Orange County
Board of Commissioners

Agenda

Business Meeting
March 10, 2020
7:00 p.m.
Richard Whitted Meeting Facility
300 West Tryon 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# 919-644-3045.

1. Additions or Changes to the Agenda

PUBLIC CHARGE

The Board of Commissioners pledges its respect to all present. The Board asks those attending this meeting to conduct themselves in a respectful, courteous manner toward each other, county staff and the commissioners. At any time should a member of the Board or the public fail to observe this charge, the Chair will take steps to restore order and decorum. Should it become impossible to restore order and continue the meeting, the Chair will recess the meeting until such time that a genuine commitment to this public charge is observed. The BOCC asks that all electronic devices such as cell phones, pagers, and computers should please be turned off or set to silent/vibrate. Please be kind to everyone.

Arts Moment – Cassie Lipton is a senior at Orange High School. She enjoys writing, and recently won a Silver Key in Poetry from the Scholastic Art and Writing awards. She is a dedicated member of the band program at Orange High School, participating in the Orange Panther Regiment Marching Band and the OHS Jazz Ensemble. She also participates in many honors ensembles throughout the area including the Central District Band and the North Carolina Youth Wind Ensemble. In the fall of 2020, she will be attending the University of Virginia where she plans on double-majoring in Mathematics and Music Performance.

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 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. Announcements, Petitions and Comments by Board Members (Three Minute Limit Per Commissioner)

4. Proclamations/ Resolutions/ Special Presentations

a. Proclamation Recognizing the 100th Year Anniversary of the 19th Amendment to the United States Constitution
b. Women's History Month Proclamation

5. Public Hearings

a. Unified Development Ordinance (UDO) Text Amendments – Clarification of Setbacks from the West Fork on the Eno Reservoir
b. Public Hearing on the Financing of Various Capital Investment Plan Projects

6. Regular Agenda

a. Defining a Final Project Scope for County Space for the 203 South Greensboro Street Project in Cooperation with the Town of Carrboro

7. Reports

8. Consent Agenda

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

a. Minutes
b. Motor Vehicle Property Tax Releases/Refunds
c. Property Tax Releases/Refunds
d. Applications for Property Tax Exemption/Exclusion
e. Resolution Regarding Underpayment and Overpayment of Taxes
f. City of Durham's Teer Quarry Reservoir – Letter of "No Objection" from Orange County Related to the Voluntary Eno River Capacity Use Agreement
g. Adoption of Involuntary Commitment Transport Plan
h. Approval of the Transfer of Ownership of One (1) Manufactured Home Unit to EmPOWERment, Inc.
i. Fiscal Year 2019-20 Budget Amendment #6
j. Agreements for Right-of-Way Encroachments on Primary and Secondary Highways – Bus Shelters
k. Lease of 1000 Corporate Drive, Suites 401 and 402, Hillsborough
l. Schools Adequate Public Facilities Ordinance (SAPFO) – Receipt and Transmittal of 2020 Annual Technical Advisory Committee Report
m. Advisory Boards and Commissions – Appointments
n. Approval of System Safety Program Plan and Title VI Plan for Orange County Public Transportation

o. Greater Triangle Commuter Rail Study – Next Steps

9. County Manager's Report

10. County Attorney's Report

11. *Appointments

12. Information Items

- February 4, 2020 BOCC Meeting Follow-up Actions List
- Tax Collector's Report – Numerical Analysis
- Tax Collector's Report – Measure of Enforced Collections
- Tax Assessor's Report – Releases/Refunds under $100
- Financial Report for Second Quarter of FY 2019-20

13. Closed Session

"To discuss matters related to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations," NCGS § 143-318.11(a)(4).

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

14. Adjournment

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

***Subject to Being Moved to Earlier in the Meeting if Necessary**

Orange County Board of Commissioners' meetings and work sessions are available via live streaming video at orangecountync.gov/967/Meeting-Videos and Orange County Gov-TV on channels 1301 or 97.6 (Spectrum Cable).

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: March 10, 2020

Action Agenda Item No. 4-a

SUBJECT: Proclamation Recognizing the 100th Year Anniversary of the 19th Amendment to the United States Constitution

DEPARTMENT: Human Rights and Relations

ATTACHMENT(S):
Proclamation

INFORMATION CONTACT:
Commissioner Renee Price, 245-2130
Annette Moore, (919) 245-2317

PURPOSE: To approve a proclamation recognizing the 100th Anniversary of the 19th Amendment to the United States Constitution.

BACKGROUND: On June 4, 1919, both chambers of United States Congress approved the 19th amendment to the United States Constitution, which guaranteed American women the right to vote. The amendment was ratified into the United States Constitution the following year on August 18, 1920.

The first reported attempt to introduce women's suffrage legislation in North Carolina was led by a group from Asheville, the North Carolina Equal Suffrage Association ("NCESA"), in 1894. In 1913, the NCESA, an affiliate of the National American Woman Suffrage Association elected Barbara Henderson of Chapel Hill as President, who initiated suffrage legislation in 1915 and 1919. However, the legislation failed to pass.

Once Congress approved the 19th amendment in 1919, 36 states needed to ratify the amendment in order for it to be included in the United States Constitution. In June 1919, Wisconsin, Illinois and Michigan were the first to ratify the amendment. Within the following year, 32 additional states ratified the amendment, with North Carolina or Tennessee poised to become the 36th state.

Southern States were adamantly opposed to the amendment, and seven of them - Alabama, Georgia, Louisiana, Maryland, Mississippi, South Carolina and Virginia - rejected it prior to it being considered by the North Carolina General Assembly. On August 11, after rejecting ratification of the amendment, a majority of the members of the North Carolina House of Representatives sent a telegram to their counterparts in Tennessee telling them that they had not ratified the amendment because it interfered with states' rights and urging the Tennessee legislators to reject ratification too. On August 18, 1920, Tennessee became the 36th state to ratify the 19th amendment by a margin of one vote. North Carolina would not ratify the 19th amendment until May 6, 1971.

If not for Gertrude Weil, and the legions of suffragettes before her, the march toward the women's right to vote may have stalled again. Weil's organization, the North Carolina Equal Suffrage

League launched the North Carolina Chapter of the League of Women Voters, a non- partisan organization that educates people on the political process. Gertrude Weil served as the organization's first president.

Women in the United States were not the first women to gain the right to vote. When the 19th Amendment was ratified, women in New Zealand, Finland, Norway, and Sweden already had the right to vote.

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

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goals are applicable to this item:

- **GOAL: FOSTER A COMMUNITY CULTURE THAT REJECTS OPPRESSION AND INEQUITY**
  The fair treatment and meaningful involvement of all people regardless of race or color; religious or philosophical beliefs; sex, gender or sexual orientation; national origin or ethnic background; age; military service; disability; and familial, residential or economic status.

- **GOAL: ENABLE FULL CIVIC PARTICIPATION**
  Ensure that Orange County residents are able to engage government through voting and volunteering by eliminating disparities in participation and barriers to participation.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal associated with this item.

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

PROCLAMATION RECOGNIZING THE 100TH YEAR ANNIVERSARY OF THE 19TH AMENDMENT TO THE UNITED STATES CONSTITUTION

WHEREAS, an organized movement to enfranchise women began in July 1848 at a convention in Seneca Falls, New York; and

WHEREAS, through the efforts of brave and courageous women referred to as suffragists who sacrificed family, personal life and financial resources for over seventy years to gain equal rights for women, especially the right to vote; and

WHEREAS, women and men of all colors and cultures supported the women's suffrage movement in order for women to gain the Constitutional right of having a voice in making the laws that govern them; and

WHEREAS, Chapel Hill resident Barbara Bynum Henderson, UNC class of 1902 (AB & MA), Phi Beta Kappa, organized and was elected president of the Equal Suffrage League of North Carolina in 1913, and was unanimously re-elected for a second term in 1915; and

WHEREAS, Barbara Bynum Henderson carried the battle for women's suffrage to the North Carolina General Assembly when a special session was called to consider woman suffrage; and

WHEREAS, the woman's suffrage movement led to the passage of the 19th Amendment to the Constitution of the United States in 1919, with ratification by the states by the summer of 1920; and

WHEREAS, North Carolina delayed ratifying the 19th amendment until 1971; and

WHEREAS, the National Woman Suffrage Association dissolved in 1920 to create the League of Women Voters of the United States in order to register voters and educate all voters; and

WHEREAS, the League of Women Voters of North Carolina was launched on October 7, 1920 on the steps of the Guilford County Courthouse by Gertrude Weil, a politically active and tireless young woman from Goldsboro, North Carolina; and

WHEREAS, more than 120,000 women were registered to vote in North Carolina by 1920; and

WHEREAS, women today constitute a majority vote in the State of North Carolina and the United States and are running for office in higher numbers and more active in the election process than ever before in history;

NOW THEREFORE the Orange County Board of County Commissioners does hereby recognize the 100th anniversary of women gaining the right to vote; and

FURTHERMORE that Orange County Board of County Commissioners does hereby recognize the 100th anniversary of the founding of the League of Women Voters in the United States and in North Carolina and applauds the members of the League of Women Voters for the impact its historic accomplishments have made on public engagement and the civic life of the community, the state and the nation.

This the 10th day of March, 2020.

_____

Penny Rich, Chair
Orange County Board of Commissioners

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: March 10, 2020

Action Agenda Item No. 4-b

SUBJECT: Women's History Month Proclamation

DEPARTMENT: Human Rights and Relations

ATTACHMENT(S):

Proclamation

INFORMATION CONTACT:
Annette M. Moore, (919) 245-2317
Commissioner Renee Price, (919) 245-2130

PURPOSE: To approve a proclamation recognizing March 2020 as Women's History Month in Orange County.

BACKGROUND: Celebration of Women's History Month had its roots in the socialist and labor movements in New York City. The first "Women's Day" took place on February 28, 1909. The day honored the one year anniversary of the garment worker's strikes that had taken place in New York, where thousands of women marched for economic rights. That strike followed another strike that occurred in 1857 when garment workers marched for equal rights and 10-hour work days. Within two years the event grew into an international event. In 1975, the United Nations officially began International Women's Day; which will be celebrated on March 8th this year.

At the inception of Women's History Month, feminists in the United States saw the designation of the month as a way to celebrate a history that had largely overlooked the contributions of women in America. Women's History Month has its origins as a national celebration in 1981 when Congress authorized and requested President Jimmy Carter proclaim the week beginning March 7, 1982 as "Women's History Week." In 1987, the Women's History Month Project petitioned the US Congress to designate the month of March as "Women's History Month." Ronald Reagan was the first president to proclaim March as Women's History Month.

Currently, local, state and federal governments annually proclaim March as "Women's History Month." Each year the National Women's History Project declares a theme. The 2020 theme is "Valiant Women of the Vote." The theme honors "the brave women who fought to win suffrage rights for women, and for the women who continue to fight for the voting rights of others."

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

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goals are applicable to this item:

- **GOAL: FOSTER A COMMUNITY CULTURE THAT REJECTS OPPRESSION AND INEQUITY**
  The fair treatment and meaningful involvement of all people regardless of race or color; religious or philosophical beliefs; sex, gender or sexual orientation; national origin or ethnic background; age; military service; disability; and familial, residential or economic status.

- **GOAL: ENABLE FULL CIVIC PARTICIPATION**
  Ensure that Orange County residents are able to engage government through voting and volunteering by eliminating disparities in participation and barriers to participation.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal associated with this item.

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

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

WOMEN'S HISTORY MONTH
PROCLAMATION

WHEREAS, American women of every race, class, and ethnic background have made historic contributions to the growth and strength of our Nation in countless recorded and unrecorded ways; and

WHEREAS, American women have played and continue to play critical economic, cultural, and social role in every sphere of the life of the Nation by constituting a significant portion of the labor force working inside and outside of the home; and

WHEREAS, American women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement;

WHEREAS, American women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, which create a more fair and just society for all; and

WHEREAS, because of the courage of so many bold women who dared to transcend preconceived expectations and prove they were capable of doing all that a man could do and more, advances were made, discoveries revealed, barriers were broken and progress triumphed; and

WHEREAS, despite these contributions, the role of American women in history has been consistently overlooked and undervalued, in the literature, teaching and study of American history; and

WHEREAS, the Orange County Board of County Commissioners on March 25, 1976, established the Orange County Commission for Women to promote the growth and development of all Orange County women and continue to promote the efforts of women and it has been doing for more than 40 years.

NOW, THEREFORE, do we, the Board of Commissioners of Orange County, North Carolina hereby proclaim March 2020 as **"Women's History Month"** and commend this observance to Orange County residents and call upon them to celebrate the women in their lives with appropriate programs, celebrations and activities.

THIS THE 10th DAY OF MARCH, 2020.

_____

Penny Rich, Chair
Orange County Board of Commissioners

ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT
Meeting Date: March 10, 2020

Action Agenda Item No. 5-a

SUBJECT: Unified Development Ordinance (UDO) Text Amendments – Clarification of Setbacks from the West Fork on the Eno Reservoir

DEPARTMENT: Planning and Inspections

ATTACHMENT(S):

1. Aerial Photo of the West Fork on the Eno Reservoir
2. Excerpt from November 6, 2019 Ordinance Review Committee (ORC) Meeting
3. Excerpt of Draft February 5, 2020 Planning Board Minutes and Signed Statement of Consistency
4. Public Hearing Legal Ad
5. Statement of Consistency
6. UDO Text Amendment(s)

INFORMATION CONTACT:

Michael D. Harvey, Planner III, (919) 245-2597
Craig Benedict, Director, (919) 245-2575

PURPOSE: To hold a public hearing, receive the Planning Board recommendation and public comment, and consider action on Planning Director initiated Unified Development Ordinance (UDO) text amendments revising/updating existing guidelines associated with the enforcement of reservoir setbacks for structures and septic systems.

Specifically, the amendment seeks to establish the effective date for the expansion of the West Fork on the Eno reservoir. If approved, the amendment will create an exemption for parcels and development (i.e. structures and septic systems) established prior to the creation/expansion of the reservoir, specifically February 12, 1997.

The amendment also updates existing references to the final normal pool elevation (NPE) of the reservoir, which according to the Town of Hillsborough is going to be 642 ft. In the summer of 2019, the Town indicated the NPE for the reservoir was going to be 643.9 ft. and staff proceeded with an amendment based on this information. After being notified of the updated NPE, the amendment now references a NPE of 642 ft.

BACKGROUND: Section 6.13.4 *Minimum Buffer Widths for Watershed Protection Overlay Districts* of the UDO establishes a 150 ft. wide setback around reservoirs. This area is intended to be left in an undeveloped state. Additionally, Section 4.2.9 *Water Supply / Sewage Disposal Facilities* of the UDO establishes a 300 ft. setback for septic tanks from a reservoir.

Section 4.2.2, specifically subsections (F) through (I), of the UDO establishes the applicability of watershed protection standards including establishing criteria defining those properties (developed and undeveloped) considered to be 'grandfathered' with respect to applicable buffer (i.e. stream and reservoir) standards.

In the 1990's, the Town of Hillsborough began the necessary permitting processes at the State level to construct the West Fork on the Eno reservoir within the Cedar Grove Township of the county.

Work was broken down into two phases, with Phase 1 including the Town purchasing property to expand the reservoir. The final boundary of the reservoir was established on February 11, 1997 with the recording of plats within the Orange County Registrar of Deeds Office denoting the Town's purchase of property along the West Fork of the Eno. Attachment 1 contains maps of the existing reservoir boundary, based on 2017 aerial photographic data, denoting the aforementioned 150 ft. (structure) and 300 ft. (septic) setback areas.

Phase 2 of the project involves the actual clearing of property and expanding the existing NPE of the reservoir. The Town has already begun Phase 2 of the project, including land clearing and increasing the elevation of the dam.

While the Town purchased sufficient property to accommodate the approved expansion of the actual reservoir, the required reservoir setback could still potentially impact adjacent parcels of property. Adjacent property owners have expressed concern the UDO does not specifically reference the expansion of the reservoir thereby making their properties potentially non-conforming to applicable watershed management regulations (i.e. required reservoir setbacks).

In an effort to address this concern, staff proposed a text amendment (Attachment 6) to reference the expansion of the West Fork on the Eno from the date the Town secured property allowing for the approved expansion. In consultation with the County Attorney office, staff has determined this date is February 12, 1997.

While property owners are still required to abide by applicable setbacks per Section(s) 4.2.9 and 6.13.4 of the UDO, they will have greater latitude in demonstrating compliance with applicable standards. This amendment will not necessarily allow for additional development of structures closer to the actual reservoir. It will, however, recognize the conforming status of existing development and not arbitrarily make same non-conforming. The status can be important with respect to property transactions and mortgage applications.

This proposal was reviewed at the November 6, 2019 Ordinance Review Committee (ORC) meeting. Notes from this meeting are contained within Attachment 2.

Analysis: As required under Section 2.8.5 of the UDO, 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 amendments are necessary to address current inconsistencies within the UDO relating to the definition of what constitutes 'existing lots' and/or 'existing development' with respect to compliance with applicable reservoir setbacks. This amendment should likely have been completed in 1997 when the Town was purchasing property to establish the reservoir.

Planning Board Recommendation: At its February 5, 2020 regular meeting, the Planning Board voted unanimously to recommend **approval** of the Statement of Consistency and the proposed UDO text amendment. Excerpts of the draft minutes from this meeting, as well as the Board's signed Statement of Consistency, are included in Attachment 3. Agenda materials from the meeting can be viewed at: https://www.co.orange.nc.us/AgendaCenter/Planning-Board-26.

It should be noted the amendment presented to the Planning Board referenced changing the NPE for the West Fork on the Eno from 643 ft. to 643.9 ft. This was based on data from the Town. The amendment package now reflects the Town's corrected NPE for the reservoir of 642 ft. resulting in a slight reduction in the 150 ft. (structure) and 300 ft. (septic) setback areas around the reservoir.

Planning Director Recommendation: The Planning Director recommends approval of the Statement of Consistency, as contained in Attachment 5, and the UDO Text Amendment, as contained within Attachment 6.

FINANCIAL IMPACT: Consideration and approval will not create the need for additional funding for the provision of County services. Existing staff, included in the Departmental staffing budget, will accomplish the work required to process this amendment.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goals are applicable to this item:

- **GOAL: ESTABLISH SUSTAINABLE AND EQUITABLE LAND-USE AND ENVIRONMENTAL POLICIES**
  The fair treatment and meaningful involvement of people of all races, cultures, incomes and educational levels with respect to the development and enforcement of environmental laws, regulations, policies, and decisions. Fair treatment means that no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies.

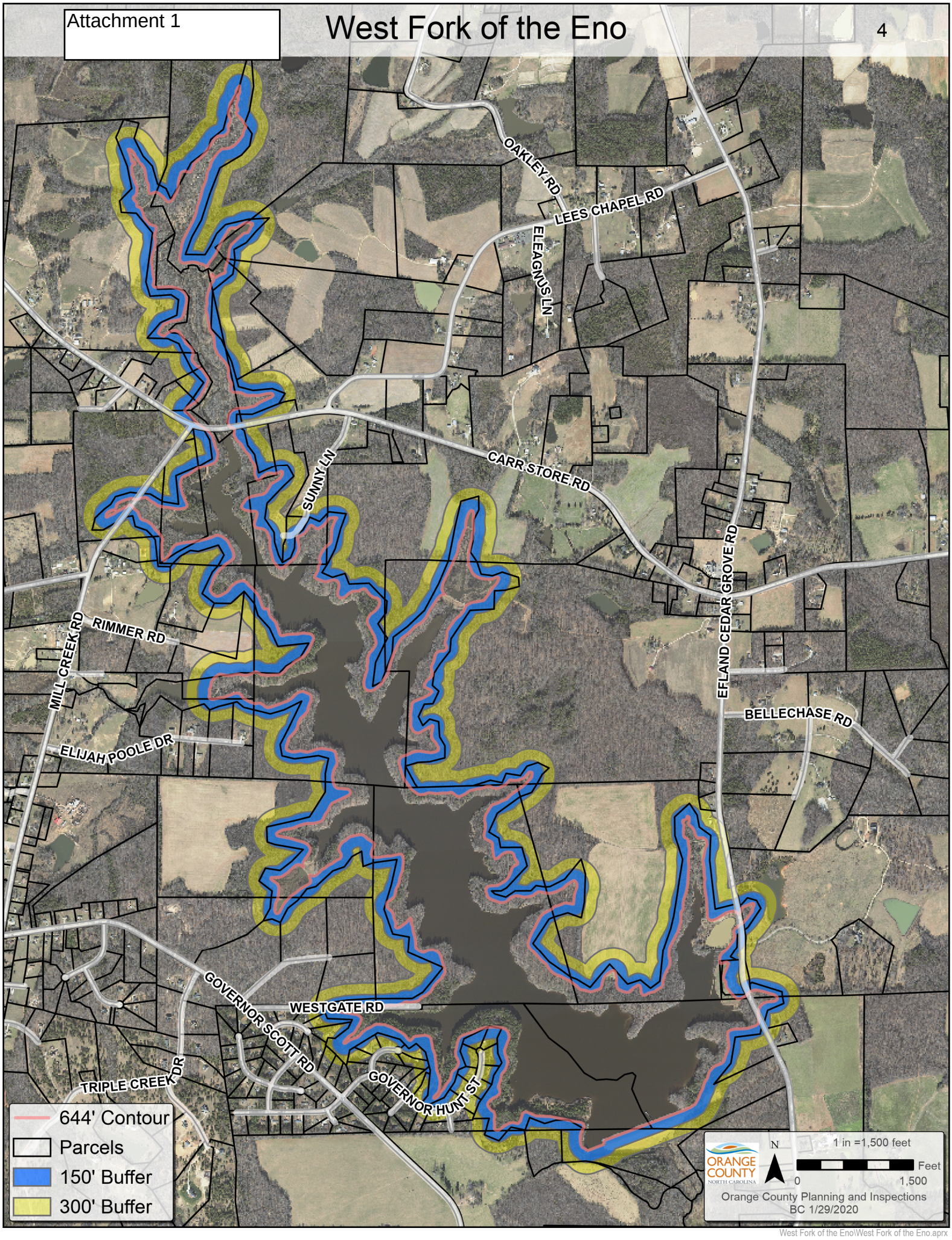
ENVIRONMENTAL IMPACT: There are no Orange County Environmental Responsibility Goal impacts associated with this item.

RECOMMENDATION(S): The Manager recommends the Board:

1. Receive the request;
2. Conduct the public hearing and accept comment;
3. Close the public hearing. (Note that, because this is a legislative decision, additional comments at a later date are permitted); and
4. Approve the Statement of Consistency (Attachment 5) and the UDO Text Amendment (Attachment 6).

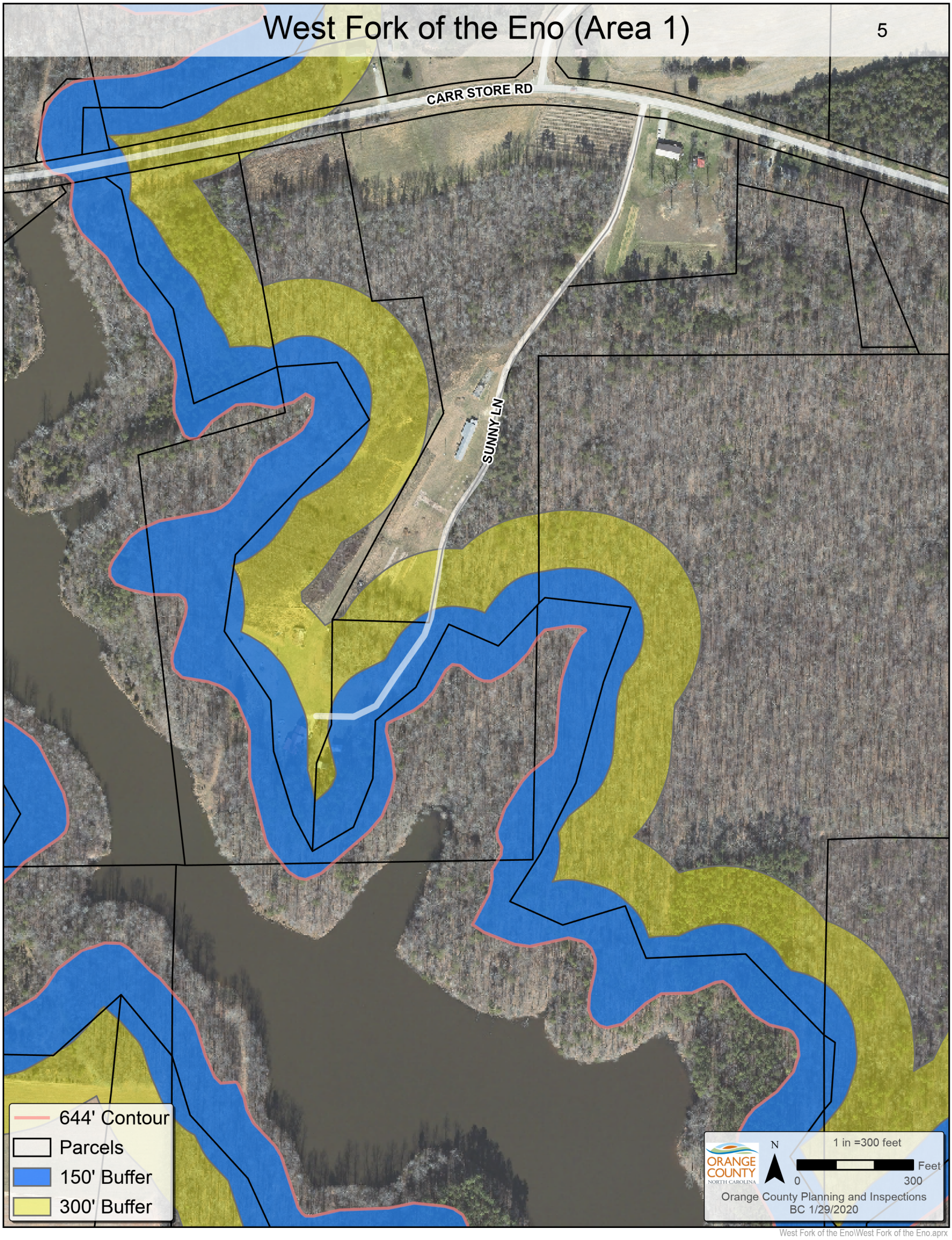
Attachment 1

West Fork of the Eno

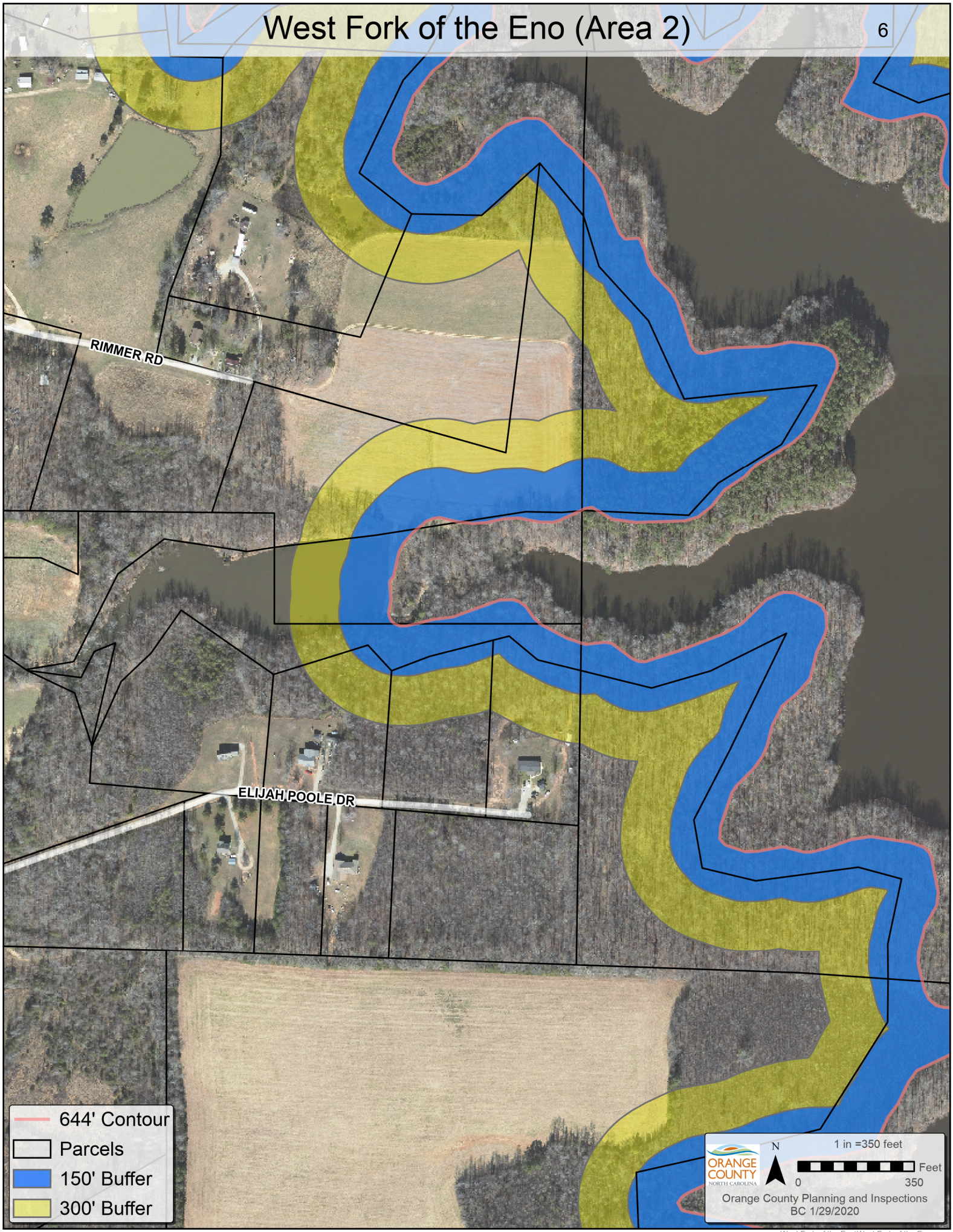


West Fork of the Eno\West Fork of the Eno.aprx

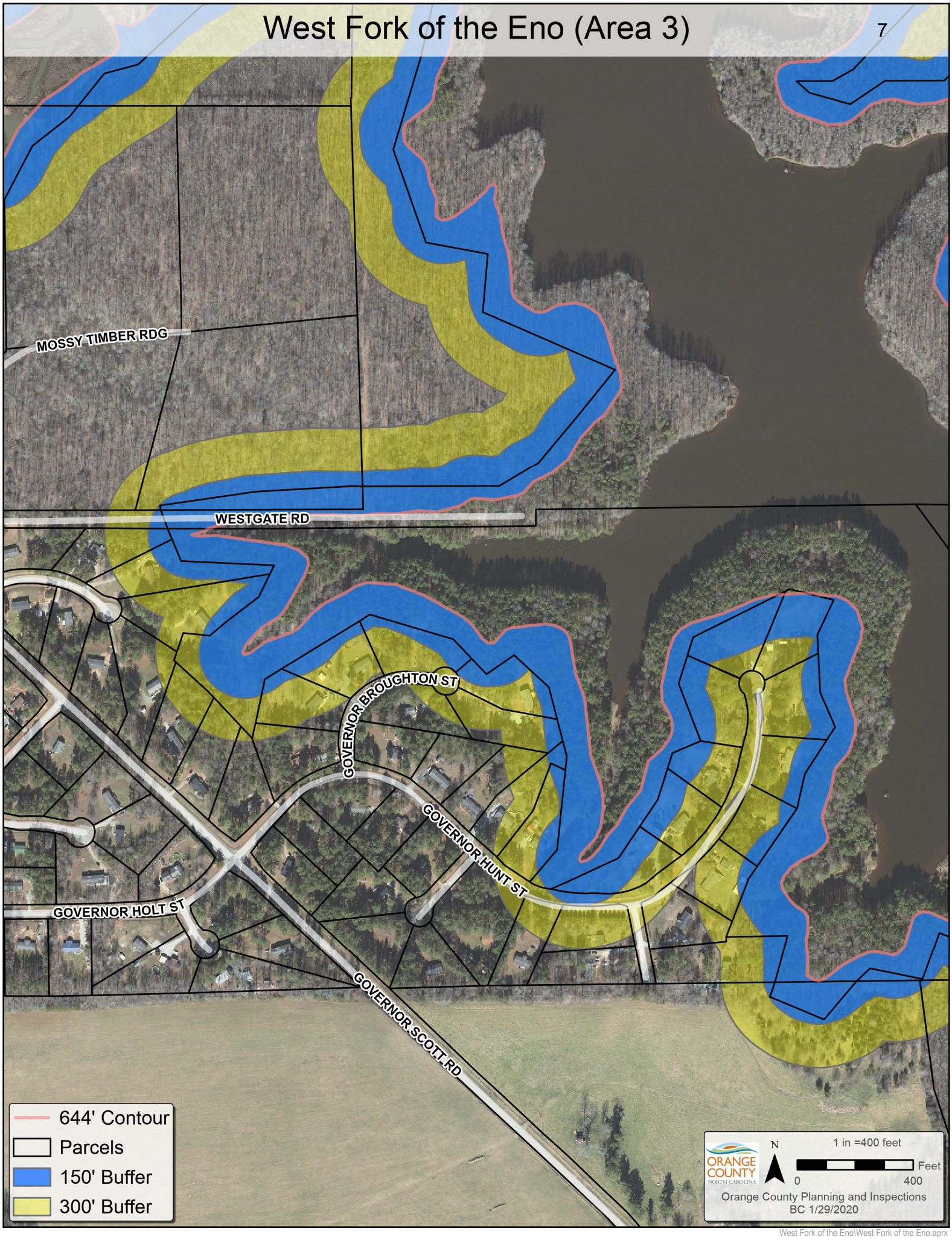
West Fork of the Eno (Area 1)



West Fork of the Eno (Area 2)



West Fork of the Eno (Area 3)



Attachment 2

SUMMARY NOTES
ORANGE COUNTY PLANNING BOARD
NOVEMBER 6, 2019
ORDINANCE REVIEW COMMITTEE

NOTE: A QUORUM IS NOT REQUIRED FOR ORDINANCE REVIEW COMMITTEE MEETINGS.

MEMBERS PRESENT: Lydia Wegman (Chair), At-Large Representative; Randy Marshall, At-Large Representative; Kim Piracci, Eno Township Representative; Melissa Poole, Little River Township Representative; Carrie Fletcher, Bingham Township Representative; Susan Hunter, Chapel Hill Township Representative; Gio Mollinedo, At-Large Representative; Patricia Roberts, Cheeks Township Representative; Hunter Spitzer, At-Large Representative;

STAFF PRESENT: Craig Benedict, Planning & Inspections Director; Michael Harvey, Current Planning Supervisor; Tina Love, Administrative Assistant III

AGENDA ITEM 1: Call to Order

AGENDA ITEM 3: WEST FORK ON THE ENO RESERVOIR - To begin review and discussion on proposed amendments to the UDO pertaining to the West Fork on the Eno reservoir to address concerns over reservoir setbacks. The expected timeline for the Planning Board recommendation and BOCC public hearing has not yet been determined.

PRESENTER: Michael Harvey, Current Planning Supervisor

Michael Harvey reviewed the proposed amendments to the UDO regarding reservoir setbacks and provided background information.

Carrie Fletcher: How many residents does it affect?

Michael Harvey: A couple dozen.

Patricia Roberts: Wouldn't you have to buy their house if did penalize them?

Michael Harvey: Hillsborough would, in my mind, have to buy their house but that's me saying that.

Craig Benedict: Hillsborough should have bought all the way up to that 150' from their future pool area, I think they were trying approximate that 150' area but it should have been from their phase II reservoir not their, possibly phase I reservoir pool area.

ORC was adjourned through consensus

Attachment 3

DRAFT – EXCERPT OF MEETING MINUTES
ORANGE COUNTY PLANNING BOARD
FEBRUARY 5, 2020
REGULAR MEETING

MEMBERS PRESENT: Lydia Wegman (Chair), At-Large Representative; David Blankfard (Vice-Chair), Hillsborough Township Representative; Adam Beeman, Cedar Grove Township Representative; Kim Piracci, Eno Township Representative; Susan Hunter, Chapel Hill Township Representative; Patricia Roberts, Cheeks Township Representative; Randy Marshall, At-Large Representative; Hunter Spitzer, At-Large Representative; Carrie Fletcher, Bingham Township Representative

MEMBERS ABSENT: Melissa Poole, Little River Township Representative; Gio Mollinedo, At-Large Representative; Hathaway Pendergrass, At-Large Representative

STAFF PRESENT: Craig Benedict, Planning Director; Michael Harvey, Current Planning Supervisor

AGENDA ITEM 8: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT – EROSION CONTROL PERMITS - To make a recommendation to the BOCC on proposed amendments to the UDO pertaining to the West Fork on the Eno reservoir to address concerns over reservoir setbacks. This item was introduced at the November 6, 2019 ORC meeting and is scheduled for BOCC public hearing on March 10, 2020.

PRESENTER: Michael Harvey, Current Planning Supervisor

Michael Harvey reviewed the abstract and proposed changes to the UDO and provided the Board within an updated Attachment 4, an updated copy of the proposed amendment package.

Lydia Wegman: Does this amendment allow someone to expand an existing septic system or residence closer to the reservoir?

Michael Harvey: No. Under Section 4.2.2 (F) you can make repairs to existing residences and septic systems and even expand same but you cannot, in my mind, go closer to the actual reservoir. We do, however, want to recognize the legal viability of the development and not penalize property owners for abiding by applicable rules at the time they located their residences or septic systems.

Adam Beeman: Is there a discrepancy in the maps provided in the package? It seems the reservoir actually includes property north of Carr Store Road.

Michael Harvey: The reservoir does extend north of Carr Store Road correct. That is why we have the revised map(s) in your packet. Sorry for the confusion.

Hunter Spitzer: Why is the Town of Hillsborough not required to own the required buffer area?

Michael Harvey: (If you are referring to the required 150 ft. and 300 ft. setbacks for buildings and septic systems) State law does not mandate the Town own the area required to comply with the established setbacks. That is one reason for the amendment.

Craig Benedict: There probably should have been an easement required to ensure the area was protected by the Town. And the Town had to negotiate with these property owners to secure the property necessary to accommodate the reservoir.

Michael Harvey: This is one reason the County has regulations governing what constitutes existing development and existing parcels when addressing compliance with required reservoir setbacks.

Patricia Roberts: Can someone replace an existing manufactured home with a stick built or modular residence?

Michael Harvey: There is nothing in the UDO that would prevent that. All the property owner would have to do is comply with applicable setback standards.

Michael Harvey: What this amendment does is establish a key date as it relates to the enforcement of the reservoir setback from the West Fork on the Eno. The amendment establishes the date for staff to ascertain what constitutes an existing lot and existing development when enforcing the required structure and septic setbacks. The UDO contains waiver provisions for an existing lot so that property owners who own a parcel established prior to the development or designation of a reservoir site with respect to locating a structure and septic system. Unfortunately this amendment will not address everyone's issues along the Eno. For example we have a property owner who has subdivided his lot several times from 1997 to today. His property will not qualify as an existing lot under this provision. The County staff chose the proposed date that made sense as it relates to the enforcement of reservoir setbacks. February 12, 1997 is the date the West Fork on the Eno reservoir was established as it relates to identifying the point where the 150 ft. structure and 300 ft. septic setback are taken from.

I am asking the Board to approve the Statement of Consistency in Attachment 3 and recommend the adoption of the revised Attachment 4, which establishes the key critical date with respect to what constitutes existing development and an existing lot along the West Fork on the Eno of February 12, 1997.

Hunter Spitzer: Is there a way to amend the proposal to change the dates for what constitutes a legal lot and existing development to a different date? I am concerned there may be some property owners who will not qualify with the February 12, 1997 date and we will make more structures nonconforming.

Michael Harvey: I am not comfortable with that. The intent of the identified sections is to define what qualifies as existing development and an existing lot as it relates to when a reservoir was established. From the date a reservoir is established, people who subdivide their property are obligated to abide by applicable reservoir setbacks for structures and septic systems. I will remind all parties there is nothing in this section preventing a property owner from seeking a variance from the Board of Adjustment if they believe the strict interpretation of the UDO infringes on their development or redevelopment of their property.

