three-year period, the records must be retained until completion of the action and resolution of all issues that arise from it.
 - L. Monthly contact and annual on-site visits with the County. The Contractor agrees to client contact per Home and Community Care Block Grant guidelines.
 - M. Protective Service In-Home Aide requests are to be staffed within 24 hours and the hours to be worked are to be strictly adhered to. Referral acceptance by the Contractor is conditional on worker availability. The Contractor will notify the County within two hours if the request cannot be honored.
 - N. Provide backup service when a client's usual In-Home Aide is unavailable.

- O. High Risk In-Home Aide Service requests are to be staffed within five days. All other requests are to be filled within ten working days of the request.
- P. Changes in the service hours are to be made by the County. Requests for changes may be made by the Contractor, but are not finalized until notification is given by the County.
- Q. The Contractor will immediately notify the County when Protective Services Cases are not staffed, when In-Home Aide workers are absent, and/or when any of the following occur:
 - a. The client dies.
 - b. The client enters a rest home, nursing home, or hospital.
 - c. The client moves from the original address on the request.
 - d. The client refuses to accept the services or to comply with care requirements.
 - e. There are significant factors that affect the client or significant changes in a client's situation.

Signature

Title

Agency/Organization

Date

(Certification signature should be same as Contract signature.)

**ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT**
Meeting Date: May 7, 2013

**Action Agenda
Item No. 6-a**

SUBJECT: Proposed 2012-2013 Secondary Road (SR) Construction Program for Orange County

DEPARTMENT: Planning & Inspections

PUBLIC HEARING: (Y/N)

Y

ATTACHMENTS:

1. Proposed 2012-2013 SR Construction Program
2. Proposed 2012-2013 SR Construction Program Map
3. Letter from J.M. Mills, Division Engineer

INFORMATION CONTACT:

Craig Benedict, 245-2592
Tom Altieri, 245-2575

PURPOSE: To hold a public hearing to receive public comments and discuss and concur with the North Carolina Department of Transportation's Proposed 2012-2013 Secondary Roads Construction Program for Orange County.

BACKGROUND: Chapter 136-44.8 of the General Statutes of North Carolina (NCGS) requires that the North Carolina Department of Transportation (NCDOT) meet with the Board of County Commissioners at a public meeting to present and discuss with the Board and other citizens the proposed secondary road paving projects (Secondary Roads Construction Program). NCDOT, in compliance with NCGS 136-44.8, posted a county map at the court house and at the Southern Human Services Center on April 24th showing tentative secondary road paving projects, and has published notice of the public hearing in the *News of Orange County*, *The Chapel Hill News*, and the *Mebane Enterprise*.

The 2012-2013 allocation for Orange County secondary (Attachment 1) roads totals \$700,080. The allocation includes:

	Est. Cost
II. General Secondary Road Improvements	\$ 650,000
IV. Surveying, right-of-way acquisition, additions, contingencies, overdrafts, etc.	\$ 50,080
Total	\$ 700,080

The FY 2012-2013 allocation represents a 34% decrease in funding from the \$1,053,833 allocation for the 2011-2012 Construction Program.

The roads included in the program are:

- New Sharon Church Road from SR 1553 (Walker Rd) to SR 1548 (Schley Rd)- Widen existing lanes 2' and resurface; and
- Lebanon Road from SR 1376 (Stagecoach Rd) to SR 1004 (Efland Cedar Grove Road)- Widen existing lanes 2' and resurface.

These projects can be seen on the project map (Attachment 2).

The program is subject to the availability of funds, rights of way, environmental and historical review. If right-of-way is not available on the specified unpaved roads or if additional funds are allocated, other roads will be programmed in order of priority.

In accordance with North Carolina General Statute §136-44.8, “the board of county commissioners may (i) concur in the construction program as proposed, or (ii) take no action, or (iii) make recommendations for deviations in the proposed construction program, except as to paving projects and the priority of paving projects for which the board in order to make recommendations for deviations, must vote to consider the matter at a later public meeting ...”

FINANCIAL IMPACT: There is no direct financial impact associated with this item.

RECOMMENDATIONS: The Manager recommends that the Board hold the public hearing to discuss and receive comments regarding the 2012-2013 Secondary Roads Construction Programs for Orange County, and concur with the proposed programs.

Attachment 1

North Carolina Department of Transportation
Secondary Roads Construction Program

ORANGE COUNTY

FY 2012/2013 Available Funds

Highway Fund	\$300,890
Trust Fund	<u>\$399,190</u>
Total	\$700,080

I. Paving Unpaved Roads

Programmed Paving Goal: N/A

A. Rural Paving Priority

<u>Priority No.</u>	<u>SR No.</u>	<u>Length (Miles)</u>	<u>Road Name and Description</u>	<u>Estimated Cost</u>
N/A	N/A	N/A	N/A	N/A

* Rural Paving Alternates

<u>Priority Number</u>	<u>SR No.</u>	<u>Length (Miles)</u>	<u>Road Name and Description</u>	<u>Est. Cost</u>
N/A	N/A	N/A	N/A	N/A

* In the event that any roads in priority have to be placed on the "Hold List" due to unavailable right of way or environmental review, or if additional funding becomes available, funds will be applied to the roads listed in priority order in the paving alternate list.

B. Subdivision Paving Priority

<u>Priority Number</u>	<u>SR No.</u>	<u>Length (Miles)</u>	<u>Road Name and Description</u>	<u>Est. Cost</u>
N/A	N/A	N/A	N/A	N/A

* Subdivision Paving Alternates

<u>Priority Number</u>	<u>SR No.</u>	<u>Length (Miles)</u>	<u>Road Name and Description</u>	<u>Est. Cost</u>
N/A	N/A	N/A	N/A	N/A

* In the event that any roads in priority have to be placed on the "Hold List" due to unavailable right of way or environmental review, or if additional funding becomes available, funds will be applied to the roads listed in priority order in the paving alternate list.

II. **General Secondary Road Improvements**A. Paved Road Improvements

<u>SR No.</u>	<u>Project Description</u>	<u>Est. Cost</u>
SR 1538	New Sharon Church Road from SR 1553, (Walker Road), to SR 1548, (Schley Road)- Widen existing lanes 2' and resurface. *Partial funding to be combined with resurfacing funds to complete project.	\$225,000.00
SR 1306	Lebanon Road from SR 1376, (Stagecoach Road), to SR 1004, (Efland Cedar Grove Road)- Widen existing lanes 2' and resurface. *Partial funding to be combined with resurfacing funds to complete project	\$425,000.00

Subtotal \$650,000.00

B. Unpaved Road Spot Improvements

<u>SR No.</u>	<u>Project Description</u>	<u>Est. Cost</u>
N/A	N/A	N/A

III. **Trust Fund Safety Improvements (GS 136-182)**

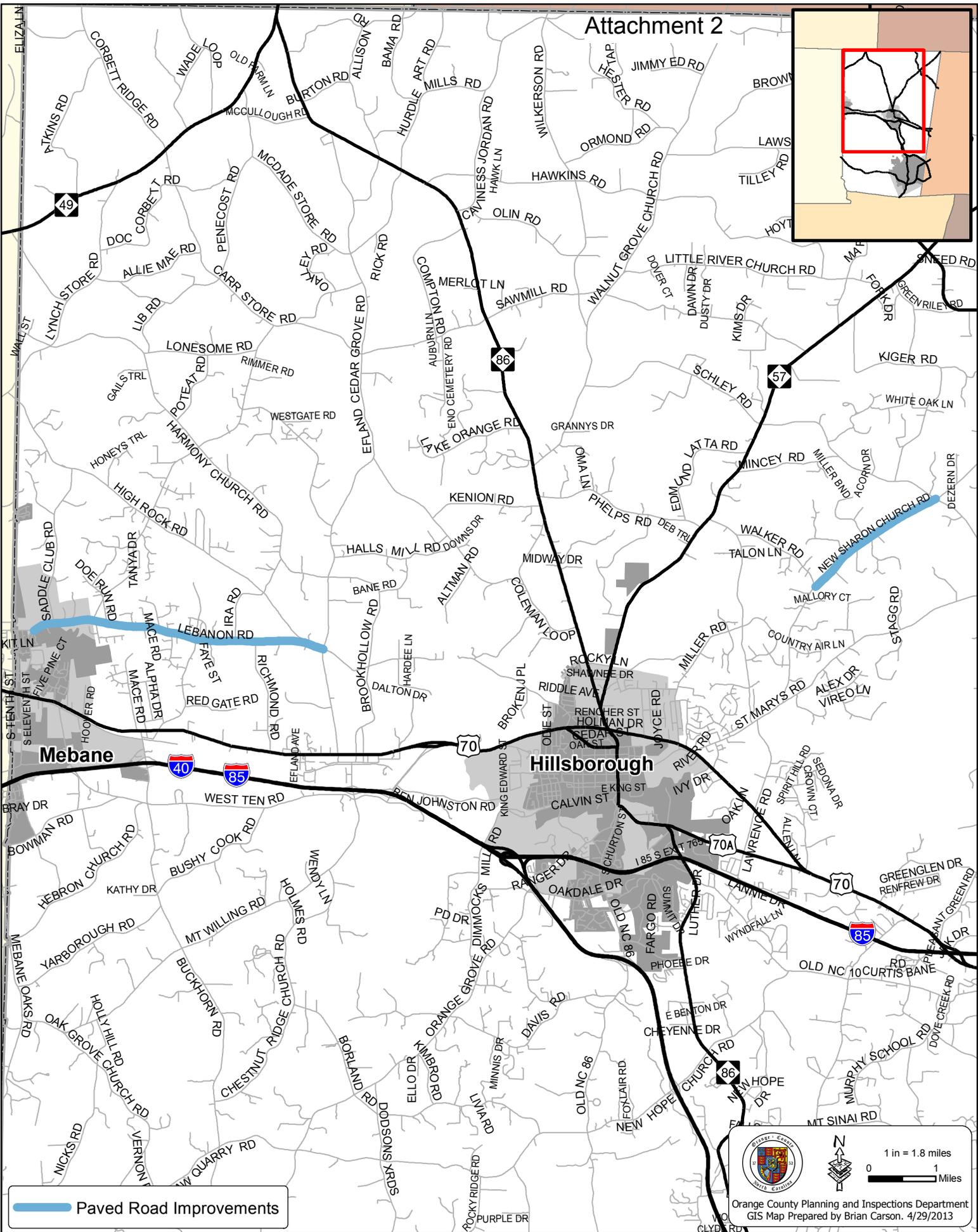
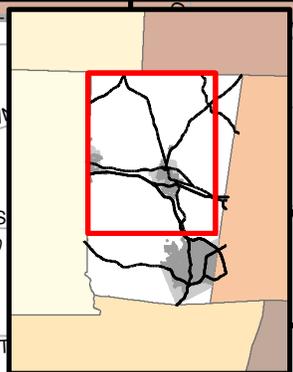
<u>SR No.</u>	<u>Project Description</u>	<u>Est. Cost</u>
N/A	N/A	N/A

IV. Funds reserved for surveying, right of way acquisition, road additions, contingencies, overdrafts, and paving entrances to certified fire departments, rescue squads, etc.

Subtotal	\$50,080
Grand Total	\$700,080

Proposed 2012-2013 Secondary Road Program

Attachment 2



 Paved Road Improvements



 1 in = 1.8 miles
 0 1 Miles
 Orange County Planning and Inspections Department
 GIS Map Prepared by Brian Carson, 4/29/2013



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

PAT MCCRORY
GOVERNOR

ANTHONY J. TATA
SECRETARY

April 18, 2013

Mr. Barry Jacobs, Chair
Orange County Commissioners
P. O. Box 8181
Hillsborough, NC 27278

Dear Mr. Jacobs:

Attached is the proposed 2012-2013 Secondary Road Construction Program for Orange County. Please make this information available to the other Commissioners.

We are looking forward to meeting with the County Commissioners on Tuesday, May 7, 2013.

Sincerely,

A handwritten signature in black ink, appearing to read "J. M. Mills".

J. M. Mills, P.E.
DIVISION ENGINEER

JMM/jm
Atta.

cc: Cheryl McQueary, Board of Transportation w/atta.
Frank Clifton, County Manager w/atta.
Donna Baker, Clerk w/atta.
Chuck Edwards, Jr., District Engineer

**ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT
Meeting Date: May 7, 2013**

**Action Agenda
Item No. 6-b**

SUBJECT: Orange County CDBG Program – FY 2010 Scattered Site Housing
Rehabilitation Program Amendment

DEPARTMENT: Housing, Human Rights, and
Community Development

PUBLIC HEARING: (Y/N)

Yes

ATTACHMENT(S):

Amendment Spreadsheets
Resolution Authorizing a Program
Amendment to the Orange County
FY 2010 Scattered Site Housing
Rehabilitation Community
Development Block Grant and the
FY 2011 Economic Recovery Grant

INFORMATION CONTACT:

Tara L. Fikes, 919-245-2490

PURPOSE: To receive public comments regarding a proposed amendment to the County's FY 2010 Housing Rehabilitation Community Development Block Grant (CDBG) for the Scattered Site Housing Rehabilitation Program and the Economic Recovery CDBG Program and approve a resolution authorizing submission of the formal amendment document.

BACKGROUND: Orange County was officially awarded a \$400,000 CDBG Grant for a Scattered Site Housing Rehabilitation Program (SSHR) and a \$500,000 Economic Recovery CDBG Grant from the N.C. Department of Commerce in April 2011. Funds from the Scattered Site Housing Rehabilitation Program provide funding for the rehabilitation program to repair approximately seven (7) deteriorated dwelling units. Funds from the Economic Recovery Grant provide funding for nine (9) deteriorated dwelling units.

At this time in grant implementation in the Scattered Site Program, staff proposes to move one house from the Scattered Site Program (SSP) to the Economic Recovery (ERP) Program and add one new unit in its place. Also, this amendment removes the original plan of demolishing and reconstructing a house and adds two new units – one from the Scattered Site Housing Rehabilitation Program and a new unit from the local waiting list. Two spreadsheets are attached outlining these changes. The HOME Program Council, which serves as the CDBG Housing Selection Committee, reviewed these proposed changes and recommended approval on March 5, 2013. This has also been discussed with the State CDBG officials who have no objection to the proposed changes.

In order to receive this funding, the County must conduct a public hearing to receive public comments prior to submission of the amendment to the N. C. Department of Commerce. All comments received will be included in the amendment documentation.

FINANCIAL IMPACT: No financial impact is anticipated.

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

- 1) Receive public comments as additional information; and
- 2) Approve the attached resolution authorizing submission of the formal amendment document and authorizing the Chair to sign the amendment documents of behalf of the Board.

CDBG Scattered Site 2010 Unit Selection			
Unit Address	Status	Reason for Program Exit	Reason for Addition
5605 Green Pine Rd, Cedar Grove	Completed		
<i>110 Starlite Dr, Carrboro</i>	<i>In Process</i>		
<i>645 Latimer St, Hillsborough</i>	<i>In Process</i>	Moved to Economic Recovery Program because of Income	
316 W. Union St, Hillsborough (A)	Completed		
217 Mace Road, Mebane (A)	Completed		
818 Latimer St, Hillsborough	<i>In Process</i>		
404 W. Corbin Street, Hillsborough	<i>In Process</i>		
1106 Brenda Ct, Chapel Hill	New		Funding Available

CDBG ER 2010 Unit Selection

Unit Address	Status	Reason for Addition
<i>1318 Ford Rd, Chapel Hill</i>	<i>In process</i>	
407 Terrell Rd, Hillsborough	<i>In process</i>	
<i>6728 Rocky Ridge Rd, Hillsborough</i>	<i>In process</i>	
<i>306 Knight St, Hillsborough</i>	<i>In process</i>	
212 Mace Rd, Mebane	Complete	
2501 Mill Creek Rd, Mebane	Complete	
202 Prince Street, Carrboro	<i>In process</i>	
645 Latimer Street, Hillsborough	<i>In process</i>	Meets Income Requirements
226 South 11th St, Mebane	<i>New</i>	Funding Available

RESOLUTION**AUTHORIZING A PROGRAM AMENDMENT TO THE ORANGE COUNTY
FY 2010 SCATTERED SITE HOUSING REHABILITATION
COMMUNITY DEVELOPMENT BLOCK GRANT AND THE FY 2011
ECONOMIC RECOVERY GRANT**

Whereas, Orange County received a FY 2010 Community Development Block Grant (CDBG) Award for the Scattered Site Housing Rehabilitation Program in the amount of \$400,000 from the N.C. Department of Commerce on March 14, 2011; and

Whereas, Orange County received a FY 2010 Economic Recovery Program Community Development Block Grant (CDBG) Award in the amount of \$400,000 from the N.C. Department of Commerce on March 14, 2011; and

Whereas, the County proposes to change the rehabilitation of one house as grant activity from one grant to the other and two new units to the programs; and

Whereas, the Housing Selection Committee has reviewed these plans and endorsed them on March 5, 2013; and

Whereas, in order to participate, the County is required to amend its current grants to include these new housing plans;

NOW, THEREFORE, be it resolved, that the Orange County Board of County Commissioners hereby authorizes the submission of a Program Amendment to the N.C. Department of Commerce and authorizes the Chair of the Board to execute all documents required by the N.C. Department of Commerce – Division of Community Investment for the amendment.