Hunter Spitzer: That only covers regulated subdivisions correct?

Michael Harvey: All property, created through the regulated, expedited, exempt subdivision processes, are required to abide by the established setbacks when they develop their property. This is handled as part of the zoning compliance permit process, which is separate from the subdivision process, and would include compliance with the 150 ft. setback for all structures and the 300 ft. setback for all septic systems from a reservoir. You are correct, however, it is likely a property owner engaging in an exempt subdivision will not be aware of the potential impacts of their action as it relates to complying with applicable reservoir setbacks. Unfortunately that is not something staff can address. We can continue to advise property owners of the issue but cannot require they take the consequences into account when deciding to proceed with an exempt subdivision.

Craig Benedict: Some of these issues hit home for property owners when the Town began clearing property to allow for the raising of the reservoir. It became clearer to those property owners just where the edge of the reservoir was going to be and that led to questions of us on anticipated impacts.

Patricia Roberts: Will these people have to purchase flood insurance?

Michael Harvey: There is nothing in the UDO mandating property owner purchase flood insurance. There is existing special flood hazard area along the reservoir. It is typically up to the lending institution if flood insurance will be required. Again I want to clarify this amendment package, in and of itself, does not create the need for flood insurance. I will not bore you with my 20 minute presentation on why you should purchase flood insurance regardless of your property's location within a special flood hazard area.

Randy Marshal: The aerial photo still shows trees along the reservoir area. Has clearing begun?

Michael Harvey: Yes clearing has already occurred and is nearly completed. My last conversation with the Town on this matter led me to believe the majority of clearing activities had already occurred but that additional work may be necessary. I am of the opinion work on the dam is being finalized and there is still roadwork that has to be completed for the project. Unfortunately all I have access to is 2016/17 aerial photo data so it does not show the existing of clearing activities that have already occurred.

MOTION by Randy Marshal to approve the statement of consistency, and the updated text amendment package as provided by staff. Seconded by Lydia Wegman.
VOTE: Unanimous

AGENDA ITEM 9: ADJOURNMENT
Meeting was adjourned by consensus

_____
David Blankfard, Chair

STATEMENT OF APPROVAL AND CONSISTENCY
OF A PROPOSED UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT
WITH THE ADOPTED ORANGE COUNTY 2030 COMPREHENSIVE PLAN

Orange County has initiated an amendment to the Unified Development Ordinance (UDO) establishing the effective date for the expansion of the West Fork on the Eno reservoir when determining required reservoir setbacks.

The Planning Board hereby approves the proposed text amendment and finds:

a. The requirements of Section 2.8 of the UDO have been deemed complete; and,

b. Pursuant to Sections 1.1.5, and 1.1.7 of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds sufficient documentation within the record denoting that the amendment **is consistent** with the adopted 2030 Comprehensive Plan.

    1. The amendment is consistent with applicable plans because it supports the following 2030 Comprehensive Plan goals and objectives:

        - Land Use Goal 4 - Land development regulations, guidelines, techniques and/or incentives that promote the integrated achievement of all.

            These amendments are consistent with this goal and objective by establishment of the effective date for the expansion of the West Fork on the Eno reservoir when determining required reservoir setbacks thereby ensuring consistent application of development regulations.

        - Land Use Goal 6 – A land use planning process that is transparent, fair, open, efficient, and responsive.

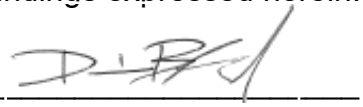
            These amendments are consistent with this goal and objective by eliminating confusion with respect to the enforcement of setbacks from the West Fork on the Eno reservoir thereby ensuring transparency in the development review process.

c. The amendment is reasonable and in the public interest because it:

    1. Ensures legal sufficiency by formally establishing what constitutes existing development and/or an existing parcel as it relates to the enforcement of reservoir setbacks associated with the expansion of the West Fork on the Eno reservoir.

        By establishing this reference date staff will be better suited to working with property owners abide by applicable regulations.

The Planning Board hereby adopts this Statement of Approval and Consistency as well as the findings expressed herein.



02.24.2020

David Blankfard, Chair — Date

Attachment 4

NOTICE OF PUBLIC HEARING
ORANGE COUNTY BOARD OF COMMISSIONERS

A public hearing will be held at the Whitted Building, 300 West Tryon Street, 2nd Floor, Hillsborough, North Carolina, on Tuesday, March 10, 2020 at 7:00 PM for the purpose of giving all interested residents an opportunity to speak for or against the following items:

1. **Unified Development Ordinance Text Amendments:** 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 amendments to the Unified Development Ordinance (UDO) pertaining to the West Fork on the Eno reservoir to address concerns over reservoir setbacks. The following Section of the UDO is proposed for amendment:

    - 4.2.2 Applicability (Watershed Protection section)

    The amendments are necessary to address current inconsistencies within the UDO relating to the definition of what constitutes 'existing lots' and/or 'existing development' with respect to compliance with applicable reservoir setbacks.

    The Orange County Planning Board, at its February 5, 2020 regular meeting, voted unanimously to recommend approval of the proposed text amendments. Agenda materials from this meeting, including the recommended amendment language, can be viewed at: http://orangecountync.gov/AgendaCenter/ViewFile/Agenda/_02052020-966

    Purpose: To review the item and receive public comment on the proposed 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 one of the phone numbers below. The full text of the public hearing items may be obtained no later than March 6, 2020 on the County website www.orangecountync.gov at the County Commissioners Agendas link.

Information will also be available from the Orange County Planning Department (contact information below) no later than February 28, 2020.

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 or you may e-mail questions to planningdept@orangecountync.gov.

PUBLISH:	The Herald Sun	News of Orange
	February 26, 2020	February 26, 2020
	March 4, 2020	March 4, 2020

Attachment 5

**STATEMENT OF APPROVAL AND CONSISTENCY
OF A PROPOSED UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT
WITH THE ADOPTED ORANGE COUNTY 2030 COMPREHENSIVE PLAN**

Orange County has initiated an amendment to the Unified Development Ordinance (UDO) establishing the effective date for the expansion of the West Fork on the Eno reservoir when determining required reservoir setbacks.

The Board of County Commissioners (BOCC) hereby approves the proposed text amendment and finds:

a. The requirements of Section 2.8 of the UDO have been deemed complete; and,

b. Pursuant to Sections 1.1.5, and 1.1.7 of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds sufficient documentation within the record denoting that the amendment **is consistent** with the adopted 2030 Comprehensive Plan.

    1. The amendment is consistent with applicable plans because it supports the following 2030 Comprehensive Plan goals and objectives:

        - Land Use Goal 4 - Land development regulations, guidelines, techniques and/or incentives that promote the integrated achievement of all.

            These amendments are consistent with this goal and objective by establishment of the effective date for the expansion of the West Fork on the Eno reservoir when determining required reservoir setbacks thereby ensuring consistent application of development regulations.

        - Land Use Goal 6 – A land use planning process that is transparent, fair, open, efficient, and responsive.

            These amendments are consistent with this goal and objective by eliminating confusion with respect to the enforcement of setbacks from the West Fork on the Eno reservoir thereby ensuring transparency in the development review process.

c. The amendment is reasonable and in the public interest because it:

    1. Ensures legal sufficiency by formally establishing what constitutes existing development and/or an existing parcel as it relates to the enforcement of reservoir setbacks associated with the expansion of the West Fork on the Eno reservoir.

        By establishing this reference date staff will be better suited to working with property owners abide by applicable regulations.

The BOCC hereby adopts this Statement of Approval and Consistency as well as the findings expressed herein.

_____ _____

Penny Rich, Chair Date

Ordinance # ORD-2020-005

AN ORDINANCE AMENDING THE
UNIFIED DEVELOPMENT ORDINANCE OF ORANGE COUNTY

Whereas, Orange County, consistent with State law, establishes setbacks for structures and septic systems from the Normal Pool Elevation (NPE) of reservoirs, and

Whereas, County regulations also establish standards defining what qualifies as existing development and an existing lot in terms of complying with these setback standards, and

Whereas, The Town of Hillsborough has begun the process of expanding the West Fork on the Eno reservoir resulting in a change in the NPE of the reservoir, and

Whereas, The UDO needs to be amended in order to reflect the revised NPE, as well as establish the date associated with what constitutes existing development and an existing lot, for property with frontage along the West Fork on the Eno reservoir, and

Whereas, The amendments are necessary to formally identify where setbacks are measured from, as well as what constitutes existing development and lots, along the West Fork on the Eno reservoir, and

Whereas, the requirements of Section 2.8 of the Unified Development Ordinance have been deemed complete, and

Whereas, the Orange County Planning Board has recommended approval of the proposed text amendments, and

Whereas, the County has held the required public hearing and has found the proposed text amendments are 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 _____, 2020.

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 _____, 2020 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 _____, 2020.

SEAL

_____

Clerk to the Board of Commissioners

UDO AMENDMENT PACKET NOTES:

The following packet details staff's proposed modifications to the Unified Development Ordinance (UDO) designed to establish appropriate references to the effective date for the expansion of the West Fork on the Eno reservoir when determining required reservoir setbacks involving the following Section(s).

- 4.2.2 *Applicability – Watershed Protection*

As part of this amendment, package:

- 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

Only those pages of the UDO impacted by the proposed modification(s) have been included within this packet. Some text on the following pages has a large "X" through it to denote that these sections are not part of the amendments under consideration. The text is shown only because in the full UDO it is on the same page as text proposed for amendment or footnotes from previous sections 'spill over' onto the included page. Text with a large "X" is not proposed for deletion.

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.

Users are reminded that these excerpts are part of a much larger document (the UDO) that regulates land use and development in Orange County. The full UDO is available online at:

http://www.orangecountync.gov/DocumentCenter/View/8305/Unified-Development-Ordinance-PDF

ARTICLE 4: OVERLAY ZONING DISTRICTS

SECTION 4.1: GENERALLY

4.1.1 Description, Standards, and Conflicts

(A) Overlay districts are supplemental to general zoning district classifications and are applied in combination to address special situations or to accomplish specific planning and land use goals.

(B) Unless otherwise expressly stated, all applicable regulations of the underlying district apply to property in an overlay district.

(C) Unless otherwise stated, all applicable standards of this Ordinance apply to property in an overlay district.

(D) When overlay district standards conflict with standards that otherwise apply in the underlying district, the regulations of the overlay district always govern.

SECTION 4.2: WATERSHED PROTECTION

4.2.1 Purpose and Intent

(A) The purpose of the Watershed Protection Overlay Districts is to prevent significant future water quality deterioration in existing or potential future drinking water reservoirs which receive stormwater runoff from land within Orange County.

(1) Protection of all water supplies within the State in accordance with minimum standards was mandated by NCGS §143-214.5.

(2) The quality of water in drinking water reservoirs can be affected by human activities including farming, construction of highways and roads, subdivision development, industrial development, and other land-disturbing activities. Types of water pollutants resulting from these activities include sediment, bacterial contamination, heavy metals, synthetic organic compounds and low-level radioactivity.

(B) The intent of the Watershed Protection Overlay Districts is to apply a set of regulations involving land use and, in some cases, structural best management practices which protect the watersheds by reducing the pollution from future development which enters drinking water supplies.

(1) Land use management practices involve minimum lot size and impervious surface restrictions, since impervious surfaces such as roads, roof tops and driveways are a major source of pollution.

(2) Structural best management practices allow for more intensive land use by providing for temporary detention of stormwater runoff so that pollutants may settle.

4.2.2 Applicability

(A) The Watershed Protection Overlay Districts as established herein overlay other zoning districts established in this Ordinance. The new use of any land or new structure within any Watershed Protection Overlay District shall comply with the use regulations applicable to the underlying zoning district as well as the requirements of the applicable Watershed Protection Overlay District.

(B) A Watershed Protection Overlay District shall be applied to the Orange County portion of watersheds which have been classified as WS-II, WS-III or WS-IV watersheds by the North Carolina Environmental Management Commission in its implementation of NCGS

§143-214.5. In accordance with the State Mandate, 13 Watershed Protection District Overlays, as listed in the table in subsection (D), are hereby established.

(C) Areas designated as "Critical Area" under the Orange County designation are hereby established using the following criteria:

(1) The land area in the Upper Eno watershed (straight line distance) within one-half mile of the normal pool elevation (NPE), or nearest available contour line used for the calculation, of an existing Class I or Class II reservoir or proposed water supply reservoir designated for protection, or the ridgeline of the sub-watershed, whichever is less; and

(2) The land area within one-half mile on each side for an upstream distance of 2.5 miles (straight line distance) of any fifth order or higher stream flowing into a Class I reservoir, or the ridgeline of the sub-watershed, whichever is less; and

(3) The land area within one-half mile on each side of a fourth order or higher stream flowing between any Class II and Class I reservoir; and

(4) The land area within one-half mile on each side for an upstream distance of 1.5 miles (straight line distance) of a third or fourth order stream flowing directly into any Class I reservoir; and

(5) The land area within one-half mile on each side for an upstream distance of 1.0 mile (straight line distance) of a third or fourth order stream flowing into a fourth order or higher stream that is within 1.0 miles (straight line distance) of a Class I reservoir; and

(6) Any isolated areas within the overall critical area boundary that drain into any of the streams listed above.

(7) Areas designated as Transition Areas on the Land Use Element Map of the Orange County Comprehensive Plan are excluded from designation as a Critical Area, except for land areas located within one-half mile from the normal pool elevation of a Class I reservoir.

(8) The land area north of the centerline of West Ten Road and west of the centerline of the Interstate 85/U.S. 70 Connector is excluded from designation as a Critical Area, except for land areas located within one-half mile from the normal pool elevation of a Class I reservoir.

(D) The designation of "Protected" applies to areas of watersheds classified as WS-II, WSIII, or WS-IV outside of areas designated as "Critical Area."

(E) General Locations of Watershed Protection Overlay Districts

TABLE 4.2.2.E: WATERSHED PROTECTION OVERLAY DISTRICTS

DISTRICT		GENERAL LOCATION
UNIV-CA	University Lake Critical Area	One-half mile from the normal pool elevation of University Lake, or to the ridgeline of the watershed, whichever is less.
UNIV-PW	University Lake Protected Watershed Overlay District	The portion of the drainage basin of University Lake not covered by UNIV-CA.
CANE-CA	Cane Creek Critical Area Overlay District	One-half mile from the normal pool elevation of Cane Creek Reservoir, or to the ridgeline of the watershed, whichever is less.
CANE-PW	Cane Creek Protected Watershed Overlay District	The portion of the drainage basin of Cane Creek Reservoir not covered by CANE-CA.
U-ENO-CA	Upper Eno Critical Area Overlay District	One-half mile from the normal pool elevation, or to the ridgeline of the watershed, whichever is less, of the following Class I reservoirs: Corporation Lake (538' actual NPE, 540' contour line used) and Lake Ben Johnson (515' NPE and contour line used). One-half mile (straight line measurement) from the normal pool elevation, or to the ridgeline of the watershed, whichever is less, of the following Class II

TABLE 4.2.2.E: WATERSHED PROTECTION OVERLAY DISTRICTS		
DISTRICT		**GENERAL LOCATION**
		reservoirs: Lake Orange (615' NPE and contour line used) and West Fork on the Eno (~~643'~~ 642' NPE, ~~640'~~ 642' contour line used)[1]; and the land area within one-half mile (straight line measurement) on each side of other streams designated for protection. These protected streams include portions of: Eno River, Seven Mile Creek, West Fork of the Eno River, East Fork of the Eno River, Rocky Run, Stream ID 1625, Stream ID 1498, Dry Run Creek, Crabtree Creek, and Stream ID 2109. (Source of elevation data: Atlantic Technologies Ltd., 1998 planimetric project approved by Orange County GIS).
U-ENO-PW	Upper Eno Protected Watershed Overlay	The portion of the Upper Eno drainage basin not covered by U-ENO-CA.
L-ENO-PW	Lower Eno Protected Watershed Overly	The Orange County portion of the Eno River Watershed within ten miles of the City of Durham Emergency Water Intake east of US 501 (Roxboro Road).
LITTLE-PW	Little River Protected Watershed Overlay District	The portion of drainage basin of the Little River Reservoir which is located in Orange County.
BACK-PW	Back Creek Protected Watershed Overlay District	The portion of the drainage basin of Back Creek which is located in Orange County.
HYCO-PW	South Hyco Creek Protected Watershed Overlay District	The portion of the drainage basin of South Hyco Creek which is located in Orange County.
FLAT-PW	Flat River Protected Watershed Overlay District	The portion of the drainage basin of the Flat River which is located in Orange County.
HAW-PW	Haw River Protected Watershed Overlay District	The portion of the drainage basin for the Haw River which is located in Orange County
JORDAN-PW	Jordan Lake Protected Watershed Overlay District	The Orange County portion of the Jordan Lake Watershed which extends five miles from the normal pool elevation of the impoundment.

(F) Existing Development

The following residential or non-residential structures shall be considered existing development for the purpose of determining compliance with or applicability of Sections 4.2 and 6.13.3, 6.13.4, 6.13.6, 6.13.8, 6.14.4, 6.14.10, 6.14.11, and 6.15.7(B)(3):

(1) Was either constructed prior to, or constructed in accordance with a valid building permit issued prior to, or was included as part of a Site Specific Development Plan approved by the Board of County Commissioners prior to January 1, 1994; or

[1] The UDO currently makes reference to the anticipated future normal pool elevation (NPE) of the West Fork on the Eno reservoir, specifically 643 ft. Town of Hillsborough staff originally indicated the expansion of the reservoir would increase the NPE of the reservoir to 643.9 ft. Staff proposed to amend the UDO to reflect this increase which was ultimately reviewed and recommended for approval by the Planning Board. Recently, however, the Town provided new information indicating the NPE of the reservoir would, in actuality, be reduced to 642 ft. Staff has modified the amendment proposal to reflect this change, which will result in less property area being encumbered by required reservoir setbacks.

(2) Was either constructed prior to, or constructed in accordance with a valid building permit issued prior to, or was included as part of a Site Specific Development Plan approved by the Board of County Commissioners prior to February 12, 1997 with respect to the Town of Hillsborough purchase of property associated with expanding the West Fork of the Eno reservoir; or[2]

~~(2)~~**(3)** Was either constructed prior to, or constructed in accordance with a valid building permit issued prior to, or was included as part of a Site Specific Development Plan approved by the Board of County Commissioners prior to October 19, 1999 with respect to the October 19, 1999 amendments related to the CANE-CA and CANE-PW districts, or

~~(3)~~**(4)** Was either constructed prior to, or constructed in accordance with a valid building permit issued prior to, or was included as part of a Site Specific Development Plan approved by the Board of County Commissioners prior to September 19, 2001 with respect to the Stream Buffer/Usable Lot amendments, or

~~(4)~~**(5)** Was either constructed prior to, or constructed in accordance with a valid building permit issued prior to, or was included as part of a Site Specific Development Plan approved by the Board of County Commissioners prior to May 20, 2003 with respect to the Stream Classification Amendments, or

~~(5)~~**(6)** Had otherwise established a vested right under North Carolina Zoning law prior to January 1, 1994, or October 19, 1999 with respect to the October 19, 1999 amendments related to the CANE-CA and CANE-PW districts, or September 19, 2001 with respect to the Stream Buffer/Usable Lot amendments, or May 20, 2003 with respect to the Stream Classification Amendments.

(G) Existing development is hereby deemed to be conforming with respect to requirements of Sections 4.2, 6.13.3, 6.13.4, 6.13.6, 6.13.8, 6.14.4, 6.14.10, 6.14.11, and 6.15.7(B)(3) of this Ordinance. Periodic updates to FEMA maps may affect structures located within the special flood hazard area of specific streams.

(H) Redevelopment

(1) The rebuilding or replacement of residential or nonresidential structures which are defined as existing development according to subsection (F) above is allowed, provided that the rebuilding or replacement does not result in an increase in the amount of impervious surface, and does not encroach any farther into stream buffers or setbacks from reservoirs than the previous development.

(2) A structure which is rebuilt or replaced in accordance with these provisions is deemed conforming with respect to setbacks from streams and reservoirs required by Section 6.13 of this Ordinance.

(I) Existing Lots

(1) An existing lot, for the purpose of determining compliance with Sections 4.2 and 6.13.3, 6.13.4, 6.13.6, 6.13.8, 6.14.4, 6.14.10, 6.14.11, and 6.15.7(B)(3), is defined as:

(a) A lot which was created prior to January 1, 1994, or

(b) A lot within the Upper Eno watershed which was created prior to February 12, 1997 with respect to the Town of Hillsborough purchase of property associated with development of the West Fork on the Eno reservoir; or

[2] This language is consistent with how the UDO currently references what constitutes 'existing development'. What the proposal does is formalize what constitutes existing development as it relates to the West Fork on the Eno.

~~(b)~~(c) A lot within the Cane Creek watershed which was created prior to October 19, 1999, with respect to the October 19, 1999, amendments related to the CANE-CA and CANE-PW districts, or

~~(c)~~(d) Non-conforming lots of record.

(2) Stream buffers as required by Section 6.13, and setbacks for septic systems as required by Section 4.2.9 may be reduced to the extent necessary to allow development of the lot, provided that all of the following criteria are met:

(a) The septic system is sized to serve no more than four bedrooms; and

(b) The septic tank, drainfield and repair area (where required) can be accommodated on 20,000 square feet of area or less; and

(c) The Orange County Planning Department, in consultation with Orange County Environmental Health and/or the Orange County Staff Engineer has determined that encroachment of the structure into the stream buffer and/or encroachment of the septic system or repair area into the stream buffer or reservoir setback is necessary in order to provide adequate area for septic disposal and repair while maintaining required separations between wells, septic systems, structures and property lines; and

(d) The Orange County Planning Department, in consultation with Orange County Environmental Health and/or the Orange County Staff Engineer, has determined that the relative locations of the well, septic system and structure maximize the amount of watershed protection that can be achieved while allowing development of the lot. Generally, an exception to setbacks for repair area is preferable to an exception for the initial septic system, and encroachment of structures or gravity septic systems into the setback is preferable to the installation of a septic system pump.

(e) The amount of encroachment into the stream or reservoir buffer is the minimum amount which can be obtained while meeting the criteria in (a) through (d).

4.2.3 Land Use Restrictions

All uses and activities allowed in the underlying zoning district are permitted with the following exceptions:

TABLE 4.2.3 LAND USE RESTRICTIONS

DISTRICT	RESTRICTIONS
UNIV-CA UNIV-PW CANE-CA U-ENO-CA	No new landfills are permitted. No commercial or industrial uses are permitted except for commercial development, in accordance with the provisions of the Ordinance, located within established Nodes as detailed within the Orange County Comprehensive Plan. No new golf courses are permitted
UNIV-CA CANE-CA U-ENO-CA	No residual (sludge/biosolids) application is permitted.
CANE-PW U-ENO-PW HYCO-PW LITTLE-PW BACK-PW FLAT-PW HAW-PW L-ENO-PW JORDAN-PW	No discharging landfills are permitted. Industrial use is limited to nonhazardous light industrial uses characterized by low water use (less than 10,000 gpd, excluding domestic water (25 gpd per employee) and water used for heating and air conditioning).

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: March 10, 2020

Action Agenda Item No. 5-b

SUBJECT: Public Hearing on the Financing of Various Capital Investment Plan Projects

DEPARTMENT: Finance and Administrative Services

ATTACHMENT(S):
Attachment 1. Copy of Public Hearing Notice
Attachment 2. Resolution
Attachment 3. Finance PowerPoint

INFORMATION CONTACT:
Gary Donaldson, (919) 245-2453
Paul Laughton, (919) 245-2152
Robert Jessup, (919) 933-9891

PURPOSE: To conduct a public hearing on the issuance of approximately $45,500,000 to finance capital investment projects and equipment for the fiscal year; and approve a related resolution supporting the County's application to the Local Government Commission (LGC) for its approval of the financing arrangements. The financing and transaction costs are included in the loan amount.

BACKGROUND: County staff estimates that the total amount to be financed for capital investment projects and equipment will be approximately $45,500,000. The statutes require that the County conduct a public hearing on the proposed financing. A copy of the published notice of this hearing is provided (Attachment 1).

The notice of public hearing was advertised in *The Herald Sun* and the *News of Orange*.

After conducting the public hearing and receiving public input, the Board may consider the adoption of the resolution (Attachment 2). The resolution formally requests the required approval from the North Carolina Local Government Commission (LGC) for the County's financing, and makes certain finding of fact as required under the LGC's guidelines. County staff has been in contact with the LGC staff, and staff expects no issues in 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 plans at its April 7, 2020 meeting. Under the current schedule, County staff expects to set the final interest rates and close by the end of April.

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 capital investment projects and equipment financing would require the highest debt service payment of $4.2 million in FY 2021-22. The tax rate equivalent for the estimated highest debt service payment is approximately $2.23 cents.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goal is applicable to this item:

- **GOAL: FOSTER A COMMUNITY CULTURE THAT REJECTS OPPRESSION AND INEQUITY**
  The fair treatment and meaningful involvement of all people regardless of race or color; religious or philosophical beliefs; sex, gender or sexual orientation; national origin or ethnic background; age; military service; disability; and familial, residential or economic status.

- **GOAL: CREATE A SAFE COMMUNITY**
  The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence.

- **GOAL: ENABLE FULL CIVIC PARTICIPATION**
  Ensure that Orange County residents are able to engage government through voting and volunteering by eliminating disparities in participation and barriers to participation.

ENVIRONMENTAL IMPACT: The following Orange County Environmental Responsibility Goal impacts are applicable to this item:

- **ENERGY EFFICIENCY AND WASTE REDUCTION**
  Initiate policies and programs that: 1) conserve energy; 2) reduce resource consumption; 3) increase the use of recycled and renewable resources; and 4) minimize waste stream impacts on the environment.

- **RESULTANT IMPACT ON NATURAL RESOURCES AND AIR QUALITY**
  Assess and where possible mitigate adverse impacts created to the natural resources of the site and adjoining area. Minimize production of greenhouse gases.

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.

Attachment 1

Notice of Public Hearing – Orange County, North Carolina
Financing for Various Public Improvements and Acquisitions

The Board of Commissioners of Orange County, North Carolina, will hold a public hearing on Tuesday, March 10, 2020, 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 an amount expected to not exceed $45,500,000 to pay for the various public improvements and acquisitions as described below.

Component	Estimated Cost
Facility, Accessibility, Safety and Security Projects	$ 212,634
Generator Projects	$ 33,000
HVAC Projects	$ 230,218
Major Plumbing Repairs	$ 50,885
Northern Campus (Detention, EAC, Parks Ops Base)	$ 29,071,556
Government Services (Link) Remediation	$ 581,503
Skill Development Relocation - Europa Center Upfits	$ 254,953
Roofing and Façade Projects	$ 686,167
Parks and Recreation Facility Renovations. Repairs, Safety Improvements	$ 246,500
Conservation Easements	$ 259,514
River Park, Phase II	$ 118,509
ITGC Initiatives	$ 197,826
IT Infrastructure	$ 489,910
Communication Systems	$ 273,221
Solid Waste - Equipment and Vehicles	$ 717,228
Solid Waste - Administrative Building Remediation	$ 281,324
Sportsplex Capital Items - 2 Vans	$ 70,090
Schools - Recurring Capital Needs	$ 3,000,000
Schools - Improvements to Older Facilities	$ 1,607,300
Schools – Other Various Projects	$ 4,012,132
Total Project Costs	**$ 42,394,470**

The County will also use additional loan proceeds to pay financing costs.

The hearing will be held in the Commissioners' usual meeting room in the County's Whitted Building, 300 West Tryon Street, Hillsborough, North Carolina.

The proposed financing would be secured by a lien on some or all of the property purchased or improved through the financing as well as the County's promise to repay the financing, but there would be no recourse against the County or its property (other than the pledged property) if there were a default on the financing. The County expects that the collateral for the financing will include property in the County's planned "northern campus" off Highway 70 just north of Hillsborough (including the site of the planned new jail) and portions of the County's "southern campus" off Homestead Road in Chapel Hill.

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 Gary Donaldson, Orange County Chief Financial Officer, Post Office Box 8181, Hillsborough, NC 27278 (telephone 919/245-2453, email gdonaldson@orangecountync.gov).

s☆h draft of February 12

Resolution supporting an application to the Local Government Commission for its approval of a County financing agreement

WHEREAS --

The Board of Commissioners has previously determined to carry out various public improvements and acquisitions, as identified in the County's capital improvement plan and as described on Exhibit A.

The Board of Commissioners has also determined to finance the costs of these projects through 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, this governing body must make certain findings of fact to support the County's application for the LGC's approval of the County's financing arrangements.

1. THEREFORE, BE IT RESOLVED by the Orange County Board of Commissioners, as follows:

(a) The County makes a preliminary determination to finance approximately $42.3 million to pay capital costs of public improvements and acquisitions, and in particular those described on Exhibit A.

(b) 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 $42.3 million. The final amount financed will include funds to pay financing costs and other related costs.

2. The Board of Commissioners makes the following findings of fact in support of the County's application to the LGC:

(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 these projects, other than the school projects. The County is in the midst of a program for issuing voter-approved bonds for school purposes, and it is appropriate for the County to balance its capital program between various types of financings. The County expects that in the current interest rate environment for municipal securities there would be no material difference in the overall financing costs between general obligation bonds and installment financings for these projects. These projects will produce no revenues that could be used to support a self-liquidating financing.

(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 in consultation with the County's financial adviser. All amounts financed will reflect either approved contracts, professional estimates, or previous actual expenditures.

(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) Although the County expects there will be tax increases associated with the County's overall capital improvement program, any tax increase directly attributable to the current proposed financing will be minimal. The County will manage the projects and its borrowing plans so as to minimize the tax impact while still allowing the projects to proceed. The County believes that the tax rate impact of this financing is reasonable under all the circumstances.

(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.

3. Additionally, the Board resolves 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) The Board directs the Finance Officer to take all appropriate steps toward the completion of the financing, including completing an application to the LGC for its approval of the proposed financing. The Board ratifies all prior actions of County representatives in this regard.

(c) This resolution takes effect immediately.

Exhibit A – list of projects to be financed with estimated amounts

Component	Estimated Cost
Facility, Accessibility, Safety and Security Projects	$ 212,634
Generator Projects	$ 33,000
HVAC Projects	$ 230,218
Major Plumbing Repairs	$ 50,885
Northern Campus (Detention, EAC, Parks Ops Base)	$ 29,071,556
Government Services (Link) Remediation	$ 581,503
Skill Development Relocation - Europa Center Upfits	$ 254,953
Roofing and Façade Projects	$ 686,167
Parks and Recreation Facility Renovations. Repairs, Safety Improvements	$ 246,500
Conservation Easements	$ 259,514
River Park, Phase II	$ 118,509
ITGC Initiatives	$ 197,826
IT Infrastructure	$ 489,910
Communication Systems	$ 273,221
Solid Waste - Equipment and Vehicles	$ 717,228
Solid Waste - Administrative Building Remediation	$ 281,324
Sportsplex Capital Items - 2 Vans	$ 70,090
Schools - Recurring Capital Needs	$ 3,000,000
Schools - Improvements to Older Facilities	$ 1,607,300
Schools – Other Various Projects	$ 4,012,132
Total Project Costs	**$ 42,394,470**

The County will also use additional loan proceeds to pay financing costs.

Attachment 3

ORANGE COUNTY
NORTH CAROLINA

Series 2020 Limited Obligation Bonds

Spring Financing Resolution

Gary Donaldson, Chief Financial Officer

March 10, 2020

Purpose

- Conduct Public Hearing for Limited Obligation Bonds pursuant to NC Statute Section 160A-20

- Obtain Board Approval to Proceed with Filing Local Government Commission Application for Series 2020 Financing

- Funds our FY 2019-20 Capital Investment Plan through this Series 2020 Limited Obligation Bonds are secured by a Deed of Trust, with a security interest in the Northern Campus and a portion of the Southern Campus

- The Series 2020 Limited Obligation Bonds will fund various County projects including:

- Vehicles and Equipment (5-8 Years useful life):	$717,228
- County Facilities (up to 20 years useful life):	$33.1 Million*
- School Facilities (up to 20 years useful life):	$8.6 Million
Total:	**$42.3 Million**

* $29 Million represents remaining amount for Northern Campus construction

ORANGE COUNTY
NORTH CAROLINA

Projects to be Financed

Projects	Estimated Cost
Facility, Accessibility, Safety and Security Projects	$ 212,634
Generator Projects	$ 33,000
HVAC Projects	$ 230,218
Major Plumbing Repairs	$ 50,885
Northern Campus (Detention, EAC, Parks Ops Base)	$ 29,071,556
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Schools – Other Various Projects	$ 4,012,132
Total Project Costs	**$ 42,394,470**

ORANGE COUNTY
NORTH CAROLINA

Key Financing Terms

- Security Pledge- County assets and annual County appropriations
- Maturity Term- 5- 20 Year maturities matches the useful life of the assets
- Estimated Interest Rates- up to 4% subject to market conditions
- Maximum Annual Debt Service not exceeding $4.2 Million (FY 2021-22)
- Source of Repayment- Property Tax, Solid Waste Fees and Sportsplex Fees
- Limited Obligation Bonds are Subordinate Lien to AAA General Obligation Bonds
- Anticipated Limited Obligation Bonds- AA1/AA+/AA+ from Moody's, Standard & Poor's and Fitch Ratings

ORANGE COUNTY
NORTH CAROLINA

Key Debt Model Metrics

Debt Ratios	10-Year Payback	Debt to Assessed Value	DS to GF Revenues
2020	65.17%	1.63%	13.26%
2021	62.08%	1.89%	14.33%
2022	62.31%	1.94%	17.19%
2023	62.76%	1.89%	17.42%
2024	64.44%	1.79%	16.81%
2025	66.21%	1.87%	15.62%
2026	68.54%	1.70%	15.29%

Note: Includes the Spring 2020 Financing plus future 2021-2026 CIP projects as of 2/18.

ORANGE COUNTY
NORTH CAROLINA

Financing Schedule

Key Dates	Task
February 23	Public Hearing Notice Advertisement in Herald-Sun and News of Orange
March 10th	Public Hearing and Board Action Adopting Resolution Supporting LGC Application
March through April	Submit/Complete LGC Application and Credit Rating Reviews
April 7th	Board Action Adopting Final Resolution pursuant to Section 160A-20 of North Carolina General Statutes
April 7th	LGC Approves Installment Purchase Financing
End of April	Installment Purchase Closing -Sign Bond Purchase Agreement

ORANGE COUNTY
NORTH CAROLINA

Questions/Comments

ORANGE COUNTY
NORTH CAROLINA

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: March 10, 2020

Action Agenda Item No. 6-a

SUBJECT: Defining a Final Project Scope for County Space for the 203 South Greensboro Street Project in Cooperation with the Town of Carrboro

DEPARTMENT: County Manager, Asset Management Services (AMS)

ATTACHMENT(S):
1 – Option 1 - Budget Allocation with Skills Development
2 – Option 2 - Budget Allocation Library Only
3 – Draft *First Amendment to the Development Agreement*
4 – Revised Design Schedule
5 – Original Executed Development Agreement (Dated December 4, 2017)

INFORMATION CONTACT:
Travis Myren, Deputy County Manager, 919-245-2308
Steve Arndt, AMS Director, 919-245-2658

PURPOSE: To authorize a final project scope for the 203 South Greensboro Street Project in cooperation with the Town of Carrboro and to consider, if appropriate, the *First Amendment to a Development Agreement* between the Town of Carrboro and Orange County for the design and construction of a jointly used government facility at 203 Greensboro Street in the Town of Carrboro.

BACKGROUND: In December 2017, Orange County and the Town of Carrboro signed a Development Agreement for the design and construction of a facility that would jointly contain administrative offices for the Town of Carrboro, spaces for The Arts Center of Carrboro, and the Orange County Southern Branch Library (Attachment 5). The design process began shortly afterward and proceeded until the development of schematic design documents and initial cost estimates. At that point, The Arts Center of Carrboro withdrew from the project.

Subsequently, both Orange County and the Town of Carrboro have discussed changes to the occupant mix and associated space allocation within the facility. The Town has proposed adding various functions totaling approximately 6,950 square feet in Town allocated space while the County staff have discussed adding a permanent location for the Skills Development Center. Adding the Skills Development Center would increase the County's space by approximately 12,600 square feet and increase the County's overall space allocation from 41% to 56%. This abstract would authorize the final scope of County space by outlining two options. One of these options would be memorialized in the *First Amendment to the Development Agreement*.

The first option is to proceed with the addition of the Skills Development space. The table below summarizes the proposed project budget and how it compares with funds currently planned in the County's Capital Investment Plan.

203 South Greensboro Project Budget with Skills Development

	Approved Capital Investment Plan	Proposed Budget	Difference
Professional Fees - 56%/44%	$ 1,172,500	$ 1,987,493	$ 814,993
Library Construction @ 15,000 sq. ft.	$ 4,625,000	$ 4,725,000	$ 100,000
Skills Development Construction @ 12,600 sq. ft.	$ -	$ 3,969,000	$ 3,969,000
Parking Construction - 83 spaces	$ 1,000,000	$ 2,075,000	$ 1,075,000
Common Area Construction - 56%/44%	$ -	$ 1,008,000	$ 1,008,000
Furniture, Fixtures, Equipment	$ -	$ 1,250,000	$ 1,250,000
Owners Contingency - 5% Construction Costs	$ -	$ 588,850	$ 588,850
TOTAL	**$ 6,797,500**	**$ 15,603,343**	**$ 8,805,843**

The escalation of approximately $8.8 million in project costs is primarily attributable to four factors. First, additional professional fees will be incurred as the plans are modified to remove and repurpose space that had been allocated to the Arts Center. Second, the addition of the Skills Development space would add approximately $3.9 million in construction costs and approximately $1 million to add 33 parking spaces. The majority of this cost ($3.75 million) will be repaid through the lease or sale of 501 and 503 West Franklin. Third, the original project budget was created in the FY2011-16 Capital Investment Plan and did not contemplate a shared facility with common areas or an adequate budget for furniture, fixtures, and equipment. Finally, the owner's contingency is dependent on the project delivery method which was not known when the project was originally included in the Capital Investment Plan. In this case, the owner's contingency is based on using a Construction Manager at Risk method to deliver the project. Additional details regarding this option are contained in Attachment #1 – *Budget Allocation with Skills Development*.

The second option is to proceed only with the Southern Branch Library. Due to many of the same factors listed above, this option would also involve additional costs as summarized in the table below.

203 South Greensboro Project Budget - Library Only

	Approved Capital Investment Plan	Proposed Budget	Difference
Professional Fees 40.5%/59.5%	$ 1,172,500	$ 1,437,383	$ 264,883
Library Construction @ 15,000 sq. ft.	$ 4,625,000	$ 4,725,000	$ 100,000
Skills Development Construction @ 12,600 sq. ft.	$ -		$ -
Parking Construction - 50 spaces	$ 1,000,000	$ 1,250,000	$ 250,000
Common Area Construction 40.5%/59.5%	$ -	$ 729,000	$ 729,000
Furniture, Fixtures, Equipment	$ -	$ 750,000	$ 750,000
Owners Contingency - 5% Construction Costs	$ -	$ 335,650	$ 335,650
TOTAL	**$ 6,797,500**	**$ 9,227,033**	**$ 2,429,533**

Proceeding with the Library Only option would still require additional professional fees. This option also reflects an escalation in the cost of parking spaces compared to the current project budget as well as the introduction of costs for common area; furniture, fixtures, and equipment; and an owner's contingency based on the Construction Manager at Risk project delivery method. Additional details regarding this option are contained in Attachment #2 – *Budget Allocation Library Only*. If this option is chosen, the County would continue to lease space for Skills Development programming. The County has executed a five year lease in the Europa Center totaling $1.18 million during that timeframe. The lease could be extended, modified, or eliminated at the end of the five year period.

The *Draft First Amendment to the Development Agreement* (Attachment 3) reflects the addition of Skills Development space as described in Option 1. Choosing Option 2 would require a renegotiation of the *Amendment* with the Town of Carrboro, and the timeline would be adjusted accordingly.

Once a final development agreement is executed by the parties, the project development process will resume. A revised preliminary schedule has been created and is provided at Attachment 4. The schedule indicates that the design will begin in March 2020 and continue until April 2021. Construction will begin in May 2021 and conclude in June 2022.

FINANCIAL IMPACT: The Board previously appropriated $6,797,500 for design and construction of the Southern Branch Library. Option 1, adding the Skills Development Center and recognizing total project costs, would add approximately $8.8 million to the project budget. Option 2, constructing the Southern Branch Library only but recognizing the total project costs, would add approximately $2.43 million. Either change to the project budget would be reflected in the Manager's Recommended Capital Investment Plan with construction expenditures planned for FY2021-22.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goals are applicable to this item:

- **GOAL: FOSTER A COMMUNITY CULTURE THAT REJECTS OPPRESSION AND INEQUITY**
  The fair treatment and meaningful involvement of all people, regardless of race or color; religious or philosophical beliefs; sex, gender or sexual orientation; national origin or ethnic background; age; military service; disability; and familial, residential or economic status.

- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**
  The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing, and medical care for themselves and their dependents.

ENVIRONMENTAL IMPACT: The following Orange County Environmental Responsibility Goal impacts are applicable to this item:

- **ENERGY EFFICIENCY AND WASTE REDUCTION**
  Initiate policies and programs that: 1) conserve energy; 2) reduce resource consumption; 3) increase the use of recycled and renewable resources; and 4) minimize waste stream impacts on the environment.

- **ENVIRONMENTALLY PREFERABLE PURCHASING**
  Promote the use of chemicals, materials, equipment, and systems which are officially recognized as to minimize environmental impacts.

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

1) Proceed with Option 1 to include space for both the Southern Branch Library and the Skills Development Center, approve the proposed *First Amendment to the Development Agreement* (Attachment 3), and authorize the County Manager to sign the *Agreement*; OR

2) Proceed with Option 2 to include space for the Southern Branch Library and direct staff to amend the draft *Agreement* to be considered by the Board at a later date.

Attachment #1

Option 1 - Budget Allocation with Skills Development

Function	Square Feet	Cost Per Unit	Carrboro Cost	Orange County Cost	Total Cost
A. Construction Costs					
Recreation and Parks Program and Office Space	15,000	$ 315	$ 4,725,000	$ -	$ 4,725,000
WCOM Radio *during SD to be reduced to 500 sqft with grossing factor	850	$ 370	$ 314,500	$ -	$ 314,500
Seed Library	200	$ 315	$ 63,000		$ 63,000
Virtual Justice Center	500	$ 315	$ 157,500	$ -	$ 157,500
Teen Space	1,200	$ 315	$ 378,000	$ -	$ 378,000
Black Box	4,200	$ 500	$ 2,100,000	$ -	$ 2,100,000
Library	15,000	$ 315	$ -	$ 4,725,000	$ 4,725,000
Skills Center	12,600	$ 315	$ -	$ 3,969,000	$ 3,969,000
Common Area Site and Civil Work (Ratio of CBO/OC Sq. Ft. = 44/56)	-	-	$ 792,000	$ 1,008,000	$ 1,800,000
Parking (Ratio CBO/OC Spaces = 79/83)	-	$ 25,000	$ 1,975,000	$ 2,075,000	$ 4,050,000
Subtotal - Construction	**49,550**	-	**$ 10,505,000**	**$ 11,777,000**	**$ 22,282,000**
B. Design & CMAR Fees					
Architectural Fees (Ratio of CBO/OC Sq. Ft. = 44/56)	-	-	$ 743,290	$ 946,005	$ 1,689,295
Supp. Architectural Fees (Ratio of CBO/OC Sq. Ft. = 44/56)	-	-	$ 249,832	$ 317,968	$ 567,800
CMAR Fees (Ratio of CBO/OC Sq. Ft. = 44/56)	-	-	$ 568,480	$ 723,520	$ 1,292,000
Subtotal - Design & CMAR Fees			**$ 1,561,602**	**$ 1,987,493**	**$ 3,549,095**
C. FFE & Contingency					
Furniture , Fixtures and Equipment (FF&E)				$ 1,250,000	
Owner's Contingency (5%) @ Ratio of CBO/OC 44/56			$ 525,250	$ 588,850	**$ 1,114,100**
D. Total Construction and Service Fees	**49,550**	-	**$ 12,591,852**	**$ 15,603,343**	**$ 28,195,195**

Carrboro Square Footage	**21,950**	**44%**
Orange County Square Footage	**27,600**	**56%**
Total Square Footage	**49,550**	**100%**

Attachment #2

Option 2 - Budget Allocation Library Only

Function	Square Feet	Cost Per Unit	Carrboro Cost	Orange County Cost	Total Cost
A. Construction Costs					
Recreation and Parks Program and Office Space	15,000	$ 315	$ 4,725,000	$ -	$ 4,725,000
WCOM Radio *during SD to be reduced to 500 sqft with grossing factor	850	$ 370	$ 314,500	$ -	$ 314,500
Seed Library	200	$ 315	$ 63,000		$ 63,000
Virtual Justice Center	500	$ 315	$ 157,500	$ -	$ 157,500
Teen Space	1,200	$ 315	$ 378,000	$ -	$ 378,000
Black Box	4,200	$ 500	$ 2,100,000	$ -	$ 2,100,000
Library	15,000	$ 315	$ -	$ 4,725,000	$ 4,725,000
Skills Center		$ 315	$ -	$ -	$ -
Common Area Site and Civil Work (Ratio of CBO/OC Sq. Ft. = 59/41)	-	-	$ 1,062,000	$ 738,000	$ 1,800,000
Parking (Ratio CBO/OC Spaces = 79/50)	-	$ 25,000	$ 1,975,000	$ 1,250,000	$ 3,225,000
Subtotal - Construction	**36,950**	-	**$ 10,775,000**	**$ 6,713,000**	**$ 17,488,000**
B. Design & CMAR Fees					
Architectural Fees (Ratio of CBO/OC Sq. Ft. = 59/41)	-	-	$ 743,290	$ 946,005	$ 1,689,295
Supp. Architectural Fees (Ratio of CBO/OC Sq. Ft. = 59/41)	-	-	$ 249,832	$ 317,968	$ 567,800
CMAR Fees (Ratio of CBO/OC Sq. Ft. = 59/41)	-	-	$ 568,480	$ 723,520	$ 1,292,000
Subtotal - Design & CMAR Fees			**$ 1,561,602**	**$ 1,987,493**	**$ 3,549,095**
C. FFE & Contingency					
Furniture , Fixtures and Equipment (FF&E)				$ 1,250,000	
Owner's Contingency (5%) Const. Costs			$ 538,750	$ 335,650	**$ 874,400**
D. Total Construction and Service Fees	**36,950**	-	**$ 12,875,352**	**$ 10,286,143**	**$ 23,161,495**

Carrboro Square Footage	**21,950**	**59%**
Orange County Square Footage	**15,000**	**41%**
Total Square Footage	**36,950**	**100%**

Attachment 3

STATE OF NORTH CAROLINA
COUNTY OF ORANGE

FIRST AMENDMENT TO DEVELOPMENT AGREEMENT REGARDING SOUTH GREENSBORO STREET PROPERTY BY AND BETWEEN THE TOWN OF CARRBORO, NORTH CAROLINA AND THE COUNTY OF ORANGE, NORTH CAROLINA

THIS FIRST AMENDMENT TO DEVELOPMENT AGREEMENT (the "***First Amendment*** "), amends the original DEVELOPMENT AGREEMENT REGARDING SOUTH GREENSBORO STREET PROPERTY BY AND THE TOWN OF CARRBORO, NORTH CAROLINA AND THE COUNTY OF ORANGE, NORTH CAROLINA dated December 4, 2017, is made and entered into as of the _____day of _____, 2020, by and between the **TOWN OF CARRBORO**, a North Carolina municipal corporation, hereafter referred to as the "***Town***", and **THE COUNTY OF ORANGE,** a North Carolina county, hereafter referred to as the "***County***". Collectively, the Town and the County are sometimes referred to in this Agreement as the "Parties".

W I T N E S E T H:

WHEREAS, the County and the Town entered into the original Agreement dated as of December 4, 2017; and

WHEREAS, pursuant to the original Agreement, the Town has entered into contracts for the design and construction of the proposed improvements for the Project on the Property; and

WHEREAS, significant changes have been made to the plan for development of the Property which is the subject of the Agreement; and

WHEREAS, the Parties wish to amend the Agreement as set forth herein to reflect the change in circumstances which have occurred since the execution of the Agreement; and

WHEREAS, it is the intent of the Parties that except as amended by this First Amendment, the terms of the original Agreement shall remain in full force and effect; and

WHEREAS, the Town is authorized to enter into this contract pursuant to, *inter alia*, the North Carolina General Statutes ("**N.C.G.S.**") 160A-16, and the County is authorized to enter into this contract pursuant to, *inter alia*, North Carolina General Statutes 153A-11, *et seq.*, and the Town's Board of Aldermen and the County's Board of County Commissioners have each determined that it is in the best interests of their citizens to do so.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Town and the County intending to be legally bound do hereby agree

as follows:

ARTICLE I
Definitions

The definitions contained in the Agreement are amended as follows, and except as amended herein shall remain unchanged**:**

"Development" means the planning, design and construction of the Facilities on the Property located at 203 South Greensboro Street in Carrboro.

"Facility" or "Facilities" means the improvements to be made at the Property pursuant to this Agreement.

"Governing Body" means, with respect to the Town, the Town Council, and with respect to the County, the Board of County Commissioners.

"Gross floor area" as used in this Agreement means the area of space within the building to be constructed on the Property occupied by each party to this Agreement, plus the proportional share of Common Areas attributable to each party (i.e., Common Areas shall be apportioned between the parties in proportion to the amount of "gross floor area" each occupies in the building or as otherwise determined and agreed to in writing by the Parties). The proportion of "gross floor area" occupied by each party shall be finally calculated upon completion of the construction plans for the Facilities to be constructed on the Property, and a written schedule (following in principle the Elements of Value Exhibit C) signed by each party shall be attached to this Agreement as an Addendum at that time.

"Project" means the planning, design and construction of an approximately 50,000 gross square foot building, site improvements, and associated parking spaces and/or structure with adequate capacity for the Project. Project characteristics will include sustainable design and operation elements consistent with the adopted facility development principles of the Board of Orange County Commissioners attached as Exhibit B. The Parties also agree to incorporate the principles of value engineering during the design and construction process, thereby ensuring efficient design and use of both the initial construction capital and ongoing operations capital. Upon completion of the Project, the parties will convert the Facilities to a condominium form of ownership to be governed by covenants adopted by mutual agreement of the Parties.

"Shared Areas" are designated areas owned by one Party that may be reasonably offered for use by other Parties according to a mutual agreement.

ARTICLE II
Description Of Development Agreement

No Changes

ARTICLE III
Parties' Responsibilities

A. The Parties' agree to negotiate and enter into such other agreements as may be necessary or appropriate to facilitate the financing and construction of the Project. The Parties intend that upon substantial completion of construction, they will convert ownership of the Facilities to a condominium form of ownership to be governed by mutually agreed upon covenants.

B. The County and the Town, in accordance with applicable laws pertaining to public construction projects, have selected a designer for the Project. The Town and the County will work together with the selected designer to prepare the necessary local government permit application(s) for the Project. The design of the Facilities shall be mutually agreed upon by the Parties. The County and Town will bear the costs for the preparation of schematic design drawings in accordance with Article IV.A of this agreement. The Town will be responsible for contracting for the designer and related professional services providing preliminary information that contributes to the design of the Project

C. The Town, as current owner of the Property, will be primarily responsible for procuring all necessary development approvals for the Project to include the Orange County Southern Branch Library on the lowest floor of the Building to be constructed on the Property, for such other uses as the Parties may agree to on the upper floors of such Building, and for such parking facilities as may be required for the uses of the Building. The County will support the Town's efforts to secure the necessary permits.

D. Provided the Town approves and issues all necessary development permits for the Project, the Parties will coordinate to complete final construction documents, including but not limited to drawings, specifications, bid documents, contract(s) for construction, and other documents typically associated with similar construction projects, for the Project.

E. The Town, in accordance with applicable laws pertaining to public construction projects, has entered into contract(s) for development of the construction documents for the Project.

F. Upon approval of the construction documents and issuance of the necessary permits (the "Building Permit(s)"), the Town will at a time reasonably agreed between the Parties begin construction of the Project.

G. The Parties will finance their respective shares of the Project costs according to Exhibit C – Elements of Value. The Town will arrange for construction financing of its proportional share of the Project costs (based on Exhibit C), subject to Local Government Commission approval of the financing plan. The County shall finance its proportionate share of the Project costs (based on Exhibit C) in such manner as may be determined by the County. The County shall reimburse the Town for the County's share of the construction costs for the Project within thirty (30) days or presentation by the Town to the Count of a written request for payment pursuant to a schedule of progress payments to be established by the respective Finance Officers for the Town and the County.

H. The Town will contract with all necessary design, engineering and construction firms for any environmental remediation work related to the Property as required by NCDEQ. The Town is solely responsible for the cost of such environmental remediation work for remediation of any conditions existing on the Property prior to December 4, 2017.

I. The Town will contract with professionals for the construction of the Project, using a legally permitted construction delivery method. Upon completion, the Facilities, including the Building and associated structured parking, may be subject to a new condominium declaration with terms mutually agreed upon by the Town and the County, pursuant to which the County will acquire a fee simple condominium interest in (i) the portion of the Building to be used as the Orange County Southern Branch Library and any other uses to which the County may put its portion of the Building and (ii) parking spaces required for such uses.

J. The Town will enter into a construction contract for the work.

K. No Changes.

L. The Parties agree that the Town shall have the right in its sole discretion to lease, or subdivide and convey title to, those portions of the Property and any improvements thereon which are not conveyed to the County.

M. As contemplated by this Agreement, upon completion of construction the building and parking facilities will be converted to condominium ownership, with the Town and the County each owning condominium interests in Building space and associated parking spaces (whether located in a parking structure or on the ground). As part of the condominium arrangement, the parties will also have an undivided interest in the Common Areas designated on the final plans, and which Common Areas will be subject to the rules, rights and responsibilities established in the condominium documents. The parties agree that the conversion of parking spaces in any parking improvement made as part of this Project to condominium ownership will include in the condominium documents language establishing appropriate easements for ingress, egress and access to and between the public right-of-way and all parking spaces and establishing rules and regulations concerning use, management and maintenance of parking spaces. The parties

agree that in the event on-site parking spaces are constructed as part of the Project an adequate number of on-site parking spaces owned and paid for by the County shall be available for use by Library and Skills Development Center patrons during their normal operating hours. This number of spaces will be determined during the permitting and design of the project. These spaces will be made available to the Town while the Library and Skills Development Center are closed. All parking spaces will be considered flexible in use by both the Town and County so as to not cause unreasonable restrictions supporting Facility use by either the Town or County. The parties understand and agree that the Town will police and enforce all parking rules and regulations for the Facility. Moreover, if either party decides in the future to consider converting their parking spaces to paid parking, they will, prior to making a final decision to convert their spaces to paid parking spaces, discuss the issue with the other party. Each party shall be responsible for managing their condominium units unless the parties mutually agree otherwise in writing. Each party has the right to protect and isolate its parking (e.g. gated parking for continued free parking during library hours should paid parking be otherwise established) for the Parties' sole use and interest.

ARTICLE IV
Allocation Of Project Costs

The Parties shall share in the costs of the Project as follows:

A. Pre-development costs, site improvement costs, building design and construction costs, construction administration costs, financing costs, and contingency costs shall be shared by the Parties in accordance with the Elements of Value attached as Exhibit C to this Agreement. The Parties recognize and agree that some of these Values and the corresponding level of proportionality may not be finally established until after the majority of the design work is completed (and after this Agreement is executed). The parties acknowledge that Exhibit C represents their general understanding of the cost sharing arrangement for the Project. The Parties further agree that as soon as possible after the Schematic Design for the Project is delivered to the Parties (the "Schematic Design Delivery Date), they will review Exhibit C to ascertain whether any change in cost sharing is appropriate based on the schematic design. If the Parties are unable to come to an agreement regarding any changes to Exhibit C within forty five (45) days after the Schematic Design Delivery Date then either Party may terminate this agreement by providing ten (10) days advance written notice to the other Party of its intention to terminate this agreement. Upon such termination, each Party shall be responsible for (i) its proportionate share of costs as set forth in Exhibit C, and (ii) all costs it has otherwise incurred in connection with this Project through the date of termination.

B. The County shall pay the cost of planning, design and construction of parking improvements required to support the County's use(s) on the Property. The Town shall be responsible for the balance of the cost of constructing the parking for the Project. The intent is for the County to pay the cost for the parking spaces

reasonably expected and determined to be associated with the Orange County Southern Branch Library use and any other use to which the County may choose to put its portion of the Building to be constructed on the Property. Upon completion of the work and when the Facilities become operational, the parking spaces allocated for the County's use of the Property shall be available for public parking during hours when the County's facilities is closed.

C. The parties will each be responsible for their own legal and financing expenses incurred in relation to the Project.

ARTICLE V
Term And Termination

No Changes

ARTICLE VI
Conditions Precedent And Contingencies

The Parties understand and agree that there are a number of conditions precedent and contingencies that will impact their ability to enter into the Contracts for the Project. At a minimum, the Parties understand and agree that the following must be resolved to the County's and the Town's satisfaction before the execution of construction contract(s) for the Project:

A. No Change.

B. No Change

C. No Change.

D. No Change.

E. No Change.

F. No Change.

G. No Change.
H. No Change.
I. No Change.
J. No Change.

K. No Change.

L. No Change.

M. No Change.

N. No Change.

ARTICLE VII
Representations And Warranties

No Changes.

ARTICLE VIII
Remedies And Dispute Resolution

No Changes.

ARTICLE IX
Miscellaneous

No Changes.

[signatures contained on next page]

IN WITNESS WHEREOF, the parties have executed this First Amendment the day and year first above written.

TOWN OF CARRBORO

(*Town Seal*) BY:_____
David Andrews, Town Manager

ATTEST:

_____
Catherine Dorando, Town Clerk

This document is sufficient as to form.

_____
Town Attorney

This instrument has been pre-audited in the manner proscribed by the Local Government Finance Act.

_____
Finance Director

COUNTY OF ORANGE

(*County Seal*)

BY: _____
Bonnie Hammersley, County Manager

ATTEST:

_____
_____, County Clerk

_____County, North Carolina

I, a Notary Public of the County and State aforesaid, certify that _____ personally came before me this day and acknowledged that she is the Town Clerk/Deputy Town Clerk of the Town of Carrboro, and that the seal affixed to the foregoing instrument in writing is the corporate seal of said Town, and that said writing was signed and sealed by her in behalf of said corporation by its authority duly given and the said person acknowledged this writing to be the act a deed of said corporation.

WITNESS my hand and official stamp (or seal), this the ___ day of _____, 2020.

_____
(S E A L) Notary Public
My Commission Expires: _____

****

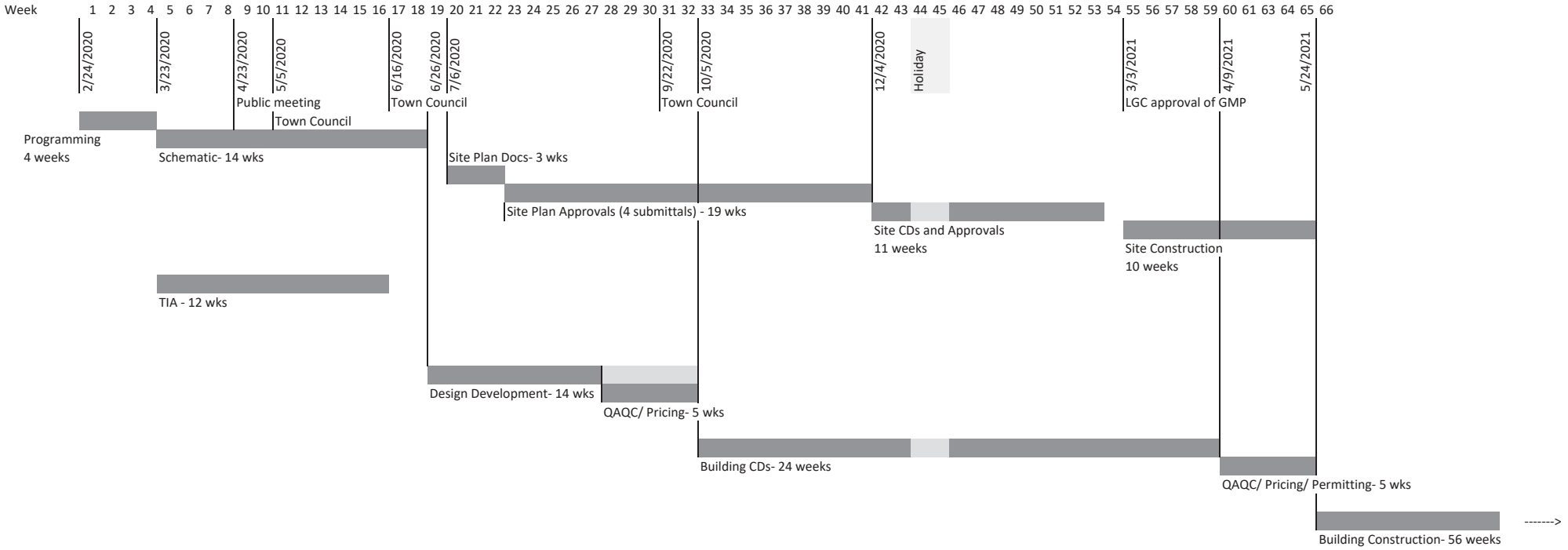
_____ County, North Carolina

I, a Notary Public of the County and State aforesaid, certify that _____ personally came before me this day and acknowledged that she is the Clerk of the County of Orange, and that the seal affixed to the foregoing instrument in writing is the corporate seal of said County, and that said writing was signed and sealed by her in behalf of said corporation by its authority duly given and the said person acknowledged this writing to be the act a deed of said corporation.

WITNESS my hand and official stamp (or seal), this the ___ day of _____, 2020.

_____
Notary Public
(S E A L) My Commission Expires: _____

Attachment 4



Unknowns:

Closing Maple & associated approvals
Zoning variances
Aligning approvals with with scheduled public meetings or board meetings
Seasonal alignment of sitework

Attachment 5

STATE OF NORTH CAROLINA
COUNTY OF ORANGE

DEVELOPMENT AGREEMENT REGARDING SOUTH GREENSBORO STREET PROPERTY BY AND BETWEEN THE TOWN OF CARRBORO, NORTH CAROLINA AND THE COUNTY OF ORANGE, NORTH CAROLINA

THIS DEVELOPMENT AGREEMENT (the "***Agreement***"), made and entered into this 4th day of December, 2017, by and between the **TOWN OF CARRBORO**, a North Carolina municipal corporation, hereafter referred to as the "***Town***", and **THE COUNTY OF ORANGE,** a North Carolina county, hereafter referred to as the "***County***". Collectively, the Town and the County are sometimes referred to in this Agreement as the "Parties".

W I T N E S E T H:

WHEREAS, the County and the Town have desired to investigate and pursue the development of an Orange County Southern Branch Library to be operated by the County and located in downtown Carrboro; and

WHEREAS, the Town owns an approximately 0.88 acre parcel of land in Carrboro known as 203 South Greensboro Street and identified by Orange County parcel identification Number 9778-85-7932 (hereinafter, the "Property", illustrated in Exhibit A) which the Town acquired in April 2013 for a purchase price of Six Hundred Thousand Dollars ($600,000.00); and

WHEREAS, the Town has conducted facilities needs studies to determine and forecast the Town's current and future needs for facilities to house Town administrative operations and offices; and

WHEREAS, the Town and the County have each determined that they may each derive benefits for themselves and for the residents of the Town and the County if they can cooperatively plan and develop a facility (the "Facility") to house the Orange County Southern Branch Library and Town administrative offices, with potential for also accommodating other compatible uses if space and financing considerations make such collocation feasible; and

WHEREAS, the County and the Town desire to establish terms pursuant to which they will cooperatively proceed with the planning, financing and development of the Property for joint use as a County library and Town administrative offices, and associated parking garage/deck facilities (collectively, all proposed improvements to the Property may be referenced to as the "Facilities"); and

WHEREAS, the Property is appropriately zoned for the use proposed for the project, except that, in order for the County and the Town to construct and operate the Facility at the Site,

certain zoning text amendments, administrative modifications and/or binding interpretations must be made pursuant to the Town's Land Use Ordinance so that all local government permits for the project can be issued; and

WHEREAS, the Town is authorized to enter into this contract pursuant to, *inter alia*, the North Carolina General Statutes ("**N.C.G.S.**") 160A-16, and the County is authorized to enter into this contract pursuant to, *inter alia*, North Carolina General Statutes 153A-11, *et seq.*, and the Town's Board of Aldermen and the County's Board of County Commissioners have each determined that it is in the best interests of their citizens to do so.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Town and the County intending to be legally bound do hereby agree as follows:

ARTICLE I
Definitions

(a) "Agreement" shall have the meaning set forth in the preamble.

"County" means Orange County, North Carolina.

"Common Area" means portions of the Facilities constructed on the Property (but not the land itself) that are necessary for the Parties to function as occupants of the space. Common areas include but are not limited to stairwells, emergency egress areas, building lobbies, elevator services, restroom facilities, and equipment rooms housing electric, mechanical and other building systems.

"Condominium" means the designation of portions of the Property for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions, consistent with Chapter 47C of the North Carolina General Statutes.

"Condominium documents" means the declaration of covenants and restrictions governing the condominiums proposed for the Property, including the description and delegation of rights and obligations of the Town, the County and any other potential condominium owner regarding access to and use of parking spaces, common areas and other common elements described in such documents. These documents also include the organizational and operating documents that will guide the condominium association regarding the operation, maintenance, and other business associated with the Property.

"Development" means the planning, design and construction by the Town and the County of the Facilities on the Property.

"Development Permit" means a building permit, zoning permit, subdivision approval, special or conditional use permit, variance, or any other official action of Local Government having the effect of permitting the development of the

Property.

"Development Standards" means the standards for Development set forth in the Town's Land Use Ordinance.

"Facility" or "Facilities" shall have the meaning set forth in the recitals.

"Governing Body" means, with respect to the Town, the Board of Aldermen, and with respect to the County, the Board of County Commissioners.

"Gross floor area" as used in this Agreement means the area of space within the building to be constructed on the Property occupied by each party to this Agreement, plus the proportional share of Common Areas attributable to each party (i.e., Common Areas shall be apportioned between the parties in proportion to the amount of "gross floor area" each occupies in the building). The proportion of "gross floor area" occupied by each party shall be finally calculated upon completion of the construction plans for the building and parking deck to be constructed on the Property, and a written schedule (following in principle the Elements of Value Exhibit C) signed by each party shall be attached to this Agreement as an Addendum at that time.

"Land Development Regulations" means the Town's Land Use Ordinance ("LUO") and/or those ordinances and regulations enacted by the Town for the regulation of any aspect of development and includes zoning, subdivision, or any other land development ordinances.

"Laws" means all ordinances, resolutions, regulations, comprehensive plans, land development regulations, policies, and rules adopted by the Town affecting the development of the Property, and includes laws governing permitted uses of the property, density, design, and improvements.

"Local Government" shall mean the Town of Carrboro, North Carolina.

"N.C.G.S." means the North Carolina General Statutes.

"NCDEQ" means the North Carolina Department of Environmental Quality.

"NCDOT" means the North Carolina Department of Transportation.

"Project" means the planning, design and construction of an approximately 65,000 gross square foot building, site improvements, and associated parking spaces and/or structure with adequate capacity for the Project. Project characteristics will include sustainable design and operation elements consistent with the adopted facility development principles of the Board of Orange County Commissioners attached as Exhibit B. The Parties also agree to incorporate the principles of value engineering during the design and construction process, thereby ensuring efficient design and use of both the initial construction capital

and ongoing operations capital. It is anticipated that upon completion of the Project, the parties may convert the Facilities to a condominium form of ownership to be governed by covenants adopted by mutual agreement of the Parties.

"Public facilities" means the major capital improvements, including, but not limited to, transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational, and health systems and facilities.

"Schematic Design Acceptance" means the point in time defined by the mutual acceptance of both the Town and County governing boards of the final Schematic Design offered by the Designer of the Project.

"Shared Areas" are areas exclusive to a condominium owner that may be reasonably offered for use by other Parties according to a mutual agreement.

"Town" means the Town of Carrboro, North Carolina.

"Upfit costs" means the cost of interior finishes of space in the building to be constructed on the Property such as, but not necessarily limited to, floor finishes and carpets, wall treatments, electric outlets and fixtures, plumbing fixtures, and furnishings.

ARTICLE II
Description Of Development Agreement

A. ***Legal Description; Property Owners.*** A map and the legal description of the Property are contained in Exhibit A. The Town is the owner of the Property.

B. ***Permitted Uses.*** The uses permitted on the Property, including population densities and building types, intensities, placement on the Site and design, are controlled by the applicable zoning designation for the Property under the Town's Land Use Ordinance ("*LUO*").

C. ***Public Facilities.*** The following public facilities will service the Development:

1. ***Off-Site Infrastructure***: The Property is served by public water and sanitary sewer (Orange Water and Sewer Authority). The Property is also served by public roads under NCDOT jurisdiction and Town jurisdiction, and by storm water services administered by the Town.

2. ***On-Site Infrastructure:*** The Town and the County shall cooperate with respect to the design of the Facilities, including the planning and development of any onsite infrastructure necessary for the construction, use and operation of the Facilities at the Property in accordance with the terms of this Agreement.

D. ***Development Standards***. The Project shall be subject to the Town's policies and procedures regarding standards of development, as set forth in the Town's Land Use Ordinance.

ARTICLE III
Parties' Responsibilities

A. The Parties' agree to negotiate and enter into such other agreements as may be necessary or appropriate to facilitate the financing and construction of the Project. The Parties intend that upon substantial completion of construction, they may convert ownership of the Facilities to be constructed on the Property pursuant to this Agreement to a condominium form of ownership to be governed by mutually agreed upon covenants.

B. The County and the Town, in accordance with applicable laws pertaining to public construction projects, will undertake to select a designer for the Project. The Town and the County will provide four (4) persons each to serve on the designer evaluation and recommendation Committee. The County elected Board will approve two preferred designers recommended by the Committee and will refer these designers to the Town elected Board for the final selection of the Designer. The Town and the County will work together with the selected designer to prepare the necessary local government permit application(s) for the Project. The design of the Facilities shall be mutually agreed upon by the Parties. The County and Town will bear the costs for the preparation of schematic design drawings in accordance with Article IV.A of this agreement. The Town will be responsible for contracting for the designer and related professional services providing preliminary information that inures to the design of the Project

C. The Town, as Owner of the Property, will be primarily responsible for procuring all necessary development approvals for the Project to permit the Orange County Southern Branch Library on the Building's lower floors, the proposed uses on the upper floors as described herein and the required associated parking. The County will support the Town's efforts to secure the necessary permits.

D. Provided the Town approves and issues all necessary development permits for the Project, the Parties will coordinate to complete construction drawings for the Project.

E. The Town, in accordance with applicable laws pertaining to public construction projects, will enter into contract(s) for development of the construction documents for the Project.

F. Upon approval of the construction documents and issuance of the necessary permits (the "Building Permit(s)"), the Town will at a time reasonably agreed between the Parties begin construction of the Project.

G. The Parties will finance their respective shares of the Project costs according to Exhibit C – Elements of Value. The Town will arrange for construction financing of its proportional share of the Project costs (based on Exhibit C), subject to Local Government Commission approval of the financing plan. The County shall finance its proportionate share of the Project costs (based on Exhibit C) in such manner as may be determined by the County.

H. The Town will contract with all necessary design, engineering and construction firms for any environmental remediation work required by NCDEQ. The Town is solely responsible for the cost of such environmental remediation work for remediation of any conditions existing on the Property at the time of or prior to the day and date first set out above.

I. The Town will contract with professionals for the construction of the Project, using a legally permitted construction delivery method. Upon completion, the Facilities, including the Building and structured parking, shall be subject to a new condominium declaration with terms mutually agreed upon by the Town and the County, pursuant to which the County will acquire a fee simple condominium interest in the assigned parking areas and the Orange County Southern Branch Library.

J. The Town will enter into a construction contract for the work.

K. The Town has historically provided support for the McDougle branch library and the Cybrary. As part of the Project, the Town will provide, in lieu of its historical support of the McDougle branch library and the Cybrary, a single mode dark fiber optic continuous physical path consisting of a single strand of fiber connecting a County specified demarcation location inside the Branch Library to an MCNC NCREN point of presence located on the University of North Carolina Chapel Hill (UNCCH) campus. Use of this path by the County may be terminated by the Town with a minimum of six (6) months written notice to the County, but only in the event that UNCCH notifies the Town of UNCCH's intention to terminate its agreement with the Town pursuant to which the Town has access to the dark fiber path on the UNCCH campus. At the time of such termination, the parties agree to negotiate in good faith an agreement regarding the Town providing substitute service to the Library. The Town will also provide the County access to the Town's multi-strand dark fiber optic network giving the County potential interconnectivity to the University of North Carolina Chapel Hill campus, OWASA, CHCCS, Town of Chapel Hill and other locations within and near the Town. The Town will pay the capital cost of the infrastructure improvements necessary to provide access to the single mode dark fiber optic path described in this paragraph (estimated to be approximately $70,000.00).

L. The Parties agree that the Town shall have the right in its sole discretion to lease, or subdivide and convey title to, those portions of the Property and any

improvements thereon which are not conveyed to the County for use as parking spaces and the Orange County Southern Branch Library.

M. As contemplated by this agreement, upon completion of construction the building and parking garage shall be converted to condominium ownership, with the Town and the County each owning condominium interests in building space and associated parking spaces. This includes parking spaces in any constructed parking structure and ground spaces. As part of the condominium arrangement, the parties will also have an undivided interest in the Common Areas designated on the final plans, and which Common Areas will be subject to the rules, rights and responsibilities established in the condominium documents. The parties agree that the conversion of spaces in the parking deck to condominium ownership will include in the condominium documents language establishing appropriate easements for ingress, egress and access to and between the public right-of-way and all parking spaces and establishing rules and regulations concerning use, management and maintenance of parking spaces. The parties agree that in the event on-site parking spaces are constructed as part of the project an adequate number of on-site parking spaces will be owned and paid for by the County shall be available for use by Library patrons during normal Library operating hours. This number of spaces will be determined during the permitting and design of the project. These spaces will be made available to the Town while the Library is closed. All parking spaces will be considered flexible in use by both the Town and County so as to not cause unreasonable restrictions supporting Facility use by either the Town or County. The parties understand and agree that the Town will police and enforce all parking rules and regulations for the Facility. Moreover, if either party decides in the future to consider converting their parking spaces to paid parking, they will, prior to making a final decision to convert their spaces to paid parking spaces, discuss the issue with the other party. Each party shall be responsible for managing their condominium units unless the parties mutually agree otherwise in writing. Each party has the right to protect and isolate its parking (e.g. gated parking for continued free parking during library hours should paid parking be otherwise established) for the Parties' sole use and interest.

ARTICLE IV
Allocation Of Project Costs

The Parties shall share in the costs of the Project as follows:

A. Pre-development costs, site improvement costs, building design and construction costs, construction administration costs, financing costs, and contingency costs shall be shared by the parties in accordance with the Elements of Value attached as Exhibit C to this Agreement. The parties recognize and agree that some of these Values and the corresponding level of proportionality may not be finally established until after the majority of the design work is completed (and after this Agreement is executed). The parties acknowledge that Exhibit C represents their general understanding of the cost sharing; however, the parties agree to negotiate

in good faith the fair and equitable share of all costs associated with this project as soon as possible after the Schematic Design work is completed. If the parties are unable to come to an agreement within forty five (45) days after the Schematic Design Acceptance date (such date of completion to be established by written notice to the parties from the design professional) then either party may terminate this agreement by providing ten (10) days advance written notice to the other party of its intention to terminate this agreement. Upon such termination, each party shall be responsible for all costs it has incurred in connection with this project through the date of termination.

B. The County shall pay the cost for the amount of parking deemed required to support the library facility within the total cost of constructing parking on the Property. The Town shall be responsible for the balance of the cost of constructing the parking for the Project. The intent is for the County to pay the cost for the parking spaces reasonably expected and determined to be associated with the Orange County Southern Branch Library use. Upon completion of the work and when the Facilities become operational, the County agrees that the parking spaces allocated for the Orange County Southern Branch Library use of the Property shall be available for public parking during hours when the library is closed.

C. The parties will each be responsible for their own legal and financing expenses incurred in relation to the Project.

ARTICLE V
Term And Termination

This Agreement shall be effective upon the full execution of the Contracts and shall continue until completion of the Project unless earlier terminated as provided herein.

This Agreement shall terminate: (i) at any time by either party within forty five (45) days after the design professional has confirmed to the parties in writing that the Schematic Design for the building and parking deck on the Property is substantially completed as set forth in Article IV.A above, (ii) at any other time by mutual agreement of the Parties; or (iii) by the Town, upon the material breach by County of any provision contained herein which material breach remains uncured by County after the Town provides thirty (30) days advance written notice of said material breach to County, or (iv) by County, upon the material breach by the Town of any provision contained herein which material breach remains uncured by the Town after County provides thirty (30) days advance written notice of said material breach to the Town.

ARTICLE VI
Conditions Precedent And Contingencies

The Parties understand and agree that there are a number of conditions precedent and contingencies that will impact their ability to enter into the Contracts for the Project. At a

minimum, the Parties understand and agree that the following must be resolved to the County's and the Town's satisfaction:

A. The Town obtaining all Permits, including zoning, conditional/special use permits, variances, subdivision plats, approvals, permits, easements and licenses for the Project and the Town grants all necessary Permits which allow for the County's proposed use of the Property.

B. The County and the Town secure all necessary approvals from their respective governing Boards or Managers as delegated by their respective Boards to proceed with the Project at mutually agreed, predefined points during the project (for example: sizing and elements of exclusive, shared, and common area spaces, the selection of Designer, schematic design, construction method, etc.).

C. The Town and the County are able to procure suitable financing for their respective components of the Project. The parties contemplate that upon completion of construction, the parties may divide the Facilities, or parts thereof, into condominium units to be owned by the County and the Town, respectively. The parties acknowledge that these contemplated financing agreements and transactions may be altered by mutual agreement of the Parties and are or may be subject to approval of the North Carolina Treasurer, Local Government Commission.

D. The mutual negotiation and execution of an Environmental Indemnification Agreement whereby the Town will indemnify the County for any and all liability, loss, damage, cost and expense (including reasonable attorneys' fees and expenses) resulting from any "Hazardous Substance" (as defined below) existing on or under the Property or originating on the Property and migrating off-site in violation of applicable Environmental Laws, but only to the extent that the Hazardous Substance existed at the Property prior to the date of this Agreement. The Town shall not be liable with regard to any Hazardous Substances disposed of, placed, or otherwise existing on or under the Property because of the actions of the County. The County will likewise, and to the extent permitted by law, indemnify the Town for any and all liability, loss, damage, cost and expense (including reasonable attorneys' fees and expenses) resulting from any Hazardous Substances existing on or under the Property or originating on the Property and migrating off-site in violation of applicable Environmental Laws that are introduced or placed on the Property, or caused to migrate off the property, because of the actions of the County. Save and except any liability resulting from remediation required by NCDEQ which shall solely rest with the Town, neither Party shall be liable to the other for liabilities, losses, damages, costs or expenses resulting from the actions of third Parties after the date on which the County leases or otherwise acquires a legal interest in the Property.