This, the 7th day of May, 2013.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 7, 2013

**Action Agenda
Item No.** 6-c

SUBJECT: Public Hearing on the Financing for Various Capital Investment Plan Projects and County Equipment

DEPARTMENT: Finance and Administrative Services

PUBLIC HEARING: (Y/N)

Y

ATTACHMENT(S):

1. Notice of Public Hearing
2. Resolution
3. Comparison of Options
4. Listing of Projects to be Financed

INFORMATION CONTACTS:

Clarence Grier, 919-245-2453
Robert Jessup, 919-933-9891

PURPOSE: To conduct a public hearing on the issuance of approximately \$10,000,000 to finance capital investment projects and equipment for the year, and consideration of a related resolution supporting the County's application to the Local Government Commission for its approval of the financing arrangements.

BACKGROUND: The Board of Commissioners has previously approved the construction and purchase of capital investment projects and equipment for the year. The Board has made a preliminary determination to finance costs for this projects by the use of an installment contract, as authorized under Section 160A-20 of the North Carolina General Statutes. County staff estimates that the total amount to be financed for various County capital projects and equipment will be approximately \$10,000,000. The financing will also include amounts to pay financing transaction costs.

The statutes require that the County conduct a public hearing on the proposed financing contract. A copy of the published notice of this hearing is provided as Attachment 1.

After conducting the hearing and receiving public input, the Board will consider the adoption of the resolution at Attachment 2. This resolution formally requests the required approval from the North Carolina Local Government Commission (LGC) for the County's financing arrangements, and makes certain findings of fact as required under the LGC's guidelines. County staff has been in contact with LGC staff, and staff expects no obstacles to receiving LGC approval.

If the Board adopts the resolution (indicating its intent to continue with the financing plan), the Board will be asked to consider a resolution giving final approval to the financing plan at the June 4, 2013 meeting. Staff expects the LGC to approve the financing plan at the LGC's meeting on June 4, 2013. Under the current schedule, staff expects to set the final interest rates and other terms of the financing around May 15, and to close on the financing by the end of June.

FINANCIAL IMPACT: There is no financial impact related to this action. However, there will be a financial impact in proceeding with the financing. A preliminary estimate of maximum debt service applicable to the County projects financing would require the highest debt service payment of \$743,000 falling in fiscal years 2015-2018. The tax rate equivalent for the highest debt service payment is approximately .4054 cents. Based on current valuations, no adjustment to the tax rate associated with this financing is contemplated to occur during the period noted.

RECOMMENDATION(S): The Manager recommends that the Board conduct the public hearing and adopt the resolution supporting the application to the Local Government Commission for approval of the financing arrangements.

**Orange County, North Carolina -- Notice of Public Hearing
2013 Installment Financing for Various County Projects**

The Board of Commissioners of Orange County, North Carolina, will hold a public hearing on Tuesday, May 7, 2013, at 7:00 p.m. (or as soon thereafter as the matter may be heard). The purpose of the hearing is to take public comment concerning a proposed financing contract, under which the County would borrow approximately \$10,000,000 to finance costs of various County projects.

The hearing will be held in the Commissioners' usual meeting room in Hillsborough Commons, DSS Building (Old Wal-Mart), 113 Mayo St., Hillsborough, North Carolina.

The projects to be financed may include vehicle replacements, information technology upgrades and replacements, water and sewer projects in the Buckhorn-Mebane Economic Development District, HVAC improvement and roof replacements for various County buildings, various communication systems upgrades and replacements, Twin Creeks park improvements, improvements to the Southern Human Services Center and planning for future improvements to the Southern Human Services Center and the Whitted Building in Hillsborough. The County may also use financing proceeds to provide required reserves and to pay financing costs.

The proposed financing would be secured by a lien on some or all of the property to be improved or acquired through the financing. The County expects this may include the Whitted Building and the Southern Human Services Center (and the related real property). There would be no recourse against the County or its property (other than the pledged facilities and associated land) in the case of a default.

All interested persons will be heard. The County's plans are subject to change based on the comments received at the public hearing and the Board's subsequent discussion and consideration. The County's entering into the financing is subject to obtaining approval from the North Carolina Local Government Commission.

Persons wishing to make written comments in advance of the hearing or wishing more information concerning the subject of the hearing may contact Clarence Grier, Orange County Finance Officer, Post Office Box 8181, Hillsborough, NC 27278 (telephone 919/245-2453, email cgrier@orangecountync.gov).

**Resolution Supporting an Application to the Local Government Commission for
its Approval of a Financing Agreement for the County**

WHEREAS --

The Board of Commissioners has previously determined to carry out the acquisition and construction of various public improvements, as identified in the County's capital improvement plan.

The Board desires to finance the costs of these projects by the use of an installment financing, as authorized under Section 160A-20 of the North Carolina General Statutes.

Under the guidelines of the North Carolina Local Government Commission, the Board must make certain findings of fact to support the County's application for the LGC's approval of the County's proposed financing arrangements.

THEREFORE, BE IT RESOLVED by the Board of Commissioners of Orange County, North Carolina, that the County makes a preliminary determination to finance approximately \$10,000,000 to pay capital costs of various public improvements. The proposed list of projects and improvements to be financed appears on Exhibit A.

The Board will determine the final amount to be financed by a later resolution. The final amount financed may be slightly lower or slightly higher than \$10,000,000. Some of the financing proceeds may provide reimbursement to the County for prior expenditures on project costs, and some proceeds may be used to pay financing costs.

BE IT FURTHER RESOLVED that the Board of Commissioners makes the following findings of fact:

(a) The proposed projects are necessary and appropriate for the County under all the circumstances.

(b) The proposed installment financing is preferable to a bond issue for the same purposes.

The County has no meaningful ability to issue non-voted general obligation bonds for this project. These projects will not produce sufficient revenues to support a self-liquidating financing. The County has in the past issued substantial amounts of voter-approved bonds, and it is appropriate for the County to balance its capital finance program between bonds and installment financing.

The County expects that in the current interest rate environment for municipal securities there would be no material difference in interest rates between general obligation bonds and installment financings for these projects.

(c) The estimated sums to fall due under the proposed financing contract are adequate and not excessive for the proposed purpose. The County will closely review proposed financing rates against market rates with guidance from the LGC and its financial adviser. All amounts financed will reflect either approved contracts, previous actual expenditures or professional estimates.

(d) As confirmed by the County's Finance Officer, (i) the County's debt management procedures and policies are sound and in compliance with law, and (ii) the County is not in default under any of its debt service obligations.

(e) The County estimates that the maximum tax rate impact of paying debt service on the financing will be the equivalent of up to approximately 0.04 cents per \$100 of valuation. Given this low amount and based on the estimated interest rates to be payable and the proposed financing term, the County expects to be able to repay the financing within current resources, and no actual tax rate increase related to this financing will be necessary.

(f) The County Attorney is of the opinion that the proposed project is authorized by law and is a purpose for which public funds of the County may be expended pursuant to the Constitution and laws of North Carolina.

***BE IT FURTHER RESOLVED* as follows:**

(a) The County intends that the adoption of this resolution will be a declaration of the County's official intent to reimburse project expenditures from financing proceeds. The County intends that funds that have been advanced for project costs, or which may be so advanced, from the County's general fund, or any other County fund, may be reimbursed from the financing proceeds.

(b) This resolution takes effect immediately.

Exhibit A – proposed projects

Project	Estimated Amount	Description
Southern HSC (Future Planning)	\$300,000	Expansion Master Plan and Preliminary Design Work and Planning
HVAC Projects	\$1,553,201	Community Geothermal Projects
Roofing Projects	\$165,000	Jail, Justice Facility, Asset Management Services, North Administrative Building
Information Technology	\$702,500	Library Management System Software (ILS), Equipment, BOCC initiatives
Whitted Building	\$295,000	Preliminary Design Work
VIPER Radio System	\$543,750	Additional Channels for Existing Towers to increase the Viper System capacity
Communications System Improvements	\$164,000	Purchase of additional Viper Radios
Twin Creeks Park - Phase II	\$600,000	Construction of a main entry road
Buckhorn EDD Phase 2	\$4,256,046	To place Water and Sewer infrastructure in the Buckhorn - Mebane Economic Development District
Southern Human Services Center	\$280,000	Health Clinic and DSS Renovations
Information Technology	\$500,000	Desktop, Laptop and Server Replacements
Vehicle Replacements	\$640,503	Vehicle Purchases

Attachment 3

Orange County, NC

Limited Obligation Bonds, Series 2013

Preliminary, Rate Indications as of March 20, 2013

Private Placement (15 Years)					Public Sale (15 Years)					Public Sale (20 Years)				
Term				15 Years	Term				15 Years	Term				20 Years
Par Amount	\$			11,075,000	Par Amount	\$			9,925,000	Par Amount	\$			9,900,000
Total Debt Service				13,101,365	Total Debt Service				13,259,517	Total Debt Service				14,606,418
Project Fund Deposit				11,000,000	Project Fund Deposit				11,000,000	Project Fund Deposit				11,000,000
Issuance Costs				75,000	Issuance Costs				175,000	Issuance Costs				175,000
Underwriter's Discount				-	Underwriter's Discount				49,625	Underwriter's Discount				49,500
Total Cost of Issuance				75,000	Total Cost of Issuance				224,625	Total Cost of Issuance				224,500
TIC				2.30%	TIC				2.39%	TIC				2.99%
AIC				2.40%	AIC				2.62%	AIC				3.18%

Fiscal Year	Principal	Coupon	Interest	Annual Debt Service	Fiscal Year	Principal	Coupon	Interest	Annual Debt Service	Fiscal Year	Principal	Coupon	Interest	Annual Debt Service
2014	\$ 683,000	2.300%	\$ 234,205	\$ 917,205	2014	615,000	2.00%	335,367.36	950,367.36	2014	455,000	2.00%	364,467.78	819,467.78
2015	743,000	2.300%	239,016	982,016	2015	665,000	2.00%	352,450.00	1,017,450.00	2015	500,000	2.00%	387,300.00	887,300.00
2016	743,000	2.300%	221,927	964,927	2016	665,000	3.00%	339,150.00	1,004,150.00	2016	500,000	3.00%	377,300.00	877,300.00
2017	743,000	2.300%	204,838	947,838	2017	665,000	3.00%	319,200.00	984,200.00	2017	500,000	3.00%	362,300.00	862,300.00
2018	743,000	2.300%	187,749	930,749	2018	665,000	3.00%	299,250.00	964,250.00	2018	500,000	3.00%	347,300.00	847,300.00
2019	742,000	2.300%	170,660	912,660	2019	665,000	3.00%	279,300.00	944,300.00	2019	500,000	3.00%	332,300.00	832,300.00
2020	742,000	2.300%	153,594	895,594	2020	665,000	3.00%	259,350.00	924,350.00	2020	500,000	3.00%	317,300.00	817,300.00
2021	742,000	2.300%	136,528	878,528	2021	665,000	3.00%	239,400.00	904,400.00	2021	500,000	3.00%	302,300.00	802,300.00
2022	742,000	2.300%	119,462	861,462	2022	665,000	4.00%	219,450.00	884,450.00	2022	500,000	4.00%	287,300.00	787,300.00
2023	742,000	2.300%	102,396	844,396	2023	665,000	4.00%	192,850.00	857,850.00	2023	495,000	4.00%	267,300.00	762,300.00
2024	742,000	2.300%	85,330	827,330	2024	665,000	5.00%	166,250.00	831,250.00	2024	495,000	5.00%	247,500.00	742,500.00
2025	742,000	2.300%	68,264	810,264	2025	665,000	5.00%	133,000.00	798,000.00	2025	495,000	5.00%	222,750.00	717,750.00
2026	742,000	2.300%	51,198	793,198	2026	665,000	5.00%	99,750.00	764,750.00	2026	495,000	5.00%	198,000.00	693,000.00
2027	742,000	2.300%	34,132	776,132	2027	665,000	5.00%	66,500.00	731,500.00	2027	495,000	5.00%	173,250.00	668,250.00
2028	742,000	2.300%	17,066	759,066	2028	665,000	5.00%	33,250.00	698,250.00	2028	495,000	5.00%	148,500.00	643,500.00
2029					2029					2029	495,000	5.00%	123,750.00	618,750.00
2030					2030					2030	495,000	5.00%	99,000.00	594,000.00
2031					2031					2031	495,000	5.00%	74,250.00	569,250.00
2032					2032					2032	495,000	5.00%	49,500.00	544,500.00
2033					2033					2033	495,000	5.00%	24,750.00	519,750.00
Total	\$11,075,000		\$ 2,026,365	\$ 13,101,365	Total	\$ 9,925,000		\$ 3,334,517	\$ 13,259,517	Total	\$ 9,900,000		\$ 4,706,418	\$ 14,606,418

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**ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT**
Meeting Date: May 7, 2013

**Action Agenda
Item No.** 6-d

SUBJECT: Review of Unified Development Ordinance Text Amendments – Modification of Site Plan Submittal Requirements - Public Hearing Closure and Action (No Additional Comments Accepted)

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N)

Yes

ATTACHMENT(S):

1. Approved February 25, 2013 Quarterly Public Hearing Legal Ad
2. Comprehensive Plan and Unified Development Ordinance Amendment Outline Form (UDO/Zoning 2012-016)
3. UDO Amendment Package
4. OWASA Response to Proposed Amendment
5. Excerpt of Approved Minutes from February 25, 2013 Quarterly Public Hearing
6. Excerpt of Approved Minutes from March 6, 2013 Planning Board Meeting
7. Draft Minutes from April 3, 2013 Planning Board Meeting

INFORMATION CONTACT:

Michael D. Harvey, Planner III, (919) 245-2597
Reynolds Ivins, Erosion Control, (919) 245-2586
Craig Benedict, Director, (919) 245-2575

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) in regards to the submission of formal, professionally prepared, site plans.

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: This item was presented at the February 25, 2013 Quarterly Public Hearing where staff indicated the amendment was intended to clarify existing language denoting when a formal, professionally prepared, site plan is required for submittal. As proposed the amendment would require a professionally prepared site plan when land disturbance activity exceeds established stormwater management thresholds. The amendment also adds language requiring formal stormwater management plan submittal for subdivisions as well.

Please refer to Section C.1(b) of Attachment 2 for a synopsis of comments made during the public hearing as well as Attachment 5. Agenda packet materials from the public hearing can be accessed via the following link: <http://orangecountync.gov/occlerks/130225.pdf>.

It should be noted this amendment does not alter existing development standards associated with the Watershed Protection Overlay Districts (i.e. impervious surface limits). Further work may be authorized by the BOCC to complete a comprehensive review of existing limits in the future.

Please refer to Section(s) B.1 and 2 of Attachment 2 for additional information

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.

The only written comments received were from the Orange Water & Sewer Authority (OWASA) and are contained within Attachment 4.

Planning Director's Recommendation: The Planning Director recommends **approval** of the proposed UDO amendments based on the following:

- i. The UDO amendments are reasonably necessary to promote the public health, safety, and general welfare and to achieve the purposes of the adopted 2030 Comprehensive Plan or part thereof; and,
- ii. The UDO amendments are consistent with the goals and policies of the adopted 2030 Comprehensive Plan.

Planning Board Recommendation: At its April 3, 2013 regular meeting, the Board voted **unanimously** to recommend approval of the amendment package as contained within Attachment 3. Minutes from the April 3, 2013 meeting are contained within Attachment 7.

For additional information please refer to Section C.2 (a) in Attachment 2.