"Hazardous Substances" shall mean: (a) those substances included within the definitions of any one or more of the terms "hazardous materials," "hazardous wastes," "hazardous substances," "industrial wastes," and "toxic pollutants," as such terms are defined under the Environmental Laws, or any of them; (b) petroleum and petroleum products, including, without limitation, crude oil and any fractions thereof; (c) natural gas, synthetic gas and any mixtures thereof; (d) asbestos and or any material which contains any hydrated mineral silicate, including, without limitation, chrysotile, amosite, crocidolite, tremolite, anthophyllite and/or actinolite, whether friable or non-friable; (e) polychlorinated biphenyl ("PCBs") or PCB-containing materials or fluids; (f) radon; (g) any other hazardous or radioactive substance, material, pollutant, contaminant or waste; and (h) any other substance with respect to which any Environmental Law or governmental authority requires environmental investigation, monitoring or remediation. As used herein, the term "Environmental Laws" shall mean all federal, state and local laws, statutes, ordinances and regulations, now or hereafter in effect, in each case as amended or supplemented from time to time, including, without limitation, all applicable judicial or administrative orders, applicable consent decrees and binding judgments relating to the regulation and protection of human health, safety, the environment and natural resources (including, without limitation, ambient air, surface, water, groundwater, wetlands, land surface or subsurface strata, wildlife, aquatic species and vegetation), including, without limitation, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C. § 9601 *et. seq.*), the Hazardous Material Transportation Act, as amended (49 U.S.C. §§ 5101 *et. seq.*), the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. § 136 *et. seq.*), the Resource Conservation and Recovery Act, as amended (42 U.S.C. § 6901 *et seq.*), the Toxic Substances Control Act, as amended (15 U.S.C. § 2601 et seq.), the Clean Air Act, as amended (42 U.S.C. § 7401 *et. seq.*), the Federal Water Pollution Control Act, as amended (33 U.S.C. § 1251 *et. seq*), the Safe Drinking Water Act, as amended (42 U.S.C. § 300f *et. seq.*), any state or local counterpart or equivalent of any of the foregoing, and any federal, state or local transfer of ownership notification or approval statutes. "Release" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing of any Hazardous Substances.

E. The negotiation and completion of agreements and documents guiding the selection of designers and contractors, the timelines for the completion of various aspects of the design work, the methods and scheduling input, and other specific design and construction coordination necessary to ensure the successful completion of the Project.

F. The negotiation and execution of this Agreement (wherein the Town and the County's property interests in the Facilities may convert to condominium interests post-construction) under which the Parties shall have

the right to construct the improvements on the Property subject to the Partiess' obligation to subject all improvements constructed on the Property to a condominium.

G. Confirmation that adequate utilities services suitable for the proposed uses to be included within the Building are available for connection within a reasonable distance from the Property.

H. The Town complying with all necessary requirements for contracting applicable to North Carolina local governments.

I. All governmental and other third party consents and approvals shall be obtained; there shall be no significant pending or threatened litigation materially adversely affecting the Property.

J. The Town understands and agrees that the provision of sufficient way-finding and other signage is necessary for the public to quickly and conveniently locate the Orange County Southern Branch Library. The Parties understand and agree that wayfinding signage for the Project is subject to regulation by the Town.

K. The Parties under this Agreement (prior to the completion of construction) and as condominium unit owners (following the completion of construction) will agree to contribute pro rata to the common area maintenance and insurance provided by the Town as lessor and/or by any condominium owners association to be formed by the Parties, for the Project including a reasonable pro-rata contribution for maintenance of the sidewalks and other shared amenities at the Property. Because the Parties are exempt from paying ad valorem taxes, the typical procedure of apportioning each tenant a share of those taxes assessed against common areas is not applicable.

L. During hours when the Library is not being used by the County, the County will agree to allow its parking spaces to be used by the public.

M. The Town secures environmental regulatory approval from NCDEQ prior to the commencement of construction or provides reasonable security to cover the Town's environmental responsibilities until regulatory approval is obtained.

N. Consistent with the scope of each Party's responsibilities hereunder, all necessary and appropriate construction and crane easements will be secured by the Town and County from all adjacent landowners.

ARTICLE VII
Representations And Warranties

The Town and the County each represent to the other to the best of their respective knowledge:

A. The Town and the County have all requisite power and authority to execute this Agreement, and any other instruments required to be delivered by the Town or the County hereunder.

B. The Town's and the County's entry into this Agreement will not violate any private restriction or agreement or, to the best of the Town's or the County's knowledge without investigation or inquiry, any applicable statute, ordinance, governmental restriction or regulation.

C. During the Term, the Town will not execute or create any lease, contract, option, easement, covenant, condition, restriction, lien or encumbrance with respect to the Property or any portion thereof without the written consent of County unless the same is terminable upon no more than sixty (60) days written notice, or otherwise may be cleared on or before any Closing or Lease Commencement Date that may be contemplated in any Contract that may be entered into between the Town and the County, or that otherwise will be subordinated to the County's potential ground lease.

D. There is no pending or threatened action, litigation, bankruptcy, condemnation, or other proceeding of any kind pending against the Town or the County which materially adversely affects the Property.

E. No broker, finder or other intermediary is involved in the transaction contemplated by this Agreement, and that no brokerage fee or commission is due and payable by the Town or the County upon any lease or conveyance of the Property.

F. The Town has not received written notice of any violations of any laws, ordinances or similar rules and regulations relating and/or applicable to the ownership, use and operation of the Property as it is now operated, and/or other licenses or permits, which remain uncured.

G. No assessments or special assessments for public improvements or otherwise have been levied or are now affecting the Property.

H. To the best of the Town's present knowledge, the Property is not within an area determined to be flood-prone under the Federal Flood Protection Act of 1973.

ARTICLE VIII
Remedies And Dispute Resolution

A. ***Concerning Remedies.*** The exercise of a particular remedy does not preclude the exercise of any or all other available remedies herein except as provided

herein. No delay in the exercise of a remedy shall constitute a waiver of that remedy. Nothing in this Agreement is intended to relieve a party from its common law duty to mitigate damages.

B. ***Disputes***. The parties shall attempt in good faith to resolve any dispute, controversy or claim arising out of this Agreement between them by negotiations by those persons of the Town and the County who have authority to act and who will promptly meet for negotiations to attempt to settle the dispute.

ARTICLE IX
Miscellaneous

A. Assignment. The rights under this Agreement may be transferred and assigned only upon the written consent of the non-assigning Party.

B. Fees and Expenses. Except as may be specifically provided in this Agreement, each Party will be responsible for his or its own legal fees and expenses incurred in connection with the transactions contemplated by this Agreement.

C. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of North Carolina. Any dispute regarding this Agreement shall be filed in a court of competent jurisdiction located in Orange County, NC.

D. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall be deemed to be one and the same document. A signed copy of this Agreement delivered by facsimile, email or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original signed copy.

E. Amendment. This Agreement shall not be amended except by a written instrument executed by both the County and the Town.

F. No Third Party Beneficiaries. Nothing contained in this Agreement shall be deemed to create a contractual relationship with, or a cause of action in favor of, any third party against the Town or the County.

G. Entire Agreement, Amendment; Construction. This Agreement, together with the Exhibits attached hereto and all other agreements referred to herein or relating to the subject matter hereof, contains the entire agreement between the parties as to the subject matter referenced herein, and supersedes all prior agreements, understandings or undertakings (whether oral, written, electronic or otherwise) between the parties with respect to the subject matter hereof. No amendment may be made to this Agreement except with the prior written consent of all parties hereto. The section titles and headings herein are for convenience of reference

only and do not define, modify or limit any of the terms and provisions hereof. Article, Section and Exhibit references herein are to Articles, Sections and Exhibits of this Agreement unless otherwise noted. The use of words "include" or "including" in this Agreement shall be by way of example rather than by limitation. The use of the words "or," "either" or "any" shall not be exclusive.

H. Representations and Warranties of the Parties. Each of the parties, and each person executing this Agreement on behalf thereof, represent and warrant, as applicable, that (1) such party or person has the full power and authority to enter into this Agreement and the agreements or instruments referred to herein, to execute them on behalf of the party indicated on the signature page thereof, and to perform the obligations hereunder and thereunder, (2) such party is acting on its own behalf and on behalf of its members, successors and assigns, (3) this Agreement and the other agreements referenced herein are the valid and binding obligations of such party, enforceable against it in accordance with their terms, (4) entering into this Agreement and the other agreements referenced herein does not conflict with any other agreements entered into by either party, and (5) the execution, delivery and performance of this Agreement has been duly and validly authorized by all necessary corporate or governmental action on its part.

J. Exhibit List. The following exhibits are hereby incorporated by reference:

EXHIBIT A:	Map Denoting Site, Legal Description of Site, Legal and Equitable Owners
EXHIBIT B	Sustainable Design and Operations Elements Guidelines
EXHIBIT C	Elements of Value

[signatures contained on next page]

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

TOWN OF CARRBORO

BY: _____
David Andrews, Town Manager

This document is sufficient as to form.

_____
Town Attorney

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

_____
Finance Director

COUNTY OF ORANGE

BY: _____
Bonnie Hammersley, County Manager

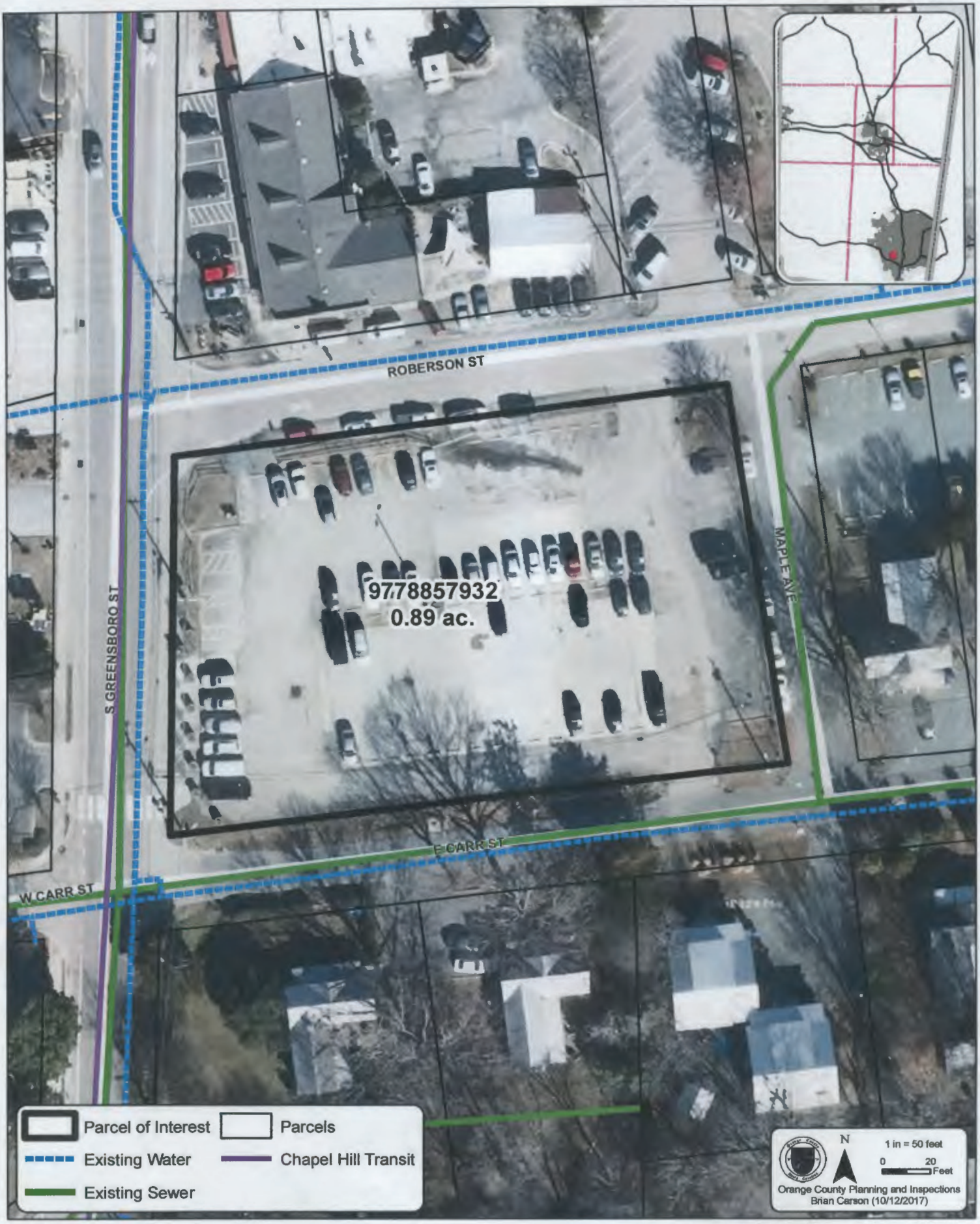
This document is sufficient as to form.

_____
County Attorney

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

_____
County Chief Financial Officer

Exhibit A - 203 S. Greensboro St.



20130410000085470 1/4

20130410000085470 DEED
Bk:RB5582 Pg:486
04/10/2013 10 41:55 AM 1/4

FILED Deborah B. Brooks
Register of Deeds, Orange Co,NC
Recording Fee: $26.00
NC Real Estate TX. $1200.00

Prepared by: Ellis & Winters LLP (DLH), 1100 Crescent Green Drive, Suite 200, Cary, NC 27518
Return to: Grantee

Brief Description for the Index | 203 S. Greensboro Street

STATE OF NORTH CAROLINA)
)
ORANGE COUNTY)

SPECIAL WARRANTY DEED

Excise Tax: $1,200.00
Pin(s): 9778-85-7932

THIS DEED made this 10th day of April, 2013, by and between

GRANTOR	GRANTEE
SunTrust Bank,	**The Town of Carrboro,**
a Georgia banking corporation whose mailing address is: 303 Peachtree Street, N.E., 36th Floor Atlanta, GA 30308	a North Carolina municipal corporation whose mailing address is: 301 W. Main Street, Carrboro, NC 27510

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

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

WITNESSETH, that Grantor, for and in consideration of the sum of Ten and No/100 Dollars ($10.00) and other good and valuable consideration in hand paid at and before the delivery of these presents, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, transferred, conveyed and confirmed and by these presents does grant, bargain, sell, and convey unto the Grantee in fee simple, all that certain tract or parcel of land lying and being in Orange County, North Carolina, being more particularly described on



EXHIBIT A (the "Property") attached hereto and incorporated herein by reference.

The Property hereinabove described was acquired by Grantor by instrument recorded in Book 5517, Page 541, Orange County Registry.

The Property herein conveyed does not include the primary residence of Grantor.

TO HAVE AND TO HOLD the aforesaid Property and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

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

Title to the Property is subject to the following exceptions: (i) the lien of real estate taxes, taxes imposed by special assessment and water, sewer, vault, public space and other public charges which are not yet due and payable, (ii) all applicable laws (including zoning, building ordinances and land use regulations), (iii) all easements, restrictions, covenants, agreements, conditions, and other matters of record, and (iv) all matters that may be revealed by a current and accurate survey or inspection of the Property.

Grantor makes no warranty or representation as to the condition of the Property or any improvements thereon, including without limitation, any latent or environmental defects in the Property or in any improvements thereon and the serviceability or fitness for a particular purpose of the Property or any improvements thereon, and Grantee accepts the Property and any improvements thereon "AS IS" without recourse against Grantor.

[*Signature page follows.*]

20130410000085470
R85582 488 374

IN WITNESS WHEREOF, Grantor has caused this instrument to be signed in its name and delivered as of the date indicated on the first page of this Deed.

GRANTOR:

SunTrust Bank,
a Georgia banking corporation

By: _____

Name: Erica S. Henning

Title: Vice President

Wake County, North Carolina

I certify that the following person personally appeared before me this day and acknowledged to me that she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Erica S. Henning.

Date: 4/5/2013

My Commission Expires:

8/31/2014

[Affix Notary Stamp or Seal]

John Flynt
Notary Public
Wake County
North Carolina
My Commission Expires 8/31/2014

_____
Notary Public
Print Name: John Flynt

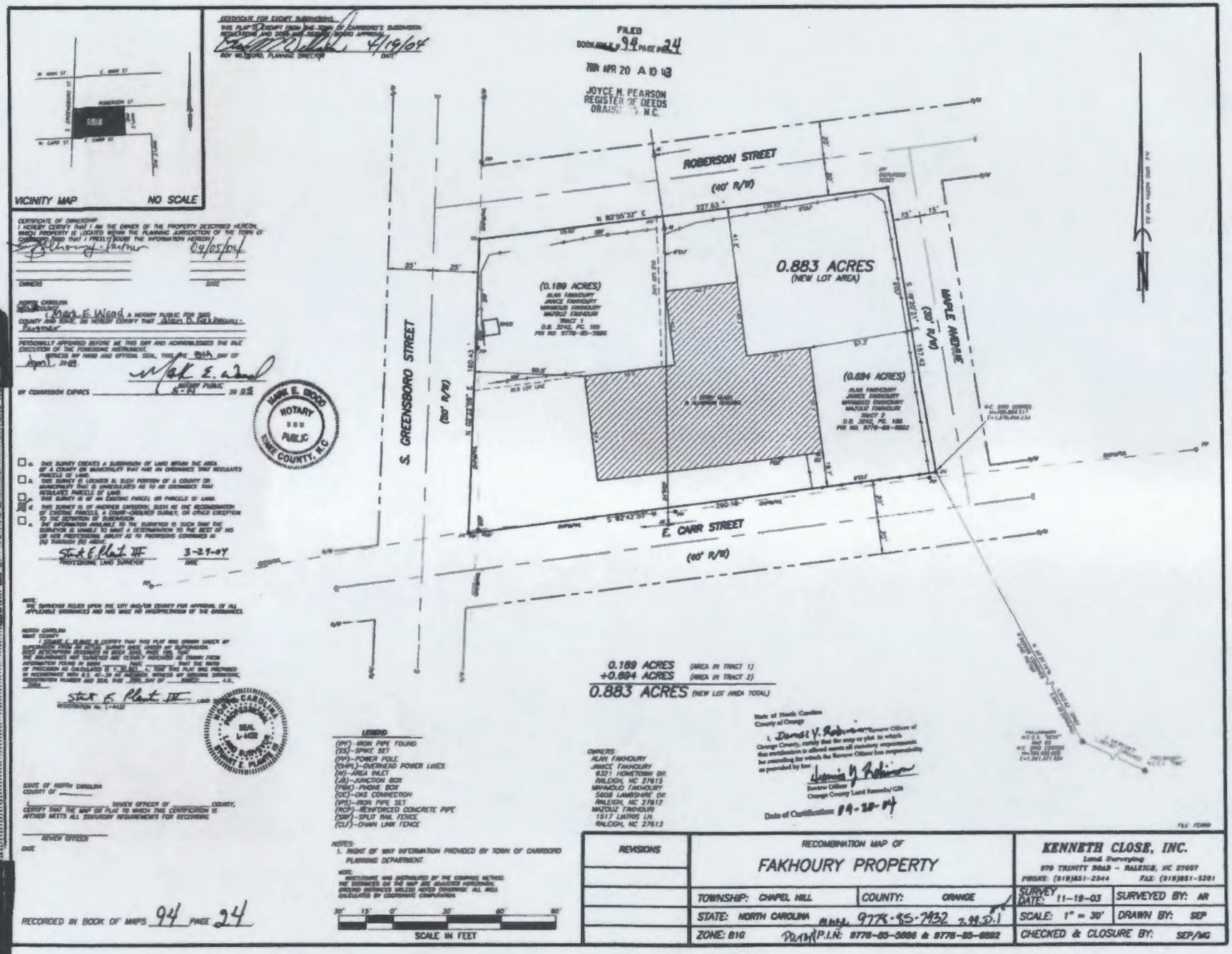
EXHIBIT A
(to Special Warranty Deed)

201304100085470
RB5582 489 474

Legal Description of Property

All of that property consisting of 0.883 acres, surveyed as "Fakhoury Property" per Recombination Map of Fakhoury Property" surveyed by Kenneth Close, Inc. recorded in Book of Maps 94, Page 24, Orange County Registry, formerly identified as Tract 1 and Tract 2, now combined.

New Parcel # 9778-85-7932 from old Parcel #s 9778-85-5886 and 9778-85-6892


VICINITY MAP
NO SCALE
CERTIFICATE FOR EXEMPT SUBDIVISION
ROY WILLIFORD, PLANNING DIRECTOR
DATE
FILED
BOOK OF MAPS 94 PAGE NO. 24
2004 APR 20 A D 03
JOYCE H. PEARSON
REGISTER OF DEEDS
ORANGE COUNTY, N.C.
CERTIFICATE OF OWNERSHIP
I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED HEREON, WHICH PROPERTY IS LOCATED WITHIN THE PLANNING JURISDICTION OF THE TOWN OF CARRBORO, AND THAT I FREELY/DOOSE THE INFORMATION HEREON.)
OWNER
DATE
NORTH CAROLINA
ORANGE COUNTY
I, Mark E. Wood, A NOTARY PUBLIC FOR SAID COUNTY AND STATE, DO HEREBY CERTIFY THAT Alan D. Fakhoury - Partner
PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING INSTRUMENT.
WITNESS MY HAND AND OFFICIAL SEAL, THIS THE 8th DAY OF April, 2004.
NOTARY PUBLIC
MY COMMISSION EXPIRES 5-11 20 08
MARK E. WOOD NOTARY PUBLIC ORANGE COUNTY, N.C.
a. THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
b. THIS SURVEY IS LOCATED IN SUCH PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO ORDINANCES THAT REGULATES PARCELS OF LAND.
c. THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND.
d. THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION
e. THE INFORMATION AVAILABLE TO THE SURVEYOR IS SUCH THAT THE SURVEYOR IS UNABLE TO MAKE A DETERMINATION TO THE BEST OF HIS OR HER PROFESSIONAL ABILITY AS TO PROVISIONS CONTAINED IN (a) THROUGH (d) ABOVE.
Stat E. Plant III
PROFESSIONAL LAND SURVEYOR
3-29-04
DATE
NOTE: THE SURVEYOR RELIED UPON THE CITY AND/OR COUNTY FOR APPROVAL OF ALL APPLICABLE ORDINANCES AND HAS MADE NO INTERPRETATION OF THE ORDINANCES.
NORTH CAROLINA
WAKE COUNTY
I, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 3245, PAGE 105, ETC.) THAT THE BOUNDARIES ARE TRUE AND CORRECTLY DRAWN AS SHOWN FROM INFORMATION FOUND IN BOOK , PAGE , THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 29th DAY OF March, A.D.
Stat E. Plant III
REGISTRATION No. L-4432
SEAL L-4432
NORTH CAROLINA PROFESSIONAL LAND SURVEYOR STAT E. PLANT III
STATE OF NORTH CAROLINA
COUNTY OF
I, REVIEW OFFICER OF COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.
REVIEW OFFICER
DATE
RECORDED IN BOOK OF MAPS 94 PAGE 24
ROBERSON STREET
(40' R/W)
S. GREENSBORO STREET
(80' R/W)
MAPLE AVENUE
(60' R/W)
E. CARR STREET
(40' R/W)
N 82°05'37" E
227.63'
S 82°43'53" E
260.18'
0.883 ACRES
(NEW LOT AREA)
(0.189 ACRES)
ALAN FAKHOURY
JANICE FAKHOURY
MAHMOUD FAKHOURY
MAZOUZ FAKHOURY
TRACT 1
D.B. 3245, PG. 105
PIN NO 9778-85-3686
(0.694 ACRES)
ALAN FAKHOURY
JANICE FAKHOURY
MAHMOUD FAKHOURY
MAZOUZ FAKHOURY
TRACT 2
D.B. 3245, PG. 105
PIN NO. 9778-85-6892
0.189 ACRES (AREA IN TRACT 1)
+0.694 ACRES (AREA IN TRACT 2)
0.883 ACRES (NEW LOT AREA TOTAL)
OWNERS:
ALAN FAKHOURY
JANICE FAKHOURY
6321 HOMETOWN DR.
RALEIGH, NC 27615
MAHMOUD FAKHOURY
5608 LAMPSHIRE DR.
RALEIGH, NC 27617
MAZOUZ FAKHOURY
1517 LIMTOS LN.
RALEIGH, NC 27613
State of North Carolina
County of Orange
I, Dennis V. Robinson, Review Officer of Orange County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording for which the Review Officer has responsibility as provided by law.
Dennis V. Robinson
Review Officer
Orange County Land Records/GIS
Date of Certification: 04-20-04
LEGEND
(IPF)—IRON PIPE FOUND
(SS)—SPIKE SET
(PP)—POWER POLE
(OHPL)—OVERHEAD POWER LINES
(AI)—AREA INLET
(JB)—JUNCTION BOX
(PBX)—PHONE BOX
(GC)—GAS CONNECTION
(IPS)—IRON PIPE SET
(RCP)—REINFORCED CONCRETE PIPE
(SRF)—SPLIT RAIL FENCE
(CLF)—CHAIN LINK FENCE
NOTES:
1. RIGHT OF WAY INFORMATION PROVIDED BY TOWN OF CARRBORO PLANNING DEPARTMENT.
NOTE: BEARINGS ARE REFERENCED BY THE COMPASS METHOD. THE BEARINGS ON THE MAP ARE MEASURED HORIZONTAL GROUND DISTANCES, UNLESS NOTED OTHERWISE. ALL AREA CALCULATED BY COORDINATE COMPUTATION.
30' 15' 0' 30' 60' 90'
SCALE IN FEET
REVISIONS
RECOMBINATION MAP OF
FAKHOURY PROPERTY
TOWNSHIP: CHAPEL HILL
COUNTY: ORANGE
STATE: NORTH CAROLINA
ZONE: 81G
P.I.N.: 9778-85-3686 & 9778-85-6892
KENNETH CLOSE, INC.
Land Surveying
970 TRINITY ROAD - RALEIGH, NC 27607
PHONE: (919)851-2344 FAX: (919)851-5201
SURVEY DATE: 11-19-03
SURVEYED BY: AR
SCALE: 1" = 30'
DRAWN BY: SEP
CHECKED & CLOSURE BY: SEP/MG

16X

Exhibit B – Sustainable Design and Operations Elements Guidelines

The Development Agreement recognizes the goals of Orange County and the Town of Carrboro to be guided by design and operations elements of the High Performance Building Standards developed by the Triangle J Council of Governments ("TJCOG") in 2001. Orange County adopted this standard as part of its Space Development criteria in 2005.

These High Performance Building Standards were initially developed by a task force led by TJCOG, including representatives from Orange County, and design professionals within the Triangle Area. These published guidelines have been nationally recognized and formed the basis for the Leadership in Energy and Environmental Design ("LEED") version II, established by the United States Green Building Council ("USGBC"). The standards are recognized for their innovation and quality of results related to sustainable, energy efficient, and resilient building outcomes.

Orange County and Carrboro recognize the current initiative to update these guidelines consistent with current benchmarks and advances in design and building science. Sustainable design, construction and operations methods will be evident within the design and build process and will be explicitly communicated throughout the development process.

EXHIBIT C

203 S. Greensboro Development Agreement
Elements of Value

		All Town	All County	Share: Equal	Share: Proportional	Notes
Land						
1	Property	x				
2	Existing environmental remediation, monitoring	x				
Adequate Structured Parking					x*	
Design/Testing/Permitting/Entitlements/Fees						
5	Preliminary vision planning			x		Includes discussions on level of finish, appearance, aesthetics
6	Zoning/Land Use application fees			x		
7	Utility/infrastructure analysis fees			x		
8	Utility infrastructure impact fees			x		
9	Designer Fees for Carrboro Planning Process/Approvals			x		
10	Preliminary site assessment fees			x		Includes geotechnical, environmental, cultural, traffic studies
11	Sustainability/Energy Modeling and Analysis Fees			x		High performance building standards analysis, cost-benefit analysis
12	Site/Civil/Landscape design, CA fees, design contingencies			x		
13	Building Shell, Core Area design, Construction Administration design contingencies			x		
14	Occupant Upfit design, Construction Administration, design contingencies	x	x			Occupants pay for upfit costs
Site Topics						
15	De-construction			x		
16	Clearing, grading, erosion control			x		
17	Subsurface conditions/unsuitable soils			x		
18	Site stormwater management system			x		
13	Retaining wall /safety railing			x		If necessary in design
14	Onsite walkways / specialty surfacing			x		
16	Temporary staging / stockpiling areas			x		
17	Building Shell Utility services to identified demarcation points			x		
18	Utility connection fees			x		If separately metered, per condominium owner
19	Site lighting			x		
20	Shell marquis signage / exterior wayfinding signage			x		
21	Amenities / site furniture / bike parking			x		
22	Solid waste / recycling facilities			x		
23	Bus stop / shelter / site considerations			x		
24	Sanitary lift station requirements (if necessary)			x		
25	Site construction contingencies			x		
Off-Site Topics						
26	Off-site roadway or pedestrian improvements			x		
27	Off site building shell utility improvements (to property line)			x		
28	Off-site Bicycle pathway considerations			x		
29	Off site construction material staging area costs			x		
	Off-site contingencies			x		
Shell, Core & identified Common Area Construction						All main systems to identified demarcations within exclusive occupant interior spaces
30	Foundation System			x		
31	Roof System, Building drainage leaders/surface drainage piping			x		
32	Core elevator, shaft and equipment			x		
33	Core & identified Common Area potable water service / backflow preventer				x*	From site demarcation to Core & Commen Area facilities
34	Core & identified Common Area sanitary sewer service				x*	
35	Core & identified Common Area power transformer / service				x*	
36	Core & identified Common Area natural gas service				x*	
37	Core & identified Common Area fire protection shell components				x*	
38	Core & identified Common Area sustainable systems installation				x*	
39	Core & identified Common Area upfit construction				x*	
40	Core & identified Common Area security/access/AV/teledata				x*	
41	Core & identified Common Area furniture, fixtures, and equipment				x*	
42	Shell, Core & identified Common Area contingencies				x*	
Exclusive Condominium Space Interiors						***Each party bears all costs of exclusive space needs***
43	Upfit branch building systems	x	x			Branch systems include electrical, mechanical, plumbing, and fire protection within exclusive areas
44	Upfit (architectural components)	x	x			Walls, doors, ceilings, floor covering/treatment, lighting, etc
45	Upfit security/access/AV/teledata	x	x			
46	Upfit furniture, fixtures, and equipment	x	x			
47	Upfit contingencies	x	x			***Each party bears its own costs***
Other Costs						
48	Legal Costs	x	x			
49	Financing Costs	x	x			

The Parties agree as follows:

The Town's costs pursuant to this Agreement shall not exceed $9,600,000.00 (Nine Million Six Hundred Thousand Dollars).
Any costs in excess of this amount must be authorized by the Town of Carrboro Alderpersons through a written amendment to the Agreement.

The County's costs pursuant to this Agreement shall not exceed $7,547,500.00 (Seven Million Five Hundred Forty Seven Thousand Five Hundred Dollars).
Any costs in excess of this amount must be authorized by the Orange County Board of Commissioners through a written amendment to the Agreement.

***proportional basis for these items is anticipated to be determined in the design phase as building elements and systems are more specifically known, with the cost sharing likely to be less than equal but more than on a proportional square footage basis.**

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: March 10, 2020

Action Agenda Item No. 8-a

SUBJECT: Minutes

DEPARTMENT: Board of County Commissioners

ATTACHMENT(S):
Draft Minutes (Under Separate Cover)

INFORMATION CONTACT:
Donna Baker, Clerk to the Board
919-245-2130

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

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.

January 24, 2020	BOCC Retreat
January 28, 2020	Assembly of Governments
February 4, 2020	BOCC Business Meeting
February 11, 2020	BOCC Work Session

FINANCIAL IMPACT: There is no Orange County Social Justice Goal impact associated with this item.

SOCIAL JUSTICE IMPACT: There is no Orange County Social Justice Goal impact associated with this item.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

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

Attachment 1

DRAFT

MINUTES
ORANGE COUNTY BOARD OF COMMISSIONERS
ANNUAL PLANNING RETREAT
Cedar Grove Community Center
January 24, 2020
9:00 a.m.

The Orange County Board of Commissioners met for their annual Board retreat on Friday, January 24, 2020 at 9:00 a.m. at the Cedar Grove Community Center in Hillsborough, N.C.

COUNTY COMMISSIONERS PRESENT: Chair Penny Rich and Commissioners Jamezetta Bedford, Sally Greene, Mark Marcoplos, Earl McKee, and Renee Price
COUNTY COMMISSIONERS ABSENT: None
COUNTY ATTORNEY PRESENT: John Roberts
COUNTY STAFF PRESENT: County Manager Bonnie Hammersley, Deputy County Manager Travis Myren and Clerk to the Board Donna S. Baker.
FACILITATOR: Maggie Chotas, Dispute Settlement Center
CONSULTANT: Michael Goodman, Innovation Associates Organizational Learning
Observers – Department Directors and members of the public and news media.
Department Heads: Nancy Coston, Janice Tyler, Annette Moore, Jim Northup, David Stancil, Cait Fenhagen, Todd McGee, Erica Bryant, Greg Wilder

Chair Rich called the meeting to order at 9:05 a.m.

Welcome & Introductions Maggie Chotas, Facilitator, Dispute Settlement Center
Chair Rich welcomed everyone.
Maggie Chotas introduced Michael Goodman, from Innovation Associates Organizational Learning.

Ms. Chotas said it promised to be a rich day with the potential for positive outcomes. She reviewed the retreat desired outcomes and ground rules:

Proposed Ground Rules - How do we want to work together today?

- Begin and adjourn on time
- One speaker at a time
- Listen attentively
- Focus on learning and inquiry
- Step up/Step back
- Share the time available for discussion
- It is OK to disagree…please do so respectfully

Commissioners affirmed the ground rules.

Review retreat goals & desired outcomes

Ms. Chotas reviewed the retreat goals and desired outcomes:

- Better definition of issues
- Better appreciation of problems
- Understanding for how systems thinking could be helpful to us
- Identification of what we need to know more of and the new questions that are arising for us re: hunger

Ms. Chotas presented the Parking Lot as a place for ideas that weren't immediately relevant to the topic of the retreat. Commissioners were invited to identify issues as they arise.

Systems Thinking introduction & overview with a focus on hunger in Orange County

Michael Goodman, Innovation Associates Organizational Learning

Michael Goodman reviewed the objectives and agenda as follows:

Overall Objectives

- Understand what systems thinking is and its importance
- Learn a few basic Systems Thinking tools Gain hands on experience applying systems thinking to food insecurity in Orange County

Agenda

- Why Good Intentions are Not Enough
- Observations about Systems
- Conventional Vs. Systems Thinking
- Why Systems Thinking?
- Background on Hunger and Food Insecurity in Orange County
- Fundamental Systems Thinking Framework & Case
- Team Iceberg Exercise
- Brief Introduction to the Language of Systems Thinking & Exercise (Time permitting)
- Introduction to Mental Models & Exercise
- Questions and Answers

Mr. Goodman set the context for stories in the news and asked the small groups to reflect on what the following stories have in common:

- Homeless shelters perpetuate homelessness
- Drug busts increase drug-related crime
- Food aid increases starvation
- Get tough prison sentences fail to reduce fear of violet crime
- Job training programs increase unemployment

Small groups noted the following commonalities:

- Unintended consequences
- Good intentions

- Mindset that anyone on both sides of these issues can use them or talking points or a hammer – both sides can be right and both sides can be wrong
- Hard to explain to the public if you don't do these things – they are expected

Mr. Goodman reviewed the common characteristics of failed solutions as follows:

- Address symptoms vs. underlying problems
- Obvious and often succeed in the short run
- But short-term gains undermined by long-term impacts
- Negative consequences are unintentional
- If the problem recurs, we do not see our responsibility

Mr. Goodman framed remarks around the limitations of good intentions with the following quote:

"When you are confronted by any complex social system … with things about it that you're dissatisfied with and anxious to fix, you cannot just step in and set about fixing with much hope of helping. This is one of the sore discouragements of our time. If you want to fix something you are first obliged to understand … the whole system."

Lewis Thomas
Physician, poet, etymologist, essayist, educator, policy advisor, researcher
Dean Yale Medical School & NYU
President Memorial Sloan-Kettering Institute

Distinguishing Conventional From Systems Thinking

Mr. Goodman shared definitions of a system and systems thinking:

"A system is an interconnected set of elements that is coherently organized in a way that achieves something" – Donella Meadows

"Systems Thinking is the ability to understand these interconnections in such a way as to achieve a desired purpose."

Observations about Systems

Mr. Goodman shared laws of human systems:

- Many of today's problems were yesterday's solutions.
- The Law of Unintended Consequences - Systems are seductive… what looks obvious to do often generates non-obvious consequences… but NOT right away.
- The Law of Worse Before Better - What works in the short term typically makes things worse in the long term and what works in the long term often makes things worse in the short term.
- The Law of Compensating Feedback – The harder you push on the system the harder the system pushes back.
- We are prisoners of systemic forces to the extent we are unaware of their existence and don't appreciate their power.
- Systems naturally resist change despite how well intended the efforts to improve performance.
- Systems are "perfectly" designed to produce the results we are getting.
- We spend enormous time, effort and money fixing problems we don't really understand.

- Real leverage points in the system are displaced both in time and in space from the symptoms.
- *Collective awareness of the system can produce the shifts needed to produce real, sustainable change… when see it, we no longer have to be controlled by it.*

Mr. Goodman asked participants if they had witnessed any of the following first-hand:

1. Many of today's problems were yesterday's solutions
2. The Law of Unintended Consequences
3. The Law of Worse Before Better
4. The Law of Compensating Feedback
5. We spend enormous time, effort and money fixing problems we don't really understand

Conventional vs. Systems Thinking

Mr. Goodman delineated the differences between Conventional and Systems Thinking:

Conventional Thinking	Systems Thinking
Obvious how cause and effect are connected	Problems and causes not obviously connected
Others are to blame	We are part of the problem
Short-term success leads to long-term success	Most quick fixes yield no difference or make matters worse over time
Optimize the parts	Improve relationships among the parts
Do as much as you can as quickly as you can	Focus on a few key coordinated changes over time

Mr. Goodman polled Commissioners around the following questions about the balance of conventional versus systems thinking in their organizations:

A. Almost entirely conventional thinking
B. Some systems thinking
C. Pretty balanced
D. Mostly systems thinking
E. No idea…

Mr. Goodman delineated the elements that make for good Systems Thinking issues

- Chronic problems we've been trying to figure out for a long time
- Our thinking hasn't properly matched the problem
- We haven't been as effective as we thought we would be
- We're willing to take a learning attitude – we're willing to suspend those to have an honest conversation about the problem
- We're the people who can work on it – we have some control

<u>Introduction to what we know about hunger in Orange County & an introduction to the current programs to address it</u>

Travis Myren, Deputy County Manager & Ashley Heger, Food Council Coordinator

State of Food Insecurity in
Orange County
January 24, 2020

Mr. Myren provided context that about a year ago Commissioners approved the Food Council coordinator to be part of County Government. The Food Council touches systems thinking in several ways: (1) Coordinator position is intergovernmentally funded; The County, Chapel Hill Carrboro and Hillsborough jointly fund it; (2) Goal of Food Council is to understand the food system and where interventions can be helpful; (3) Since Ms. Heger is part of the County Government, she helps them work interdepartmentally.

Ms. Heger explained the Food Council takes a systems thinking approach on three levels:

1. Everything across our system is interrelated and the last few years has been about building relationships
2. Working toward getting data and better understanding for what's happening in Orange County
3. Government Alliance for Racial Equity (GARE Core Team) is working toward helping see interrelatedness across systems – if one piece is changed, what happens throughout the sytems?

A look at the numbers: 2017 - 2019 Data
Food Insecurity Rate **12.7%**
Number of people experiencing food insecurity **18,030**
Children under 18 who are food insecure **4,420**
Adults over 65 who are living below the poverty level **914**
Federal Nutrition Service # of recipients FY 2018-19 **14,478**
WIC participation #s for December 2019 **2,260**

Demographics Carrboro Clinic WIC Dec 2019
American Indian or Alaskan Native – 0
Asian – 150
Black or African American – 249
White – 859
Native Hawaiian or Pacific Islander – 1
Multi-Race – 23
Latinx – 40%

Demographics Chapel Hill Clinic WIC Dec 2019
American Indian or Alaskan Native – 0
Asian – 6
Black or African American – 113
White – 75
Native Hawaiian or Pacific Islander – 0

Multi-Race – 7
Latinx – 11%

Demographics Hillsborough Clinic WIC Dec 2019
American Indian or Alaskan Native – 2
Asian – 11
Black of African American – 215
White – 514
Native Hawaiian or Pacific Islander -- 0
Multi-Race – 35
Latinx – 17%

Stories about hunger & food insecurity
Ms. Heger explained the Food Council has been working on gathering qualitative stories and learning from people who have lived experience with food insecurity. There is a designated place on their board for someone with personal experience with food insecurity.

Community Health Assessment (2019)
Sample survey every community does every three years across North Carolina.

- Food Access named in top 10 priorities
- 1 in 5 respondents reported they had to cut the size of their meals or skip meals because there was not enough money for food

Conversations with those experiencing food insecurity & food access providers tell us:

- Falling in between the gaps (do not receive FNS but experience food insecurity)
- Cost of living takes away from resources available for food
- Food received in charity programs is not culturally appropriate and/or nutritional
- Fear of receiving services or participating in programs may endanger immigration status

Falling in between the gaps

SNAP (Food Stamps)
Eligibility Requirements for family of 3 = About $27,020

- Gross monthly income must at or below 130% the poverty line (about $2,252/month) with assets less than $2,250 (vehicles, savings, etc) - does not apply to households with elderly or disabled members
- Most college students and certain legal immigrants are not eligible
- Most unemployed childless adults are limited to 3 months of benefits, unless they are working at least 20 hours per week or participating in a qualifying job training program
- Average monthly benefit for family of 3 = $365/month
- Limitations for what can be bought with SNAP benefits
- Potential more more restrictions in this program this year

Cost of Living

Income in Orange County

- 2018 median household income $68,211
- 2018 per capita household income $40,650 (includes non wage earners)

Fair Market Rent in Orange County 2020

- 2 bedroom $1,088/month and 3 bedroom $1,461/month
  2020 3 bedroom FMR = 64.8% of income for a family of 3 eligible for SNAP
- Family of 3 with gross income of $4,000/month spending 36.5% on rent

Charity Programs

- Culturally appropriate foods offered
- Lived experience centered in leadership and advising programs
- Nutritional foods v. non-perishable or easy to donate foods

Trends

Federal Nutrition Services (FNS)

- Decrease of 6.5% from **15,499** in the FY17-18 to **14,478** in the FY18-19

Free School Lunch Program (FSLP)

- **CHCCS:** Decreased slightly in 2017-18 to 25.6% and currently at 26.2%
- **OCS**: Currently at 41%
  - Enrollment has stayed between 39-42% the past few years
  - Universal free breakfast program increased from 2017-2018 (total: 89,350) to current school year (as of Dec 2019 total: 101,153)

How do we compare

United States:

North Carolina's food insecurity rate is 16.5%
Nationally 11.1%
Orange Co's poverty level is 12.4% Nationally 12.3%

Food Insecurity in other NC Counties:

Highest 24.1% Edgecombe Co
Lowest 9.5% Union Co

Exercises to explore systems thinking related to hunger Michael Goodman

Mr. Goodman directed small groups to reflect on the presentation:

- What did you learn?
- What did you find surprising or puzzling?
- What questions does this raise for you?

Focusing Questions

Mr. Goodman introduced focusing questions, noting issues are best formulated as a focusing question that starts with the words **Why** or **How Come** but not ***How To*.**

Examples:

- *Why do we continue to struggle with breaking down our internal silos?*

- *Why, despite our best efforts, have we been unable to end homelessness in Calhoun County?*

Potential Focusing Questions

Mr. Goodman introduced examples of focusing questions:

- Why, despite the county's various programs, are we seeing the trends we're seeing in hunger/food insecurity?
- Why, despite the county's programs and activities we have in place focused on hunger, haven't we seen the impact we'd like?

Team Exercise #1A: Focusing Question

Participants worked in small groups to identify focusing questions related to food insecurity in Orange County:

Why are segments of the population more food insecure/lack access than others despite a variety of interventions by several agencies/County Government?

Why aren't current County programs not reaching the needs of targeted populations despite our affluence?

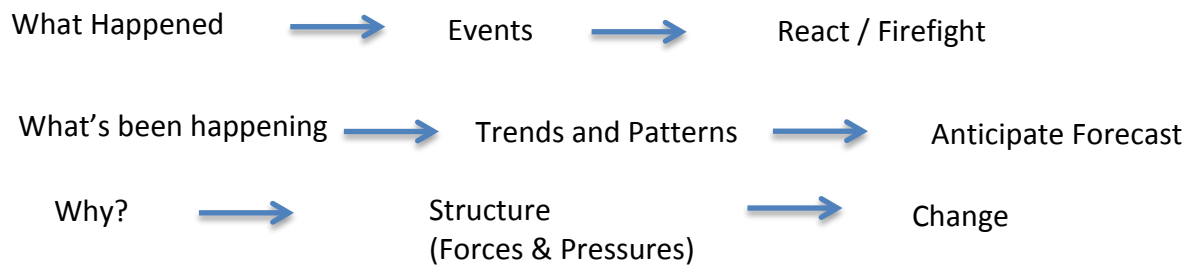
After identifying focusing questions, participants worked in small groups to imagine the end results they would like to see if the problem/issue was fully addressed/fixed:

- Free up more funding for other programs/needs
- Kids focus better in school – improved educational outcomes
- Access to nutritious food when they need it
- Obesity rate goes down
- Malnutrition rates go down
- Health care demand goes down

- Gap between benefits provided and needs are fulfilled
- Multiple outlets that provide healthier food
- Universal food programs in schools
- End of income disparities
- Eliminate burdensome program eligibility requirements

The Fundamental Framework of Systems Thinking

Mr. Goodman introduced the concept of The Iceberg as a concept for understanding deepening our understanding of problems.



Sources of Pressures or Forces

Mr. Goodman described the sources of pressures or forces:

- External structures
- Organizational structures
- Interpersonal structures
- Individual structures (Mental Models)

Additional **Elements of Structure that Generate Forces & Pressures**

- State/local regulations & laws
- General economy
- Local economy
- Financial resources/capital (e.g. access to funding)
- Technology (e.g. access & availability)
- Political climate
- Human capital (e.g. skill level, education)
- Demographics (including migration patterns)
- Availability & access to services (health, education, etc.)
- Level of collaboration among service providers & agencies
- State/local leadership (private/public)
- Housing availability & quality
- Built (infrastructure) capital
- Quality of life factors
- Natural capital
- Social capital (e.g. connections within community, among businesses and to resources outside the community)
- Cultural capital (mindsets, attitudes, level of public trust) (Mental models)

Case Example

Mr. Goodman introduced the Case Example focused on Ending Homelessness in Calhoun County (Battlecreek, MI). There was a federal program in 2006 trying to end chronic homelessness. States were pushing local communities to develop plans and Mr. Goodman and an associate were invited to bring systems thinking to Calhoun County.

Details about the Case Example included:

- Calhoun County, MI: estimated 1,400-1,600 people homelessness among population of 100,000
- Homeless Coalition* meetings again fail to deal with the problem: disagreements, competition, and lack of knowledge cited ten-year plan to end homelessness involving political and business leaders, service providers, and homeless people – to produce the plan
- **A collaborative workgroup of the Coordinating Council of Calhoun County involving 40 providers of services, consumers of those services, funders & city/county reps.*

Specific data for Calhoun County related to homelessness:

- 75% “episodically” homeless
- 25% “chronically” homeless

- 32% women
- 68% men
- 33% mental illness
- 48% drug and/or alcohol addiction

Other context:

- Research showed there was a growing trend in homelessness. There had been some success, but it had stagnated. The visibility of the homeless problem seemed to be cyclical. Temporary shelters got people off the street, which is important, but didn't solve the problem of chronic homelessness.
- Housing First approach provided more support. To really address chronic homelessness takes time, effort and leadership – not easy to pull off.
- With temporary shelters, the visibility wasn't as pronounced and pressure was eased up on.
- Shelters were funded by beds being occupied, not having empty beds. Other providers were also. If you changed the mandate for keeping beds empty, there's no funding for that. Even showing up for Coalition meetings weren't funded – had to volunteer to that.
- Whole system tends to gravitate toward the easy to do stuff. If you want to end homelessness, have to figure out how to break the vicious cycle.

As a result of the work in systems thinking, homelessness didn't end, but did lessen. The group process the Homeless Coalition used focused on:

- Reducing and reframing shelter use
- Sharing a vision of Housing First
- Investing in affordable housing with support services
- Asking the question: how are we implicated in this?

Outcomes

- Homeless Coalition coalesced around a plan and the plan was funded
- Homeless Coalition voted unanimously to reallocate HUD funding from one service provider's transitional housing program to permanent supportive housing program run by another provider

Quantitative results: In the plan's first six years of operation (2007-2012), which included the economic collapse of 2008, the county reported the following results:

Homelessness decreased by 14% (from 1658 to 1419)
DESPITE a 34% increase in unemployment and 7% increase in evictions

Deepening Our Understanding of Problems: The Iceberg

Mr. Goodman then invited participants to apply The Iceberg Framework to better understand their issue of food insecurity. Participants were instructed to work in their small groups to answer:

- Why do we have this issue or challenge?
- Identify the underlying Structure (Brainstorm list of factors or drivers)
- Why has it persisted this long?
- What are the barriers to improvement?
  Remember: NOT WHAT TO DO ABOUT IT OR HOW TO FIX IT YET

Why are segments of the population more food insecure/lack access than others despite a variety of interventions by several agencies/County Government?

- Lack of attention/awareness
- Insufficient outreach/engagement with targeted populations
- Lack of effective coordination (food or other services/programs)
- Reliance on private/nonprofit
- Demographic changes
- Anti-immigration policies/fears
- Wages and financial management
- Healthcare costs
- Nutritional education
- Housing and transit – access to community resources
- Stress on parents
- Racism
- Intergovernmental cooperation (lack of)

Why aren't current County programs not reaching the needs of targeted populations despite our affluence?

- Food charity efforts
- Income inequality
- Dependence on corporate food supply system
- Lack of education on system, gardening, nutrition
- Federal policy
- Food waste
- Misinterpretation of what help looks like
- Cost of nutritious food/supply
- Lack of coordination among providers
- Reluctance to address silos
- Lack of multi-lingual communication

Ms. Price underscored how important it is not to just focus on long-term solutions – people are hurting now and need to have their needs responded to.

Lunch

Over lunch Travis Myren introduced participants to the TedTalk video about Diversity, Equity and Inclusion featuring the author Chimamanda Ngozi Adichie. In the video, Adichie shares her perspective about the danger of a single story when it comes to assuming who someone is. She challenged audience members to continually look for multiple stories when determining someone's identify.

Systems Thinking & hunger focus in Orange County, Continued Michael Goodman

Mr. Goodman introduced the concept of Mental Models as the thinking behind Systems Thinking.

What are Mental Models?

Mr. Goodman defined Mental Models as habits of thought, the stories we tell ourselves. They are those beliefs, assumptions, and models we have are about every aspect of ourselves, others, our organizations, and how the world works.

- They are critical to our effectiveness
- They affect how we think and how we act
- They may be conscious, or unconscious; they can get us into trouble
- It's easier to see others' mental models and harder to see our own
- They are always incomplete and often flawed
- They are high leverage

Examples of Mental Models include beliefs we treat as facts, such as:
• *"The only way anything changes around here is when our senior leaders change it."*
• *"Learning is what we do outside of work."*
• "*Home prices will always rise."*

Mental Models Exercise
Small groups identified and shared at their table the mental models at play that could be barriers to change or improvement related to their issue. What are the mindsets that have perpetuated the current situation?

Belief-Action-Results (BAR} Maps
Mr. Goodman explained the cycle of Beliefs–Actions–Results, noting it could be a positive or a negative outcome. He provided a negative example of how the BAR Map works:

"Staff meetings are a waste of time."[Mental Model or Belief]
Therefore, I or we… "Don't really fully participate or contribute." [Action or Behavior]
Which leads to… Decisions don't get made, real issues never get brought up [Results or Outcomes]

Team Exercise #4:
In small groups, participants worked on Belief-Action-Results Maps for one of the Mental Models identified in the previous exercise.
It's not the responsibility of the government – it's a charity act Mental Model
Therefore… less reliance on the government – not asking people what they want
Which leads to nothing changing

<u>Introduction to what we know about hunger in Orange County & an introduction to the current programs to address it</u>
Ashley Heger, Food Council Coordinator
Ms. Heger opened her presentation by emphasizing the importance of a "both/and approach" – both addressing short-term needs and using a systems thinking mindset for systemic change.

How is hunger being addressed in Orange County:

1. **Federal Nutrition Services & School Meals**
   SNAP, WIC, Senior vouchers, Free & Reduced Lunch & Universal free school breakfast
2. **Outside Agency Funding**
   Supporting existing and emerging food access programs

3. **Nonprofit Services**
   Food pantries and meal deliveries; cross sector collaboration and emergency services

School Systems

- **Orange County Schools**
  Universal Free Breakfast Program in PreK - 5th grade
  Free and reduced lunch program
  Summer food service program (school and open community sites)

- **Chapel Hill-Carrboro City Schools**
  Free and reduced lunch program
  Summer food service program (Food for the Summer, focus on community sites with support from CHCCS)

County funds spent on programs & partnerships

-DSS Funds spent on Food

Food Lion Gift Cards Emergency Assistance Program

FY 2017-18: $6,425.00

FY 2018-19: $4,875.00

FY 2019- Current: $1,225.00

-Outside Agency Funding

Funding for food & nutrition related agencies

FY 2017-18 total $151,165

FY 2018-19 total $132,190

FY 2019-20 exampected total $145,253

2017 - 2018 Food + Nutrition Outside Agencies

- Meals on Wheels $15,000
- Farmer Foodshare $6,250
- Orange Congregations in Mission $71,415
- Inter-Faith Council $50,000
- TABLE $8,500

FY 2017-18 total $151,165

2018-2019 Food + Nutrition Outside Agencies

- Meals on Wheels $15,900
- Farmer Foodshare $7,375
- Orange Congregations in Mission $77,715
- Orange County Rural Alliance $20,750
- TABLE $10,450

FY 2018-19 total $132,190

2019-2020 Food + Nutrition Outside Agencies

- Meals on Wheels $17,335
- Farmer Foodshare $7,375
- Orange Congregations in Mission $78,450
- Orange County Rural Alliance $27,488
- PORCH $3,780
- TABLE $10,450
- Transplanting Traditions $375

FY 2019-20 expected total $145,253

Orange County Funded Programs Related to Food Insecurity

Ms. Heger walked through the different programs that Orange County funds related to food insecurity. Descriptions only include parts of their work related to food insecurity.

Meals on Wheels Chapel Hill - Carrboro

Mission: Chapel Hill/Carrboro Meals on Wheels nourishes the bodies and spirits of the homebound with a balanced meal and the human connection they need to help them live independently. Volunteers deliver a hot meal to the home every weekday. Resources and referral services as needed

Goals & Services:

1. Provide affordable, nutritious and flavorful meals to the homebound individuals in the community.
2. Reduce isolation, support independence and enhance the quality of life of our recipients.
3. Engage families and community in partnerships that benefit both the volunteers and recipients.

Farmer Foodshare

Mission: Farmer Foodshare connects people who grow food with people who need food in ways that are economically sustainable and socially just. We believe that everyone has a right to healthy, fresh food and that farmers deserve to make a fair wage – a system where everyone wins.

Goals & Services: The Donation Station Program improves the health and nutrition of residents in need by collecting fresh, local food gleaned from farmers' markets and/or purchased from those farmers with funds donated by market shopper. Each farmers' market is paired with a recipient agency of their choice. The fresh food is delivered the day it is donated. The DSP and Community Foodshare Site projects are based on requests from the participants of our partner organizations themselves. Includes: mobile market, cooking classes and nutrition education.

Orange Congregations in Mission

Mission: To minister to the urgent needs of citizens of northern Orange County through the volunteer efforts of diverse congregations and individuals inspired by faith in God, and to enhance self-sufficiency and awareness of community resources.

Goals & Services: The Samaritan Relief Ministry provides groceries and additional services to individuals and families. The Meals on Wheels Program provides a nourishing, home delivered lunch, 5 days/week to homebound residents. A volunteer

network maintains consistent contact with the most fragile members of this community, as well as promoting well-being

Orange County Rural Alliance

Mission: OCRA is part of a community-based alliance that is building awareness of the needs of rural seniors and supports them with what they need to age in place with independence and dignity. OCRA helps with access to county services, safe homes, nutritious food and friendly human contact. OCRA delivers hot meals to rural seniors in underserved areas

Goals & Services: Today more than 250 seniors are visited or contacted weekly. During visits volunteers noticed unmet needs such as empty food pantries and the need for minor home repairs (accessibility problems and the need for ramps, grab bars, etc.). OCRA now provides meals similar to a Meals on Wheels program.

Inter-Faith Council

Mission: The Inter-Faith Council meets basic needs and helps individuals and families achieve their goals. They provide shelter, food, direct services, advocacy and information to people in need. The IFC accomplishes this through strong partnerships with volunteers, staff and those we serve. They rely on the active involvement of caring individuals, congregations and other community organizations

Goals & Services:

In 2018, IFC provided around 60,000 free meals to community members. Meals are free of charge and are provided to anyone who is hungry as well as to the residents of Community House and HomeStart. IFC provides additional services including a food pantry and crisis intervention program.

TABLE

Mission: Bring together UNC college students and local community members to feed hungry children in Chapel and Carrboro. TABLE began feeding 12 local elementary school children in 2008 and has since expanded to provide healthy food to approximately 500 preschool, elementary and middle school children each week.

Goals & Services: TABLE has 3 goals: (1) to provide weekly emergency food aid to local hungry children (2) to educate and expose our little ones to healthy foods and eating habits (3) to increase community awareness of local childhood hunger.

PORCH

Mission: PORCH's mission is to alleviate hunger and promote better nutrition in the community through monthly food drives.

Goals & Services:

Ensuring our local pantries are well-stocked with non-perishable food; Distributing fresh food directly into the hands of families with children in the public schools identified as food insecure; Creating pantries with healthy snacks in each of the 20 public schools and the community's after-school programs; and Creating more public awareness about the severity of hunger in the community, and the benefits of fresh food consumption.

Transplanting Traditions

Mission: Transplanting Traditions Community Farm (TTCF) works with refugees from Burma to foster a healthier community and maintain agricultural traditions as they build new lives in North Carolina.
Goals & Services: TTCF focuses on serving low-income families in the refugee and immigrant community. Services include continued access to land to grow healthy traditional foods, weekly translated workshops focused on agricultural topics and small farm businesses; youth programming focused on nutrition, active living and leadership development; implementation of a "Share a Share" program in collaboration with PORCH, which provides traditional vegetables for refugee families in need on a monthly basis while providing economic support for TTCF farmers.

Mr. Dorosin asked how someone knows if they are eligible for the programs and what they need to do to access them.

Ms. Heger responded it depends on the program. In terms of visibility and disseminating information, she noted a goal of the Food Council for the last couple of years has been to consolidate resource guides into one. Previously, there were seven resource guides. Ms. Heger said she updates the guide at least twice a year. She noted everyone is working together so individuals are aware of all the services available to them. A primary goal of the Food Council is to break down siloes.

Nancy Coston said NC 360 is coming out which will incorporate resources for the entire state. Once that happens, it will make it easier for internal referrals and also for someone in the community to check everything they need. All nonprofits need to get their information on line and this will take time. It will be a warm hand off.

Chair Rich asked about if Justice United and the faith-based community it they were helping get out the information out. Ms. Heger said faith-based organizations are important and they have contact with some, but not all.

Reflecting on the day Maggie Chotas

Ms. Chotas invited responses from Commissioners about what they learned from the retreat, including their thoughts about how a Systems Thinking framework might be different from the way we tend to explore problems. She asked Commissioners to reflect on the deeper questions/challenges arising.

Commissioner McKee said he is encouraged by what he heard and what was done during the day, but wanted more information about the supporting data presented about hunger. One in five kids or people in the County are hungry – that figure raised questions about how it was gathered, how it was determined and how it applies to one demographic group or another. He emphasized gross wages doesn't give a true picture because it is not spendable income – it's not money in your pocket. He would like more real numbers as close to facts as possible.

Commissioner Marcoplos noted he appreciated the presentation and the processes. He said he thought it was true they would make better decisions the more they incorporated systems thinking and wanted to explore how could they incorporate this into their decision-making. He

suggested for smaller issues they don't anticipate taking as much time, to just keep this in mind and don't spend a lot of time on it. But for larger issues which will take a lot of time, have a dedicated work session where we do what we did today and spend time admiring the program. Might not be able to do it for everything, but we could try it once in the spring and in the fall with a topic and see how it works for us.

Chair Rich emphasized the need for flexibility in determining when to apply systems thinking. She expressed not wanting systems thinking to stop us from having free flowing ideas like what would be needed in emergency situations or items that come up throughout the year that might need some money spent on them.

Commissioner Greene said the day was a good introduction to systems thinking and she wondered about what the next steps are for the food/hunger issue. The board has started to explore the topic at the retreat and she wanted to know how the board will bring a solution forward.

Commissioner Bedford said this type of thinking does take time and wondered what it might look like if they applied it – rather than the usual Task Force. For example, she brought up PreK and reflected the focusing question for PreK could be, "Why aren't children ready for kindergarten?" This type of thinking process may help with this issue. She mentioned the understanding to challenge assumptions and make sure the right question will be asked.

Commissioner Bedford said she appreciated the video at lunch and wanted to remember how to get the other stories – should be an issue for governments.

Chair Rich said it is important to have achievable goals at the end of every retreat. What is our achievable goal? What will we say we have as our goals six months or a year out of this?

Commissioner Marcoplos gave the example of it being at the end of meetings and it is 11pm and an issue comes up and they take about 10% of the time needed to discuss before making a decision. He stated he would like to avoid this and make sure there is time for discussion.

Chair Rich noted you can ask to table an issue to the next meeting.

Commissioner Marcoplos said sometimes it happens quickly and we're all ready to get home.

Commissioner Dorosin shared his reflection that there is a need for short-term solutions. As elected officials, he noted, we need to be wary of thinking of systems thinking as external. When we talk about systems thinking, we as the policy makers in the County are the system and can change the system from the inside as opposed to being an activist or a nonprofit group trying to change the system from the outside. We are the people whose decisions entrench or expand those institutionalized processes or change them. Universal pre-k or kindergarten readiness is a good example. When we think about how to fix it, we're not looking at an external system; it's a system we have a hand in creating and influencing and changing. One of the slides was about how the system is working the way it's designed for it to work. We might say we want everyone to have enough food, but the policies we've put into place or are continuing to put in place are

producing the outcomes they intend to produce. It's not like the policy work is great and something has gone awry in implementation. That's why it's called institutional racism or structural inequity – it's built into the structure. How we think about dismantling that is critical. One of the systems to look at is how the board operates. It would be interesting to look at how effective or efficient the work we do is. The board meets a lot. The idea that we should meet more isn't necessarily the solution. I want to challenge us to work more efficiently. If it's not efficient for us to be taking votes at 11:30, the agenda was too long and we need to push more to the consent agenda. Think about how many votes we take that are 7-0 with almost no discussion – that's not the best use of our time, staff time or the community's time.

Commissioner Price said that with the retreat, the board has owned food insecurity as an issue/concern that needs to be addressed. We need to come up with some benchmarks/metrics to measure as we're going forward in order to assess progress. In terms of the systems approach, she said the board works from budget to budget, but staff has to look at the longer range, with board support. If the systems approach works for Ms. Heger, then the board needs to continue to back her up and any other programs that come into play. It might be a challenge for the board to map out the systems approach for hunger, but staff can take the lead.

Identifying next steps Maggie Chotas

Ms. Chotas asked Commissioners if they wanted to identify possible next steps in regards to Systems Thinking and hunger in Orange County.

Commissioner Dorosin asked staff their thoughts about next steps.
Nancy Coston commented on data, saying she thinks staff can fold the food insecurity data into their discussion of poverty and with the mapping that the human services group is working on. She will bring it forward at their next staff meeting.

Identifying gaps in data (Staff)

- Staff taking the lead (many departments) to see what the food landscape is and track what exists now and fill in the gaps

Strengthen coordination on food related issues

- Identify how the towns/County work together on food related issues
- There are different local government agencies in Orange County involved in food issues – engage with their partners
- Food Council is a good place to start with this
- Identify the impediments

Continue focusing on the topic as a board

- Look at what we are doing to address poverty in Orange County
- Prioritize issues at a high level in the budget process
- Consider holding a work session on the topic of hunger

Public outreach

- Seek to build awareness about food insecurity in the County

- Develop and disseminate a one page infographic about hunger in Orange County (Staff will take the lead on this)

3:50 **Assessing the retreat** Maggie Chotas

Ms. Chotas invited Commissioners to reflect on how well did the retreat reach its goals and what to change for the future.

Commissioners responded as follows:

What worked well	What to change
Flow of information and exercises	Work together as one group
Structure – conceptual model and one particular issue focus	Add a fun teambuilding exercise – get outside
Food was great	Better job integrating staff – awkward for board and staff to be separate; staff is an integral part of the system
Presenter provided useful information	
The flow of the day – day went quickly and there was a good balance of activities	
Working in a group and hearing others' perspectives	
Broader spectrum with two groups	
Input from everybody throughout the day	

4:00 **Adjourn**

The meeting adjourned at 4:15pm.

Attachment 2

DRAFT **MINUTES**
ORANGE COUNTY BOARD OF COMMISSIONERS
CHAPEL HILL TOWN COUNCIL
HILLSBOROUGH BOARD OF COMMISSIONERS
CARRBORO TOWN COUNCIL
January 28, 2020
ASSEMBLY OF GOVERNMENTS (AOG)

The Orange County Board of Commissioners (BOCC) met with the Towns of Chapel Hill, Carrboro and Hillsborough for an Assembly of Governments meeting on Tuesday, January 28, 2020 at 7:00 p.m. at the Whitted Building in Hillsborough, N.C.

COUNTY COMMISSIONERS PRESENT: Chair Penny Rich and Commissioners Earl McKee Jamezetta Bedford, Mark Dorosin, Sally Greene, Mark Marcoplos, and Renee Price
COUNTY COMMISSIONERS ABSENT:
COUNTY ATTORNEYS PRESENT: John Roberts
COUNTY STAFF PRESENT: County Manager Bonnie Hammersley, Deputy County Manager Travis Myren and Clerk to the Board Donna Baker (All other staff members will be identified appropriately below)
CHAPEL HILL TOWN COUNCIL MEMBERS/STAFF PRESENT: Mayor Pam Hemminger and Town Council Members Jessica Anderson, Alan Buansi, Michael Parker, Hongbin Gu, Ty Huynh, Amy Ryan, Karen Stegman and Town Manager Maurice Jones
CHAPEL HILL TOWN COUNCIL MEMBERS ABSENT: Rachel Schaevitz
CARRBORO TOWN COUNCIL MEMBERS PRESENT/STAFF: Mayor Lydia Lavelle, and Town Council Members Damien Seils, Sammy Slade, Randee Haven O'Donnell, Jacquelyn Gist, Barbara Foushee, Susan Romaine and Town Manager David Andrews
CARRBORO TOWN COUNCIL MEMBERS ABSENT: None
TOWN OF HILLSBOROUGH COMMISSIONERS/STAFF: Mayor Jenn Weaver, Town Commissioners Mark Bell, Kathleen Ferguson, Matt Hughes, Evelyn Lloyd, Robb English and Town Manager Eric Peterson
TOWN OF HILLSBOROUGH COMMISSIONERS ABSENT: None

Welcome, Call to Order and Opening Comments

Chair Rich welcomed everyone at 7:01 p.m. She said Commissioner McKee had to leave for a family issue.

Chair Rich is giving a brief history of the Whitted Building.

Chair Rich asked if each attendee would give their name, place of birth and birth order.

Greene Tract – Presentation and Discussion on Managers/Mayors/ Chair Proposal

The Greene Tract is a 104-acre parcel jointly by Orange County, the Town of Carrboro, and the Town of Chapel Hill. An additional 60 acres is owned by Orange County and has been designated for preservation as the Headwaters Preserve. The Greene Tract is located within the Town of Chapel Hill's extraterritorial zoning jurisdiction. In 2002, the joint owners adopted a resolution to designate 86 acres for open space and 18 acres for affordable housing. No development has occurred on the jointly owned property since the adoption of the 2002 Resolution.

In 2017, the joint owners agreed to have the Managers, Mayors, and Chair (MMC) recommend next steps by further considering preservation and development options.
Starting in May 2017, a joint staff work group began to examine the preservation and development potential of the existing Greene Tract. That work culminated in the *2019 Greene Tract Resolution and Conceptual Plan* which recommended a reconfiguration of the jointly owned 104 acres and the 60 acre Headwaters Preserve and designated areas of the property for specific preservation and development purposes.

In February of 2019, Orange County and the Town of Carrboro adopted identical *2019 Greene Tract Resolution and Conceptual Plan* documents. In July 2019, the Town of Chapel Hill adopted a substantially similar resolution but modified the master plan map to remove specific land use designations from the areas proposed for development. The Town of Chapel Hill also adopted a companion resolution committing to hold a series of community meetings, solicit input from the public and respective advisory boards regarding land uses and densities, initiate environmental and connectivity assessment; and initiate steps to protect the jointly-owned preserve and the Headwaters Preserve in perpetuity.

In an effort to reconcile differences between the adopted resolutions, each jurisdiction is considering a *2020 Greene Tract Resolution* to supersede the resolutions adopted in February 2019 by the Carrboro Board of Aldermen and the Orange County Commissioners and the resolution adopted in July 2019 by the Chapel Hill Town Council. The *2020 Greene Tract Resolution* is scheduled for consideration at the January 21 Carrboro Town Council meeting, the January 21 Board of County Commissioners meeting, and the January 22 Chapel Hill Town Council Meeting.

The *2020 Greene Tract Resolution* establishes the following next steps:

1) Jointly pursue an environmental assessment of the entire 164 acres to consider designating the most environmentally sensitive area as the Headwaters Preserve. The cost of this analysis will be shared among the parties, 43% Orange County, 43% Town of Chapel Hill, 14% Carrboro.
2) Jointly pursue a Memorandum of Understanding for future decision-making processes. This document will be used to ensure the parties participate in good faith in the planning process for potential development of the Greene Tract. The document will describe community outreach efforts.
3) Jointly agree to not initiate formal public engagement until completion of the Memorandum of Understanding document.
4) Jointly agree any potential developers of the Greene Tract may rely upon and utilize the environmental assessment contemplated herein and shall not be required to conduct or obtain a separate environmental assessment.
5) Jointly agree to a discussion of the Greene Tract at the 2020 Assembly of Governments meeting on January 28, 2020.
Staff will provide any other information at the meeting, and the governing boards can discuss issues and provide feedback to staff related to this item as necessary.

Attachment 1a – Greene Tract Vicinity Map
Attachment 1b – Proposed 2020 Resolution

Travis Myren made the following PowerPoint presentation:

2020 Greene Tract Update
January 28, 2020
Assembly of Governments

Congratulations
Adoption of the 2020 Greene Tract Resolution and Interlocal Agreement for an Environmental Assessment
January 21 – Board of Orange County Commissioners
January 21 – Carrboro Town Council
January 22 – Chapel Hill Town Council

2020 Greene Tract Resolution and Environmental Assessment Interlocal Agreement

1. *Jointly pursue an **Environmental Assessment** of the entire 164 acres to consider designating the most environmentally sensitive area as the Headwaters Preserve. The cost of this analysis will be shared among the parties, 43% Orange County, 43% Town of Chapel Hill, 14% Carrboro.*
   Total Cost Estimated - $40,000
2. *Jointly pursue a **Memorandum of Understanding** for future decision-making processes. This document will be used to ensure the parties participate in good faith in the planning process for potential development of the Greene Tract. The document will describe community outreach efforts.*
   2020 Greene Tract Resolution and Environmental Assessment Interlocal Agreement
3. *Jointly agrees to have a **joint public information session** that includes Orange County, Chapel Hill, and Carrboro a minimum of 2 months after the Environmental Assessment has been completed by the consultant and received by the jurisdictions.*
4. *Jointly agrees to not initiate formal **further public engagement** until completion of the Memorandum of Understanding document.*
5. *Jointly agree to a **discussion** of the Greene Tract at the 2020 Assembly of Governments meeting on January 28, 2020.*

Environmental Assessment Timeline Highlights-handout

February 7	- Release RFQ for Environmental Assessment consultant
March 23	- Joint staff review of submittals
April 7	- Award contract to consultant
	- Notice to proceed
June 7	- Draft Environmental Assessment completed
July	- Review Environmental Assessment with School District and facilitate next steps for analyzing school site
Mid- August	- Review findings with Managers, Mayors, and Chair
September 14	- Jointly-planned community meeting to review and discuss the Environmental Assessment

Memorandum of Understanding and Other Timeline Highlights

Mid- February	- Mayors, Chair to review draft Memorandum of Understanding
June- August	- Further revision and discussion of MOU
	- Joint staffs develop goals and objectives to evaluate development proposals informed by the draft Environmental Assessment

Mid-August - MMC meeting to review status of MOU, review Environmental Assessment, review draft metrics, schedule presentations to governing boards

Chair Rich said the AOG is considered a work session and the use of first names is appropriate.

Carrboro Town Council Member Foushee referred to the MOU, and asked if it is going to be made up of Managers/Mayors/Chair (MMC) and attorneys, and if a draft form might be ready by June.

Travis Myren said the MMC group usually includes MMC, Managers, Attorneys and planning staffs. He said this group will review the initial draft, and he is unsure of the timeline.

Mayor Hemminger said the MMC wanted to attend this AOG meeting, to understand questions and concerns to discuss at its mid-February meeting, prior to making a timeline.

Mayor Hemminger said the group has a MOU template, and the attorneys are reviewing this.

Mayor Lavelle said the attorneys are looking at a draft MOU now, and she hopes a draft will be ready by June. She asked if Travis Myren could explain the legal ramifications of an MOU.

Travis Myren said the MOU is an interlocal agreement between governments, and the end goal of the document is to have some timeframe for things that happen; and if disagreements arise, how to resolve these issues and move forward with the process. He said each board will adopt the MOU.

Carrboro Town Council Member Gist referred to the schedule, and said it might be more expedient for the draft MOU to come before the boards before all of the work has gone into it; to check in with the various boards. She suggested adding check in points to the schedule.

Mayor Lavelle agreed, and said the MMC minutes are also helpful.

Carrboro Town Council Member Gist said to have each board put a formal check in on their agendas, which will also make the public more aware of the process.

Chair Rich said the proposed MOU schedule is a first shot at a schedule so that the group could have a starting point and some guidelines for tonight's meeting. She said there will be check-ins along the way, but the attorneys have to start the process.

Chapel Hill Council Member Anderson referred to two places where the staffs were collaborating together, and asked if staff will collaborate at any other times.

Travis Myren said yes, it is assumed staff will be working jointly throughout the entire process.

Chapel Hill Town Council Member Anderson asked if the MMC would address opportunities for the public to provide input, prior to a final document being created.

Mayor Lavelle said this is a legal document that references the resolution, which has been passed by all the boards, but also has the legalese of what each party will do, percentages, how to resolve disputes, etc. She said she does not see the MOU as explaining how the Greene Tract will be developed.

John Roberts said the MOU is an outline, which will include public participation and other legal requirements in it.

Mayor Lavelle said the MOU will be adopted in open session, allowing the public to comment.

Chapel Hill Town Council Member Anderson said she is talking about the goals and principles and the development plan.

Chair Rich said the development plan in not yet being discussed. She said the MOU is a governing document.

Chapel Hill Town Council Member Anderson said she was talking about point #3.

Travis Myren said the MOU will come first, and staff can begin working on developing goals, based on the broad goals that were adopted in the resolution. He said this will all culminate in some sort of development proposal, which will include codified details for a developer.

Chapel Hill Town Council Member Anderson said she understands what the MOU is, but there is a piece that states: "review Greene Tract draft goals and metrics for evaluating development proposals", which strikes her as something on which the public should weigh in. She said if the MMC is receiving data, it would be helpful to have the information the websites of each jurisdiction.

Commissioner Dorosin said this governing MOU will be pretty basic, and the questions raised by the PowerPoint will be answered after the MOU is in place. He said the purpose of the MOU is to determine how the boards will make decisions. He said it is good to talk about this now while everyone is together, and his current understanding is that the MMC meet, hash out their agenda, and report back to their boards, etc. He said when decisions need to be made all three boards have to act unanimously. He asked if the MOU is designed to codify this process, and, if so, is this the best way to proceed.

Commissioner Dorosin said if this document is designed to determine how the boards get information, set agendas, vote, etc. it should be able to be done fairly quickly, assuming all agree.

Commissioner Dorosin said another way to approach this process would be to appoint a joint Greene Tract committee with representatives from the boards, which could have voting ability. He said if an MOU is necessary, then he hopes there can be discussion tonight about what this will look like. He said the MMC model may need to be tweaked.

Commissioner Dorosin said he has been Chair before, and he found the process to be ineffective. He said he thought agreements had been reached previously, but it seems there was not actual agreement.

Commissioner Dorosin said he wants to move forward thoughtfully, effectively, efficiently, and in a way that making procedural decisions does not get in the way of the actual substance.

Commissioner Dorosin said there is an agenda for the environmental assessment, which should hopefully come back in June. He said this will be public document, which everyone can discuss. He said the governance documents need to be completed by the time the environmental assessment is returned.

Chair Rich said it is very helpful that the MMC meetings are being facilitated and transcribed, as this keeps everyone informed and on track.

Chair Rich said the resolution states that a public meeting can occur before the MOU is completed, but should wait until after the environmental assessment is completed and staff has a chance to review it prior to presenting it to the public. She said if this process needs to be changed, it should be discussed tonight.

Mayor Hemminger said the MMC did a good job at discussing how to take pragmatic steps on each piece, instead of trying to bite off the whole thing at once. She said this should help many things happen simultaneously, as opposed to waiting in a linear fashion.

Commissioner Dorosin said it is important to start the conversation about the MOU.

Chair Rich said she hopes this will be straightforward to hash out. She said the 2002 MOU was reached fairly easily, but at that time the Greene Tract was not in the extraterritorial jurisdiction (ETJ). She said the 2002 MOU is not consistent with the current reality.

Carrboro Town Council Member Haven O'Donnell said the public engagement will start with one public information session, and asked if there is a minimum amount of public engagement that will occur, and will there be separate sessions in each jurisdiction.

Chair Rich asked if she was referring to discussing the environmental assessment with the public.

Carrboro Town Council Member Haven O'Donnell said no, overall public engagement.

Chair Rich said these decisions have not been made yet.

Carrboro Town Council Member Haven O'Donnell said she would want to have a feel for the check-ins and if these could engage the public.

Chair Rich said Reverend Campbell told the BOCC that he wanted to hear one voice, and not several, when it comes to this issue. She said he desires a unified voice.

Commissioner Price said there should be a mechanism from the beginning to include community engagement in the process and schedule.

Commissioner Price said the boards are waiting on the MOU and its purpose. She said this process has taken a long time, and wonders if there is a lack of trust.

John Roberts said it is a process for the boards to move forward, and it will set out public engagement, staff meetings, how to resolve disputes, etc. He said currently all three parties must agree unanimously for things to move forward, and there has been no forward movement for a significant amount of time.

Commissioner Dorosin asked if options are unanimous consent, vote by the parties, or by percentage of ownership.

John Roberts said he has a basic draft, which includes an initial meeting of appointed representatives of the three boards and Managers and Attorney to try and reach an agreement. He said if that does not work he suggests bringing in a mediator, and if that still does not work even after a lengthy time, then allow a vote of ownership by percentages. He said this is all just his proposal and is subject to change.

Mayor Hemminger said overall clarification was needed, as there was varying terminology, it was unclear who should sign, etc.

Mayor Hemminger said there is a working template, and the whole has been broke into pieces to make it more manageable.

Mayor Lavelle said it is both complicated and not complicated. She said everyone wants affordable housing, open space, connectivity, etc., but it is complicated because there are three joint owners, but one owner is the permit issuing authority. She said the property is located in an ETJ, which is also unusual

Mayor Lavelle said the biggest question is how to make decisions going forward. She said the only example she can think of that is somewhat similar was the Solid Waste Advisory Group (SWAG). She said there was a SWAG vote regarding the recycling fee, and every jurisdiction had a vote and there had to be a resolution available if unanimity could not be reached.

Commissioner Marcoplos referred to the issue of community engagement, and said everyone is committed to that process. He said the boards will schedule these meetings later when there is more information to share. He said it important to keep it simple with what is being done now: the Environmental Assessment, the MOU, and the school site. He said it would be wise to work through these three tasks without much distraction. He said it is important to get it right this time.