FINANCIAL IMPACT: See Section C.3 in Attachment 2.

RECOMMENDATION: The Manager recommends the Board:

1. Receive the Planning Board's recommendation;
2. Close the public hearing; and
3. Decide accordingly and/or adopt the ordinance contained in Attachment 3 which authorizes the text amendments.

**NOTICE OF JOINT PUBLIC HEARING
ORANGE COUNTY BOARD OF COMMISSIONERS
ORANGE COUNTY PLANNING BOARD**

A joint public hearing will be held at the Department of Social Services, Hillsborough Commons, 113 Mayo St., Hillsborough, North Carolina, on Monday, February 25, 2013 at 7:00 PM for the purpose of giving all interested citizens an opportunity to speak for or against the following items:

1. **Unified Development Ordinance (UDO) Text Amendment:** In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Unified Development Ordinance, the Planning Director has initiated an amendment to the text of the Unified Development Ordinance (UDO).

Text amendments are proposed to Section(s) 2.4.1 *Zoning Compliance Permits – Applicability*, 2.5.2 *Application Requirements*, and 7.6.3 *Land Suitability*.

In April of 2012 the County modified the UDO to adopt State required stormwater management standards. This included adoption of land disturbance thresholds requiring the submittal of formal, professionally prepared, stormwater management and erosion control plans.

The purpose of this amendment is to modify existing language to provide additional reference to these thresholds in an effort to avoid requiring project applicants to submit multiple, professionally prepared, plans for a single development project.

Purpose: To review the item and receive public comment on the proposed amendment.

2. ~~**Unified Development Ordinance (UDO) Text Amendment:** In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Unified Development Ordinance, the Planning Director has initiated an amendment to the text of the Unified Development Ordinance (UDO).~~

~~Text amendments are proposed to Section(s) 2.14.1 *Review and Decision Process Flow Chart – Minor Subdivisions*, 2.15.5 *Certificate of Adequacy of Public School Facilities*, 6.19 *Adequate Public Facilities: Schools*, and Section 7.14.3 (F) (3) (g) *Final Plat Specifications*.~~

~~The purpose of the amendments is to ensure County regulations and procedures are compliant with recent North Carolina case law. Specifically, the amendment will remove the Certificate of Adequate Public Schools (CAPS) denial provision as part of the development approval process when school capacity is exceeded.~~

~~Purpose: To review the item and receive public comment on the proposed amendment.~~

- ~~3. **Unified Development Ordinance (UDO) Text Amendment:** In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Unified Development Ordinance, the Planning Director has initiated an amendment to the text of the Unified Development Ordinance (UDO).~~

~~Text amendments are proposed to Section 1.6.5 *[Planning Board] Rules of Procedure*. The purpose of the amendment is to reflect the general advisory board policy document and the specific Planning Board policies and procedures recently adopted by the Board of County Commissioners.~~

~~Purpose: To review the item and receive public comment on the proposed amendment.~~

Substantial changes in items presented at the public hearing may be made following the receipt of comments made at the public hearing. Accommodations for individuals with physical disabilities can be provided if the request is made to the Planning Director at least 48 hours prior to the Public Hearing by calling the one of the phone numbers below. The full text of the public hearing items may be obtained no later than February 15, 2013 at the County website www.co.orange.nc.us at the [Meeting Agendas](#) link.

Questions regarding the proposals may be directed to the Orange County Planning Department located on the second floor of the County Office Building at 131 West Margaret Lane, Suite 201, Hillsborough, North Carolina. Office hours are from 8:00 a.m. to 5:00 p.m. Monday through Friday. You may also call (919) 245-2575 or 245-2585 and you will be directed to a staff member who will answer your questions.

PUBLISH:	<u>The Herald Sun</u>	<u>News of Orange</u>
	February 13, 2013	February 13, 2013
	February 20, 2013	February 20, 2013

COMPREHENSIVE PLAN/ FUTURE LAND USE MAP AND UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT OUTLINE

UDO / Zoning-2012-016

Amendment(s) requiring submittal of formal site plans and stormwater management plans for residential and non-residential projects

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):
- 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 a text amendment to modify existing language requiring the submittal of formal stormwater plans as part of subdivision and development applications.

The State recently implemented stormwater management and nutrient reduction strategies. As part of these strategies, the County recently modified existing regulations mandating the preparation and submittal of formal, engineered, stormwater management plans as part of any development project where proposed land disturbance reached the following thresholds:

Watershed/River Basin	Stormwater – Non-residential	Stormwater – Residential
Cape Fear (includes the Back Creek, Haw River, Cane Creek, Jordan Lake, and University Lake protected and critical watershed overlay districts as well as those properties within the basin not located in a watershed overlay district).	Projects proposing over 21,780 square feet of disturbance are required to submit a stormwater management plan.	Projects proposing over 43,560 square feet of disturbance are required to submit a stormwater management plan.
Neuse (includes Flat River, Little River, Upper and Lower Eno protected and critical watershed overlay districts as well as those properties within the basin not located in a watershed overlay district).	Projects proposing over 12,000 square feet of disturbance are required to submit a stormwater management plan.	Projects proposing over 21,780 square feet of disturbance are required to submit a stormwater management plan.
Roanoke (includes South Hyco Creek protected watershed overlay district).	Projects proposing over 20,000 square feet of disturbance are required to submit a stormwater management plan.	Projects proposing over 43,560 square feet of disturbance are required to submit a stormwater management plan.

These changes were incorporated into the UDO on April 17, 2012. The agenda packet for this meeting can be found utilizing the following link: <http://orangecountync.gov/OCCLERKS/120417.htm>

Currently there are conflicting requirements within the UDO detailing when a formal, professionally prepared, site plan is required.

For example Section 2.4.1 requires a professionally prepared site plan for single-family developments on property located within the University Lake Protected and Critical Watershed Overlay Districts. Section 2.5.2, the section of the UDO addressing site plan application requirements, specifically exempt single-family development projects from submitting a professionally prepared site plan.

Problems also arise in those instances where a project's proposed overall land disturbance requires submission of a formal stormwater management plan. Staff does not want there to be conflicting information provided to the public as to when a formal site plan is required nor do we want the staff of Current Planning and Erosion Control to potentially be looking at 2 different sets of plans proposing the development of a given

property.

This proposed amendment is designed to:

1. Require formally prepared site plans for those projects exceeding established stormwater disturbance thresholds for residential projects.
Submittal of formal site plans is already required for all non-residential projects regardless of the proposed land disturbance activity.
2. Incorporate references within various locations of the UDO identifying which land development projects need to comply with these standards in an effort to eliminate confusion and provide definitive application submittal standards.
3. Add language requiring stormwater management plans for minor and major subdivisions where anticipated land disturbance activities would exceed established thresholds.

Both Planning and Erosion Control staff agree potential problems can be eliminated if there is a formal stormwater management plan approved during the subdivision review and approval process.

Staff identified 3 options with respect to addressing existing language in Section 2.4.1 requiring a professionally prepared site plan for any project within the University Lake Watershed Protection Overlay District:

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

After reviewing comments from OWASA (refer to [Attachment 4](#)) and after discussing the issue with the Planning Board, staff supports Option C as detailed above.

2. **Analysis**

As required under Section 2.8.5 of the Orange County 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 proposed amendment is designed to incorporate established stormwater management land disturbance thresholds into existing language within the UDO requiring formal site plan preparation and submittal by an applicant when said thresholds are exceeded.

By modifying existing language we hope to eliminate unnecessary cost for the applicant, with respect to the completion of multiple site plans, and provide sufficient detail to residents, property owners, and developers on when formal site plan preparation is necessary.

The amendment is also designed to provide a 'central site plan' for review to ensure staff is reviewing and taking action on the same document to avoid confusion and

unnecessary duplication of effort.

3. **Comprehensive Plan Linkage (i.e. Principles, Goals and Objectives)**

This amendment is designed to provide additional references to existing development standards already contained within the UDO.

4. **New Statutes and Rules**

This amendment is designed to reference compliance with recently adopted modifications to the UDO related to stormwater management and nutrient reduction standards consistent with the following State regulations:

- 15A NCAC 2B. 0277 Falls Lake Stormwater New Development Rule
- 15A NCAC 2B. 0265 and Session Law 2009-484 Jordan Lake Stormwater New Development Rules

C. PROCESS

1. **TIMEFRAME/MILESTONES/DEADLINES**

a. BOCC Authorization to Proceed

November 8, 2012. The BOCC voted unanimously to authorize staff to proceed with the amendment. Board members also requested staff present the proposed amendment to the Commission for the Environment (CFE) for its input. Staff presented this item to the CFE at its January 14, 2013 regular meeting. The CFE had no comments or concerns related to the proposal.

b. Quarterly Public Hearing

February 25, 2013. During the hearing the following comments were made:

1. A BOCC member asked staff to clarify the difference between impervious surface and land disturbance limits.

STAFF COMMENT: Land disturbance limits identify the total amount of land area that can be disturbed/cleared without the benefit of a formal erosion control or stormwater management plan being approved by the County.

Impervious surface limits establish the overall limit of 'development' that can occur on a given parcel (i.e. driveway, house, shed, etc.) based on its designated Watershed Protection Overlay District.

You can disturb more land area than you can actually develop.

Ultimately both regulations are an attempt by the County to address water quality issues through limiting the overall amount of 'impervious' surface placed on a parcel and requiring stormwater management devices in those cases where they are necessary.

2. A BOCC member expressed concern over the potential for increased costs to be incurred by property owners seeking to develop single-family residences with the submittal of a professionally prepared site plan.

STAFF COMMENT: The proposed amendment would only require a professionally prepared site plan in those instances where land disturbance activity would require the submittal of a professionally prepared stormwater management plan. There is no additional costs imposed on local residents/property owners if the amendment is approved.

3. A BOCC member indicated she did not want existing regulations, specifically the requirement of a professionally prepared site plan for development within the University Lake Protected and Critical Watershed Overlay districts, to change.

STAFF COMMENT: Staff reiterated the amendment would not alter development limitations (i.e. impervious surface limits) within Watershed Protection Overlay Districts.

The only potential impact of the proposed amendment would be an expansion, or elimination, of the requirement for a professionally prepared site plan in watershed areas within an impervious surface limit of 6% depending on which course of action if chosen.

As written, the amendment package would still require a professionally prepared site plan if established stormwater management land disturbance thresholds were exceeded.

There is existing language within the UDO allowing staff to require a professionally prepared site plan in those instances where a plot plan fails to demonstrate a proposed development project is compliance with applicable regulations.

4. There was a general concern the proposal would allow for an increase in development opportunity within the various watershed districts.

STAFF COMMENT: The proposal would not impact existing impervious surface limits in any Watershed Protection Overlay District.

The text amendment only seeks to clarify when a professionally prepared site plan is required and does not increase allowable impervious surface area throughout the County.

5. There was a general comment made over the need to have uniformity within the UDO with respect to when a professionally prepared site plan would be required.

A BOCC member felt requiring a professionally prepared site plan when land disturbance thresholds, consistent with existing stormwater management standards, were exceeded was a reasonable standard versus basing the submission on impervious surface limits.

6. A Planning Board member asked why the Haw River Protected Watershed Overlay District was not included within staff's recommendation for the submission of a professionally prepared site plan.

STAFF COMMENT: The Haw River Protected Watershed Overlay District has an impervious surface limit of 24%.

Staff's proposal seeks to amend the UDO to require overlay districts with a 6% impervious surface limit to submit a professionally prepared site plan.

7. A BOCC member indicated he felt there ought to be a reevaluation of impervious surface limits within respect to any watershed feeding into a public water intake for local residents.

The concern was the County was treating certain water supply watersheds differently from others, specifically focusing on the Haw River Protected Watershed Overlay District which serves as a public water source for Chatham County residents.

STAFF COMMENT: This can be undertaken at some point in the future if the BOCC directs staff to do so. It should be noted any such review will need to take existing State requirements into account.

8. A BOCC member asked staff to consider modifying provisions of Section 2.4.1 to include additional rationale for the submission of a universal site plan into the proposed text. This BOCC member indicated she felt language within a footnote ought to be incorporated to provide additional 'explanation' on the need for the amendment.

STAFF COMMENT: Staff does not recommend additional modification.

When the UDO was developed there was a conscious effort to eliminate explanatory language in an effort to streamline existing regulations and condense existing land use regulations.

The UDO is not intended to serve as a technical manual providing detailed insight into every 'standard' associated with a given development. It is, ultimately, staff's responsibility to educate local residents and developers with respect to the rationale behind a given regulation.

Unless specifically directed by the BOCC to begin re-inserting explanatory language, staff recommends keeping the language regulatory in nature.

9. While there was no formal consensus, a few BOCC members favored leaving language within the UDO requiring submission of a professionally prepared site plan for property located only within the University Lake Watershed Protection Overlay District.

Other BOCC members expressed support for eliminating the requirement altogether and basing the need for a formal site plan on established land disturbance thresholds for stormwater management plans.

10. Staff was directed to solicit comments on the proposal from OWASA to ascertain if they have any concerns.

STAFF COMMENT: Staff has contacted OWASA, which expressed no concern over the proposal. For more information please refer to Attachment 4.

c. BOCC Updates/Checkpoints

January 9, 2013 - BOCC members can view materials to be reviewed by the Planning Board's Ordinance Advisory Committee (ORC) as part of the Planning Board materials posted on-line each month. Packet materials can be viewed utilizing the following link: <http://orangecountync.gov/planning/documents/PBPacketJan2013.pdf>

February 5, 2013 – BOCC members approved the legal advertisement for the February 25, 2013 Quarterly Public Hearing with this item on the agenda.

May 7, 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:

January 9, 2013 – Ordinance Review Committee (ORC).

A Planning Board member identified a punctuation error in Section 2.4.1 of the proposed amendment. An error was also identified within the site plan flow chart contained in Section 2.5.2. Staff has modified the proposal accordingly.

There was also a general discussion over staff's recommendation to modify Section 2.4.1 expanding the list of Watershed Protection Overlay Districts requiring a professionally prepared site plan allowing for development. Staff agreed to solicit guidance from the BOCC at the public hearing.

March 6, 2013 - Planning Board regular meeting.

There was unanimous consensus for 'Option C' (i.e. eliminate existing requirement for a professionally prepared site plan in the University Lake Protected Watershed Overlay Districts and base submittal of site plan on land disturbance activities consistent with established stormwater thresholds). The Board deferred making a recommendation until a response from OWASA was received.

Agenda materials from this meeting can be accessed via the following link: <http://orangecountync.gov/planning/documents/3.6.13PBPacket.pdf>

April 3, 2013 – Planning Board regular meeting.

The Board reviewed and discussed OWASA's comments with respect to the amendment package. It was determined OWASA has no concerns with the proposed amendment so long as existing impervious surface limits were not impacted. The Board then voted unanimously to recommend approval of the amendment package as presented by staff and detailed within Attachment 3.

Agenda material from this meeting can be accessed via the following

link: <http://orangecountync.gov/planning/documents/PBAgendaPacketApril2013.pdf>.

b. Advisory Boards:

Commission for the Environment (CFE) – January 14, 2013. The CFE had no comments related to the proposed amendment.

c. Local Government Review:

Courtesy Review – Town(s) of Chapel Hill, Carrboro, Hillsborough, City of Mebane in November of 2012. As of this date no comments have been received.

At the February 25, 2013 Quarterly Public Hearing staff was directed to solicit input from OWASA on the proposed text amendment.

OWASA responded on March 21, 2013 they have no concerns over the proposed amendment package.

This response in contained within Attachment 4. OWASA has no comment on the proposal.

d. Notice Requirements

Legal advertisement was published on February 13 and 20, 2013.

e. Outreach:

- General Public: _____
- Small Area Plan Workgroup: _____
- Other: _____

3. FISCAL IMPACT

While these proposed amendments are merely designed to incorporate necessary references with respect to complying with established thresholds, and requiring the submission of formal site plans in the event a stormwater management plan is required, staff had previously identified compliance with these new State required standards will impose additional costs for development projects and require additional staff resources.

Workload for Current Planning and Erosion Control staff to review and approve stormwater management plans required by the rules is expected to increase. Workload for staff with respect to the inspection of stormwater management

features is also expected to increase. This may necessitate an increase in fees charged to developers.

As reported at the February 27, 2012 Quarterly Public Hearing, it is expected that enforcement of the new regulations will require, at a minimum, up to one additional full time employee for Erosion Control with an approximate cost of \$65,000 in salary plus benefits.