Chapel Hill Council Member Bin said the timeline is process focused. She said she would like to see more about what kind of information should be collected to reach the point where the boards can agree. She said her Council talked about the importance of connectivity analysis, environmental assessment, and what kind of financial commitments are needed. She said these things need to be presented to the public, and she would like to know when these key pieces of information will be known.

Mayor Hemminger said the environmental assessment and school site will inform the connectivity piece. She said the MMC can discuss these items and share back out with the various boards.

Mayor Hemminger said the MMC did agree that the local partners do not want to be the developers.

Chair Rich said the MOU will guide the boards on how to move forward in the process with the partners. She said discussions about actual development are far off.

Chapel Hill Council Member Bin said the MOU will layout the decision process and resolution of disputes.

Chair Rich said yes, the MOU takes all the partners and guides them on how everyone moves forward.

Chapel Hill Council Member Ryan said the time schedule notes that in August there will be a time for refining goals and preservation, and she would like for the public to weigh in before it gets back to the MMC. She said ideally it would be good to have public engagement in June.

Travis Myren said points #2 and #3 are from staff's perspective, signaling what work needs to be done before staff can make sense out of any development proposal.

Chapel Hill Council Member Ryan said as long as it happens in a way that allows public engagement on the earlier end.

Carrboro Council Member Seils said #2 and #3 are separate activities from the process of developing the MOU and beginning the environmental assessment. He said the MOU needs to be in place first, and he appreciates the intent of staying focused on the most pressing items first. He said he would like to consider what other approaches there may be, and asked Commissioner Dorosin to expand on his previous thought.

Commissioner Dorosin said he thought the boards could do some brain-storming and see what alternatives exist. He said there are inefficiencies in the unanimous consent requirement, but some may think this is the best way. He said SWAG voting was done by entity, and voting by percentages of ownership is another option. He said the MOU will define how this project gets done; and it is important to consider how to proceed if agreement cannot be reached.

Carrboro Council Member Seils said it sounds like the draft MOU will go to the MMC, but asked if it will then back to the individual boards for discussion.

Commissioner Dorosin said the boards are here to give feedback tonight. He said he personally does not want to adopt an MOU that requires unanimous agreement.

Chapel Hill Council Member Stegman said the MMC process has been frustrating in the past, but has improved with the recent changes of facilitation and notes coming back to the boards. She said it would be helpful to know the agendas are ahead of time, as well as set meeting and check in times. She said unanimity is not working, and she would be interested to hear more about other options.

Commissioner Marcoplos said right now the focus is the environmental assessment, the school site, and the MOU, and there will not be much further progress without agreement on those three items. He said once those are completed, further items could come down to a majority vote.

Commissioner Dorosin said everyone has agreed upon the environmental assessment, and the MOU and the school site are the next topics for discussion. He said he does not think unanimous agreement on these matters will come easily.

Commissioner Marcoplos said he does not think it will be easy either, but if there is one party that does not agree to the MOU, then further discussions will fail as well.

Mayor Lavelle said it really does not make a difference if it is one vote each or a percentage.

Chapel Hill Council Member Anderson said earlier she did not mean she did not understand the purpose of the MOU, but rather she seeks clarity on point #2 and #3, and to insure public input on these items earlier in the discussions.

Chapel Hill Council Member Anderson said the boards are not agreeing together on what foundational information is needed to make decisions, or how to engage the public in advance. She said it is right to do incremental steps, and she would like to see agreement on what information is needed, or not needed, to make decisions and be fully informed. She said the public should be engaged purposefully. She said the connectivity and environmental analyses are critical to be able to make decisions.

Chapel Hill Council Member Parker said the two voting options are unanimity or 2/3. He said the County Attorney has done a good job trying to bridge this by starting with a hope for unanimity, but going to mediation and 2/3 voting if necessary.

Chapel Hill Council Member Parker said what is causing some confusion is that two processes have been conflated: the process of figuring out the MOU (what is in it, decision making processes, etc.) and the work plan itself, which should actually be a separate document.

Carrboro Council Member Damon Seils said # 2 and 3 are important to the process, but the boards need to focus on the MOU first. He said he would like to see the MOU approved early on, and as quickly as possible.

Commissioner Greene said this vote is not like other votes the boards have taken, because all are very interested in the real estate. She said there needs to be unanimous agreement about the nature of the development, or mediation should be employed.

Chair Rich asked Commissioner Greene if she feels John Roberts is heading in right direction with the draft MOU.

Commissioner Greene said yes.

Chapel Hill Council Member Huynh said the jointly planned community meeting is a good idea to avoid confusion, but if there will only be one meeting he would like to insure that it is recorded and posted on the website.

Chair Rich said there will be more than one meeting, and everything will go on the Orange County website.

Chair Rich said the public can come to any of the BOCC's business meetings and make comments.

Chair Rich asked if everyone feels the boards are heading in the right direction with the draft MOU.

Chapel Hill Council Member Huynh said he is concerned about the presentation of the materials, and making sure that the public is clear about the dates and locations of any presentations.

Chair Rich said this is just a stab at a schedule, and nothing is written in stone.

Chapel Hill Council Member Ryan said actually no meetings are able to occur until the MOU is signed.

Mayor Hemminger said that is not correct, and this point has been taken out of the resolution. She said there will be a joint meeting once the environmental assessment is completed. She said no one jurisdiction will have a special meeting for the public until the information is together.

Chapel Hill Council Member Ryan said it also says, "we jointly agree not to initiate further formal public engagement until completion of the MOU document." She asked if this limits everyone to one formal meeting until the MOU is signed.

Mayor Hemminger said that was not the intention, rather that when meetings do occur about the Greene Tract, it would include everyone together.

Chair Rich said the goal is to make sure everyone is together when meetings do occur. She said this goes back for years, and when the public is engaged, all parties should be involved.

Chapel Hill Council Member Ryan said the language is unclear.

Chapel Hill Mayor Hemminger said all parties have different environmental restrictions, and staff wants to make sure it is working from the same assumptions, which was part of these goals. She said staff wants to have it formalized in the MOU that the parties will use the most restrictive, least restrictive, etc. She said some assumptions have been made, and staff did not feel it had the support from all of the elected officials in any kind of understanding of these processes.

Chair Rich asked if the boards are heading in the right direction, and with general consensus, with the MOU, or does anyone want to offer anything about it. She said the MOU is a guiding document, and she wants to gather any remaining input.

Carrboro Council Member Damon Seils said it is difficult to discuss in the abstract, but it seems like the attorneys are going in the right direction. He asked if the MOU will address a worse case scenario of total disagreement, and the options for resolution. He suggested that the attorneys explore these issues, in particular.

Chapel Hill Council Member Buansi said there should be clear language about mediation and parameters, but agreed that the attorneys seem to be going in the right direction.

Chapel Hill Council Member Gu said there are so many decision points, and it is important to have a roadmap or work plan, and some agreement about the type of information that must be collected. She said the current timeline is too vague, in her opinion.

Mayor Lavelle said she said she wants the MOU to address what happens to an entity if it wants to get out of the process. She said Carrboro only has a 14% stake, and the land is not in Carrboro. She said a time may come when Carrboro wants to voluntarily step away, and she would like to have this process included in the MOU.

Chapel Hill Council Member Anderson agreed with Commissioner Greene, but then found some confusion. She said it is her understanding that the draft MOU contains a weighted vote system, but asked if this is accurate.

Chair Rich said the MOU addresses how to move forward if there is not an agreement, and a weighted vote is one option. She said the currently existing MOU says all parties must agree, and the new MOU will state the same, and Commissioner Dorosin has posed the question of “is there a better way?”

Chapel Hill Council Member Anderson said the current MOU track seems reasonable.

Commissioner Price said John Roberts is on the right track and she would encourage everyone to keep the process simple. She said having a work plan would be useful, as a separate process to the MOU.

Chair Rich asked Commissioner Dorosin if this conversation has satisfied his questioning. She said the attorneys are waiting for the boards to give advice.

Commissioner Dorosin said the conversation happened, but he is not completely satisfied. He said his main point of interest is the time that is passing to accomplish anything. He said the boards have been working on this land, and the communities have been waiting, for years. He said he is interested in the MOU moving the process forward faster than it has moved thus far, and is glad to have heard the comments of his peers. He said this conversation has been a good start.

2. Orange County Complete Count Committee - Status and Efforts for 2020 Census

Mayor Weaver introduced item and Todd McGee, Community Relations Director, reviewed the following information:

At its May 21, 2019 meeting, the Board of Commissioners approved the creation of an Orange County Complete Count Committee (CCC) to develop and implement a 2020 Census awareness campaign to encourage residents to respond. Board of Commissioners Vice Chair Renee Price was appointed to lead the Committee, with Community Relations Director Todd McGee as staff liaison.

The Committee is a group of community volunteers, local government elected officials and staff dedicated to increasing awareness and motivating residents to respond to the 2020 Census. The Committee held its first meeting in July and has been meeting regularly since. The committee is comprised of 56 members representing 28 community organizations and local governments. With increased awareness of the Census, more members are added to the CCC. The CCC will work with community partners to focus on hard-to-count communities, including people of color, non-English speaking communities, low-income families, people who live in non-traditional housing and the refugee populations within the County. An accurate count of these populations will ensure that all available federal resources will be provided to support these communities.

Committee members represent a broad spectrum of government and community leaders from business, non-profits, faith-based groups, and other community organizations. The Committee has created a page on the Orange County website (www.orangecountync.gov/2020census) to house information and materials, including links to resources for the public to use to help promote awareness.

The Committee has created several subcommittees to focus on specific areas:

- **Be Counted Sites**: libraries, community centers, senior centers
- **Publicity and Marketing:** Public Information Officers for the County and Towns
- **Hard to Count Non-English speaking**: Chinese School, El Centro
- **Hard To Count Non-governmental Organizations (NGOs) with Clients**: Department of Social Services, Department of Health
- **Housing**: County, Town, Habitat for Humanity, EmPOWERment,
- **Community Outreach:** National Association for the Advancement of Colored People (NAACP), churches, faith assemblies
- **Business Community:** Chambers of Commerce
- **Schools:** Orange County Schools, Chapel Hill-Carrboro City Schools
- **Colleges/Universities:** Durham Technical Community College, UNC-Chapel Hill off-campus
- **Planning/GIS/Information Technology Support:** Planning and Technology Department Staffs
- **Elected Officials:** Serving as Ambassadors

Among the **Strategies** that the Committee plans to use are:

- Videos, Facebook, other social media outlets
- News online and in print
- Public Service Announcements on the radio, in buses
- Posters in local government facilities, medical clinics and businesses
- Get out the Count events
- Tabling at events
- Website with links
- Identify trusted partners within the hard-to-reach communities to deliver the message.

- Recruit community Census communicators who will spread the messages to neighborhoods through listservs, e-mail newsletters, social media, Next Door and other means.
- Kickoff events on Census Day (April 1, 2020) at all Be Counted Sites

Tentative schedule

- **January-February** – The Census Bureau begins national awareness campaign. The Orange County CCC will develop local messages to amplify the Census Bureau's outreach efforts with a focus on the importance of participating in the Census. In addition, the Committee will develop talking points that address specifically how the Census data is used to benefit the local community. The CCC will recruit community volunteers who will agree to share information with their friends and neighbors through community emails, newsletters, etc.
- **March** – The Census Bureau mails postcards to households with unique identifying numbers. Households will be able to complete the census online, by phone or by requesting a paper form. The CCC message will shift to alerting residents to expect the postcard and encouraging them to complete the questionnaire.
- **April** – Be Counted sites will open on Census Day (April 1) to provide online access to residents who do not have Internet service. These sites will be located at libraries, community centers and other facilities throughout Orange County (see attached map). The Be Counted Subcommittee will look to add additional sites in areas that have experienced low response rates in prior censuses.
- **May-July** – The Committee will continue to promote responding to the census.

Next steps

The subcommittees and Committee will meet through winter and spring to identify strategies to accomplish their objectives.
Staff will provide any other information at the meeting, and the governing boards can discuss issues and provide feedback to staff related to this item as necessary.
Attachment 2a – 2020 Census Invitation Letter and Questionnaire
Attachment 2b – Map of Be Counted Site Locations

Todd McGee made the following PowerPoint presentation:

Everyone County
The 2020 Census:
What it means to Orange County

What's at stake

- Political Representation
- Federal Funding
- Community Planning and Economic Development

Map

Federal Funding

- $675 billion a year for schools, transportation, roads, social services, etc.
- Each person counted in North Carolina is about $1,600 in federal funding for the state and another $200 in state funding.

Data

- Businesses use data to determine locations or expansions
- Local governments use the data for planning purposes

What's New in 2020

- Online response
- Telephone response
- 12 languages
- More dual-language enumerators

Schedule

- March 12-20 – Invitations mailed

SAMPLE SLIDE OF INVITATION-Letter

Schedule

- March 16-24 – Reminder letters sent
- March 26-April 3 – Reminder postcards sent to those who have not responded
- April 8-16 – Reminder letter and paper questionnaire sent
- April 20-27 – Final reminder postcards sent before in-person follow-ups begin

Challenges

- Digital Divide
- Hard To Count Communities
- Inadequate and late funding

-In the 2020 Census, about 95 percent of housing units will receive their census invitations in the mail. The U.S. Census Bureau will send up to five mailings to encourage you to respond online, by mail or by phone.

- The initial mailing will go out March 12-20. This will include information about how to respond online or by phone.
- A reminder letter will come about a week later. If you haven't responded by the end of March, the Census bureau will send a reminder postcard. A fourth mailing a week later will include a copy of the paper questionnaire. These will be sent from April 8-16.
- **If you still haven't responded by April 20, you will receive one more reminder postcard. Follow up in-home visits will start at the end of April and early May for those who have not yet responded.**
- **In Orange County, almost everyone will first receive a letter asking you to go online to complete the census questionnaire.**
- **One census tract in Chapel Hill has been identified as an area less likely to respond online, so they will receive a paper questionnaire along with their first invitation.**

Complete Count Committees (CCCs)

- Led by Vice Chair Renee Price
- More than 50 members and growing
- Stacey Carless, Executive Director, NC Counts Coalition

- Bob Coats, Governor's Census Liaison
- Eric Edelheit, Census Bureau Liaison

MAP of CCC Committees in NC

CCC Role

- Promote awareness of the Census
- Encourage participation
- Identify hard-to-reach communities
- Work with trusted leaders in those communities

The Census staff has already begun sowing CCC seeds. The NC CCC shouldn't reinvent the wheel, but we can support existing CCC and encourage CCC growth.

- LOCAL ownership of the Census is key.
- There's no set playbook for CCCs. They vary by the communities they serve, but there are some consistent components – assess, plan, budget, and communicate.
- Almost every county in North Carolina has created a Complete Count Committee.
- Counties understand what is at stake in terms of funding and political representation.

Subcommittees

- Be Counted Sites
- Publicity and Marketing
- Hard to Count Non-English Speaking
- Hard to Count NGOs with clients
- Community Outreach
- Business Community
- Schools
- GIS/IT support
- Elected Officials

Be Counted Sites

- Addresses the Digital Divide
- Public Computers
- Non-staffed (self-service)
- Available during regular business hours
- Pop up sites

Hard to Count Committees

- Homeless
- Non-English speaking
- College students
- Young children

Todd McGee said nearly one million children under the age of 5 were uncounted in the 2010 census

Counting the Homeless

- Service-Based Enumeration (SBE)

- March 30-April 1
- In-person interviews with individuals using a paper form
- Enumeration at Transitory Locations (ETL)
- Hotels, motels, campgrounds surveyed in the fall
- April 9-May 4.

Todd McGee said people experiencing homelessness likely have been undercounted in the decennial census for decades. He said there are a number of ways that the 2020 Census will count people experiencing homelessness in the United States. He said the primary operations for counting people experiencing homelessness in the 2020 Census are the Service-Based Enumeration (SBE), which is part of the broader Group Quarters operation, and Enumeration at Transitory Locations (ETL). He said the SBE operation locate people at places where they receive services and at outdoor locations, including shelters and soup kitchens. The effort targets outdoor locations, including encampments and other locations where people sleep unsheltered. He said the SBE operation will run from March 30 through April 1, and during the SBE, census takers will conduct in-person interviews with individuals using a paper census form.

Todd McGee said non-sheltered outdoor locations, which will be identified in advance, will be counted on April 1, 2020. He said the Census Bureau will identify service-based and outdoor locations through internet research, outreach to advocacy organizations, and outreach to elected officials of state, local, and tribal governments. He said ETL operations count people in transitory locations who do not have a stable home elsewhere, including people experiencing homelessness. Hotels, motels and campgrounds are included in this operation. Potential locations were identified in Fall 2019.

Todd McGee said the ETL operation will take place from April 9 to May 4, 2020.13

Non- English Speaking

- Census Bureau making information available in 12 languages.
- Trusted community leaders
- Schools

Foreign Languages

- Arabic
- Chinese
- French
- Haitian Creole
- Japanese
- Korean
- Polish
- Portuguese
- Russian
- Spanish
- Tagalong
- Vietnamese
- Burmese
- Karen
- Kinyarwanda (Swahili)

Todd McGee said the Census Bureau is translating the information to 12 languages, and in addition, the Family Success Alliance (FSA) has identified three additional languages that are more common in Orange County than some of the languages on the Census Bureau's list:

Burmese
Karen
Kinyarwanda

Todd McGee said staff will work with the FSA to translate some of the Census materials into these languages as well.

Group Quarters Enumeration (GQE)

- Group homes
- Nursing facilities/skilled nursing facilities (nursing homes)
- Residential treatment facilities
- College/university or seminary student housing
- Religious group living quarters
- Correctional facilities
- In-patient hospice facilities
- Hospitals
- Workers' group living quarters
- Job Corps centers or vocational training facilities

The Bureau uses multiple approaches to try to get an accurate enumeration of people living in group quarters including:

Electronic Response Data Transfer (eResponse)

- In-person Interview
- Drop Off/Pick Up of Questionnaire
- Paper Response Data Collection

Mayor Hemminger said she spoke with the University of North Carolina (UNC) yesterday, and the University is ready to spread the message to all UNC students, and explain the differential. She said UNC is just waiting to get information from the boards, and is happy to broadcast it widely.

Todd McGee said staff is working on this currently, and UNC is part of the complete count committee.

Outreach strategies

- Census Captains
- PSAs
- Interviews
- April 1 kickoff events
- Public speaking

Todd McGee asked if each elected official in attendance would be a census captain, and to put the census information on personal social media feeds.

Chapel Hill-Carrboro City Schools (CHHCS) Board Chair Joal Broun said the two school systems are working together, and Cedar Ridge High School's video group is making a video emphasizing child nutrition, which will be another PSA.

Carrboro Town Council Member Gist said staff is doing a great job, and she asked if people will be scared to talk to census takers for fear of immigration repercussions.

Todd McGee said security is one of the main issues that staff will focus on, especially in February. He said every 'be counted' site will have cards available highlighting the steps taken by the census bureau to explain that the data cannot be shared for 72 years. He said census data has been used in the past to locate wanted persons, and so the fear is understandable.

Commissioner Price said the committee has made a conscious effort to involve people from the Latinx community as trusted messengers to take the information back to their communities. She said trust is a huge issue, and always has been throughout the history of the census.

Carrboro Town Council Member Ferguson said it is important to emphasize the confidentiality laws, which did not exist in the past. She said the census is locked down, and the consequences for violating privacy are extremely serious.

Commissioner Greene said both she and Kathleen Ferguson were at a Triangle J Council of Governments (TJCOG) meeting last week, where a presentation was made about the census and the severity of the fines. She said Orange County is only 40-60% towards reaching its recruitment goal for census workers. She said those interested in being a census worker can go to 2020census.gov/jobs and apply on line. She said the pay is good.

Commissioner Greene said the census will not ask for a Social Security Number, credit card, etc. but all those things have already happened in North Carolina. She said all census workers who go house to house will be well identified, with official IDs.

Chapel Hill Council Member Buansi said there is risk of false census documents, and asked if there are any public campaigns to advise people on how to identify the real form the fake.

Todd McGee said staff will start promoting a sample letter. He said there will be no phone calls made by the census bureau, and letters will not be addressed to people by name. He said staff will provide information on any scams of which it is aware.

Mayor Lavelle said she has an article that outlines the laws that protect census data.

Chair Rich asked if residents in the northern part of the County will have reliable broadband access.

Todd McGee said staff will bring hotspots.

Hillsborough Town Commissioner Hughes said the Town of Hillsborough Board has committed at least $5000 matching funds for marketing in Orange County, and encouraged other towns to do the same. He said completed census data directly connects to Orange County receiving Federal funds, and it is very important that residents complete the form.

Carrboro Council Member Romaine asked if instructions for completing the census will be widely available, as it can be a difficult form to understand.

Todd McGee said the census contains 10 questions, and he can forward the sample letter to the boards. He said it is not terribly complicated to understand, and the biggest issue is understanding that this information is about households, not necessarily families.

Carrboro Council Member Romaine asked if it is known how long it will take to complete the form.

Todd McGee said about 10-15 minutes, and the sample one is in the boards' agenda packet. He said the form is not complicated, and the greater challenge is convincing people to fill it out.

Carrboro Council Member Slade encouraged his board to invest in the census, as there is real return on the investment.

Todd McGee said the state was going to invest $1.5 million, which was only 14 cents per person, but has ultimately chosen to invest nothing. He said North Carolina is one of many states that are not investing in the census, and local support will be very important.

Commissioner Price said people have applied for census jobs but have not heard back from the Census bureau yet. She said census workers will have identification on them. She said Orange County has invested $1500 already, and will invest an additional another $5000.

Commissioner Price said the census website has about 100 languages.

Commissioner Greene said the official hot line # is: 1-800-424-6974

Mayor Weaver thanked the Census Count Committees.

Mayor Hemminger introduced the item below:

3. Update on the County's Emergency Response Time and Co-Location Efforts

Background

Dinah Jeffries, Emergency Services Director, presented this item along with Kim Woodward, Emergency Medical Services Operations Manager.

Background

In FY 2019-20 (July 1, 2019 to January 17, 2020), Orange County Emergency Medical Services (EMS) has responded to 9,033 calls, with a projected outlook for the year of 16,500 calls. During this period, approximately 208 times, the County has needed to request assistance from surrounding counties (Durham, Alamance, Chatham, Caswell and Person) to respond to calls when no EMS units were available. With the addition of the UNC-Hillsborough Emergency Department (ED), EMS has been able to reduce the discharge time for patients and report available for service. This does not affect the call volume; however, it does reduce the length of time that a unit is out of service, thus reducing the time that County partners must remain on standby to respond into Orange County for calls.

Issue 1: UNC-Hillsborough Hospital and the relationship to EMS response times

Traditionally, Orange County EMS transported all of patients to UNC-Chapel Hill, Duke/Durham Regional and/or Alamance Regional. With the new UNC-Hillsborough location opening in 2015, transports to Duke have dramatically decreased, which in turn clears units quicker to return for service.

UNC Hillsborough (UNC-H) is typically served by Medic 1 (Revere Road, Hillsborough), Medic 4 (Mt. Willing Road, Efland), Medic 5 (St. Mary's Road, Hillsborough), and Medic 7 (NC 86 South – across from Camp New Hope, Chapel Hill). Patients are being transported to UNC-H by ambulance from northern Chapel Hill and northern Orange County. In 2019 Orange County EMS transported 1,254 patients to UNC-H. The average turn-around time of an ambulance transporting to UNC-H was 26 minutes 29 seconds, in stark contrast to the 37 minute 53 second average - around time for ambulances transporting to Duke University Medical Center. While impossible to analyze fully, this quicker turn-around time, accompanied by the shorter transport time to UNC-H, allows ambulances to clear up faster from each call. Response time is dependent on the number of available ambulances and the proximity to the requested response. The opening of UNC-H also allowed many of the northern Orange County patients, who would have otherwise been taken to Duke or UNC Main Campus in Chapel Hill, to be transported to a closer hospital with a shorter turn-around time.

Background

Orange County EMS is a single EMS district, which delivers response to the entire County encompassing approximately 398 square miles to include the three municipalities. The highest percentage of EMS calls occur within and proximate to Chapel Hill, followed by Hillsborough

and then Carrboro. The Hillsborough responses have increased steadily due to the addition of multiple medical and nursing facilities. EMS currently staffs six (6) 24-hour stations, with four (4) of those stations co-locating, and two (2) 12-hour stations, with both of those stations co-locating. It is important to note that with the exception of the Chapel Hill Fire Station in Glen Lennox, also known as EMS Station 3, none of the current facilities were originally built or intended to accommodate EMS operations, including the stand-along stations that house two of the northern stations. Co-locations have allowed EMS to protect the ambulances and drugs in a temperature controlled, enclosed and secure environment.

Issue 2: How are the co-locations with the Fire Departments going?

EMS is currently housing ambulances at the following colocations:
Medic 2 – Carrboro Fire Rescue Station 1 (S. Main Street)
Medic 3 – Chapel Hill Fire Station 2 (Hamilton Road)
Medic 5 – Eno Fire Station 2 (St. Mary's Road)
Medic 6 – Carrboro Fire Station 2 (Homestead Road)
Medic 7 – New Hope Fire Station 2 (Hwy 86)
*Medic 9 – Orange Grove Fire Station (Orange Grove Road)

The co-locations are effective and advantageous for the communities and offer strategic placement of equipment and personnel. The County's partnerships with each fire department have strengthened, as the arrangement allows crews to routinely train with Fire Department personnel. Chapel Hill Fire and Orange Grove Fire both advanced to EMT level fire departments since the co locations. EMS is currently working with New Hope and Eno Fire to also advance to the EMT level in the upcoming year. EMS has improved its geographic knowledge in the service areas. These co-locations have also led to ambulances being housed inside, which greatly improved medication temperature control as well as keeping ambulances plugged into shorelines and preserving the ambulances. Ambulances were fitted with plymovent adaptors in FY 2018-2019 for those stations with plymovent exhaust systems.

The County has experienced space issues at the majority of the co-location stations already established and designed for fire logistics and personnel. During weather events, EMS recognizes that fire departments increase staffing that continues the challenge of providing lodging for additional staff or relief staff for the following day. All of the County's co-locating partners have been extremely gracious and accommodating in adjusting operations and the living environment for EMS staff. Strategically, co-locations are placed in high demand areas with the exception of two locations that have the lowest utilization system wide; however, EMS is using these units to provide relief for the high demand stations, as well as provide visibility in communities that have not commonly experienced EMS presence.

Future Co- locations

Co-location with Orange Rural Fire Department

- Waterstone Fire/EMS Station:
- Entering design stage with Orange Rural Fire Department
- Strategically placed to respond to the heavy numbers of medical facilities and senior housing in Hillsborough
- EMS stand-a-lone station in Efland
- Replaces the existing station
- Strategically placed to quickly access major roadways
- EMS stand a-lone Northern Cedar Grove

- Located in center of Northern Orange County

CONCLUSION

• More strategic planning needed
• Continue our work with fire partners
• Continuing providing excellence in service
• Prepared, Coordinated and Integrated Emergency Services System

Future Projections- Dinah Jeffries

Orange County Emergency Services EMS is an on-going and at times almost continuous service that functions 24-hours a day throughout the entire County. Not all existing locations were based on strategic planning, so this concern must be addressed as a long term issue in future planning. Fire and EMS personnel work together throughout the county every day and the common goal to always provide more than is expected remains throughout the system. Staff will provide any other information at the meeting, and the governing boards can discuss issues and provide feedback to staff related to this item as necessary.

Dinah Jeffries said the vision is that this emergency services system be prepared, coordinated, and integrated, and this requires the continued cooperation of all involved parties, for which she is very grateful. She said Orange County has some of the best trained, and most professional, responders in the State, and the nation.

Carrboro Council Member Slade said Carrboro just completed a facility assessment, and he is intrigued to hear about co-location, as the Carrboro fire station has some adjacent space. He said if the County provided funding, there could be room to build onto the station in Carrboro. He said the stand-alone station in downtown Carrboro is an economic development opportunity.

Dinah Jeffries said her department is open to all invites. She said that the stand-alone station in Carrboro is South Orange Rescue Squad (SORS), which has very limited space to co-locate EMS there.

Commissioner McKee commended EMS and the fire departments, and said he remembered the skepticism years ago about co-locations. He encouraged the re-staffing of the Orange Grove Fire Department co-location. He said he is aware of 2 situations where the ambulance being in Orange Grove allowed for tragedy to be avoided.

Mayor Lavelle said Carrboro has one of the highest call volumes, and asked if EMS is at fire station number 1 in Carrboro.

Kim Woodward said EMS is located at both fire stations in Carrboro, but call locations are all calls in Carrboro.

Mayor Lavelle said Carrboro has a new Fire Chief called Dave Schmidt.

Hillsborough Commissioner Member Hughes said Hillsborough has the second highest call volume, and asked if this refers to Hillsborough proper or the greater Hillsborough Township.

Dinah Jeffries said the greater Hillsborough Township, and this includes station 1 and 5. She said the reason Hillsborough's numbers have grown so much is due to the additional medical facilities in the area. She said there EMS is there daily.

Chapel Hill Council Member Buansi thanked Emergency Services, and asked if the need for mutual aid partners is comparable with past years.

Kim Woodard said the need is less now, as compared to 2010, but the trend is moving up, and staff is keeping a close eye. She said it would be great if Orange and surrounding counties could work this out, but there are days that are surge days, and they do not parse out

to insure equal staffing. She said thus far, Orange County's surge days have not corresponded with other counties, which is fortunate.

Hillsborough Commissioner Hughes said Alamance and Durham counties are most frequently mentioned, and asked if this is Orange County helping its neighbors, or neighbors coming to help Orange County.

Kim Woodard said it is neighbors coming to help Orange County in call response. She said South Orange is utilized frequently, and she is proud of this relationship.

Hillsborough Commissioner Hughes asked if there are typical situations that require extra help.

Kim Woodard said the telecommunicators prioritize the responses, and send the closest ambulances to the highest acuity call, with longest distance traveling ambulances going to non-emergency calls.

Mayor Hemminger said Chapel Hill also has a new Fire Chief called Vencelin Harris, who will be sworn in next week.

Mayor Lavelle said noted the following information items:

4. Information Items (Written Updates – Not for Specific Discussion)

a) Orange County Climate Action Committee Update
b) Orange County Transit Plan Steering Committee Update
c) HOME Consortium Project Update
d) Update on Orange County Northern Campus Project
e) Update on Collins Ridge
f) Update on the Carrboro Economic Development - Lloyd Farm, etc.
g) Update on Chapel Hill Economic Development - Opportunity Zone, Project Well, etc.
h) Update on Orange County Economic Development
i) Update on the Colonial Inn

The meeting adjourned at 9:31 p.m.

Penny Rich, Chair

Donna Baker
Clerk to the Board

Attachment 3

DRAFT **MINUTES**
BOARD OF COMMISSIONERS
BUSINESS MEETING
February 4, 2020
7:00 p.m.

The Orange County Board of Commissioners met in a Business Meeting on Tuesday, February 4, 2020 at 7:00 p.m. at the Whitted Human Services Center in Hillsborough, N.C.

COUNTY COMMISSIONERS PRESENT: Chair Penny Rich and Commissioners Jamezetta Bedford, Mark Dorosin, Earl McKee, Mark Marcoplos, and Renee Price
COUNTY COMMISSIONERS ABSENT: Commissioner Greene
COUNTY ATTORNEYS PRESENT: John Roberts
COUNTY STAFF PRESENT: County Manager Bonnie Hammersley, Deputy County Manager Travis Myren, and Clerk to the Board Donna Baker (All other staff members will be identified appropriately below.)

Chair Rich called the meeting to order at 7:00 p.m.

1. Additions or Changes to the Agenda

Chair Rich noted the following item at the Commissioners' places:
- PowerPoint for Item 5-a

PUBLIC CHARGE

The Chair acknowledged the public charge.

Arts Moment

Dan Mayer, Orange County Arts Commission Member, introduced Nancy Peacock:

Nancy Peacock, served as Piedmont Laureate in 2018, and is the author of the novels Life Without Water (chosen as a New York Times Notable Book), Home Across the Road, and The Life and Times of Persimmon Wilson, winner of Shelf Unbound Best Self Published Novel, and Writer's Digest Best Self-Published Book in Mainstream Fiction, later traditionally published by Atria Press. She is also the author of the memoir and "writing-in-the-real-world" guide A Broom of One's Own: Words on Writing, Housecleaning and Life, which chronicles the many years she spent dusting her own books as she earned a living cleaning houses, and what she learned about writing from that humbling experience. Cheryl Strayed, author of Wild, says of A Broom of One's Own, "Each essay is an engaging, well-written, funny and poignant journey into Nancy Peacock's generous spirit, humble heart and incisive mind." Nancy runs writing groups for women and for 16 years has facilitated a popular, free Prompt Writing Workshop, now held at Flyleaf Books the second Saturday of every month.

Nancy Peacock read a piece called, "Cookies".

2. Public Comments

a. Matters not on the Printed Agenda

Annette Moore introduced Frances Castillo, the new Chair of the Human Relations Commission (HRC), and said they are here to talk about the 30th anniversary of the Pauli

Murray Awards, which will be held on February 23rd from 3:00-5:00 p.m. She said the guest speaker will be Ed Pavlić, Ph.D., a Distinguished Research Professor of English and African American Studies at the University of Georgia, and the evening will also include poetry, dance, and music.

Frances Castillo said the winners of the Pauli Murray Awards were:

Mae McLendon *Adult Awardee*

Thea Barrett *Youth Awardee*

Annette Moore said the HRC created a task force to work on increasing diversity on boards and commissions. She said the task force has already created a survey, and will be sending it out to all volunteers who are currently serving on the boards and commissions to gather demographic information.

Commissioner McKee said he would regretfully be unable to attend the Pauli Murray awards ceremony, as he will be out of state.

b. Matters on the Printed Agenda

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

3. Announcements, Petitions and Comments by Board Members

Commissioner Dorosin asked if the Board of County Commissioners (BOCC) could get a one-page information sheet that explains the County's budget process, especially regarding school funding and the monitoring of funds that occurs once the County has approved the budget. He said this would be very helpful to hand out to the public.

Commissioner Price said this is Black History Month and Black History is a part of American history. She encouraged everyone to check out the many programs taking place throughout the County.

Commissioner Price said the Census Bureau still has part-time jobs available.

Commissioner Price recognized David Caldwell for all he has done in Orange County, noting that he just retired.

Commissioner McKee said a resident has petitioned the Board to consider reciting the pledge of allegiance at meetings. He said this item should have been a Board discussion and not an information item. He petitioned to bring this back as an agenda item.

Commissioner Price said the information sheet on this item states that Chair/Vice Chair agreed that this would be an information item, but she did not agree to such a decision. She said the page in the Commissioners' packets is incorrect.

Commissioner Bedford said there will be another job fair in the County in March.

Chair Rich asked if staff would provide more information on the job fair.

Commissioner Marcoplos said he appreciated and supported Commissioner Dorosin's request on the budget process.

Commissioner McKee said he and Commissioner Price attended the GoTriangle Special Tax meeting, and were given information, which he will share with the Board electronically. He said there was a great video on electric buses, which he will also share.

Chair Rich thanked Commissioner Dorosin for his request, and said the questions asked at last night's candidate forum were not correct. She said either the schools or the general public do not understand the County's budget process, and it is important to have accurate information.

Chair Rich agreed with recognizing David Caldwell.

Chair Rich said she met some high school students at last night's meeting from the "Sunrise Movement", who are very concerned about climate change. She invited them to come to a BOCC meeting, and address the Board.

4. Proclamations/ Resolutions/ Special Presentations

a. <u>National Register Approval for Cedar Grove School and the Schley Grange Hall</u>

The Board considered the Historic Preservation Commission (HPC) recommendation that the historic properties known as the Cedar Grove School and the Schley Grange Hall be approved and forwarded to the State Historic Preservation Office for listing in the National Register of Historic Places and authorizing the Chair to sign.

Peter Sandbeck, Cultural Resources Coordinator reviewed this information below, presented a PowerPoint (photos only) of both sites, as well as an oral history.

BACKGROUND: The federal process for listing a property in the National Register of Historic Places include a provision giving the BOCC the opportunity to offer a recommendation supporting or opposing the listing of historic properties within its jurisdiction. The HPC fully supports the nomination of these properties to the National Register. As required, the HPC held a public hearing and received public comment about these proposed National Register listings at its regular meeting on January 22, 2020.

DEAPR contracted with consultants to prepare the National Register Reports to promote recognition for properties of special historical, architectural or cultural significance to Orange County. This is an ongoing HPC program to protect and preserve historic resources. Funding was provided through the County's Lands Legacy Program, which includes as one of its priorities the protection of "lands of historic, cultural, or archaeological significance."
The National Register is an honorary designation that carries no local regulatory burden, but does provide a federal and state process for protection in the case of projects receiving federal or state funding, or projects that require some form of federal or state permit or license.
The attached excerpts from the National Register Reports provide brief statements on the significance and describe how the properties meet the applicable National Register criteria (Attachments 1 and 2).

FINANCIAL IMPACT: The National Register Reports were funded in part from the Lands Legacy Program budget for FY 2018-19. The Cedar Grove School cost was $3,500 (less than usual cost due to DEAPR staff providing much of the research). The Schley Grange Hall cost totaled $2,750 in County funds, plus $2,750 in matching funds provided by the Schley Grange.

Commissioner McKee said he enjoyed hearing the history of these two important buildings. He said the Grange was very active and then fell off years ago, but has been revived by some of the originally involved families.

Peter Sandbeck said this is so true, and the Grange is really on solid footing these days.

Commissioner Price said compliments to all for bringing this about. She said historic preservation is typically about the best of the best, and preserving places that have such a legacy is so important. She said at one time both buildings were going to be deconstructed, but community activism saved them. She said both of these buildings were built and existed during the days of segregation, but they are no longer this way.

Chair Rich asked if the County will have any responsibility for these sites if they are placed onto the national registry.

Peter Sandbeck said this is an honorary program, not a regulatory one, and the County is expected to follow the advice of its HPC in terms of preserving the character and appearance of the buildings, and trying to maintain them in good condition. He said the County would have

no official review control over it, and the expectation exists, but without a "hammer". He said the community has considered having these buildings designated as County landmarks for future protection.

Commissioner Dorosin asked if it would be possible to expand or add onto the community center.

Peter Sandbeck said this has been discussed, and is always acceptable. He said the HPC and the County would work together on any such project.

A motion was made by Commissioner McKee, seconded by Commissioner Price for the Board to endorse the National Register Nominations of the Cedar Grove School and Schley Grange Hall and authorize the Chair to sign the Elected Official Comment Letters (Attachment 3) to indicate the Board's recommendation for listing both properties in the National Register.

VOTE: UNANIMOUS

Chair Rich said Commissioner Greene is absent tonight because she is taking weekly course at the School of Government.

5. Public Hearings7

a. <u>Amendment of the Master Telecommunication Plan Map (MTP)</u>

The Board held a public hearing, receive comment, and consider action on a request to modify the Master Telecommunication Plan Map (MTP) in accordance with the provisions of Section 5.10.2 *Master Telecommunication Plan* of the Orange County Unified Development Ordinance (UDO). Specifically, the BOCC is considering a request to add 7203 Union Grove Church Road to the MTP.

Michael Harvey, Current Planning and Zoning Supervisor, presented the item:

BACKGROUND: There are portions of the County that are either not served, or are underserved, by telecommunication services. This has become an impediment to essential County communications for several departments (i.e. Emergency Management, Sheriff, Information Technologies, Building Inspections, Health Department, etc.) and has negatively impacted local residents. In an attempt to address these issues, the County created the MTP. The MTP is, ultimately, a marketing tool identifying properties where owners have expressed an interest in allowing the development of telecommunication facilities. Staff encourages providers to develop facilities on these properties in an effort to promote the efficient distribution of telecommunication facilities serving the public at large as well as public safety telecommunication networks.

Requests to include/remove properties from the MTP are processed consistent with the provisions of Section 5.10.2 of the UDO. Such requests must be submitted to the Planning Department by December 1 of each year and are reviewed annually, as warranted, by the BOCC at the first public hearing of the calendar year.
The MTP was originally approved by the BOCC on February 28, 2011.

Minutes from that meeting can be accessed at:
http://server3.co.orange.nc.us:8088/WebLink/0/doc/22420/Page1.aspx.
At this time the MTP, a copy of which is contained in Attachment 1, includes 15 parcels identified as follows:

1. The Cedar Grove Fire Department, PIN 9838-85-4442 (P-1);

2. The Cedar Grove County Park, PIN 9858-84-9350 (P-2);
3. The Caldwell Fire Department, PIN 9898-57-4171 (P-3);
4. The future County Northeast Park, PIN 9887-52-0801 (P-4);
5. The Walnut Grove County Solid Waste facility, PIN 9867-41-9070 (P-5);
6. The Eno Fire Department, PIN 9896-80-8705 (P-6);
7. Property off of Buckhorn Road, PIN 9834-28-9281 (P-7);
8. The County's soccer field complex off of West Ten Road, PIN 9834-28-9281 (P-8);
9. The County's Blackwood park property off of NC Highway 86, PIN 9872-55-7302 (P-9);
10. The County's Millhouse Road park property, PIN 9871-51-9160 (P-10);
11. An OWASA site, PIN 9830-25-2373 (P-11);
12. The American Stone Quarry site off of NC Highway 54, PIN 9759-54-4146 (P-12);
13. White Cross Volunteer Fire Department, PIN 9738-50-6758 (P-13);
14. 2200 Mangum Court, PIN 9797-32-6626 (P-14);
15. 3820 Cedar Run Court, PIN 9846-65-1414 (P-15).

Inclusion of a parcel on the MTP **does not** exempt telecommunication facilities from complying with applicable development standards as prescribed within Section 5.10 of the UDO. A synopsis of existing allowances/requirements is contained within Attachment 2.

As previously indicated, staff has received a request from Mr. Greg Bohlen, the property owner, to include 7203 Union Grove Church Road on the MTP. The property, further identified utilizing Orange County Parcel Identification Number (PIN) 9860-28-9935, is an approximately 10 acre parcel of property zoned Rural Buffer (RB) University Lake Protected Watershed Protection Overlay District.

Please refer to Attachment 3 for a copy of the legal advertisement for this hearing and Attachment 4 for a map of the property.

This is an area where existing telecommunication services (i.e. cell phone, emergency communications, broadband, etc.) have been found to be deficient.

Planning Director's Recommendation: The Director has determined there is a need for additional telecommunication infrastructure/services in this area to address the need for reliable cellular service, increase the effectiveness of the existing emergency communications network and increasing opportunities for broadband services. Further, the Director has found the request consistent with several provisions of the 2030 Comprehensive Plan, notably:

- **Land Use Overarching Goal**: Coordination of the amount, location, pattern and designation of future land uses, with availability of County services and facilities sufficient to meet the needs of Orange County's population and economy consistent with other Comprehensive Plan element goals and objectives.
- **Services and Community Facilities Goal 7**: Efficient and effective public safety including, police, fire, telecommunications, emergency services, and animal services.
- **Objective PS-T-6**: Develop a mechanism for cooperation with telecommunication facilities stakeholders regarding the siting and design of towers.
- **Objective PS-T-7**: Manage the number of future wireless telecommunication facilities by identifying preferred locations capable of accommodating service Countywide.
- **Objective PS-T-8**: Encourage the expansion of affordable, high-speed Internet access, fiber-optic lines, and other high-speed communication networks to rural and underserved areas.

- **Objective PS-9**: Maintain a radio communication system that ensures reliable notification and oversight of emergency assets, such as personnel, vehicles, and response equipment, throughout Orange County and inter-operability of communication among jurisdictions.

The Director recommends approval of the request to amend the MTP to include 7203 Union Grove Church Road as Site P-16.

As the adoption/modification of the MTP does not involve the approval of a specific development project, establish regulatory guidelines, make formal recommendations on revising development criteria or establish recommendations on modifying development policies (i.e. small area plans), or provide any form of development approval, the Planning Board is not required to review or make a recommendation on the MTP.

Attachment 5 includes the resolution modifying the MTP to include 7203 Union Grove Church Road.

Michael Harvey made the following PowerPoint presentation:

ITEM 5 (a) - PUBLIC HEARING
AMENDMENT of Master Telecommunication Plan Map (MTP)
Board of County Commissioners Public Hearing
February 4, 2020

Background

- There are portions of the County not served and/or underserved by telecommunication services;
- This impacts essential communications (i.e. Emergency Management, Sheriff, Information Technologies, Building Inspections, Health Department, etc.) and negatively impacts local residents;
- In an attempt to address these issues, the County created the MTP.

Background- What does the MTP do?

- Serves as a marketing tool identifying properties where owners, including public properties, have expressed an interest in allowing development of telecommunication facilities;
- Assists staff in addressing impediments to essential communications with providers;
- Represents a proactive step by the County to comprehensively address local communication issues and access to services.

MTP

- Originally adopted by BOCC in 2011;
- Contains 15 properties (includes County owned, volunteer fire departments, utility sites, private property)

What does the MTP not do:

- Exempt properties from the normal review and approval processes for towers (i.e. admin site plan approval, issuance of special use permit, etc.);

- Eliminate the need for permits prior to the start of construction (i.e. Zoning Compliance, Erosion Control, Building, etc.);
- Convey or establish a greater use of property than otherwise exists within the UDO.

Why are we here:

- Staff has received a request to include a parcel of property off Union Grove Church Road (PIN 9860-28-9935) on the MTP;

Staff Findings:

- There is a need for additional infrastructure in the area to:
    - Address reliable cellular service,
    - Increase effectiveness of the existing emergency communications,
    - Increasing opportunities for broadband services.
- Request is consistent with adopted Comprehensive Plan;
- Complements existing properties already part of the MTP.

RECOMMENDATION(S): The Manager recommends the Board:

1. Receive the request;
2. Conduct the public hearing and accept comment;
3. Close the public hearing. (Note that, because this is a legislative decision, additional comments at a later date are permitted);
4. Approve Attachment 5 amending the MTP to include adding PIN 9860-28-9935.

Commissioner Dorosin clarified that the decision to add this property is just that, and there has been no further process or proceeding with the property.

Michael Harvey said the owner of the property would like to bring in his own tower permit immediately, and intends to offer the County a slot on the tower in order to erect telecommunication equipment. He said staff is keen to help the owner move forward, but it would not exempt the owner from getting all applicable permits.

Commissioner Dorosin said this one is likely to move forward.

Michael Harvey said this is on a fast track as the property owner thinks there is a unique and immediate interest to help the telecommunications needs of the local fire department.

Commissioner Dorosin referred to the map, and asked if there are higher priority areas. He said there are currently 16 sites, mostly in the northern and western parts of the County. He said if this marketing tool works, and someone wants to build tower, would staff have a priority order in which to direct tower building.

Michael Harvey said yes, and attachment 2 explains that all applicants are required to demonstrate being able to locate on one of the identified 16 sites, assuming BOCC approval. He said the applicant cannot do so, it must justify why.

Commissioner Dorosin asked if there is any hierarchy within these 16 sites that could be incentivized.

Michael Harvey said no, there is not a hierarchy within these 16 sites, but all development applications go the Development Advisory Committee, which is an internal staff committee that is attended by all County departments, most notably Emergency Services (EMS). He said there have been instances where EMS staff has identified areas with greater need, and has steered work in that direction.

Michael Harvey said the map itself shows coverage gaps throughout the area and staff will push these areas of greater need, but lack a willing development partner.

Commissioner Dorosin said that is helpful. He said the maps shows coverage gaps but no willing partner, and really there is just no coverage at all due to the lack of towers.

Michael Harvey said there are towers throughout the County, but there are still coverage gaps, and a lack of partnerships with private property owners. He said staff does remain hopeful.

Commissioner Marcoplos asked if staff has a sense of how long it might take before tower developers start putting up towers.

Michael Harvey said each year he is required to hold a meeting with all teleproviders, but none have attended for the last three years because providers are changing their models. He said teleproviders are petitioning the state to allow small cell sites in public rights of way, which would eliminate the need for towers altogether.

Commissioner Marcoplos asked if the expectation is this will engender more interest.

Michael Harvey said he hopes so, but with the changes forthcoming in this industry in the next 15-20 years, he expects there will be a massive change in how the telecommunication tower industry handles its business and installs infrastructure. He said he hopes companies will still take a look at the Cedar Grove Community Center.

Commissioner Dorosin said last week the BOCC heard from Jim Northup, Chief Information Officer, about the broadband project and the issues around that and trees getting in the way. He asked if there is any overlapping collaboration between these two projects.

Michael Harvey said everyone tries to coordinate, but his staff has not been as involved in the process as it would have hoped. He said there are several applications being reviewed currently, but these applications contain major issues, which staff is working through. He said the taller the structure, the better the signal will be.

Commissioner Dorosin said the changes in the industry are important to keep in mind, but asked if should Board to consider how dire the situation is, and whether it would be worthwhile to incentivize meeting critical needs. He asked if the County has authority to erect a tower, if the need were deemed dire enough.

Bonnie Hammersely said yes.

Michael Harvey said the County has been to the 5-yard line with this type of action before, but not to the end zone.

Commissioner McKee said this been has part of the conversation since 2012-2013.

Michael Harvey said his department has a stellar working relationship with Emergency Services, and tries to coordinate whenever possible. He said as interest increases, he hopes that all emergency communication needs can be addressed.

Chair Rich asked if Commissioner Dorosin would like to put this topic on a work session.

Commissioner Dorosin said yes, and that it may be useful to have information from the Sheriff's Department, EMS, and Jim Northrup about the urgency of getting this infrastructure in place. He said it sounds like the Planning Department is doing all it can to engage private entities, and he wonders if there is anything more the County should be doing. He said this, coupled with the broadband issue, impacts a lot of people.

A motion was made by Commissioner McKee, seconded by Commissioner Bedford for the Board to open the public hearing.

VOTE: UNANIMOUS

NO PUBLIC COMMENT

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

VOTE: UNANIMOUS (Note that, because this is a legislative decision, additional comments at a later date are permitted).

Commissioner Dorosin said Jim Northrup is in the audience, and asked if he had any additional comment.

Jim Northrup said not at this time.

Bonnie Hammersley said staff can bring back additional information on this.

A motion was made by Commissioner McKee, seconded by Commissioner Price to approve Attachment 5 amending the MTP to include adding 7203 Union Grove Church Road.

VOTE: UNANIMOUS

5. Regular Agenda

a. <u>Climate Action Tax Recommendations for FY 2019-20</u>

The Board received a report on climate change mitigation projects that could be funded through the FY 2019-20 Orange County Climate Action Tax, and the initial ranking of projects by the Commission for the Environment; and consider voting to approve funding for the recommended Climate Action Tax projects for FY 2019-20 as outlined in the attached report.

Chair Rich said the Board will consider the first two recommendations tonight, with the last two possibly coming back in two weeks.

BACKGROUND: As part of the FY 2019-20 budget, the Board of Orange County Commissioners authorized an additional ¼ cent property tax to provide an estimated $469,272 dedicated to accelerating climate change mitigation through the new Climate Change Mitigation Project in the Capital Investment Plan.

When the tax was authorized, the BOCC stated that it would decide the final prioritization of projects to be funded, and the Board requested that the Commission for the Environment (CFE) provide feedback on prospective projects in advance of BOCC review. The BOCC has emphasized the need to consider racial equity first, so that those who benefit most directly from the proposed action are the people who most need assistance. With that in mind, the Board directed staff to develop a project scoring formula for the CFE to use while completing its initial project ranking.

Staff developed an initial list of climate change mitigation projects and then created the requested scoring formula based on six (6) key criteria:

- racial equity
- emissions reduced
- efficient use of funds
- time to complete
- ease of understanding/messaging/visibility
- likelihood of success After review by the County Manager, four projects focusing on climate actions outside of County operations were presented to the CFE at its meeting on November 11, 2019.

The attached report includes the brief description of the projects and the assessment criteria that was given to the CFE, and lays out the CFE's scoring and ranking of the projects. In

addition to the four projects created by staff, the CFE put forward a fifth project and scored it as well. Since these potential projects involve investments outside of County operations, all prospective partners such as the school districts and housing coalition organizers have received an initial notification and brief description of the initially scored projects. No detailed project discussions have occurred in advance of BOCC direction.

Brennan Bouma, Sustainability Coordinator, made the following PowerPoint presentation:

Climate Action Tax Projects FY20
Orange County Sustainability Program
"FOR A GREENER ORANGE"

Background

- Climate Action Tax approved for current budget
- $469,272/yr. for additional climate action
- Commission for the Environment scored and ranked projects
- Requesting approval of recommended projects

History of Climate Action

- 2005 Greenhouse Gas Emissions inventory
- 2009 Geothermal systems begin to be installed
- 2010 Electric Vehicle charging network installed
- 2017 SolSmart Silver Designation
- **2017 Commitment to Paris Climate Accord - 26% reduction in total emissions by 2025.**
- **2017 Commitment to transition to 100% renewable energy countywide by 2050.**
- 2018 Triangle Regional Resilience Assessment
- 2019 Orange County Climate Council and Climate Action Tax

Current Climate Work

- Greenhouse Gas Emissions Inventory update in final edits
- Climate Action Planning in initial phase
- Orange County Climate Council work underway
- Grant-funded fleet electrification work ongoing
- Orange County Commuter Options program
- Global Covenant of Mayors annual reporting
- Climate Action Tax

Recommended FY20 Climate Actions

- CFE Scoring: 6 part formula prioritizing racial equity
    - Racial Equity (0 to 3pts)
    - Emissions reduced (0 to 2 pts)
    - Efficient use of Funds (0 to 2 pts)
    - Time to complete (0 to 1 pt)
    - Ease of understanding/visibility/messaging (0 to 1 pt)
    - Likelihood of success (0 to 1 pt)

Recommended FY20 Climate Actions (chart)

Recommended FY20 Climate Actions:
Supplemental Weatherization

- If <50% of Area Median Income, 12% of all income spent on energy
- Leverage ongoing partnerships: OCHPC, OCAHC
- Coalition organizers notified of potential project

Recommended FY20 Climate Actions
LED Campaign:

- LEDs can lower energy bills 7-10% and they last 10 times longer
- LIEAP and FSA are already serving energy insecure households
- Pledge and energy efficiency impact
- Partner departments notified of potential project

Recommended FY20 Climate Actions
Solar for Schools:

- 3 proposed grant requirements
  - -Consider leasing to maximize investment
  - -Report energy output and % offset
  - -Install a monitor for education
- Schools notified of potential project

Recommended FY20 Climate Actions (chart)

Commissioner Marcoplos thanked staff for its work. He said he has done a lot of air-sealing in his career, and he imagined that more than 15-20 houses would be completed. He said replacing windows is a lot more expensive than caulking and foaming, and he asked if various options can be investigated to see if more homes can be air sealed through a variety of methods. He said he would like to get more bang for the buck, and help as many people as possible.

Brennan Bouma said that is possible. He said the more he learns about this, the more complicated he understands it to be. He said he wanted to propose a conservative estimate, in case more houses have greater needs, such as HVAC systems, windows, etc. He said the pictures in the presentation are lower cost interventions, and if these are the types of improvements that the grant will fund, then more homes will be treated.

Commissioner Marcoplos said he assumed air-sealing, weatherization, and insulation would take top priority. He said this would be a significant upgrade to a lot of houses.

Commissioner Price referred to the solar array for the schools, and clarified that it is going to be a lease, with smaller amounts each year. She asked if there is a life expectancy for the equipment, and if there will be a party designated to handle repairs.

Brennan Bouma said the recommendation is for the schools to consider leasing as one of two primary financing strategies. He said this is a fairly new funding arrangement that was enabled by house bill 589 in 2017. He said there are RFP examples that require the bidding companies to present two options: within the funding amount show how much solar could be achieved via an outright purchase; and how much could be achieved through a leasing arrangement. He said there are provisions for maintenance of the solar arrays that can be baked into the lease, along with the size of the systems, etc.

Commissioner Price asked if there are benefits to leasing over purchasing.

Brennan Bouma said the benefit of leasing over purchasing is that a much larger solar array can be obtained immediately, and thus the up front climate impact is larger.

Commissioner Price said this is a hypothetical, and asked if there is a difference between leasing and purchasing with installments. She asked if staff is suggesting a lease to own process.

Brennan Bouma said staff is more likely thinking about lease to own. He said he assisted Orange Water and Sewer Authority (OWASA) with leasing solar at 5 different locations, and this is a good model to work from.

Commissioner Price said in the Board's packet it says each school district is supposed to work through a grant, and asked if this would be a grant from the County.

Brennan Bouma said yes.

Commissioner Price agreed with Commissioner Marcoplos' comments about serving more homes.

Commissioner Price said she is concerned as to whether weatherization is what people really need. She said the needs may be much larger.

Commissioner Price referred to the proposal criteria, which mentions racial equity, but this is really an issue of socioeconomic needs. She said she realizes there are a disproportionate number of people of color with greater socioeconomic needs, but she wants to be clear that Black does not equal poor. She said people of all races are living below the poverty line, and she asked if there will be a way to insure that minority populations take advantage of the program, thus insuring racial equity, because the program is based on income.

Brennan Bouma said this is a good question, and he will consider it.

Commissioner Price said it is difficult to market this as having racial equity as a first priority, when there is no guarantee of racial equity. She said it is difficult to trust that it will just happen.

Commissioner Dorosin said it may be useful to get some information about the demographics that the current County programs are serving.

Commissioner Price said one's race and ethnicity should not matter, and people in need should be served.

Chair Rich said the direction for racial equity came from the Board of Commissioners and staff should not take responsibility for it. She said some fine-tuning is needed.

Commissioner Dorosin said it could be changed to economic equity.

Commissioner Bedford said she read the resolution adopted by the BOCC last June, which states, "according to a formula that weighs the social justice and racial equity impacts." She said Commissioner Price's point is very valid, and the Board must consider how the racial equity piece will be covered.

Commissioner Dorosin said he appreciated the provision for monitoring of program effectiveness, at least in regards to the solar panels. He said the light bulb portion has a pledge to ask people how many light bulbs they change. He asked if before and after assessments will be made, in regards to utility savings, once the weatherization improvements are made. He said there is an educational component of this program, and having data about savings on hand will be important.

Commissioner Dorosin clarified that the plan is to put the school recommendations on hold until there are subsequent meetings with the staff and the schools.

Chair Rich said that is correct, and the schools asked for a little extra time to review the information. She said McDougal and East already have small solar panels.

Commissioner Dorosin asked if the idea is to have roof top panels on two schools, one in each district.

Brennan Bouma said that is the vision, but it could be spelled out in a recommendation if needed. He said he can talk with the schools about these details.

Commissioner McKee said he is very much in favor of the weatherization effort and the LED recommended projects.

Commissioner McKee said he found the back up information on the schools' projects sorely lacking, and he is glad that these projects are going to be deferred for further conversation, and buy in from school partners. He said he will send his questions to staff and the Board his questions, and there are a lot of details involved in these types of projects.

Chair Rich said the Board signed onto a petition with Duke Energy to get solar onto the schools, and asked if this project would be in partnership with that one.

Commissioner Marcoplos said this is completely separate.

Chair Rich said if that is the case, then feasibly more than two schools could have solar panels.

Commissioner Marcoplos said there will be a meeting with Duke Energy in the coming weeks including the Durham County Commissioners, Chatham County Commissioners, former Apex Town Councilman, and himself. He said the goal is to ask Duke Energy to duplicate its efforts in California and Arizona where it installed solar arrays on schools at no cost.

Commissioner Marcoplos said the first solar array in North Carolina was built in Raleigh in a park and ride lot, so there are many options.

Commissioner McKee said there should be more options than just placing the array on a roof.

Commissioner Marcoplos said the Board spoke in recent months about putting solar arrays on some schools, and staff said more power could be generated, for the money, from one system, which made sense to him. He said one option would be to do a large array in one school system, followed by another large array in the other school system a year later. He asked if there is any merit to this idea, as there would be more energy generated for the dollar.

Brennan Bouma said it is possible, and he could research this further. He said the $150,000 was chosen as a budgeting item based on a quote received to put solar on the roof of the Central Recreation Center, which was identified in the County's feasibility assessment as a top option, due to a recently replaced roof, good solar access, etc.

Brennan Bouma said the Commission for the Environment is concerned with being equitable between the schools districts.

Commissioner Marcoplos said he is curious if the amount of energy generated, for the cost invested, was significantly higher. He said he would like to have more information on the weatherization, and stressed the importance of keeping careful records and analyses on these projects. He said strong outreach around these projects will be very important, as there will be skeptics. He said he feels these projects will be successful, and having data will allay skepticism. He thanked staff for all its work.

Commissioner Price referred to the LED campaign, and said one one matrix has a cost of $19,000 while the appendix lists it as $12,000. She asked if one number is more accurate.

Brennan Bouma said the Commission for the Environment saw a cost of $12,000, and the hope was to reproduce the program in the way the Commission saw it. He said the costs were increased after conversations with project partners about needs being greater. He said the $19,000 is closer to what the actual cost will be.

Commissioner Price said in the past there was a discussion of putting solar arrays in front of businesses and homes, but this option was determined to be unsightly, which may be in the Unified Development Ordinance (UDO). She asked if staff would look into this, and possibly have this removed from the UDO. She said telephone poles are unsightly, and she does not want restrictions in place that will prevent cleaner and more efficient energy from moving forward.

Commissioner Marcoplos said homeowner associations are likely the greatest impediment to these projects.

Commissioner Bedford referred to the solar rooftop portion, and asked if Duke Energy is involved in the funding.

Brennan Bouma said there is currently a rooftop solar rebate, which is available to residents, businesses, governments and non-profits. He said, in the last two years, there has been money left over in the governments and non-profits section. He said for any one system there is up to $75,000 incentive from Duke Energy, depending on the size of the array.

Commissioner Bedford asked if staff will know about this funding rebate prior to starting a project.

Brennan Bouma said he needs to learn more about how the timing works, and those bidding on the projects would be very familiar with that process.

Commissioner Bedford asked if rebates are guaranteed, or part of a lottery system for the year.

Brennan Bouma said he believes it is first come first served, but as he mentioned, there have been unused grant funds in recent years so the odds of being awarded grants funds are likely.

Commissioner Bedford said it would be more efficient if County tax dollars could be used in combination with grant funding.

Commissioner Bedford said she is very interested in the hydropower feasibility study, and asked if staff would bring back information. She thanked staff for all its work, and looks forward to further conversations.

Commissioner Price asked of staff could include information on who this would really impact.

Brennan Bouma asked if Commissioner Price is interested in the impacts on power output.

Commissioner Price said yes, when everything is in tip-top-shape, what are the benefits.

Brennan Bouma said that is one of the questions that would be answered in the feasibility assessment.

A motion was made by Commissioner Price, seconded by Commissioner Bedford for the Board to approve funding for the recommended Climate Action Tax projects below for FY 19-20:

Supplemental Weatherization for Low Income Households	1	$150,000
Countywide LED Campaign	2	$19,272

Commissioner Dorosin asked if funds can be reallocated if the schools are not prepared to move forward this year.

Chair Rich said yes.

Commissioner Marcoplos said he has spoken before about a school in Union County that has screens in the hallways displaying energy use readouts within 4 zones, and the zones compete with each other for efficiency. He said this was an amazing educational opportunity that he would like to discuss with the school districts as well. He said he will send information to the Manager to forward to the schools prior to the upcoming meeting.

Commissioner Price said she has a surplus of LED lights from Duke Energy, and asked if anyone else use them.

Brennan Bouma said yes, and staff is thinking about how to get families signed up for the free box of 15 LED bulbs from Duke Energy every 3 years, as it would allow the funds to stretch even further. He said it would be great to have an LED donation campaign on earth day.

VOTE: UNANIMOUS

7. Reports
NONE

8. Consent Agenda

- **Removal of Any Items from Consent Agenda**
  Commissioner Dorosin pulled item 8-f

- **Approval of Remaining Consent Agenda**

A motion was made by Commissioner McKee, seconded by Commissioner Bedford to approve the remaining items on the Consent Agenda except f.

VOTE: UNANIMOUS

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

f- <u>Fiscal Year 2019-20 Budget Amendment #5</u>

The Board considered voting to approve budget, grant and school capital project ordinance amendments for fiscal year 2019-20.

Commissioner Dorosin referred to attachment 3, and asked if this spreadsheet could be explained.

Paul Laughton, Finance and Administrative Services, said the spreadsheet shows repurposing of funds for projects that the Board of Education approved to close out and repurpose for some critical issues, three of which are mechanical systems.

Commissioner Dorosin said the funds in the left money column represent extra money from completed projects.

Paul Laughton said yes, there was surplus from the finished projects that could be repurposed for other reasons. He said the Board of Education will vote on that and bring a resolution to the BOCC for approval to change the capital project ordinances.

Commissioner Dorosin asked if the approximately $610,000 is left over from a completed project, or if the project scope has been changed.

Paul Laughton said the scope of the project has been changed, and the CHCCS Board approved moving and repurposing the funds to set up a contingency reserve for the Chapel Hill High School bond project.

Commissioner Dorosin said it would be helpful to have more information in these charts: what the project originally was; the current status, more transparency, etc. He said the surplus funds are easy to understand but those projects that change scope needs more information.

Commissioner Marcoplos asked if there is background on the process and how communication occurs between County staff and school staff.

Paul Laughton said the County and school staffs meet a few times a year to review all currently funded projects. He said there are 6-month, as well as an annual review at the end of each fiscal year to look at the balances of each of the projects, current status, available surplus, etc. He said County staff receives resolutions from the School boards, which allows staff to write the budget amendment as well as the capital project ordinances that correspond to the changes.

Commissioner Marcoplos asked if the BOCC can receive reports from those joint staffs' meetings.

Paul Laughton said yes.

Commissioner Bedford said historically projects were not being closed out, and the County had to write off $5 million, followed by another $3 million. She said the process was tightened up greatly to avoid such issues from recurring.

Chair Rich said BOCC candidates are asking questions, since this is an election year, and the public is very curious. She said there is a lack of understanding about how money is moved around, and a bit more information would be really helpful.

A motion was made by Commissioner Dorosin, seconded by Commissioner McKee to approve budget, grant and school capital project ordinance amendments for fiscal year 2019-20 for Department on Aging; Sheriff's Office; Animal Services; and Chapel Hill-Carrboro City Schools.

VOTE: UNANIMOUS

a. Minutes

The Board approved the minutes from January 21, 2020 as submitted by the Clerk to the Board

b. Motor Vehicle Property Tax Releases/Refunds

The Board adopted a resolution, which is incorporated by reference, to release motor vehicle property tax values for two taxpayers with a total of two bills that will result in a reduction of revenue in accordance with NCGS.

c. Property Tax Releases/Refunds

The Board adopted a resolution, which is incorporated by reference, to release property tax values for four taxpayers with a total of four bills that will result in a reduction of revenue in accordance with North Carolina General Statute 105-381.

d. Application for Property Tax Exemption/Exclusion

The Board considered one untimely application for exemption/exclusion from ad valorem taxation for one bill for the 2019 tax year.

e. Advertisement of Tax Liens on Real Property

The Board received the report on the amount of unpaid taxes for the current year that are liens on real property as required by North Carolina General Statute (NCGS) 105-369 and consider voting to approve March 18, 2020 as the date set by the Board for the tax lien advertisement and authorize the Chair to sign.

f. Fiscal Year 2019-20 Budget Amendment #5

The Board approved budget, grant and school capital project ordinance amendments for fiscal year 2019-20 for Department on Aging; Sheriff's Office; Animal Services; and Chapel Hill-Carrboro City Schools.

g. Change in BOCC Meeting Schedule for 2020

The Board approved one change to the Board of Commissioners' meeting calendar for 2020 to move the March 17 work session from Chapel Hill to Hillsborough.

h. Request for Road Additions to the State Maintained Secondary Road System for Henderson Woods Lane, Martin Madden Way, and Shakori Trail in Henderson Woods Subdivision

The Board made a recommendation to the North Carolina Department of Transportation (NCDOT), and the North Carolina Board of Transportation (NC BOT), concerning a petition to add Henderson Woods Lane, Martin Madden Way, and Shakori Trail in Henderson Woods Subdivision to the State Maintained Secondary Road System.

i. Agreement Ratification of the Cane Creek Fire Protection District Amendment and Approval of Orange County Volunteer Fire Department Updated Agreements

The Board voted to ratify the County Manager's signature to approve the 2020 Agreement between Orange County and Orange Grove Fire Department; and approve 2020 Fire Protection and Emergency Services Updated Agreements with Efland Fire Department, Cedar Grove Fire Department, Caldwell Fire Department and New Hope Fire Department and authorized the Chair to sign.

9. County Manager's Report

Bonnie Hammersely said the February 11th work session will be held at Southern Human Services Center, with an update on the schools joint action committee, related to class sizes and pre-K. She said the rest of the meeting will be Appointments discussion.

10. County Attorney's Report

NONE

11. *Appointments

NONE

12. Information Items

- January 21, 2020 BOCC Meeting Follow-up Actions List
- Tax Collector's Report – Numerical Analysis
- Tax Collector's Report – Measure of Enforced Collections
- Tax Assessor's Report – Releases/Refunds under $100

13. Closed Session

NONE

14. Adjournment

A motion was made by Commissioner McKee, seconded by Commissioner Bedford to adjourn the meeting at 8:57 p.m.

VOTE: UNANIMOUS

Penny Rich, Chair

Donna Baker
Clerk to the Board

Attachment 4

DRAFT **MINUTES**
BOARD OF COMMISSIONERS
WORK SESSION
February 11, 2020
7:00 p.m.

The Orange County Board of Commissioners met for a work session on Tuesday, February 11, 2020 at 7:00 p.m. at the Southern Human Services Center in Chapel Hill, N.C.

COUNTY COMMISSIONERS PRESENT: Chair Rich and Commissioners Jamezetta Bedford, Mark Dorosin, Sally Greene, Earl McKee, Mark Marcoplos, and Renee Price
COUNTY COMMISSIONERS ABSENT:
COUNTY ATTORNEYS PRESENT: John Roberts
COUNTY STAFF PRESENT: County Manager Bonnie Hammersley, Deputy County Manager Travis Myren and Clerk to the Board Donna Baker (All other staff members will be identified appropriately below)

Chair Rich called the meeting to order at 7:00 p.m.
Chair Rich said the Board needs to add a closed session at the end of tonight's meeting.

A motion was made by Commissioner Price, seconded by Commissioner Bedford to add a closed session for the purpose of: Pursuant to 143-318.11(a)(3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body.

VOTE: UNANIMOUS

Chair Rich said the Board of County Commissioners (BOCC) has no regular agenda items on the 2/18 meeting, and it has been suggested that the BOCC cancel the February 18th meeting. She said there are two time sensitive items (Spay/Neuter Day Proclamation and Proposed Consent and Subordination Agreement to Provide Greenfield Commons Access to and Use of Dumpster Facilities Located at Greenfield), and she asked if the Board would be amendable to adding those two items to this evening's agenda. She asked if John Roberts would share his opinion.

John Roberts said if there are decision items, it would be best to defer since no public notice was given of the changes.

Greg Wilder, Manager's office, said the housing item has a closing scheduled and if it not addressed this evening, or on February 18, this item would not be able to come before the BOCC until the March10, which would be after the already scheduled closing.

John Roberts said the BOCC can add to tonight's meeting, but has not typically made these types of changes, due to the lack of public awareness.

Commissioner McKee said he would object. He said there is a standing practice of two Board of County Commissioners business meetings per month, and there is an expectation that the public is notified of the Board's agendas. He said it would be a very small inconvenience to hold the February 18th meeting.

Chair Rich said the Board would only be coming on the 18th to vote for one thing, and she would prefer to move the item to the March 10th meeting.

Commissioner Bedford asked if the item could be added to the February 25th joint meeting with the schools.

Chair Rich said there will not be any time.

Commissioner Bedford said 10 minutes could be added.

Commissioner Price agreed with Commissioner Bedford, and said the item cannot wait until March, due to it being time sensitive. She said she would like to find a compromise.

Commissioner Dorosin arrived at 7:05 p.m.

Commissioner Bedford asked if it is a consent agenda item, because, if so, it will be very brief.

Chair Rich said this item is a consent agenda item for someone to use a dumpster. She said the BOCC does not typically discuss consent agendas during joint meetings with the schools.

Bonnie Hammersley said this is an item from the Housing Department, and the closing is scheduled for February 20th.

Emila Harris, Housing Director, said this item is allowing access to a dumpster between two properties: Greenfield Place and Greenfield Commons. She said the County has HOME funds in Greenfield Place, and needs to grant an easement for Greenfield Commons, a senior property, to allow for use of the dumpster. She said all of the Greenfield Place investors have to subordinate their loans, so that the easement will be still be allowed in the case of a foreclosure.

Chair Rich said it is senseless for the BOCC to come in for one item.

Commissioner McKee said the BOCC gets paid to be Commissioners, and there are only two meetings per month for business to be conducted. He said this item should be considered in a formal meeting.

Commissioner Marcoplos asked if there is a level of controversy around this issue.

John Roberts said none is expected, but the BOCC rules do allow the Board to add items to agendas. He said the only difference here is that this item was already planned for another agenda. He said public notice is the only issue in question, but public notice is not legally required for these items.

Commissioner Greene asked if the time sensitivity of the matter could be clarified.

Emila Harris said the senior property needs to close, and cannot do so until the consent to subordinate occurs. She said all other funders have already consented to the subordination, and are waiting on the County.

Commissioner Greene said she appreciates Commissioner McKee's point, but since John Roberts said there is no legal issue, she would be in favor of proceeding this evening.

Commissioner Dorosin clarified that one property is affordable.

Emila Harris said one is senior housing.

Commissioner Dorosin clarified that it is affordable senior housing.

Emila Harris said yes.

Commissioner Dorosin asked if the County provides support for both of these properties.

Emila Harris said just one property.

Commissioner Dorosin asked if both properties provide affordable housing.

Emila Harris said yes.

Commissioner Dorosin said he is in favor of moving forward tonight, as it is the most efficient option.

Commissioner Bedford asked if it is possible to have a call in meeting, with 48 hours notice to the public, and four Commissioners on the call.

John Roberts said call in meetings are allowed by law, but this board does not have any procedures addressing call in meetings and the BOCC would need to vote to set aside the rules of procedure for that purpose.

Commissioner Marcoplos clarified that all other entities have signed off on this item, without any controversy.

Emila Harris said all have signed, without controversy.

Commissioner Marcoplos said those involved seem to need and want this taken care of as soon as possible and he is favor of getting it done this evening.

Commissioner Dorosin said addressing this item tonight is not against the rules, or without precedence.

John Roberts said it is just a matter of whether the Board wants to add this to the agenda.

Commissioner McKee said his comment has nothing to do with being for or against any rules, but rather his comment is meant to show that the 18th is just as expedient as tonight, and the BOCC sits as a body twice a month, and voting tonight is simply being done for the Commissioners' convenience, which should not be the priority. He said he will not vote in favor of this, as he is well paid to serve in the role of Commissioner, and takes the obligation seriously. He said just because there has been no controversy thus far is irrelevant. He said the public may wish to say something at the BOCC meeting, but will not have the chance to do so if the meeting does not occur.

Commissioner Price asked if the other entities, involved with this item, allowed for public comment.

Emila Harris said she does not know if the Town of Chapel Hill allowed for public comment, but the Town did sign off on the item.

A motion was made by Commissioner Marcoplos, seconded by Commissioner Dorosin to cancel the February 18th BOCC Business meeting.

VOTE: Ayes, 5 (Chair Rich, Commissioner Marcoplos, Commissioner Price, Commissioner Greene, Commissioner Dorosin); Nays, 2 (Commissioner McKee and Commissioner Bedford)

A motion was made by Commissioner Greene, seconded by Commissioner Dorosin to add the housing item, Proposed Consent and Subordination Agreement to Provide Greenfield Commons Access to and Use of Dumpster Facilities Located at Greenfield, to the agenda tonight.

VOTE: Ayes, 5 (Chair Rich, Commissioner Marcoplos, Commissioner Price, Commissioner Greene, Commissioner Dorosin); Nays, 2 (Commissioner McKee and Commissioner Bedford)

Chair Rich said that James Williams was recently appointed by the Governor to the Martin Luther King (MLK) Jr. Commission, and she would like to swear him in tonight at this meeting. She asked if the Board was amendable to this swearing in.

The Board agreed by consensus to add this item to the agenda.

James Williams said his appointment to the MLK Jr. Commission was made by Governor Cooper to represent Orange County. He said he is honored to be appointed, as MLK had an impact on him personally.

Commissioner Dorosin said he is excited about this, and it is a great accolade for James Williams. He thanks James Williams for his past, present, and future efforts around racial justice and racial equality.

James Williams said he gave thought as to who should swear him in. He said about 2 years ago the Board of County Commissioners recognized him for the work he has does in the cause justice, which meant a lot to him.

Chair Rich swore James Williams in.

John Roberts asked if the Board would add another reason to go into closed session: [N.C.G.S. 143-318.11(a)(5)]: To establish or instruct the staff or agent concerning the negotiation of the price and terms of a contract concerning the acquisition of real property.

A motion was made by Commissioner Price, seconded by Commissioner McKee to add another closed session item for the purpose of:
[N.C.G.S. 143-318.11(a)(5)]: To establish or instruct the staff or agent concerning the negotiation of the price and terms of a contract concerning the acquisition of real property.

VOTE: UNANIMOUS

Chair Rich asked if the Board would like to take a few minutes to review the Housing item, so that it can be addressed, and staff can go home.

The Board agreed.

Addition to the Agenda:

***Proposed Consent and Subordination Agreement to Provide Greenfield Commons Access to and Use of Dumpster Facilities Located at Greenfield**

The Board will consider authorizing the Chair to sign a Consent and Subordination Agreement to provide Greenfield Commons access to and us of dumpster facilities located at Greenfield Place.

BACKGROUND: The County allocated $154,500 in FY 2015-16 HOME funds to the Downtown Housing Improvement Corporation, Inc. (DHIC) to support the new construction of Greenfield Place, a development of 80 apartment homes for households at less than 60% AMI. Greenfield Workforce Housing, LLC, owner of Greenfield Place, granted Orange County a deed of trust on the property.

DHIC has developed a second affordable multifamily property, Greenfield Commons, adjacent to Greenfield Place. In order to close on its permanent loan for Greenfield Commons, Greenfield Senior Housing, LLC, owner of Greenfield Commons, needs the County to subordinate its deed of trust to an easement allowing access to dumpster facilities located just to the south of the common property line between the two developments, entirely on the Greenfield Place development. The subordination ensures the easement will continue to exist were the County to foreclose on its deed of trust.

The dumpster facilities are located just to the south of the common property line between the two developments, entirely on the Greenfield Place development. The dumpster pad and facilities are identified on the attached survey as “Concrete Dumpster Pad and Enclosure”.

The easement agreement between Greenfield Workforce Housing, LLC, as grantor, and Greenfield Senior Housing, LLC as grantee: provides Greenfield Commons with access to and

use of the dumpster facilities and provides for the cost sharing of servicing and maintenance of the facilities between Greenfield Place and Greenfield Commons.
The attached Consent and Subordination Agreement affirms the County's consent to the easement granted by Greenfield Workforce Housing, LLC, and the subordination of its respective deed of trust to the easement. The subordination ensures that the easement will continue to exist were the County to foreclose on its deed of trust. The Town of Chapel Hill, North Carolina Housing Finance Agency, DHIC, and State Employees' Credit Union have all signed similar Consent and Subordination Agreements.

Commissioner Marcoplos clarified that all necessary parties have agreed to this item.
Emila Harris said yes.
Commissioner Price clarified that everything is on Greenfield property.
Emila Harris answered yes.
A motion was made by Commissioner Marcoplos, seconded by Commissioner Price to authorize the Chair to sign a Consent and Subordination Agreement to provide Greenfield Commons access to and us of dumpster facilities located at Greenfield Place.

Commissioner Dorosin said he appreciated Commissioner McKee's concerns about the process, but sees this as an example of elevating process over substance, had the Board chosen to delay this vote.
Commissioner Dorosin said he respectfully disagrees with Commissioner McKee that the Board is not working hard by moving this vote. He said this characterization is unfair, and the BOCC has many meetings in the upcoming months, and moving this vote to this evening, is in no way shirking the Board's responsibilities.
Commissioner McKee said he referred to two formal meetings a month, not any/all meetings. He said his personal opinion is that the Commissioners are well paid to attend every meeting that is on the approved calendar, of which the public is aware and expecting. He said the public has the opportunity to speak at business meetings to any item, not just this one, and by removing the meeting the Board removes the opportunity for public discourse.