Staff is continuing to evaluate workload and needs as the process moves forward.

D. AMENDMENT IMPLICATIONS

The amendments are in response to recent modifications to the UDO relating to compliance with stormwater and nutrient management requirements and staff's desire to ensure proper reference for compliance with these aforementioned new standards.

As previously indicated by staff, compliance with these required standards is expected to increase the cost of development and increase staff workload.

E. SPECIFIC AMENDMENT LANGUAGE

Please refer to [Attachment 3](#).

Primary Staff Contact:

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Planning

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Ordinance #: ORD-2013-016

**AN ORDINANCE AMENDING
THE UNIFIED DEVELOPMENT ORDINANCE OF ORANGE COUNTY**

WHEREAS, in April of 2012 the County adopted stormwater management standards consistent with the requirements of State law, and

WHEREAS, the County has determined there are existing inconsistencies within the Unified Development Ordinance (UDO) with respect to when a professionally prepared site plan is required as well as a lack of reference to adopted stormwater regulations, and

WHEREAS, the County has determined these modifications to existing regulations establishing a universal standard governing the submittal of a professionally prepared site plan based on adopted stormwater management standards are now timely, 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 promote public health, safety and general welfare and to achieve the purposes of the adopted Comprehensive Plan, and

WHEREAS, pursuant to North Carolina General Statute 153A-341 and Section 1.1.7 of the Unified Development Ordinance, the Board of Commissioners of Orange County has found the proposed text amendments to be consistent with the goals and policies of 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 in the attached pages.

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

UDO AMENDMENT PACKET NOTES:

The following packet details staff's proposed modifications to existing regulations governing the submittal of professionally prepared site plans.

These amendments are based on comments/direction received by BOCC, Planning Board, and OWASA since the February 25, 2013 Quarterly Public Hearing.

As the number of affected pages associated with this proposal is extensive, and substantial text is being modified, staff has divided the proposed amendments into the following color coded classifications:

- **Red Underlined Text**: Denotes new, proposed text, that staff is suggesting be added to the UDO
- ~~Red Strikethrough Text~~: Denotes existing text that staff is proposing to delete
- **Red Underlined Bold Text**: Denotes new, proposed text, that staff is suggesting be added to the UDO based on BOCC and Planning Board member recommendations arising out the February 25, 2013 quarterly public hearing and the March 6, 2013 Planning Board meeting.

Only those pages of the UDO impacted by the proposed modification(s) have been included within this packet.

Staff has included footnotes within the amendment package to provide additional information/rationale concerning the proposed amendments to aid in your review.

Please note that the page numbers in this amendment packet may or may not necessarily correspond to the page numbers in the adopted UDO because adding text may shift all of the text/sections downward.

- (D) Amendments initiated by Orange County shall not be subject to time limitations other than those specified by the Board of County Commissioners during the public hearing process.
- (E) Evidence not presented at the public hearing may be submitted in writing to the Planning Board for consideration prior to the Planning Board's recommendation to the Board of County Commissioners. The Planning Board may consider additional oral evidence only if it is for the purpose of presenting information also submitted in writing.

2.3.11 Action by Board of County Commissioners

- (A) The Board of County Commissioners shall not consider enactment of the proposed amendment until the Planning Board either makes its recommendation or takes no action on the application as prescribed in this section.
- (B) In making its decision, the Board of Commissioners shall consider all relevant evidence presented at the public hearing and any submitted written evidence that was considered by the Planning Board in making its recommendation.
- (C) The Board of Commissioners, upon receipt of a recommended Comprehensive Plan or portion thereof from the Planning Board, shall consider such recommendations and adopt them by resolution, either unchanged or with modifications.

SECTION 2.4: ZONING COMPLIANCE PERMITS

2.4.1 Applicability

- (A) As required by this Ordinance, a Zoning Compliance Permit must be issued before any new site development, building, structure, or vehicular use area may be erected, constructed or used.
- (B) Submittal and approval of a site plan (see Section 2.5) is required for issuance of a Zoning Compliance Permit except for:
 - (1) Single-family detached dwellings and duplexes, and accessory structures to those residential uses ~~shall require a plot plan as detailed within Section 2.4.3 of this Ordinance. provided, however, when such uses are located in the University Lake Watershed Protection Overlay District, site plan approval shall be required.~~
 - (a) ~~Single-family detached dwellings and duplexes outside of the University Lake Watershed Protection Overlay District and accessory structures to those residential uses shall be required to submit a Plot Plan (see Section 2.4.3 for Plot Plan specifications).~~

In those instances, however, where the proposed level of land disturbance exceeds established thresholds as detailed within Section 6.14.5 of the Ordinance a formal site plan, prepared in accordance with Section 2.5, shall be required for submittal and approval.² **This site plan shall contain all required elements associated with obtaining a Zoning Compliance, Erosion Control, and Stormwater permit as detailed herein.**³

¹ The existing wording of the UDO has created confusion in the past over when a site plan is required. We have streamlined existing language in an attempt to eliminate confusion and specifically spell out when a plot plan versus a site plan is actually required..

² This paragraph has been modified based on the Planning Board recommendation made during the March 6, 2013 regular meeting.

³ The **red bold text** was added to address comments from the January 9, 2013 ORC meeting where members wanted some language encouraging the submittal of a single site plan complying with all zoning and erosion control/stormwater permit requirements.

- (2) Interior renovation or repair of an existing structure, provided the use of the lot and/or structure has not changed.
- (C) Issuance of a Zoning Compliance Permit is required prior to beginning the excavation for the construction, moving, alteration, or repair, except ordinary repairs, of any building or other structure, including an accessory structure. The Zoning Compliance Permit shall include a determination that plans, specifications and the intended use of the structure conforms to the provisions of this Ordinance.
- (D) Issuance of a Zoning Compliance Permit is required to change the type of use or type of occupancy of any building, or to expand any use on any lot on which there is a non-conforming use. The Zoning Compliance Permit shall include a determination that the proposed use conforms to the provisions of this Ordinance.

2.4.2 Requirements and Conditions

- (A) In cases where the development and/or commencement of a land use requires the issuance of a Special Use or a Conditional Use Permit, a Zoning Compliance Permit shall not be issued until the aforementioned permit has been issued by the responsible board in accordance with the review and approval procedures detailed herein.
- (B) Issuance of a Special Use or Conditional Use Permit does not negate the requirement for a Zoning Compliance Permit.
- (C) Issuance of a Zoning Compliance Permit does not establish a vested right to begin and complete construction or change the use/occupancy of a lot or building should regulations change subsequent to issuance of said permit.
- (D) Application for Zoning Compliance Permit shall specify the method of disposal of trees, limbs, stumps and construction debris associated with the permitted activity. Open burning of trees, limbs, stumps, and/or construction debris associated with the permitted activity is expressly prohibited.
- (E) No building, structure, or zoning lot for which a Zoning Compliance Permit has been issued shall be used or occupied until the Building Inspector has, after final inspection, issued a Certificate of Occupancy indicating compliance with all the provisions of this Ordinance.
- (F) No building, structure, or zoning lot for which a Zoning Compliance Permit has been issued shall be used or occupied until the Orange County Health Department has approved the water supply and sewage disposal systems serving that use.
- (G) Issuance of a Certificate of Occupancy by the Building Official or the approval of a water supply and sewage disposal system by the Health Department shall in no case be construed as waiving any provision of this Ordinance.
- (H) Zoning Compliance Permits shall become null and void after 18 months from the date of issuance if a building permit is not applied for or land disturbing activities are not commenced in accordance with the provisions of this Ordinance.

2.4.3 Plot Plan Specifications

- (A) For development types requiring a plot plan rather than a site plan, the plot plan shall contain the following:
 - (1) A scaled drawing denoting the length of all property lines,
 - (2) A north arrow denoting the orientation of the lot and all proposed structures,
 - (3) The location of the proposed structure(s) and distances from all property lines,
 - (4) The location of the proposed driveway,
 - (5) The location of the proposed septic system and proposed drain lines on the property,

- (6) The location of the proposed well, and
- (7) The location of any protected features on the property (i.e. stream buffers, flood plain, wetlands, etc).
- (B) Base plot plans are available from the Planning Department and can be printed for a fee in accordance with the established fee schedule. Applicants may also use other sources of base plot plans provided the requirements of this Section are met.
 - (1) Planning staff is available to discuss compliance matters but shall not complete plot plans.

SECTION 2.5: SITE PLAN REVIEW

2.5.1 Review and Approval Flow Chart

The review and approval process for a Site Plan is shown in the procedure’s flowchart.⁴

2.5.2 Application Requirements

(A) Each site plan shall be prepared and sealed by an appropriately licensed professional with the following exceptions:

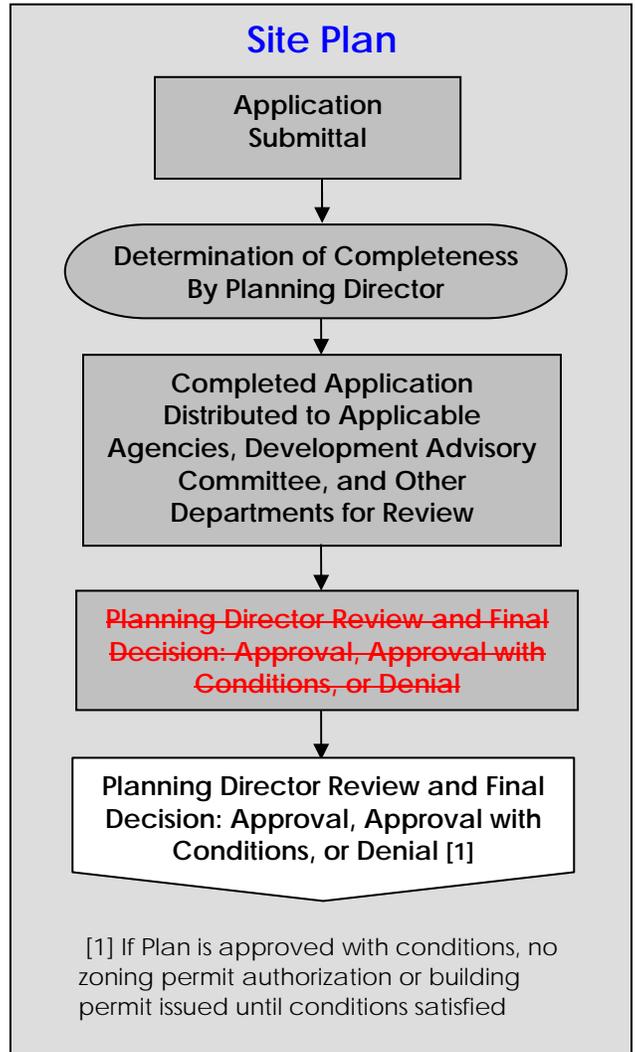
- (1) Proposed additions to existing permitted non-residential structures where the use of the structure and lot has not changed and the floor area is not increased more than 25%.
- (2) Accessory structures to existing permitted non-residential structures where vehicular use area is not extended and changes to existing grade are not more than one foot in elevation.

~~(3) Single family detached dwellings and duplexes, and accessory structures to such uses.⁵~~

~~(4)(3)~~ Large day care homes, as defined in Article 10, Definitions.

~~(5)(4)~~ Rural Guest Establishments with three guestrooms or less - Bed & Breakfasts.

- (B) The applicant shall submit to the Planning and Inspections Department:
 - (1) Three copies of the site plan prepared in accordance with the provisions detailed in this Section. Additional copies may be required depending on the nature and location of the proposed development);
 - (2) The completed site plan application form;
 - (3) A copy of the Orange County tax map with the subject property identified;



⁴ At the January 9, 2013 ORC meeting Planning Board members expressed concern over duplication of language within the flow chart. The language is being deleted.

⁵ Staff is eliminating contradictory language within this section of the UDO.

- (4) Legal documentation, to be approved by the County Attorney, establishing entities responsible for control over common areas and facilities.
 - (5) Three copies of the Environmental Assessment and/or Environmental Impact Statement, if required under Section 6.16 of this Ordinance.
 - (6) A statement regarding the method of disposal of trees, limbs, stumps and construction debris associated with the permitted activity. Open burning of trees, limbs, stumps, and/or construction debris associated with the permitted activity is expressly prohibited.
- (C) Other items which should be submitted simultaneously, but are not required as part of the site plan application are:
- (1) Erosion control and grading plans as necessary to be approved by the Erosion Control Officer for a grading permit,
 - ~~(1)~~(2) Stormwater management plans as necessary to be approved by the Erosion Control Officer prior to the issuance of a Zoning Compliance Permit, and
 - ~~(2)~~(3) Building construction plans to be approved by the Building Official prior to issuance of a building permit.

2.5.3 Plan Specifications

Each site plan shall be drawn at a scale adequate to show required detail and shall contain the following information:

- ~~(A)~~ The boundary of the lot(s) to be developed labeled with bearings and distances;
- ~~(B)~~ The name, address, and phone number of the applicant and the property owner;
- ~~(C)~~ Name of project, vicinity map, north arrow, scale, tax map reference number, date of plan preparation, and subsequent revision dates;
- ~~(D)~~ Zoning of the property to be developed and all adjacent zoning and existing adjacent land uses;
- ~~(E)~~ Adjacent right-of-way widths with road names and numbers;
- ~~(F)~~ A development summary including total acres, proposed use(s), total building square footage, required and proposed parking spaces.
- ~~(G)~~ Demonstrated compliance with all applicable performance standards contained in Articles 3, 4, 5, and 6 of this Ordinance;
- ~~(H)~~ Maximum and proposed impervious surface and required stream buffers as detailed in Sections 4.2 and 6.12 of this Ordinance;
- ~~(I)~~ Estimated traffic generated by the proposed development in trips per day. If the estimate exceeds 800 trips per day, a traffic impact study must be submitted in accordance with Section 6.17;
- ~~(J)~~ Front, side, and rear building setbacks as required by Articles 3 and 5 of this Ordinance;
- ~~(K)~~ Location of all proposed buildings and structures labeled with floor area, building height and function, and proposed finished floor elevation;
- ~~(L)~~ Vehicular use areas including existing and proposed streets and access drives, off street parking and loading to comply with Section 6.9 of this Ordinance, and entry/exit points of adjacent parcels;
- ~~(M)~~ Overhead and underground utilities with accompanying easements and storm drainage facilities/easements (including septic tanks and wastewater disposal fields, wells, fire hydrants, irrigation, and security lights);
- ~~(N)~~ Solid waste disposal facilities;

- (2) The estimated cost of the required improvements must be itemized and certified by the applicant's licensed professional engineer or licensed professional surveyor, if the surveyor was the original preparer of the plans for the subdivision.
- (3) In the case of minor subdivisions, the subdivider's licensed professional engineer or licensed professional surveyor may provide the itemized cost estimate.
- (4) Cost estimates must be based on industry norms within Orange County.
- (5) The Planning Director or Planning Board may require a higher guarantee amount when deemed necessary to address higher potential correction costs due to the subdivision's size and site characteristics, but in no event may the amount exceed 25% of estimated construction costs.
- (E) The guarantee shall have a term of two years and shall provide an option for annual renewal if the subdivider/developer has:
 - (1) Arranged for County inspection of the improvements,
 - (2) Submitted to the County an acceptable estimate of the costs necessary to correct any deterioration or defects discovered by the inspection, and
 - (3) Increased the amount of the security by the amount of said estimate.
- (F) The subdivider/developer shall pay a fee in accordance with the Fee Schedule adopted by the Board of County Commissioners at the time of the initial posting of the guarantee and for each subsequent renewal or extension to cover the County's administrative costs.

SECTION 7.5: SUBDIVISION AGREEMENTS

- (A) The subdivider of all minor and major subdivisions shall record a subdivision agreement outlining the limitations associated with the development of created lots at the Orange County Register of Deeds at the same time the Final Plat is recorded.
- (B) The purpose of the subdivision agreement is to provide detail on various development limitations that will regulate the overall development of property consistent with the approval of the subdivision.
- (C) This subdivision agreement shall, at a minimum, outline the following development criteria for property within the subdivision:
 - (1) Required development setbacks for lots within the project.
 - (2) Impervious surface limits for the lots within the development.
 - (3) The presence of identified environmental features (i.e. stream buffers, flood plain, wetlands, etc) and an explanation on how development of the lot(s) is impacted.
 - (4) The presence of identified cultural features listed by the North Carolina Heritage Program, or identified in "An Inventory of Sites of Cultural, Historic, Recreational, Biological, and Geological Significance in the Unincorporated Portions of Orange County" or "Inventory of the Natural Areas and Wildlife Habitats of Orange County, North Carolina".
 - (5) Identification of soil and septic limitations, if any, for each lot.
 - (6) Access restrictions for the project and individual lots.
 - (7) Limitations on land uses.
 - (8) Maintenance requirements for all roadways as well as references to the project's road maintenance agreement, if required.

SECTION 7.6: GENERAL DESIGN STANDARDS

The avoidance of congestion and overcrowding and the creation of conditions essential to public health, safety and the general welfare may be best accomplished through the application of design standards

providing for the distribution of population and traffic, safe and coordinated street systems, approved water supply and sewage disposal systems, usable lots and conformance to plans for Orange County as recommended by the Planning Board and adopted by the Board of Commissioners. The following general requirements and principles of land subdivision shall be observed:

7.6.1 Minimum Lot Size

- (A) All lots shall contain the minimum lot area required by Article 3 of this Ordinance and shall comply with all applicable development standards.
- (B) Any lot which provides an easement for individual septic disposal for use by a separate lot shall contain an additional 20,000 square feet to accommodate the septic easement.

7.6.2 Residential Density

The allowable density on a given parcel of property proposed for subdivision shall comply with the residential maximum density requirements in Section 4.2.4.

7.6.3 Land Suitability

- (A) In reviewing subdivision proposals, the Planning Department and Planning Board shall consider the overall design of the subdivision with the suitability of the land for development to insure that the platting and development of the subdivision will not create a danger to the health, safety, and welfare of Orange County residents.
- (B) Land suitability shall be determined by an investigation of conditions including but not limited to flood prone areas, soil drainage, drainage patterns, slope, historic sites, maximum anticipated levels of land disturbance for the project and all proposed individual lots, and unique natural areas. The investigations shall be carried out by the Planning Board, the Planning Department, or other agencies or individuals having the appropriate technical expertise.
- (C) Special Flood Hazard Areas shall be considered during the review process.
- (D) Soils shall be evaluated for suitability or provisional suitability for septic tanks according to guidelines established in the Laws and Rules for Ground Absorption Sewage Disposal Systems, incorporated herein by reference.
 - (1) Each lot that does not contain a suitable building site shall be designated on the plat as being of restricted development potential and by instrument recorded in the Orange County registry as specifically prescribed by Section 7.14.3(E)(1) of this Ordinance.
- (E) **Drainage**
 - (1) Soil suitability, including slope and drainage, shall also be evaluated according to soil characteristics indicated by the Orange County Soil Survey and topography indicated by the U.S. Geological Topographic Maps.
 - (2) Each lot shall contain a suitable building area safe from inundation and erosion.
 - (3) Sanitary sewer systems, septic tank drainfields, water systems, wells, and adjacent properties shall be protected from inundation by surface water.
 - (4) Roads, driveways and utilities shall be protected from damage caused by improper stormwater management.
 - (5) Mechanical devices, drainage easements, natural buffers, large lots, and/or other technical means may be used to achieve these drainage objectives. Natural drainageways are a preferred means of stormwater run-off removal. The characteristics (including capacity) of natural drainageways shall be protected.
 - (6) Runoff levels from the 25-year storm after the site is developed shall not be greater than the rate of runoff on the same site in its natural state.

(7) In cases where anticipated land disturbance for the subdivision and the proposed lots will cumulatively exceed established thresholds denoted within Section 6.14.5 of this Ordinance, a formal stormwater management plan shall be required as part of the application submittal.⁶

(F) Resource Protection

- (1)** Applications for subdivision shall be evaluated by the Planning Department and Planning Board for potential impairment of habitat of rare and endangered species or unique natural areas.
- (2)** A strategy shall be developed to protect resources listed by the North Carolina Heritage Program, or identified in "An Inventory of Sites of Cultural, Historic, Recreational, Biological, and Geological Significance in the Unincorporated Portions of Orange County" or "Inventory of the Natural Areas and Wildlife Habitats of Orange County, North Carolina".
 - (a)** The strategy shall provide protection of identified natural and cultural resources from impacts which could result from development of the subdivision, and shall include one or more of the following:
 - (i)** Dedication of conservation easements,
 - (ii)** Restrictive covenants prohibiting clearing or disturbance of the resource areas,
 - (iii)** Dedication of resource areas to Orange County,
 - (iv)** Clustering of lots to minimize land disturbance and preserve the special features of the property,
 - (v)** Other restrictions or development options which provide an adequate level of protection.
- (3)** The Planning Department shall review available documentation of the particular site and determine if the proposed strategy adequately protects the identified resources.
- (4)** Maps, studies, and reports which are relevant to this section shall be maintained by the Planning Department.

SECTION 7.7: LOTS

7.7.1 Generally

All lots shall conform to all of the requirements of this Ordinance for the zoning district and any overlay district in which they are located.

7.7.2 Shape and Orientation

- (A)** The shape and orientation of lots shall be appropriate to the location of the subdivision and the development intended.
- (B)** Interior lot lines extending from a street should be approximately perpendicular or radial to the street right of way line.
- (C)** Lot lines shall be located to permit efficient installation and maintenance of utility lines on utility easements, to maximize buildable area, and, where applicable, to provide a suitable area for septic systems.

⁶ Staff would prefer comprehensive stormwater management plans rather than multiple plans, multiple systems, on individual lots that all have to be inspected by Erosion Control on a semi annual basis and maintained by individual property owners. Through this process staff is hoping to encourage neighborhood wide stormwater management plans to avoid unnecessary development and maintenance costs on individual property owners and encourage a comprehensive approach to stormwater and nutrient management.



ORANGE WATER AND SEWER AUTHORITY

*A public, non-profit agency providing water, sewer and reclaimed water services
to the Carrboro-Chapel Hill community.*

March 21, 2013

Michael D. Harvey, AICP, CFO, CZO
Current Planning Supervisor
Orange County Planning Department
PO Box 8181
Hillsborough, NC 27278

Subject: Comments on Orange County's Proposed Modifications to Site Plan Submittal
Requirements

Dear Mr. Harvey:

I am writing in response to your letter of March 12, 2013 in which you requested OWASA comments on proposed modifications to Orange County's site plan submittal requirements. OWASA understands the County's desire to have consistent requirements among the water supply watersheds with similar impervious surface requirements. It is also our understanding that no changes are being proposed to Orange County's impervious surface limitations applicable to development within the University Lake or Cane Creek watersheds. The respective watershed studies for those two drinking water supply sources highlighted the importance of impervious surface limits. OWASA staff would not support any future proposals for relaxation of the impervious surface limits.

Since stormwater management activities will be required in accordance with current regulations and plot plans are required for any development within a water supply watershed, we do not anticipate any impacts to our water supply in University Lake under the proposal to remove the site plan requirement for projects that do not disturb more than the established thresholds. Thus, OWASA staff does not have any concerns over proposed plans to eliminate the requirement for site plans for any development in the University Lake watershed.

Thank you for the opportunity to comment on the proposed modification to the County's requirements for site plans. If you have any questions, please contact me at 919-537-4214 or at rrouse@owasa.org.

Sincerely,

Ruth C. Rouse, AICP
Planning and Development Manager

cc: Ed Kerwin

Attachment 5
 Excerpt of approved February 25,
 2013 Quarterly Public Hearing
 Minutes

APPROVED 4/9/2013

**MINUTES
 ORANGE COUNTY BOARD OF COMMISSIONERS
 ORANGE COUNTY PLANNING BOARD
 QUARTERLY PUBLIC HEARING
 February 25, 2013
 7:00 P.M.**

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

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

COUNTY COMMISSIONERS ABSENT:

COUNTY ATTORNEY PRESENT: John Roberts

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

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

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

A. PUBLIC HEARING ITEMS

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

Staff presented a Powerpoint below:

AGENDA ITEM:C-1

UDO TEXT AMENDMENT – SITE PLAN MODIFICATIONS

BACKGROUND:

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

WHAT THIS PROPOSAL DOES:

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

WHAT THIS PROPOSAL DOES:

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

SITE PLAN VERSUS PLOT PLAN:

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

Site Plan

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

Plot Plan

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

IMPACTS:*Pros*

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

Cons

- Added cost.
- Added time for permit submittal.

ORC COMMENTS:

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

OPTIONS – Section 2.4.1:

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

STAFF COMMENTS:

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

RECOMMENDATION:

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

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

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

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

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

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

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

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

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

Commissioner Pelissier said that she prefers option 'c'.

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

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

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

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

VOTE: UNANIMOUS

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

VOTE: UNANIMOUS

Approved 4/3/13

**MINUTES
ORANGE COUNTY PLANNING BOARD
MARCH 6, 2013
REGULAR MEETING**

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 8: **UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT** – To make a recommendation to the BOCC on government-initiated amendments to the text of the UDO to modify existing language to provide additional reference to land disturbance thresholds related to stormwater management standards. This item was heard at the February 25, 2013 quarterly public hearing.
Presenter: Michael Harvey, Current Planning Supervisor

Michael Harvey: This item begins on page 51 of the abstract. I would like to review what occurred at the Quarterly Public Hearing and get feedback. This item will come back at the April regular meeting once the comments from OWASA are obtained.

Larry Wright: On the BOA, we heard an application where they were dealing with impervious surfaces. . They couldn't get the driveway to the house. I would like to know, translating it to this, this 6% is not 6% when someone buys a parcel and it is on a corner lot. The 6% is not their land.

Michael Harvey: I will respectfully disagree. In the instance you are referring to, it is a 10 acre exempt subdivision, meaning it did not go through the formal staff review and approval process. They had easements for the various roadways placed on this property without thought of impacts associated with impervious surface limits. Roadway it does contribute to the 6% impervious surface limit but the problem was created through the process they went through in that the developer did not allocate impervious surface area from all of the lots to address roadway construction.

Larry Wright: Are there parcels that were purchased like that application for the BOA that would be in the same scenario?

Michael Harvey: I am sure there are.

Approved 4/3/13

Larry Wright: What would happen?

Michael Harvey: They apply for variances or make do with what they have.

Alan Campbell: I would like to get a sense of the current requirement is 6% and University Lake requires a professionally prepared site plan. What is the benefit having that versus a plot plan? Does it help you understand they are meeting that 6%?

Michael Harvey: We get with a certain level of specificity with a professionally prepared site plan versus a plot plan. Detailed are breakdowns of the impervious surface is just a prime example.

Alan Campbell: It sounds like you are proposing an automatic burden on a lot of people when there is no need for it when you always have the option of requirement and storm water to back you up.

Michael Harvey: That is not a wrong argument.

Lisa Stuckey: Is there a consensus among the group that "c" is the feedback we want to give.

Herman Staats: I understand based on that map that you have the 6% zones and they would have to have a professionally prepared plan. How does the storm water runoff criterion compare or what does that mean?

Michael Harvey: Basically, we wanted to avoid county planning staff looking at one set of drawings and Orange County Erosion Control looking at a totally different set. On page 54 for example, you can have ½ to one acre of disturbance. If "c" were the option, regardless of the watershed you are in, if you exceed these thresholds; we need a professionally prepared site plan.

Herman Staats: If we used "c" these people in the 6% zones would not have to do it unless they met the storm water criteria.

Michael Harvey: Or we make the formal determination we cannot make an affirmative finding a permit can be issued unless we have more detail.

Tony Blake: I am trying to understand the historical context here. I realize that was the only water supply when that was put in effect. I don't understand why around Little River is 6% and others are not.

Craig Benedict: Part of University Lake is to ask OWASA what they know from history. That goes back before the watershed rules were put in effect in 1994. Little River was in protection for a Durham water supply and that is not a requirement of the state just Orange County protecting water supply. In Cane Creek, it is a very small watershed and we are going to see what the differences or state mandates are in excess of that.

Herman Staats: The only other issue is the interaction with the public so if you use the storm water guidelines but then you have the discretion of the requiring a professional plan, what will be the most public friendly.

Michael Harvey: There is language in the code that gives us discretion of requiring a professionally prepared site plan if we can't make a decision with respect to the issuance of permit and what is proposed complies with County regulations. The typical cadence for a permit review now is that local residents, developers, etc. come to the planning department and we do a site assessment. That provides a brief explanation, examination of the natural features on a property. We have been directed by the BOCC to provide you with OWASA feedback in response to the change in the ordinance and they will be giving you some history.

Approved 4/3/13

Lisa Stuckey: At this point, we are waiting for OWASA?

Michael Harvey: We are looking to answer your questions tonight and give us feedback on the option preference. What I have heard here is that there is a consensus for pursuing Option "c" while awaiting a response from OWASA.

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**MINUTES
ORANGE COUNTY PLANNING BOARD
APRIL 3, 2013
REGULAR MEETING**

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MEMBERS PRESENT: Peter Hallenbeck (Chair), Cheeks Township Representative; Lisa Stuckey, Chapel Hill Township Representative; Buddy Hartley, Little River Township Representative; Tony Blake, Bingham Township Representative; Maxecine Mitchell, At-Large Bingham Township; Herman Staats, At-Large, Cedar Grove Township;

MEMBERS ABSENT: Andrea Rohrbacher, At-Large Chapel Hill Township; Dawn Brezina, Eno Township Representative; Johnny Randall, At-Large Chapel Hill Township; Rachel Hawkins, Hillsborough Township Representative; Alan Campbell, Cedar Grove Township Representative

STAFF PRESENT: Michael Harvey, Current Planning Supervisor; Tina Love, Administrative Assistant II

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

AGENDA ITEM 2: INFORMATIONAL ITEMS
a) Planning Calendar for March and April
b) Interest Areas Raised by Planning Board Members at January 9, 2013 Meeting

**AGENDA ITEM 3: APPROVAL OF MINUTES
MARCH 6, 2013**

MOTION by Tony Blake to approve the March 6, 2013 Planning Board minutes. Seconded by Lisa Stuckey.
VOTE: UNANIMOUS

AGENDA ITEM 4: CONSIDERATION OF ADDITIONS TO AGENDA

AGENDA ITEM 5: PUBLIC CHARGE

Introduction to the Public Charge

The Board of County Commissioners, under the authority of North Carolina General Statute, appoints the Orange County Planning Board (OCPB) to uphold the written land development laws of the County. The general purpose of OCPB is to guide and accomplish coordinated and harmonious development. OCPB shall do so in a manner which considers the present and future needs of its citizens and businesses through efficient and responsive process that contributes to and promotes the health, safety, and welfare of the overall County. The OCPB will make every effort to uphold a vision of responsive governance and quality public services during our deliberations, decisions, and recommendations.

PUBLIC CHARGE

The Planning Board pledges to the citizens of Orange County its respect. The Board asks its citizens to conduct themselves in a respectful, courteous manner, both with the Board and with

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52 fellow citizens. At any time, should any member of the Board or any citizen fail to observe this
 53 public charge, the Chair will ask the offending member to leave the meeting until that individual
 54 regains personal control. Should decorum fail to be restored, the Chair will recess the meeting
 55 until such time that a genuine commitment to this public charge is observed.
 56

57
 58 **AGENDA ITEM 6: CHAIR COMMENTS**

59
 60 Pete Hallenbeck: In your packet we had the summary of things people had talked about regarding directions to go
 61 for the UDO and the Planning Board and I also enclosed 3 pages on what I have been thinking about with regard to
 62 emergency services and home occupations. I don't really want to discuss those tonight. I put those in there so
 63 you could see an example of what I'd like to see from members. We have the first step, things we're interested in,
 64 I'd like as a second step to get more specific things. What I am purposing is that I'll take all that and condense it in
 65 and then we can all read it and when it's time to discuss it, we have input from everyone and we've read it in
 66 advance. It should be a wonderful discussion.
 67

68 Lisa Stuckey: Are you going to send an email asking for us to submit it.
 69

70 Pete Hallenbeck: Yes, I'll do that.
 71

72
 73 **Agenda Item 7: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT – To make a recommendation to**
 74 **the BOCC on government-initiated amendments to the text of the UDO to modify existing**
 75 **language to provide additional reference to land disturbance thresholds related to stormwater**
 76 **management standards. This item was heard at the February 25, 2013 quarterly public**
 77 **hearing and was discussed by the Planning Board at its March 6 meeting.**
 78 **Presenter: Michael Harvey, Current Planning Supervisor**
 79
 80

81 Michael Harvey: As you will recall last month we began looking at a purposed UDO text amendment where we
 82 were wrestling with the notion of providing appropriate reference to recently approved stormwater management
 83 guidelines. In doing this we identified several options and we were directed by the elected officials to get input from
 84 OWASA. At last month's meeting there was a unanimous consensus amongst the Planning Board that option C
 85 was the preferred method. This option has been incorporated into the proposed amendment package you are
 86 reviewing this evening and has staff approval as well. What will happen now when you develop your property for a
 87 residential use, the way this now reads, is if you reach the stormwater land disturbance thresholds that we have
 88 provided on page 18 of your packet, you will have to produce a site specific development plan. The Ordinance also
 89 now contains language indicating you are going to show us everything on that one site specific development plan
 90 so that erosion control and current planning are looking at the same document. What we're hoping also is that
 91 health is going to be looking at that same document so the three agencies that are clearly concerned about land
 92 development and environmental protection are all going to be working from the same central document. We have
 93 eliminated the 6% requirement, with respect to serving as a trigger for the submission of a professionally prepared
 94 site plan, all together. Our opinion on the validity of this recommendation is bolstered by the fact that in attachment
 95 3 of your packet, we have a letter from OWASA basically saying we don't care.
 96

97 Michael Harvey: A couple of clarifying points, as you will recall this doesn't change impervious surface limits. One
 98 of the concerns expressed by Commissioner Gordon at the quarterly public hearing is that we are going to be
 99 lessening the protections for the University Lake both Critical and Protected overlay districts. This is simply not
 100 true. 6% is still the impervious surface limit for this area of the County. There was a question at the last Planning
 101 Board Meeting, what happens if you get your plot plan from an applicant and you think it's over its impervious
 102 surface allotment. Staff can still require, per the UDO, a formally prepared site plan. We have done that on a few

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103 occasions in Orange County even in the less protected watersheds. From our standpoint this is a reasonable
 104 compromise, it provides the link we were looking for in terms of referring people to the stormwater thresholds. We
 105 are asking the Board to complete its review, you have OWASA's statement and the ordinance amendment has
 106 been rewritten to incorporate option c as suggested by the Board.

107

108

109 Maxecine Mitchell: So you're saying that the cutting of trees is part of the impervious surface?

110

111 Michael Harvey: That would be part of land disturbance, as we discussed at the quarterly public hearing when
 112 Commissioner Dorosin asked the same question but the simple act of cutting a tree does not mean you are adding
 113 impervious surface area to your property. Once you built a house, you build a driveway (gravel), these actions
 114 represent the placement of impervious surface area on your property which for the majority of the County is limited
 115 based on your location within a Watershed Protection Overlay District. Say you have a wooded area and you clear
 116 that for your septic field, you clear additional area for view shed, to support the development of your house, that is
 117 land disturbance activities. What this ordinance amendment does is make reference to existing standards that if
 118 you exceed this level of land disturbance, you have to do the formal stormwater plan and we will require the site
 119 specific development plan with it.

120

121 Pete Hallenbeck: So what we're looking at here is these disturbance limits that we're reviewing on page 18 is that
 122 disturbance defined as both the impervious surface and ground that you tear up for some reason.

123

124 Herman Staats: So that I understand, cutting timber is not land disturbance if you don't dig up the roots or bulldoze?

125

126 Michael Harvey: Cutting timber can be in certain circumstances, as defined by erosion control, can be land
 127 disturbance. There are situations where it is exempt because it is either a bona fide farm or if you're not disturbing
 128 the ground cover. In theory yes, that is true but once you disturb the ground cover then it becomes land
 129 disturbance.

130

131 Pete Hallenbeck: Commissioner McKee was curious how this would impact someone who wanted to build a house
 132 for parents or children on their land and I've had some emails and worked through some examples. My take is that
 133 there is no simple way to sum up the impact of this and say as long as it's only this size house, you're good
 134 because the process requires all these different aspects. What does house disturbance footprint, which is going to
 135 be an impervious surface plus some area of around it, the driveway footprint, the septic tank, other areas. Also
 136 having gone through the process of having built a house in the county, there is a bunch of stuff going on, and my
 137 experience was that the sooner you engage the planning department with what you're doing the better because
 138 they can walk you through the rules and this is all part of the process of designing what you're doing. I think the
 139 best you can do to explain it to people is just make them aware of this process.

140

141 Herman Staats: I remember Commissioner McKee was asking about what someone could do if they got a piece of
 142 land, the recommendation that we're making is based on the state law, is that right?

143

144 Michael Harvey: The recommendation you're making is, instead of having the existing standard which says
 145 everybody in University Lake has to give you a professionally prepared site plan no matter what, we are basically
 146 linking the submission of that site plan to the stormwater land disturbance thresholds we adopted last year. That to
 147 us is a universal standard. No matter what we do this is here. It's our position, and you have agreed with it, there's
 148 no need to have multiple caveats in the code which is what we have now.

149

150 Tony Blake: The County always has the sufficient cause to ask for one (site plan).

151

152 Michael Harvey: Yes, we do what is called a site assessment now for every project typically before they even apply
 153 for a building permit. Site assessment is designed to identify all environmental factors and issues on any given

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154 parcel of property. Its main purpose is to identify for health, in advance of their applying for a septic permit, what
 155 areas can and cannot support a septic system. We use that process, that document that we produce using aerial
 156 photography to identify these types of issues.

157
 158 Pete Hallenbeck: My experience has been that if you can get the idea across to people to go talk to the County first
 159 you can avoid a lot of headaches and they will help you understand these Ordinances and help you work through
 160 the numbers and look at the options.

161
 162 Michael Harvey: We've had a lot of success with the site assessment. People don't like to do it but when they find
 163 that its free and find that we identify issues before they go spending money, they seem to be somewhat happier but
 164 they still don't like the notion, it ultimately down to 'it's my property, I'll do what I want' and unfortunately that's not
 165 viable opinion to have in an age when zoning and land use issues are at the forefront of regulation.

166
 167 Lisa Stuckey: I can envision a person who is under the limits and goes forward and then slowly but surely they
 168 landscape more and more over years.

169
 170 Michael Harvey: It's not a cumulative issue. Impervious surface is a cumulative issue but land disturbance is not.
 171 Having said that if you are required to adhere to an approved stormwater management plan and disturb property
 172 invalidating that plan, you will have to take appropriate measures to address compliance with our regulations.

173
 174 Pete Hallenbeck: There's the incremental project where you add impervious surface and there's the incremental
 175 project where all the disturbed area from your previous project is grown over, has grass, is good and you're
 176 disturbing a new area and those are different things.

177
 178 Michael Harvey: Right, you may recall when Terry Hackett appeared before you last April, different types of land
 179 cover have different levels of credit for stormwater. A forest has the best and grass is not bad but it is the worst you
 180 can have because it is just grassy field. As we continue to move forward, these regulations are going to become
 181 somewhat more cumbersome. There are going to be more impacts on property owners and ability to develop
 182 property and unfortunately this is the direction we are headed.

183
 184 **MOTION:** made by Tony Blake to accept the Planning Department's recommendation for Option C. Seconded by
 185 Buddy Hartley.

186 **VOTE: UNANIMOUS**

187

188

189 **AGENDA ITEM 8: COMMITTEE/ADVISORY BOARD REPORTS**

190

191 a) Board of Adjustment

192 b) Orange Unified Transportation

193

194 Members and staff had some general discussion regarding cell towers.

195

196

197 **AGENDA ITEM 9: ADJOURNMENT**

198

199 **MOTION:** made by Lisa Stuckey to adjourn. Seconded by Tony Blake.

200 **VOTE: UNANIMOUS**

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 7, 2013

**Action Agenda
Item No.** 7-a

SUBJECT: Whitted 2nd Floor "A" Building Permanent Board Meeting Facilities

DEPARTMENT: Asset Management Services

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

- 1) Design Professional Services Agreement Amendment Proposal
- 2) Conceptual Use Floor Plans
- 3) Hillsborough Zoning Definitions and Process Options

INFORMATION CONTACT:

Jeff Thompson, 919-245-2658

PURPOSE: To:

- 1) Authorize staff to move forward with the project of converting the Whitted 2nd Floor "A" building into a permanent meeting facility for use by Orange County Government;
- 2) Affirm that the meeting space is to be shared with the Town of Hillsborough, the Orange County Schools Board, and, potentially, the Orange County Cultural Center as governed by a Board approved Operating Agreement;
- 3) Affirm that an Operating Agreement to be approved by the Board with the Orange County Cultural Center, including usage scheduling procedures, rates, and neighborhood interaction, will be presented to the Board at its September 5, 2013 regular meeting in conjunction with preparation of project construction documents (any improvements associated with the needs of OCCC in utilizing the facility will not be included without adequate funding commitment from the OCCC at the time of design); and
- 4) Authorize the Manager to sign an amendment to the existing Architectural Professional Services Contract for Corley, Redfoot Architects totaling an amount of \$110,500 for the design, engineering, and construction administration of the permanent meeting facility.

BACKGROUND: On April 4, 2013, the Board of County Commissioners ("BOCC") held a public meeting to receive presentations, take public comments and discuss the possibility of renovations to the former Library space within the Whitted Building for a Meeting Room for the Board of County Commissioners (with the Meeting Room potentially being shared with the Town of Hillsborough, Orange County Schools Board of Education, and the Orange County Cultural Center).

The public meeting was held within the former Orange County main library space, which has been vacant and under-utilized since the library and the Department of Social Services relocated to their present locations at the West Campus and Hillsborough Commons in 2009.

The BOCC reviewed the history of the Whitted facility and the schematic meeting room floor plan layout options as designed by Corley, Redfoot Architects of Chapel Hill, with whom the BOCC engaged for permanent meeting room facility design in February, 2010. Although the design was contemplated for the lower level of the Link Center at the time, the resulting programming and floor planning fully inures to the use with the Whitted facility. Attachment 1,

“Design Professional Services Agreement Amendment Proposal”, outlines the services rendered and those to be accomplished going forward. Attachment 2, “Conceptual Use Floor Plans”, depicts these alternative floor plans:

- 1) a standard meeting layout (audience seating for 130), including multi-purposed pre-function areas, and a separate Board executive session meeting room;
- 2) a large performance alternative layout (audience seating for 286) with the same features as the before-mentioned layout; and
- 3) a standard meeting layout (audience seating for 162), accompanied by a Board executive meeting room, and administrative office space for 20 individuals.

Each of the three conceptual floor plans includes significant restroom facility improvements, improved handicap access, and parking improvements. All of these enhancements fully accommodate the most intense meeting use.

The Board also heard a presentation from Margaret Hauth, the Planning Director for the Town of Hillsborough, outlining the facility’s uses allowed under the current zoning designation of Office-Institutional. Attachment 3, “Hillsborough Zoning and Process Options”, depicts the allowed uses for the facility.

The BOCC also heard an introductory presentation from the Orange County Cultural Center (“OCCC”) regarding potential alternative uses of the facility for arts performance, education and cultural events scheduled during periods of non-use by Orange County Government, Hillsborough Government, and Orange County Schools. The scheduling and management of the OCCC’s alternative uses during these non-use periods would be governed by an Operating Agreement between the County and the OCCC, including all space upfit investments funded by the OCCC required for theatrical events (additional seating for large performance events, scaffolding, special lighting, modular staging, etc.) above and beyond the upfit requirements needed for government meeting use.

The Board may recall that all of the government meeting uses as well as all of the stated alternative uses described by the OCCC are currently allowed uses. The estimated maximum capacity of 286 individuals is possible because of the recent structural improvements and the installation of the building wide sprinkler system. The Board guidance to date has confirmed the emphasis in designing the meeting spaces with maximum flexibility. The space also accommodates a large assembly for such events as performances, speakers, and the potential for adequate “pre-function” space near the entrances. The conceptual plans also supply properly designed acoustical treatments, audio-visual and recording infrastructure, and flexible storage and logistics areas for the County, Town of Hillsborough, Orange County Schools, and other government use functions.

The proposed uses require 192 off-street, paved and landscaped parking spaces. The facility currently has 197 off-street spaces. County and Hillsborough staffs have worked together to accommodate this requirement with additional paved and landscaped parking in under-utilized areas south of Tryon Street.

The BOCC also heard public comment from interested residents from the area, where several common themes emerged:

- 1) general support of the facility as a permanent government meeting facility and the arts as an alternative use;
- 2) concern over the intensity of use within the facility, manifested by noise, congestion, traffic control, light pollution, and parking management; and
- 3) active coordination and communication between the area neighbors and the OCCC regarding potential alternatives uses, schedules, and impacts to the community.

The BOCC discussed the concept and the related Capital Investment Plan project during its April 11, 2013 budget work session.

Should the BOCC choose to move forward with this project and authorize its placement within the FY2013-14 Capital Investment Plan, the design, development and construction timeline is estimated as follows:

TASK	BEGINNING DATE	END BY DATE
BOCC Action: Authorization to proceed with Whitted 2nd Floor "A" building as permanent meeting space for Orange County Government; shared with Hillsborough and Orange County Schools and potentially for alternative arts use as governed by an Operating Agreement between Orange County and the OCCC	5/7/13	5/7/13
BOCC Action: Approval of the FY2013-14 Capital Investment Plan, including \$1.4 million for meeting room improvements for the Whitted 2nd Floor "A" building	6/18/13	6/18/13
Schematic Design Process (2 month duration)	7/01/13	8/31/13
Finalizing Operating Agreement with OCCC	7/1/13	8/31/13
BOCC Action: Approval of Schematic Design; authorization to prepare bid documents; approval of OCCC Operating Agreement	9/17/13	9/17/13
Construction document prep, bid advertisement (2 month duration)	9/18/13	11/18/13
BOCC Action: Bid award	12/17/13	12/17/13
Construction (est. 4 month duration)	1/6/14	5/6/14
Grand Opening - first BOCC meeting - (estimated date)	6/3/14	6/3/14

FINANCIAL IMPACT: Should the BOCC decide to pursue a permanent meeting facility use, preliminary cost estimates for the upfit and related site work range between \$1.2 and \$1.4 million. The Capital Investment Plan project contemplates a budget of \$1.5 million in FY2013-14, which includes adequate funds for professional design services. Should the BOCC decide to authorize the additional OCCC use as governed by an Operating Agreement, any additional OCCC facility needs in excess of those required for a permanent board meeting space would be addressed by funds raised by the OCCC.

RECOMMENDATION(S): The Manager recommends the Board:

- 1) Authorize staff to move forward with the project of converting the Whitted 2nd Floor "A" building into a permanent meeting facility for use by Orange County Government;
- 2) Affirm that this meeting space is to be shared with the Town of Hillsborough, the Orange County School Board, and, potentially, the Orange County Cultural Center as governed by a Board approved Operating Agreement;
- 3) Affirm that an Operating Agreement to be approved by the Board with the Orange County Cultural Center, including usage scheduling procedures, rates, and neighborhood interaction, will be presented to the Board at its September 5, 2013 regular meeting in conjunction with preparation of project construction documents (any improvements associated with the needs of OCCC in utilizing the facility will not be included without adequate funding commitment from the OCCC at the time of design); and
- 4) Authorize the Manager to sign an amendment to the existing Architectural Professional Services Contract for Corley, Redfoot Architects totaling an amount of \$110,500 for the design, engineering, and construction administration of the permanent meeting facility.



222 cloister court
 chapel hill, nc 27514
 t: 919.401.8586
 www.corleyredfootarchitects.com

April 19, 2013

Jeff Thompson, Director
 Asset Management Services
 Orange County
 P. O. Box 8181
 Hillsborough, NC 27278

RE: Board of County Commissioners Meeting Room
 Hillsborough, NC
 Amendment to Contract

Dear Jeff:

Per your our recent conversation, I am requesting an amendment to our current contract for the development of a Board of County Commissioners Meeting Room in the amount of \$110,500.00. As a part of this amendment, I am providing a summary of the work completed to date and the scope of work to be completed in the future.

Original Contract, dated 12/8/2009, Board Approved 2/16/2010 \$61,300.00

A. Scope of Work Completed through 9/30/10:

1. Multiple site visits with user groups to existing meeting rooms (March, 2010)
 - Town of Cary
 - N.C. School of Pharmacy
 - Forsyth County- Winston Salem
 - Wake County
 - City of Durham
 - Durham County
2. The site visits helped establish a basis for the preliminary design for the Orange County BOCC Meeting Room.
3. Preliminary Design presented to BOCC (May, 2010)
4. Schematic Design presented to BOCC (September, 2010)

Invoices for Work Completed through 9/30/10 and Paid by Orange County \$24,278.00

B. Scope of Work Completed between 1/1/13 and today:

5. Project restarted with second level Whitted Building space studies to incorporate a permanent BOCC and Support Areas including potential theater layouts for community use.
6. Alternative space studies were developed. The scope of work for this study including the possible redistribution of multiple County Departments in three different buildings with the location of the Board Room shown in a variety of locations for comparative purposes.
7. The space planning studies were presented to staff, BOCC and the public over a four month period.

Work Completed between 1/1/13 and today that **has not** been invoiced to date \$13,800.00

As requested above, this amendment would raise the original contract from the current \$61,300.00 to the amended amount of \$110,500.00. Should the proposed amendment be approved, the County would be invoiced the \$110,500, less the \$24,278 already invoiced and paid. The proposed scope of work for the remainder is as follows:

1. The scope of work that has already been completed between 1/1/13 and today
2. The development of the design of a BOCC-adopted program.
3. Schematic and Design development documents
4. Construction documents including all permitting requirements
5. Standard construction administration services though the construction duration

Items not included in the above fees are:

1. Surveys and Testing
2. Legal fees
3. Asbestos investigation / removal
4. Water damage investigation / design solutions / repairs.
5. Perspectives, renderings or models
6. LEED certification and design services

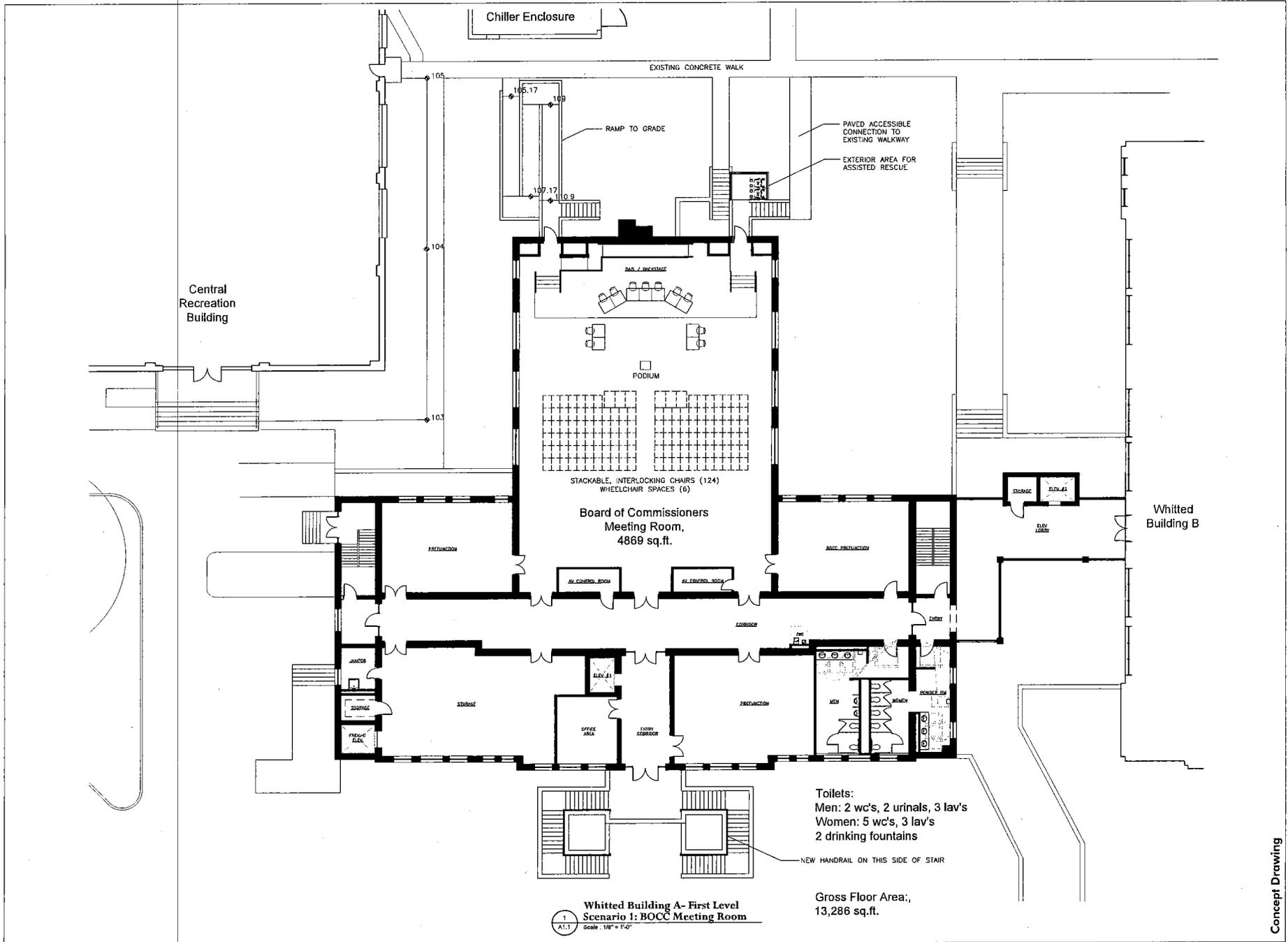
Based upon BOCC approval, it is our understanding that Schematic Design / Design Development is anticipated to begin in July 2013, Construction Documents completed by mid-November, 2013 and bidding and contract award thereafter. Construction is anticipated to begin in early January, 2014 and be complete in May, 2014.

We appreciate the opportunity to work with you on the proposed project. If you are in agreement with this proposal, please sign below and return a copy to our office for our files.

Sincerely,



Kenneth E. Redfoot, AIA
President



Central Recreation Building

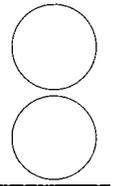
Whitted Building B

Whitted Building A- First Level
Scenario 1: BOCC Meeting Room

Toilets:
 Men: 2 wc's, 2 urinals, 3 lav's
 Women: 5 wc's, 3 lav's
 2 drinking fountains

Gross Floor Area,
 13,286 sq.ft.

Scale: 1/8" = 1'-0"



Whitted Building A
 First floor Renovation for
 Orange County Board of Commissioners
 Meeting Room

Concept Drawing

date:	06/11/12
drawn:	checked:
title:	
date:	3/4/12
sheet:	1115

Hillsborough Zoning Definition & Process Options

Event Center	A building containing in some combination two or more of the following: a bed and breakfast facility; a restaurant; a bar; a night club; or a meeting facility. The facility may make some or all services available to the general public in addition to guests.
Meeting Facility	A building, part of a building, or series of building available for rent for public and private meetings and events. This type of facility may provide rooms of various sizes to accommodate one or more functions at the same or different time, restrooms or changing rooms for guest use, and/or a warming kitchen or similar food staging area. This use does not include on-site food preparation, lodging, or any personal care services.
Performance Facility	A structure designed to accommodate the assembly of persons attending athletic events, musical performances, dramatic or terpsichorean performances, speeches or ceremonies, motion picture presentations, and other entertainment events.
Combination Use	Use consisting of a combination of two (2) or more principal uses separately listed in the Table of Permitted Uses.

OFFICE/INSTITUTIONAL DISTRICT (OI) The purpose of the OI District is to accommodate the location and establishment of medium density professional and business offices and institutions in close proximity to single-family detached residential units. This district is generally located near residential neighborhoods and often serves as a buffer or transition between residential neighborhoods and more intense business districts.

By-Right:

- Adult Day Care
- Artisan Studio
- Bank & Financial Institution
- Botanical Garden & Arboretum
- Child Day Care
- Church, Place of Worship
- Community Center
- Detention Facility
- Dwelling: Accessory
- Dwelling: Single-Family
- Extended Care Facility
- Farmer's Market
- Funeral Home
- Gallery/Museum
- Health Care Facility
- Hospitals
- Library
- Meeting Facility
- Offices – all types
- Park, Cultural or Natural
- Parking (Surface or Structure)
- Performance Facility

- Personal Service Business
- Public Safety Services
- Recreational Facilities
- Recycling Materials Collections Center
- School: Art & Music
- School: Dance, Martial Arts
- School: Elementary, Middle & Secondary
- School: Higher Education
- School: Vocational
- Veterinarian/Animal Hospital

CUP:

- Cemetery
- Park, Athletic or Community
- Telecommunication Tower, Less Than 200' Tall

SUP:

- Event Center
- Homeless Shelter
- Public Utilities
- Telecommunication Tower, 200' or Taller
- Transmission Lines

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 7, 2013

**Action Agenda
Item No.** 7-b

SUBJECT: Information and Resolution Regarding the Next Revaluation of Real Property

DEPARTMENT: Tax Administration

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

- 1) May 15, 2012 Board-Approved Resolution
- 2) Draft May 7, 2013 Resolution Establishing the Year of the Next General Reappraisal
- 3) April 10, 2013 Memo from Tax Administrator - 2015 Property Tax Revaluation

INFORMATION CONTACT:

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

PURPOSE: To discuss the optimal year for the next revaluation including information about current market trends and statistics, current economic indicators, potential impacts, and potential full list and measure; and to consider approval of a resolution establishing the year for the next general reappraisal of real property in Orange County.

BACKGROUND: The Orange County Tax Administrator's Office conducted property tax revaluations in 2005 and 2009. Current tax assessments still reflect market value as of January 1, 2009. With a four-year revaluation cycle, the next revaluation would have occurred in 2013. However, at its May 15, 2012 regular meeting, the Board of County Commissioners (BOCC) received a presentation from the Tax Administrator recommending postponing the 2013 revaluation to 2015. The BOCC subsequently approved a resolution (Attachment 1) to accept this recommendation and delay the revaluation to 2015.

Sales prices for real property are now improving. The County's sales ratio stands currently just under 1.04, which means tax assessments represent less than 104% of current market sales, generally. However, this ratio is on the decline and likely will be near 1.00 by January 1, 2015. Should that ratio be achieved, tax assessment and market value would be synonymous, from a general statistical standpoint. Based on this information, continuing with the current plan for a 2015 revaluation would result in virtually no change in value for a vast majority of properties.

Delaying the scheduled January 1, 2015 revaluation until January 1, 2017 is within the legal authority of the Board. Since the Great Recession of 2008, the Orange County real estate market has been in flux. Approving a 2017 revaluation will allow the tax office ample time to complete a full list and measure revaluation, thereby improving upon current tax records and the overall revaluation experience. Delaying this action, in addition, will present the tax office

will more qualified sales and better data to help ensure new tax assessment models are highly accurate.

FINANCIAL IMPACT: Should the 2015 revaluation be delayed to 2017, and if a full list and measure revaluation could occur, the Tax Administrator's Office would need two additional real property appraisers with an estimated annual cost of \$120,000 including salary and benefits. However, the true financial impact of adding two appraisers would be minimal as it would involve a reduction of contracted services in the revaluation budget.

RECOMMENDATION(S): The Manager recommends that the Board approve and authorize the Chair to sign the resolution (Attachment 2) delaying the revaluation to January 1, 2017 and reinstating a four-year revaluation schedule thereafter.

Resolution – 2012-048

ORANGE COUNTY BOARD OF COMMISSIONERS

Resolution Establishing the Year of the Next General Reappraisal

Whereas, Orange County conducted its most recent General Appraisal of Real Property effective January 1, 2009; and

Whereas, the Orange County Board of Commissioners advanced its scheduled General Reappraisal of Real Property to January 1, 2013, pursuant to North Carolina General Statute (NCGS) 105-286 (a) (3); and

Whereas, after careful consideration, the Orange County desires to modify this schedule to postpone the effective date of the next General Reappraisal to January 1, 2015, as permitted by NCGS 105-286 (a) (3); and

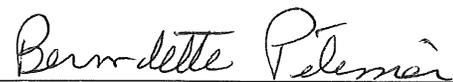
Whereas, the Orange County Board of Commissioners also desires that the Orange County Tax Administrator make an annual report to the Board regarding conditions in the market for real property;

Now, Therefore, Be It Resolved, that the Orange County Board of Commissioners does hereby postpone the effective date of the next General Reappraisal to January 1, 2015;

Be It Further Resolved, that the Orange County Tax Administrator shall each year make at least one report to the Board of County Commissioners regarding conditions in the market for real property; and

Be It Further Resolved, that the Clerk to the Board shall forward a copy of this resolution to the North Carolina Department of Revenue as required under NCGS 105-286.

Adopted, this 15 day of May, 2012.



Bernadette Pelissier, Chair

Orange County Board of Commissioners

Attest:



Clerk to the Board

Orange County Board of Commissioners

A Resolution Establishing the Year of the Next General Reappraisal

WHEREAS, Orange County conducted its most recent General Appraisal of Real Property effective January 1, 2009; and

WHEREAS, the Orange County Board of Commissioners advanced its scheduled General Reappraisal of Real Property to January 1, 2013, pursuant to North Carolina General Statute (NCGS) 105-286(a)(3); and

WHEREAS, after careful consideration, on May 15, 2012, the Orange County Board of Commissioners modified this schedule and postponed the effective date of the next General Reappraisal of Real Property to January 1, 2015, pursuant to North Carolina General Statute (NCGS) 105-286(a)(3); and

WHEREAS, after careful consideration, the Orange County Board of Commissioners again desires to modify this schedule to postpone the effective date of the next General Reappraisal to **January 1, 2017**, as permitted by NCGS 105-286(a)(3); and

WHEREAS, the Orange County Board of Commissioners also desires that the Orange County Tax Administrator continue to make an annual report to the Board regarding conditions in the market for real property;

WHEREAS, the Orange County Board of Commissioners desires to return to its adopted four-year revaluation cycle after the 2017 revaluation;

Now, Therefore, Be It Resolved, that the Orange County Board of Commissioners does hereby postpone the effective date of the next general reappraisal to January 1, 2017;

Be It Further Resolved, that the Orange County Tax Administrator shall continue each year make at least one report to the Board of County Commissioners regarding conditions in the market for real property; and

Be It Further Resolved, that the Clerk to the Board shall forward a copy of this resolution to the North Carolina Department of Revenue as required under NCGS 105-286.

Adopted, this 7th day of May, 2013.

Barry Jacobs, Chair
Orange County Board of Commissioners

Attachment 3



ORANGE COUNTY TAX ADMINISTRATION
228 S CHURTON STREET, SUITE 200, PO BOX 8181
HILLSBOROUGH, NORTH CAROLINA 27278
Telephone (919) 245-2725 **Fax** (919) 644-3332
T. Dwane Brinson, Director

Memorandum

To: Orange County Board of Commissioners
Cc: Frank Clifton, County Manager
From: Dwane Brinson, Tax Administrator
Date: April 10, 2013
Re: 2015 Property Tax Revaluation

Orange County last conducted a countywide revaluation effective for January 1, 2009. Current tax assessments reflect market value as of that appraisal date. North Carolina state law, G.S. 105-286(a), mandates that counties conduct a countywide revaluation at least once every eight years. Therefore, Orange County is required to complete its next revaluation no later than January 1, 2017. This memorandum is an effort to explain current market conditions, potential impacts of completing a January 1, 2015 revaluation, and advantages of postponing the County's next revaluation until January 1, 2017.

Current Market Conditions

The economy is improving. Sales volume is increasing, sales prices are rising and properties are selling faster. As part of this report I have provided a categorized analysis of Orange County qualified sales. In this analysis we recognize that Orange County is not one market. Rather, it is a conglomerate of several markets including school districts, towns and even mailing addresses.

The Board of County Commissioners has requested that the Tax Administrator provide an annual report and discuss the status of property values in the County. Preparation and discussion of this report is aimed to achieve that request. Real property tax assessments in Orange County currently reflect market value as of January 1, 2009, the County's last revaluation appraisal date.

Figures, ratios and statistics provided throughout this report compare the County's current tax assessment based on January 1, 2009 market value against recent qualified market sales. This is performed annually to determine the impact of a countywide revaluation, in part. Elaboration on recent qualified market sales and statistics is provided below.

Sales Analysis

As mentioned previously, Orange County is composed of several submarkets. These submarkets respond differently to economic events. Below is a high-level review of the Orange County tax base and how all county sales compare to current tax assessments. A review also is provided for several submarkets within Orange County to show impacts on municipal governments.

Each analysis below presents three statistical measures within each category: count, median and COD. Count simply refers to the number of qualified sales extracted within the category parameters. Median indicates the median sales ratio within the category. The median sales ratio is found by dividing the assessed value by the sales price. A number greater than 1 indicates that the tax assessment is higher than the property's recent sales price and vice versa. One simple way to describe this measure is that the ratio shows what percentage of market value is represented by current tax assessment. For example, a median sales ratio of 1.05 indicates that tax assessments in that category represent 105% of current market sales. However, this ratio is only a measure of central tendency. Ratios higher and lower than the median exist within the category, too. Coefficient of Dispersion (COD) shows the data spread. A lower COD is better, and one less than 15 is acceptable. The lower the COD, the more tightly-compacted the sales are around the median sales ratio.

Based on the market sales analyzed, it appears Orange County tax assessments are still within an acceptable range across many measures. The median sales ratio is gradually falling, indicating market values and tax assessments are getting closer and closer. Most CODs within the categories are acceptable, which indicates that the market is consistent. Also, the number of sales transactions is increasing.

Countywide Analysis

Data From 1/1/2012-2/15/2013

Residential Improved

Count	1,234
Median	1.04
COD	10.577

Vacant - All Types

Count	148
Median	1.11
COD	26.415

Condos Only

Count	139
Median	1.09
COD	11.927

Commercial Improved

Count	53
Median	0.94
COD	20.213

By Jurisdiction

Data From 1/1/2012-2/15/2013

Orange County

Count	360
Median	1.04
COD	11.538

Chapel Hill

Count	500
Median	1.06
COD	10.377

Carrboro

Count	225
Median	1.01
COD	7.921

Hillsborough

Count	54
Median	1.03
COD	14.563

By Sales Price Range – Countywide

Data From 1/1/2012-2/15/2013

0K-250K

Count	552
Median	1.05
COD	11.429

250K-500K

Count	495
Median	1.04
COD	9.615

500K-750K

Count	135
Median	1
COD	10

750K+

Count	52
Median	1
COD	11.88

Annual Sales Count

2010: 1,236 qualified sales, 1,814 unqualified sales

2011: 995 qualified sales, 431 unqualified sales

2012: 1,306 qualified sales, 563 unqualified sales

Revaluation Process

If the BOCC chooses to delay the revaluation until January 1, 2017, this would allow enough time for the tax office to perform a full list and measure revaluation. To ensure the accuracy of tax records, a full list and measure revaluation should occur every third to fourth revaluation, depending on the frequency of the county's revaluation cycle. Orange County has not had a full list and measure in recent history.

In preparation for the 2015 revaluation, staff conducted a random sample of 100 properties throughout Orange County. Inaccuracies were present. Correcting inaccurate records will improve the quality of Orange County's next revaluation, and it will ensure that all taxpayers pay an equitable portion of property tax.

Should inaccuracies be discovered during the process leading up to the county's proposed 2017 revaluation, those changes would take effect January 1, 2017. This is suggested to maintain equity among taxpayers, and it is standard practice. This approach works best because it takes a significant amount of time to work through the entire county and check tax records. All records would be keyed into the system in late-2016 with an effective date of January 1, 2017. Any resulting change in tax assessment would take place with the revaluation date.

The North Carolina General Statutes (NCGS), specifically 105-381, allow a refund of taxes for only three instances:

1. A tax imposed through clerical errors;
2. An illegal tax;
3. A tax levied for an illegal purpose.

Much debate centers on taxpayers that may have been taxed for an area or square footage that did not exist. For example, a taxpayer may have been taxed for a finished bonus room that actually was unfinished or for a finished basement that actually was unfinished. Chris McLaughlin at the UNC School of Government opines that such situations are not legally refundable. In his opinion, these are deemed appraisal judgments and fit neither of the three refund options. Should a taxpayer be taxed on a house or structure, however, that did not exist, that would be refundable under an illegal tax. The line appears to be that a refund may be issued when a taxpayer is taxed on a structure that does not exist, but when the quality, individual features or property characteristics are inaccurate, Mr. McLaughlin holds that the taxpayer has the opportunity to appeal these each year during the appeals process. The NC Department of Revenue takes a position that the statute is unclear regarding these instances.

One reason it may be impractical to refund for such occurrences is that an appraisal is one's *opinion of value*. Different appraisers can form different opinions of value, albeit supported by market data, and different appraisers may even measure square footage to be slightly different. Because of this, the NC Real Estate Commission considers any differences less than 5%

immaterial. Similarly, the International Association of Assessing Officers (IAAO) recommends the following standards of accuracy for data collection:

- Continuous or area measurement data, such as living area and exterior wall height, should be accurate within one foot (rounded to the nearest foot) of the true dimensions or within 5% of the area. If areas, dimensions, or volumes must be estimated, the property records should note where quantities are estimated.
- For each objective, categorical or binary data field to be collected or verified, at least 95 percent of the coded entries should be accurate.
- For each subjective categorical data field collected or verified, data should be coded correctly at least 90 percent of the time. Subjective categorical data characteristics include data items such as quality grade, physical condition, and architectural style.

It seems that both the NC Real Estate Commission and IAAO adhere to similar standards. Both recognize the imperfections that may occur when measuring a property, judging its quality of construction, or forming an opinion of value. In local government, the General Assembly has placed significant burden on the taxpayer to appeal any inaccuracies or valuation concerns each year during the appeals process. This process allows a local government's tax base to be finalized without jeopardizing budgeted revenue and fiscal standing.

Recommendation

Market statistics show Orange County real estate markets to be improving. While we notice manifestations of properties selling for more or less than tax assessment, those will occur in any market in any year. The majority of current qualified market sales hover around current tax assessments. Furthermore, the economy is improving with more market activity, shorter selling times and higher selling prices. Should Orange County move forward with a 2015 revaluation, it likely will occur at a time when tax assessments and market values are in unison already. The sales ratio has been gradually declining indicating that market values are rising.

Based on this analysis, it is recommended the Orange County delay its scheduled January 1, 2015 countywide property tax revaluation until January 1, 2017. This is legally permissible as it remains within the eight-year statutory mandate. As the economy continues to improve, performing a countywide revaluation effective January 1, 2015 may result in no change in value for a vast majority of properties.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 7, 2013

**Action Agenda
Item No.** 8-a

SUBJECT: Overview of County Marketing and Public Relations Projects

DEPARTMENT: County Manager/Public Affairs

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

- 1) PowerPoint
- 2) *Orange County Marketing Portfolio
with Examples of Collateral Materials
(Under Separate Cover - To Be
Provided at the Meeting)*

INFORMATION CONTACT:

Carla Banks, 919.245.2302
Frank Clifton, 919.245.2300

PURPOSE: To provide an overview of the marketing and public relations projects being managed by the Director of Public Affairs.

BACKGROUND: The Public Affairs Director develops the marketing and media relations initiatives for the County, including the Board of County Commissioners. The Director of Public Affairs is tasked with promoting a professional image of the County, while increasing awareness of the County's operations, services and programs by utilizing multiple mediums, such as radio, television, print, and social media.

The attached PowerPoint presentation provides an overview of the existing, short-term and long-term marketing projects being managed by the Public Affairs Director.

A primary component of cohesive marketing involves establishing a brand for the County. The Director of Public Affairs sought direction and approval from the County Manager to pursue an official logo designed for the County. Currently, a variety of logos is in use by several County departments. The approval of these logos was addressed by the department directors with no review or approval by the Board of County Commissioners.

The Orange County logo **will not** be replacing the County seal, but rather, it will be used to launch and solidify the County's brand marketing efforts. The logo is to be phased in gradually and will be visible on a variety of items, such as letterhead, envelopes, business cards, press releases, brochures, promotional items, etc.

The Public Affairs Director contracted with a local graphic design firm to produce the logo. The design concept is based on the direction and overall vision explained by the Director of Public Affairs.

The basis for the logo design is a clean simplistic approach, using text as opposed to a series of intricate details or artwork. The colors burgundy and sage green were selected, offering a subtle yet striking contrast. Lastly, the design places the emphasis on Orange County – while including the reference to North Carolina as a way to distinguish us from other Orange Counties in the United States.

The Board is reminded that when the establishment of an extensive public outreach program was approved by Board of Commissioners, it was decided to place the responsibility for the program under the direction of the County Manager rather than the Clerk to the Board or the Board itself. The thought at the time was to remove the potential for a perception of political motivation from the public outreach efforts of the County, allowing the process to focus purely on getting information to the public in a non-political format. Consideration was given to keeping the message and format consistent even when membership of the Board of County Commissioners may change as a result of future election cycles.

FINANCIAL IMPACT: There is no financial impact with receiving the overview.

RECOMMENDATION(S): The Manager recommends that the Board receive the overview of the marketing and public relations projects being managed by the Director of Public Affairs and provide input as desired.



MARKETING INITIATIVES



PUBLIC AFFAIRS DEPARTMENT

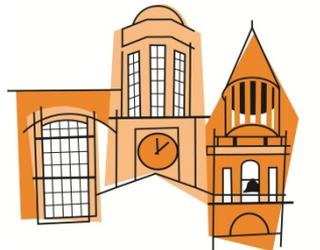
Introduction

- ∞ The Public Affairs Department develops the marketing and media relations initiatives for Orange County, including the Board of County Commissioners.
- ∞ The Director of Public Affairs is tasked with promoting a professional image of the County, while increasing awareness of the County's operations, services and programs by utilizing multiple mediums, such as radio, television, print, and social media.

Branding

- ∞ A primary component of cohesive marketing involves establishing a brand for the County.
- ∞ The Director of Public Affairs sought direction and approval from the County Manager to pursue having an official logo designed for the County to aid in helping the public become more familiar with the County and its daily operations.
- ∞ Currently, a variety of logos are in use by several County departments. The approval of these logos was done on the administrative level by the Department Directors as opposed to submitting this for review and approval by the Board of County Commissioners. Here are examples of these logos.

County Department Logos



ORANGE COUNTY
Economic Development



Department of Environment,
Agriculture, Parks & Recreation

Orange County Logo



Logo Design Process



- ∞ The Public Affairs Department contracted with a local graphic design firm to produce the logo, which cost \$1,600.
- ∞ The design concept is based on the direction and overall vision explained by the Director of Public Affairs.

Logo Design Concept



- ∞ The basis for the County logo design is a clean simplistic approach, using text as opposed to a series of intricate details or artwork.
- ∞ The colors burgundy and sage green offer a subtle yet striking contrast. Lastly, the design places the emphasis on Orange County—while including the reference to North Carolina as a way to distinguish us from the other Orange Counties in the United States.
- ∞ The County logo will **NOT** replace the County seal, but rather, it will be used to launch and solidify the County’s brand marketing efforts—starting with the new County portfolios and marketing folders.
- ∞ The logo is to be phased in gradually and will be visible on a variety of items, such as County letterhead, envelopes, business cards, press releases, collateral materials, promotional items, etc.

Six Month Review



∞ The following marketing materials have been developed since the Director of Public Affairs started on September 17, 2012.

- ∞ Brochures
- ∞ Post Cards
- ∞ Posters
- ∞ Banners
- ∞ Magnets
- ∞ Business Cards
- ∞ Marketing Folders
- ∞ Video Productions
- ∞ Marketing Packet & Web site- Community Giving Fund
- ∞ Professional Photos and Bios of Department Directors
- ∞ Press Releases (100+ to date)
- ∞ Fabric Table Covers w/ Logo
- ∞ Invitations (Printed and Electronic)

Special Events



Planning and Coordination of Receptions and Special Events



Pending Projects

☞ Short-Term

- ☞ Hire Graphic Design Specialist
- ☞ County Communications Plan
- ☞ Web site Redesign
- ☞ Facebook and Twitter Pages
- ☞ Print Advertising
- ☞ Radio Public Service Announcements

☞ Long-Term

- ☞ Annual/Popular Report
- ☞ Resident Newsletter
- ☞ TV Studio Installation
- ☞ OCTV Original Programming
- ☞ Citizens Academy
- ☞ Deploy Digital Message Monitors
- ☞ Guide to Orange County Government



THANK YOU



PUBLIC AFFAIRS DEPARTMENT

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
4/23/13	Review and consider request by Commissioner Price that the Board receive information and discuss logo and County public relations materials	5/21/2013	Chair/Vice Chair/Manager	DONE Report on public relations materials, projects and logos on May 7, 2013 Regular Meeting agenda
4/23/13	Review and consider request by Commissioner Jacobs that Planning staff reinstitute providing Planning Reports to Board members	5/21/2013	Chair/Vice Chair/Manager	DONE Manager to consult with Planning Director on quarterly Planning Reports
4/23/13	Follow-up on operational and funding options for solid waste/recycling as discussed by the Board with Towns	5/21/2013	Chair, Frank Clifton, & Michael Talbert	In Process – Meetings scheduled on May 6 and 13, 2013
4/23/13	Schedule staff meeting with small solid waste haulers to discuss issues, concerns, etc.	6/4/2013	Michael Talbert Gayle Wilson	In Process – staff has already begun meetings with individual small haulers
4/23/13	Follow-up with North Chatham Fire District, State Fire Marshal's Office and others to begin implementation of new insurance and service districts	5/21/2013	Michael Talbert Jim Groves	Follow-up to occur
4/23/13	Move forward with scheduling public hearing on financing as approved by the Board for the May 7, 2013 regular meeting	5/7/2013	Clarence Grier	DONE Public Hearing on the May 7, 2013 Regular Meeting agenda

INFORMATION ITEM

Tax Collector's Report - Numerical Analysis

Effective Date of Report: April 19, 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	\$ 133,469,480.54	\$ 3,520,104.97	\$ 135,068,463.00	\$ 1,598,982.46	98.82%
Prior Year Taxes	\$ 4,026,736.27	\$ 1,407,275.69	\$ 2,226,572.04	\$ 994,130.00	\$ (413,145.69)	141.56%
Total	\$ 139,095,199.27	\$ 134,876,756.23	\$ 5,746,677.01	\$ 136,062,593.00	\$ 1,185,836.77	99.13%
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	\$ 132,180,308.18	\$ 3,476,877.34	\$ 131,785,329.00	\$ (394,979.18)	100.30%
Prior Year Taxes	\$ 3,553,341.59	\$ 1,424,074.97	\$ 2,042,914.73	\$ 843,846.00	\$ (580,228.97)	168.76%
Total	\$ 135,338,670.59	\$ 133,604,383.15	\$ 5,519,792.07	\$ 132,629,175.00	\$ (975,208.15)	100.74%
Current Year Overall Collection Percentage Tax Year 2012			97.44%			
Current Year Overall Collection Percentage Tax Year 2011			97.44%			

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



April 19, 2013

Dear Commissioners,

At the Board's April 9, 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 Pelissier that the Chair and Vice Chair engage the Alamance County Board of Commissioners in a discussion about potentially moving forward with addressing the county line concerns for the Mill Creek and Morrow Mill communities,

Response: Clerk to pursue scheduling a meeting of Chairs, Vice Chairs and Managers for Spring of 2013.

- 2) Review and consider a request by Commissioner Pelissier that the Board instruct solid waste staff to begin investigating "pay as you throw" solid waste operational and funding options.

Response: Manager to work with Solid Waste staff to schedule meeting with WasteZero representatives.

- 3) Review and consider request by Commissioner Jacobs that staff consider options to reduce the impact of paving and summer heat on employees as part of the Walnut Grove Convenience Center renovation project.

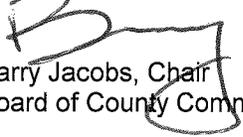
Response: Options discussed and ideas to be incorporated into future convenience center projects. Heat-related issues to be monitored at Walnut Grove.

- 4) Review and consider follow-up comments by Commissioner Jacobs regarding staff providing information to the Board and briefing the Chair on items proposed for closed session discussion.

Response: Chair and Manager will confer on topics prior to scheduling a closed session. Distribution of information to full Board prior to, or at, meeting; Clerk will collect all printed materials following completion of closed session.

This letter will be provided as an Information Item on the May 7, 2013 agenda for public information.

Regards,


Barry Jacobs, Chair
Board of County Commissioners

www.co.orange.nc.us

Protecting and preserving – People, Resources, Quality of Life
Orange County, North Carolina – You Count!
(919) 245-2130 • FAX (919) 644-0246