VOTE: UNANIMOUS

1. Update on Schools Joint Action Committee Related to Class Sizes and Pre-K

BACKGROUND: The State of North Carolina enacted legislation in 2017 resulting in a decrease in class size averages from 1:20 to 1:17 for kindergarten to third grade for the 2018-2019 school year. Due to significant statewide ramifications as a result of the reduced class size averages, the North Carolina General Assembly approved House Bill 90, which allows for a phasing-in process to address the decrease in class size averages over the next four years. Based on House Bill 90, average class sizes for kindergarten to third grade will be phased-in as provided below:

In January 2018, due to impacts anticipated to elementary school capacity resulting from these reductions, the Schools Adequate Public Facilities Ordinance Technical Advisory Committee (SAPFOTAC) identified the need for the Schools Joint Action Committee (SJAC) to meet in order to discuss options and determine how to implement the school capacity changes.
Schools Joint Action Committee (SJAC)

Based on the adopted SAPFO Memoranda of Understanding, school building capacity shall be determined by reference to state guidelines and school district guidelines and by a joint action

of the School Boards and Orange County Board of Commissioners. The SJAC is comprised of elected officials from the Orange County Board of Education, Chapel Hill-Carrboro City Schools Board of Education, and Orange County Board of Commissioners. Appointed members include:

- Rani Dasi, Chapel Hill-Carrboro City Schools Board of Education
- Dr. Stephen Halkiotis, Orange County Board of Education
- Penny Rich, Orange County Board of Commissioners

Changes in Class Size Ratios

The SJAC has conducted three meetings to review impacts resulting from changes in class size and options before determining how to implement elementary school class size reductions for SAPFO purposes.

January 31, 2019

- Reviewed changes in class size ratios outlined in House Bills 13 and 90.

March 8, 2019

- Reviewed student projections and potential impacts resulting from changes in class size ratios. Student projections reviewed at this meeting included the 2019 SAPFOTAC 10-year projections. No capacity needs were identified in the 10-year period based on existing class size (1:20) and student membership and capacity numbers received from the schools in November 2018.
- SJAC requested revised projections illustrating the impacts from the phasing-in of class size changes over the next three years.
- Proposed and discussed various options to implement class size changes and requested staff to draft summary report outlining and detailing options for further analysis.

April 10, 2019

- To determine future impacts related to changes in class size ratios and assist the SJAC with making a recommendation to implement changes in class size, school staff completed updated classroom and capacity calculations prior to the April SJAC meeting. During this process, it was discovered that updated classroom capacity numbers provided from school staff were not consistent with November 15, 2018 school capacity numbers submitted in order to draft 10-year student projection sheets and the 2019 SAPFOTAC Annual Report. School capacity numbers provided were higher than those received in November 2018. One reason for the discrepancy may be due to classrooms being utilized for Pre-K not being counted in the total elementary school capacity.
    - Based on the existing SAPFO Memoranda of Understanding, capacity (classrooms) being utilized for Pre-K must be included in the total elementary school capacity number collected every November for the drafting of the annual SAPFOTAC Report. Adopted MOUs do not allow for Pre-K student membership to be included in the total elementary student membership numbers collected every November. Jointly agreed to School Construction standards from 1996 and 2007 included the square footage of these spaces as if used by K – 5 grade levels. School Construction standards include classroom and capacity standards for grades K – 5, flex classroom space, and Special/Exceptional/Speech Language classes.

- Following this finding, 10-year projections were drafted utilizing the April 2019 numbers. These projections showed the following school capacity needs in the 10-year projection period:
    - OCS – No capacity needs.
    - CHCCS – Capacity needed 2026-27 school year.
- SJAC also reviewed options to implement class size changes for SAPFO purposes. Ten options were proposed and analyzed. Following elimination of seven options, the three options still being explored are listed below:
    - Suspend the Certificate of Adequate Public Schools (CAPS) test for the elementary school level for a specified period of time (short-term solution)
    - Discontinue the Certificate of Adequate Public Schools (CAPS) test for both districts. (short-term solution)
    - Fund the construction of a "school swing space" (mid-term solution)

Pre-K

As a result of the findings at the April 10 SJAC meeting, school representatives identified concerns with Pre-K classroom capacities being included in total elementary school capacity numbers and whether a review of the existing MOUs is warranted to exclude the square footage of Pre-K classrooms in total school capacity numbers.

Additional 10-year projections were drafted utilizing the April 2019 numbers, but excluding Pre-K classroom capacity to determine impacts from class size changes. When Pre-K classroom capacities are excluded, the impacts from reductions in class size is worsened at the elementary school level. These projections showed the following school capacity needs in the 10-year projection period:

- OCS – Capacity needed 2024-25 school year
- CHCCS – Capacity needed 2021-22 school year

This information was presented at the Schools Collaboration meeting on October 18, 2019. A SJAC update, which included impacts from changes in class size and Pre-K, was provided to Chapel Hill – Carrboro City Schools on December 5, 2019 and Orange County Schools on December 9, 2019.

Orange County and school staff continue to analyze school capacity numbers to determine the most accurate count for use by the SJAC and School Boards to make an informed and final recommendation to implement class size changes.

Craig Benedict, Planning Director, made the following PowerPoint presentation:

Item 1
School Joint Action Committee (SJAC) Update
– Changes in Class Size and Pre-K Impacts

Background

- Schools Adequate Public Facilities Ordinance (SAPFO)
    - Outlines criteria for maintaining a two part system including:
        - Capital Improvement Plan (CIP) linked to the needs identified by student projections and available capacity

        - Issuing Certificate of Adequate Public Schools (CAPS) for new residential developments

    - Purpose is to ensure that new residential growth within the county occurs at a pace that allows the County and school districts to provide adequate school facilities to serve students from the new developments.
    - Building capacity shall be determined by a joint action of the School Boards and Orange County Board of Commissioners.
        - Includes changes in class size ratios

Purpose

- The SJAC is a short-term committee comprised of elected officials from the Chapel Hill-Carrboro City Schools Board of Education, Orange County Board of Education, and Orange County Board of Commissioners. Appointed members include:
    - Rani Dasi, Chapel Hill-Carrboro City Schools Board of Education
    - Dr. Stephen Halkiotis, Orange County Board of Education
    - Penny Rich, Orange County Board of Commissioners

- SJAC also includes staff support from Orange County Managers Office, Orange County Planning Department, Orange County Schools, and Chapel Hill – Carrboro City Schools
- To discuss legislative implications (i.e. class size impacts to school capacity) for inclusion into the Schools Adequate Public Facilities Ordinance (SAPFO) projections and provide recommendations on how/when to implement.

Background

- SJAC have conducted three meetings to review impacts and options before determining how to implement elementary school class size reductions for SAPFO purposes.
    - January 31 – Reviewed changes in class size ratios outlined in House Bills 13 and 90
    - March 8 – Reviewed student projections and potential impacts resulting from changes in class size ratios
    - April 10 – Reviewed implementation options
        - Identified concerns with Pre-K classroom capacities being included in total elementary school capacity numbers. If coupled with the actual Pre-K use of school space (which is not part of the SAPFO capacity standard) the problem is worsened.

Student Capacity and Projections (chart)

Commissioner Dorosin asked if the projections are based in anything in particular.

Craig Benedict said staff looks at the enrollment for past years, and projects those numbers forwards. He said in the ten year cohort projection, staff goes back 10 years and sees how kindergarten graduates to first, first to second, etc. He said three and five year cohorts have a smaller picture. He said if there is a major spike in a three year period, the projection would show it a lot faster. He said the other two projections are mathematical and linear, and it takes past history into the future. He said the MOU requires the numbers to be averaged to create a muted model.

Commissioner Dorosin asked if this process takes the rise in charter schools into account, in the Orange County School (OCS) system, in particular. He asked if it also takes into account what is on the drawing board, due to developments in Hillsborough.

Craig Benedict said it does not account for the enrollment within the charter schools, but only the traditional public schools.

Commissioner Dorosin said children are leaving to go to charter schools, and the actual enrollment in the school system is impacted, and asked if this is accounted for.

Craig Benedict said yes, and the projections of development in the area would probably show under other circumstances, without charter schools, a higher enrollment. He said both school districts show less than would appear under normal circumstances; therefore, the projections of growth are more muted moving into future years.

Commissioner Dorosin said that answer does not account for expansion of charter schools (from K-8 to K-12), which would have an impact that is not accounted for looking backwards.

Craig Benedict said that is correct. He said that shows up in those cohort projections.

Craig Benedict said staff acknowledges charter school and pre-K enrollment in the annual SAPFO report, but this is a sidebar to the model and the MOU as written.

Commissioner Marcoplos said after middle schools, there is an influx of charter schools students into the high schools.

Craig Benedict said that does show up, and staff can plot out the entire high school enrollment and see how it has changed over the years. He said middle schools show higher graduation rates, between 8th and 9th grades, which reflect these types of influxes.

Craig Benedict resumed the PowerPoint presentation:

Student Capacity and Projections (chart)

Impacts from Class Size Changes: Chapel Hill-Carrboro City Schools (graphic)

Commissioner McKee asked if the 534-seat loss includes the impact of Pre-K

Craig Benedict said it does not. He said there was enough capacity in CHCCS to accommodate class size changes over the allotted time, and to absorb the loss of the 534 seats. He said it does bring the need for a new school much closer, which had previously been 10+ years out.

Commissioner Dorosin asked if these numbers assume that all other class sizes will remain constant, as opposed to increasing 4th grade, etc.

Craig Benedict said yes.

Commissioner Price asked if the 534-seat number was determined in some particular way.

Craig Benedict said staff went school-by-school, working with school board staff, and did the numbers for K through 3rd grade, 4th grade and 5th grade. He said this information is in the Commissioners' packets. He said there are 165 classrooms in K-3, and the amount of capacity will go down as the class size restrictions are fully implemented.

Impacts from Class Size Changes: Orange County Schools (graphic)

Commissioner Dorosin asked if, to date, the County has ever had to restrict development due to SAPFP predictions.

Craig Benedict said no, this has never occurred. He said staff sometimes sees that it may occur in a few years, and a developer can load the development over a period of time. He said staff refines the model each year, and it has never been a problem, to date.

Options to Implement Class Size Ratios

A. **Options which have been eliminated by SJAC:**

1. Allow SAPFO to implement cessation of CAPS issuance (would stop issuance of building permits)
    - Present enrollment/capacity conditions would not create this condition in the short term
2. Increase the adopted 105% Level of Service (LOS) for the elementary school level permanently or for a specific period of time
    - Example: 3,365 students at 100%, 3,533 students at 105%, and 3,601 students at 107%
3. Allow modular, mobile, and/or temporary classrooms to be included in elementary school building capacity numbers permanently or for a specific period of time

Options to Implement Class Size Ratios

A. **Options which have been eliminated by SJAC:**

4. Coordinate all "special" classrooms or non-capacity spaces (i.e. art, music, computer) to be located in modular, mobile, and/or temporary classrooms
5. Fund renovations and improvements to unused or underutilized spaces (i.e. staff offices, teacher workrooms) identified as potential classroom space by school staff in order to increase building capacity within permanent school buildings
6. Fund school renovation and/or expansion projects which increase elementary school capacity within permanent school buildings
7. Fund the construction of a new elementary school

Options to Implement Class Size Ratios

B. **Options still being explored:**

1. Suspend the Certificate of Adequate Public Schools (CAPS) test for the elementary school level for a specified period of time (short-term solution)
    i. Coincide with Pre-K capacity discussions and decisions (Pre-K use of space within schools further decrease capacity for K-5, so effective capacity vs. SAPFO regulated capacity is lower than actual).
    ii. Continue to issue CAPS for tracking purposes, but building permits will not be denied when capacity is met
    iii. Recommended at the October 18 School Collaboration meeting
    iv. This is not an emergency situation even with class size reductions; lower capacity does not create a CAPS deferral until 2026-27.
2. Discontinue the Certificate of Adequate Public Schools (CAPS) test for both districts (short-term solution)
3. Fund the construction of a "school swing space" (mid-term solution)

Next Steps

- **November 2019**
    - Orange County Planning staff will commence the 2020 SAPFOTAC Report process on November 4.
        - Due to timing, capacity numbers collected from the schools for the 2020 SAPFOTAC Report may not incorporate the SJAC's final recommendation. However, the report will include an update on the SJAC and changes in class size in the executive summary.
- **December 2019**
    - Presentation to the Orange County Board of Education and the Chapel Hill – Carrboro Board of Education.

- **January 2020**
  - Annual SAPFO Technical Advisory Committee meeting to review capacity, student membership, and 10-year projections.
- **February 2020**
  - Presentation to the joint schools meeting for final recommendation
    - Orange County Planning staff will transmit final recommendation to the Towns. Based on the final recommendation, this may include additional steps for the local governments.
- **March 2020**
  - Formal transmittal of draft 2020 SAPFOTAC Report

Commissioner Price asked if staff could clarify the term resolution.

Craig Benedict said the resolution of pre-K. He said this presentation is in two parts, as the SJAC was tasked with talking about legislative class size changes, as well as pre-K. He said if the number of seats is reduced in schools where pre-K is being used, then the need for new elementary schools in CHCCS arises even sooner. He said this issue cannot easily be resolved by some of the options posed by staff and SJAC. He said if pre-K classrooms are excluded in CHCCS, an additional 495 seats is lost, and would push the need for a new elementary school up to the year 2021-2022. He said there are more than 13 pre-K classrooms in CHCCS, and some are in mobile buildings, while others are in bricks and mortar buildings, and staff will reconcile these numbers. He said trying to accommodate the legislative classroom size changes, as well as excluding the 221 pre-K seats, is a looming concern.

Questions and Comments

Impacts from Class Size Changes (graphic)
(Excluding Pre-K Classroom Capacities)

Impacts from Class Size Changes (graphic)
(Excluding Pre-K Classroom Capacities)

Student Capacity and Projections (chart)

Commissioner McKee said the CHCCS slides show a 775-seat loss, when considering the two factors, but page 4 of the packet indicates a loss of 495 in CHCCS. He asked if these numbers could be clarified.

Ashley Moncado said staff utilizes capacities not including pre-K, which are shown on the slide, to which Commissioner McKee referred. She said staff is showing the difference between 2018-19 and 2021-22.

Craig Benedict referred to the slide that shows the numbers when implementing both changes at the same time by 2021-22, which would require a new school in CHCCS. He said OCS is similar, and when the pre-K accommodation is also taken into account, a new school will be needed in 2024-25. He said if pre-K is not included in OCS, the need for a new school was years away. He reviewed the SJAC recommendations, and said the need for new schools will occur sooner rather than later if trying to address the legislative mandates, as well as pre-K. He said the mission of the SJAC was to identify the problems, and a larger group will determine the solutions.

Commissioner McKee asked if the CHCCS elementary schools have an average size.

Craig Benedict said low 500s for CHCCS.

Commissioner McKee asked if, in a worse case scenario, the County may be looking at 2 ½ new schools county wide by 2026, if it chooses to implement full pre-K, in addition to the legislative mandates.

Craig Benedict said when SAPFO was first put together the model to increase capacity was to build a new school, but now the model is not necessarily a new build as there is so much work to be done on the existing schools. He said capacity has been added to some of the schools in recent years, and the new model may be redevelopment of existing buildings, as opposed to new builds.

Commissioner McKee said the existing schools are in need of extensive work, costing millions of dollars, and if this worse case were to come to pass, it would be another ~$75 million for new schools.

Craig Benedict referred to the slide that indicates 775 seats lost due to legislative mandates and pre-K, and said that equates to 1.5 schools. He said OCS would also have enough seats lost to warrant an additional school.

Commissioner McKee said regardless of how the problem is tackled, it will cost money.

Commissioner Marcoplos said he is concerned about the reduced class size, and asked if this has been well thought out and if there are better ways to deal with this. He asked if the County is bound to follow the class size formula, or could the class size be a bit bigger but an additional teacher added to the room.

Commissioner Bedford said if the County fails to comply, the State would take over the school board, and suspend the license of the superintendent.

Commissioner Marcoplos said the current legislature would do that, and he asked if the current educational establishment might have alternate ways to deal with classroom numbers. He said these are unfunded mandates from the State.

Student Capacity and Projections (chart)

Commissioner McKee asked if the school board staffs and members would like to comment.

Commissioner Dorosin asked if the first set of numbers are based on changing class size and the second set of numbers are based on the pre-k seats currently taking up space in the schools.

Craig Benedict said there are pre-K students in the schools, and staff takes that capacity and assumes it is used for K-5, but they are actually used for pre-K as well.

Commissioner Dorosin said a school might have 585 students, and asked if that number includes the pre-K students or not.

Craig Benedict said staff is counting the capacity of the school, and assumes the capacity is for use of K-5th only, when actually a certain number of seats are being used by pre-K.

Commissioner Dorosin said he is still not clear. He said a school has x number of spaces for K-5, based on the classroom size mandates set out by the legislature. He said, for example a school has 585 seats, and when the students are counted and number 585, then the school is at 100% capacity. He said if the number is higher the school is over capacity, and if it is lower the school is under capacity.

Craig Benedict said yes.

Commissioner Dorosin asked if pre-K students are currently included, when students sitting in seats are counted.

Craig Benedict said no, pre-K students are not counted. He said the original MOU said to not count pre-K against the capacity in the school.

Commissioner Dorosin said there could be a school that has 585 student capacity that has 500 K-5 students, and 150 pre-K students, totaling 650, but would show up as being less than 100% capacity.

Craig Benedict said correct.

Commissioner Dorosin asked if there are any pre-K classroom size restrictions.

Craig Benedict said he does not know.

Commissioner Dorosin considered the same hypothetical scenario as above, and asked if the pre-K students were removed to somewhere else, would the report presented this evening change.

Craig Benedict said the capacity of the school would still be 585. He said there would be more room for the K-5 students with the pre-K students gone.

Commissioner Dorosin asked if the SAPFO number for that school would go down due to space being freed up by the removal of pre-K. He said it seems that the freed up space was already included in the SAPFO number because they were in the 585 number. He said it might change how crowded any particular classroom is, because there would be room for the students given the class size mandates.

Craig Benedict said that is a reasonable way to look at it.

Will Atherton, OCS Chair, said Commissioner Dorosin is correct. He said currently pre-K students are not counted in the school numbers. He said the challenge is to decide what happens to pre-K given the upcoming class size mandates. He said pre-K is being used generically, but there are state mandated pre-Ks, especially for exceptional children.

Commissioner Dorosin said if the pre-K students are moved, the ability to meet the class size mandates would be impacted.

Will Atherton said pre-K is not counted today, so it would not impact SAPFO. He said what it affects is the timing of when a new school is needed. He said the County has been discussing the expansion of pre-K, which would push this discussion even further left, and the question becomes where do these kids go, as growth is not included. He said the best case is the current numbers of when a new school is needed, and worst case is it is counted, there is more growth and the number comes in even further, which would present a new challenge.

Commissioner Dorosin said he is just trying to clarify what is happening in the building. He said if the mandates go into effect, the schools will have to meet them. He said one option is build a new elementary school and one is to build a pre-K center. He said if pre-K was housed elsewhere, there would be room freed up in the current schools to move closer to meeting the class size mandates.

Will Atherton said it would in the long term.

Will Atherton said pre-k is not in every school, so some of this would help capacity but would also cause some re-districting.

Commissioner Dorosin asked if pre-K is only housed in elementary schools.

Will Atherton said yes, and this is due to unique requirements that exist for pre-K classrooms.

Patrick Able, CHCCS, said the same is true in CHCCS, which still has 6 pre-K classrooms in mobile units, and does not account for them in the core spaces of the building (gym, cafeteria, etc.). He said there are 44 mobiles units in CHCCS, and moving pre-K students would likely get other students out of the mobile units and into brick and mortar. He said this is a great conversation, and appreciates the opportunity to comment. He said the slides shown tonight are the reality in CHCCS and OCS. He said all those involved are discussing this because there is not enough capacity, and the class size mandates have already begun. HE said CHCCS has had a waiver that ends June 30, 2020, and the district now has 2 years to fully implement the mandates. He said any additional help to insure future capacity is necessary, and all options should be considered.

Commissioner Marcoplos said prior to committing to building new schools, the County needs to have all of the remodeling and redistricting options. He asked if staff knows when it will have this information.

Patrick Able said staff will bring some information to the joint meeting on February 25th and the district is getting as many classrooms ready as possible now, and next year will have reassignment for the start of the 2021-22 school year. He said class size reductions will be heavily considered in this planning process.

Will Atherton said the redistricting has a bit of a chicken and the egg quality to it, and if pre-K is an unknown, it is difficult to determine where to move other students. He said redistricting now would look very different than redistricting with the removal of pre-K.

Patrick Able said the February 25th discussion will include the aging facilities and needed renovations.

Commissioner Price referred to the renovations piece, and said some campuses, such as Grady Brown, need to be secured. She asked if doing so would build capacity, and if this is considered in the numbers.

Craig Benedict said through the Capital Improvement Planning (CIP) process, staff will develop a CIP that may or may not include capacity increases, and once that reaches a feasible fundable CIP, in the years targeted, then they can include capacity. He said it must be financially feasible.

Commissioner Price asked if the school boards are expecting that capacity will be added if renovations occur.

Will Atherton said OCS CIP focus has been for repairing schools for safety measures, and he said they are exploring whether increased capacity is possible through renovation, which will not be realistic in some of the older buildings.

Patrick Able said CHCCS long-range facility planning processes did include some feasibility studies and assessment as to what makes sense with large-scale capital projects and meeting capacity needs. He said it is unclear if these capacity increases would align with the reassignment processes. He said this will all be shared at the February 25th meeting.

Commissioner McKee said going forward all the boards need to have an in depth discussion about pre-K.

Commissioner Price referred to the mandatory pre-K programs, and asked if these students are included in head counts.

Will Atherton said no, but exceptional children (EC) classrooms are adjusted correctly for the sizes.

Commissioner Bedford thanked the committee that worked on this, and she said SAPFO is a good tool for the County and assists in predicting capacity and allows for changes in capital budgeting.

Commissioner Bedford said the notion of suspending the ability to deny CAPS does not solve the problem, but what it does do, if pre-K numbers were added in, is prevent law suits and waste of money defending them.

Commissioner Bedford said some of the trailers at Ephesus Elementary School are beyond their useful life, and are not used full time for the kids. She said remaining trailers at the school are used for children full time, and are a security issue for children. She said trailers are not part of SAPFO, which is good, but in reality they are used but really should not be so any longer.

Commissioner Bedford said the best choices moving forward may be different for the two school districts. She said in 2013 CHCCS brought forward the issue of pre-K, and there may be more land in OCS than CHCCS. She said she has always wanted pre-K numbers included in SAPFO, and believes pre-K is one of the greatest strategies for closing the achievement gap.

Commissioner Bedford read minutes from the joint meeting of April 2013 indicating her long held concern about older buildings in both districts. She said this is not news, and everyone will have to work together to address the renovations and the need for more seats.

Commissioner Dorosin said the original bond discussion included Chapel Hill High School, as well as renovating the Lincoln Center to house pre-K.

Commissioner Greene said she would like to know how many pre-K students are mandated versus the number that is not.

Will Atherton said OCS has 2 EC classes serving 20 students.

Commissioner Dorosin asked if some of these students are subsidized, and if some are able to pay.

Will Atherton said OCS offers paid pre-K slots, but they have never been used. He said 70% of pre-K students qualify for free meals, and the remaining 30% qualify for reduced meals.

Patrick Able said he does not have this information, but will get it to the Board. He said EC students are mixed in with regular students, not contained separately in one classroom.

Will Atherton said if pre-K is centralized transportation would need to be provided.

Commissioner Dorosin said he knows this may be an issue, but pre-K was strongly supported in the bond discussions.

Appointments

The current appointment process would be to move these agreed upon appointments to the next BOCC Business Meeting and they would be listed under the Consent Agenda. The next BOCC Business Meeting that was scheduled for February 18, 2020 has been officially cancelled, this Consent Agenda item will now be presented at the BOCC Business Meeting on March 10, 2020.

Advisory Board members who are to be re-appointed may continue to serve in their same capacity. Individuals who are new appointments, may attend meetings, but will officially assume their participation on March 11, 2020.

2. Adult Care Home Community Advisory Committee

Position #1 – Tiketha Collins
Position #3 – Alison Brown
Position #6 – Shade Little

The Board agreed by consensus.

Commissioner Dorosin asked if other counties have difficulty filling these positions, and if there are better ways to recruit people.

Donna Baker said Janice Tyler, Department on Aging Director, is aware of this need as well and it takes a great deal of training and commitment to serve.

Commissioner Dorosin said he would like staff to survey other counties to see if Orange County is missing something, and perhaps the ability to serve should not be so onerous and the Board could advocate in this regard.

Thom Freeman asked John Roberts if there had been discussions about merging this board with the Nursing home CAC.

John Roberts said there has been some discussion, and someone was supposed to come from Triangle J Council of Governments to talk about it. He said the boards can be combined, which would reduce the overall number of appointees.

Chair Rich asked if staff would follow up on this idea.

3. Affordable Housing Advisory Board

Position #3 – Olivia Fisher

The Board agreed by consensus.

4. Animal Services Advisory Board

Position #2 – Sunita Driehuys
Position #3 – Sue Millager

The Board agreed by consensus.

5. Animal Services Hearing Panel Pool

Position #1 – Michelle Walker
Position #7 – Tony Whitaker
Position #10 – Matthew Bonds
Position #13 – Cathy Munnier
Position #15 – Dr. Beth Grooms (moved from Position #17)
Position #16 – Edmund Tiryakian
Position #17 – Casey Ferrell (replacing Dr. Beth Grooms)

The Board agreed by consensus with these appointments.

6. Board of Equalization and Review

Position #7 – Susan T. Ballard
Position #8 – Dr. Andrew Landstrom
Position #9 – Adejuwon Ojebuoboh

The Board agreed by consensus on these appointments.

7. Chapel Hill Planning Commission

Position #1 – James Baxter

The Board agreed by consensus on this appointment.

8. Chapel Hill Orange County Visitors Bureau

Position #6 – Kayla Dempsey
Position #7 – Mark Bell
Position #9 – Lydia Lavelle
Position #13 – Anita “Spring” Council

Commissioner Dorosin asked if there is a reason the High School Athletics Association has a seat on this board.

Commissioner Bedford said it brings in a large amount of hotel revenue via sporting events.

Commissioner Marcoplos asked if this Association contributes financially to the Visitors Bureau.

It was unknown.

Commissioner Greene said this is the state headquarters of this Association, and it brings in a great deal of revenue.

The Board agreed by consensus on these appointments.

9. Commission for the Environment

Position #2 – Francis Binkowski
Position #3 – Kim Livingston
Position #4 – Dr. Bill Ward
Position #5 – Elizabeth McWhorter
Position #6 – K. Alan Parry
Position #7 – Jaya Nair
Position #8 – Carrie Fletcher

Commissioner Bedford noted that reappointments Carrie Fletcher and K. Alan Perry did not have the best attendance records, and should be encouraged to do better moving forward.

Donna Baker said staff would follow up.

The Board agreed by consensus on these appointments.

10. Nursing Home Community Advisory Committee

Position #11 – Dr. Carol Kelly
Position #12 – Vibeke Talley

The Board agreed by consensus on these appointments.

11. Orange County Planning Board

Position #5 – David Blankfard
Position #9 – Alexandra Allman
Position # 11 – Susan Hunter
Position #12 – Julian (Randy) Marshall, Jr.

The Board agreed by consensus on these appointments.

12. Orange Unified Transportation Board

Position #2 – David Laudicina
Position #4 – Roy Schonberg
Position #13 – Tom Gray
Position # 14 – Erik Broo

The Board agreed by consensus on these appointments.

A motion was made by Commissioner McKee seconded by Commissioner Bedford to go into closed session at 9:15 p.m. for the purposed listed below:
Pursuant to 143-318.11(a)(3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public; and
Pursuant to [N.C.G.S. 143-318.11(a)(5)] : To establish or instruct the staff or agent concerning the negotiation of the price and terms of a contract concerning the acquisition of real property.

VOTE: UNANIMOUS

RECONVENE INTO REGULAR SESSION

A motion was made by Commissioner Dorosin seconded by Commissioner Greene to reconvene into regular session at 10:00p.m.

Adjournment

A motion was made by Commissioner Dorosin seconded by Commissioner Greene to adjourn the meeting at 10:00p.m.

VOTE: UNANIMOUS

Penny Rich, Chair

Donna Baker
Clerk to the Board

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: March 10, 2020

Action Agenda Item No. 8-b

SUBJECT: Motor Vehicle Property Tax Releases/Refunds

DEPARTMENT: Tax Administration

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

INFORMATION CONTACT:
Nancy T. Freeman, Tax Administrator,
(919) 245-2735

PURPOSE: To consider adoption of a resolution to release motor vehicle property tax values for eight taxpayers with a total of eight bills that will result in a reduction of revenue.

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

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

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

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

FINANCIAL IMPACT: Approval of these release/refund requests will result in a net reduction of $2,102.77 to Orange County, the towns, and school and fire districts. Financial impact year to date for FY 2019-2020 is $16,754.35.

SOCIAL JUSTICE IMPACT: There is no Orange County Social Justice Goal impact associated with this item.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

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 release/refund resolution.

NORTH CAROLINA RES-2020-010

ORANGE COUNTY

REFUND/RELEASE RESOLUTION (Approval)

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

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

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

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

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

Ayes: Commissioners _____

_____

Noes: _____

I, Donna Baker, Clerk to the Board of Commissioners for the County of Orange, North Carolina, DO HEREBY CERTIFY that the foregoing has been carefully copied from the recorded minutes of the Board of Commissioners for said County at a business 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 _____, 2020.

_____

Clerk to the Board of Commissioners

BOCC REPORT - REGISTERED MOTOR VEHICLES
MARCH 10, 2020

NAME	ACCOUNT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT	ADDITIONAL EXPLANATION
Brown, Jack	51821367	2019	17,700	17,700	(161.33)	*Situs error (illegal tax)	
Camp, James Thomas	51411731	2019	19,260	0	(351.47)	Military exemption (illegal tax)	
Crews, Carrie	49423496	2018	20,690	20,690	(180.70)	*Situs error (illegal tax)	
Latta, Jason Brian	50635548	2019	68,959	68,959	(519.40)	*Situs error (illegal tax)	
Mitchell-Boyask, Oliver	50629380	2019	18,030	0	(330.93)	Military exemption (illegal tax)	
Petrone, Adam	44301084	2018	11,410	0	(197.77)	Military exemption (illegal tax)	
Shen, Jia	51544348	2019	8,570	0	(173.04)	County changed to Chatham (illegal tax)	
White, Michael	50125101	2018	25,828	25,828	(188.13)	*Situs error (illegal tax)	
					(2,102.77)	**TOTAL**	

Adjustment Descriptions
Clerical error G.S. 105-381(a)(1)(a): e.g. when there is an actual error in mathematical calculation.
Illegal tax G.S. 105-381(a)(1)(b): e.g. when the vehicle should have been billed in another county, an incorrect name was used, or an incorrect rate code was used.
Tax levied for an illegal purpose G.S. 105-381(a)(1)(c): e.g. charging a tax that was later deemed to be impermissible under State law.
Appraisal appeal G.S. 105-330.2(b): e.g. reduction in value due to excessive mileage or vehicle damage.
**Situs error: An incorrect rate code was used to calculate bill. Value remains constant but bill amount changes due to the change in specific tax rates applied to that physical location.*
Classification GS 105-330-9(b): e.g. Antique automobiles are designated a special class of property under the NC Constitution.
The spreadsheet represents the financial impact that approval of the requested release or refund would have on the principal amount of taxes.
Approval of the release or refund of the principal tax amount also constitutes approval of the release or
refund of all associated interest, penalties, fees, and costs appurtenant to the released or refunded principal tax amount.

Military Leave and Earning Statement (LES): Is a document given on a monthly basis to members of the United States military which reports their pay, home of record and service status. The LES is required when applying for exemption from Motor Vehicle Property Taxes. Active duty, non-resident military personnel may be exempt from North Carolina motor vehicle property tax as allowed by United States Code, Title 50, Service members' Civil Relief Act of 1940. (Amended in 2009 by The Military Spouse's Residency Relief Act)

Titles and Brands: Section 1, Chapter 7
NCDMV Title Manual 14th Edition Revised January 2016

Title: Document that records the ownership of vehicles and the liens against them.
Custom-Built: A vehicle that is completely reconstructed or assembled from new or used parts. Will be branded "Specially Constructed Vehicle"
Flood Vehicles: A motor vehicle that has been submerged or practically submerged in water to the extent that damage to the body, engine, transmission or differential has occurred.
Reconstructed Vehicles: A motor vehicle required to be registered that has been materially altered from original construction due to the removal addition or substitution of essential parts.
Salvaged Motor Vehicles: Is a vehicle that has been damaged by collision or other occurrence to the extent that the cost of repairs exceeds 75% of fair market value, whether or not the motor vehicle has been declared a total loss by an insurer. Repairs shall include the cost of parts and labor, or a vehicle for which an insurance company has paid a claim that exceeds 75% of the Fair Market Value. If the salvaged vehicle is six model years old or newer, an Anti-Theft Inspection by the License and Theft Bureau is required.
Salvage Rebuilt Vehicle: A salvaged vehicle that has been rebuilt for title and registration.
Junk Vehicle: A motor vehicle which is incapable of operation or use upon the highways and has no resale value except as scrap or parts. The vehicle shall not be titled.
Antique Vehicle: A motor vehicle manufactured in 1980 and prior
Commercial Trucking (IRP): The International Registration Plan is a registration reciprocity agreement among jurisdictions in the US and Canada which provides for payment of license fee on the basis of fleet miles operated in various jurisdictions.
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 Destruction: NC DMV will not register this type of vehicle. It is not fit for North Carolina roads.

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: March 10, 2020

Action Agenda Item No. 8-c

SUBJECT: Property Tax Releases/Refunds

DEPARTMENT: Tax Administration

ATTACHMENT(S):
Resolution
Releases/Refunds Data Spreadsheet

INFORMATION CONTACT:
Nancy T. Freeman, Tax Administrator,
(919) 245-2735

PURPOSE: To consider adoption of a resolution to release property tax values for nineteen taxpayers with a total of twenty-four bills that will result in a reduction of revenue.

BACKGROUND: The Tax Administration Office has received nineteen 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 $20,748.67 to the County, municipalities, and special districts. The Tax Assessor recognized that refunds could impact the budget and accounted for these in the annual budget projections.

SOCIAL JUSTICE IMPACT: There is no Orange County Social Justice Goal impact associated with this item.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

RECOMMENDATION(S): The Manager recommends that 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-2020-011

ORANGE COUNTY

REFUND/RELEASE RESOLUTION (Approval)

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

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

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

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

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

Ayes: Commissioners _____

_____

Noes: _____

I, Donna Baker, Clerk to the Board of Commissioners for the County of Orange, North Carolina, DO HEREBY CERTIFY that the foregoing has been carefully copied from the recorded minutes of the Board of Commissioners for said County at a business 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 _____, 2020.

_____
Clerk to the Board of Commissioners

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

BOCC REPORT - REAL/PERSONAL
MARCH 10, 2020

NAME	ACCOUNT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT	ADDITIONAL INFORMATION
Bowman Road Partners LLC	1066484	2019	30,000	-	(401.37)	Assessed in error (illegal tax)	Community open space was taxed as buildable lot
Boyd, Emmalee Gabrielle	3183007	2019	9,560	-	(170.54)	Assessed in error (illegal tax)	Gap bill: vehicle registered in Virginia during gap period
Carry, Anne	3182394	2019	10,020	-	(687.20)	Assessed in error (illegal tax)	Gap bill: vehicle registered in Florida during gap period
Cleveland, John Samuel	1061346	2019	18,717	-	(332.23)	Situs error (illegal tax)	Property registered in Washington State
Denoble, Mary Elizabeth	3182876	2019	6,470	638	(109.18)	Value adjustment (appraisal appeal)	Value adjustment based upon bill of sale
George, Wales Thottathikunnath	3178794	2019	35,980	-	(1,016.06)	Assessed in error (illegal tax)	Gap bill: vehicle registered in Pennsylvania during gap period
George, Wales Thottathikunnath	3178709	2019	17,850	-	(567.28)	Assessed in error (illegal tax)	Gap bill: vehicle registered in Pennsylvania during gap period
Granville Towers LLC	317860	2019	2,314,368	1,599,168	(11,541.18)	Incorrect value (clerical error)	Construction in progress value keyed incorrectly
Hicks, Andrew Stuart	3184104	2019	11,580	-	(990.72)	Assessed in error (illegal tax)	Gap bill: vehicle registered in Texas during gap period
Hogan, Curtis William	3176297	2018	24,690	-	(562.01)	Assessed in error (illegal tax)	Gap bill: vehicle registered in Colorado during gap period
Jackem, Edward Louis	3180281	2019	12,520	-	(404.07)	Assessed in error (illegal tax)	Gap bill: vehicle registered in Chatham County during gap period
Janzen, Virginia Allen	1076136	2018	13,510	-	(453.78)	Assessed in error (illegal tax)	Gap bill: vehicle registered in Massachusetts during gap period
Janzen, Virginia Allen	1076113	2018	5,450	-	(224.90)	Assessed in error (illegal tax)	Gap bill: vehicle registered in Massachusetts during gap period
Parker, Crystal	1073150	2019	22,050	-	(231.06)	Situs error (illegal tax)	Mobile home located in Granville County
Phelps, Joseph Marvin	120783	2019	144,132	91,848	(501.61)	Double billed (illegal tax)	Also billed on account 1076974
King, Robert	1076954	2019	17,720	-	(165.80)	Double billed (illegal tax)	Also billed on account 1075475
Romero, Gamliel	1065725	2019	14,310	-	(151.40)	Double billed (illegal tax)	Also billed on account 1068683
Romero, Gamliel	1065725	2018	15,420	-	(155.79)	Double billed (illegal tax)	Also billed on account 1068684
Romero, Gamliel	1065725	2017	16,650	-	(165.90)	Double billed (illegal tax)	Also billed on account 1068685
Rutledge, Albert	3184113	2019	17,530	-	(990.08)	Assessed in error (illegal tax)	Gap bill: vehicle registered in Florida during gap period
Rutledge, Albert	3184072	2019	5,280	-	(333.71)	Assessed in error (illegal tax)	Gap bill: vehicle registered in Florida during gap period
Thorpe, Merle	3178818	2019	2,310	-	(138.16)	Assessed in error (illegal tax)	Gap bill: vehicle registered in Georgia during gap period
Wasser, Fred	3182899	2019	2,160	-	(150.22)	Assessed in error (illegal tax)	Gap bill: vehicle registered in Virginia during gap period
Whicker, Tammy	3178661	2019	3,960	-	(304.42)	Assessed in error (illegal tax)	Gap bill: vehicle registered in Florida during gap period
				Total	**(20,748.67)**		

Gap Bill: A property tax bill that covers the months between the expiration of a vehicle's registration and the renewal of that registration or the issuance of a new registration.

The spreadsheet represents the financial impact that approval of the requested release or refund would have on the principal amount of taxes.
Approval of the release or refund of the principal tax amount also constitutes approval of the release or
refund of all associated interest, penalties, fees, and costs appurtenant to the released or refunded principal tax amount.

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: March 10, 2020

Action Agenda
Item No. 8-d

SUBJECT: Applications for Property Tax Exemption/Exclusion

DEPARTMENT: Tax Administration

ATTACHMENT(S):
Exempt Status Resolution
Spreadsheet
Requests for Exemption/Exclusion

INFORMATION CONTACT:
Nancy T. Freeman, Tax Administrator,
919-245-2735

PURPOSE: To consider six untimely applications for exemption/exclusion from ad valorem taxation for six bills for the 2019 tax year.

BACKGROUND: North Carolina General Statutes (NCGS) typically require applications for exemption to be filed during the listing period, which is usually during the month of January. Applications for Elderly/Disabled Exclusion, Circuit Breaker Tax Deferment and Disabled Veteran Exclusion should be filed by June 1st of the tax year for which the benefit is requested. NCGS 105-282.1(a1) does allow some discretion. Upon a showing of good cause by the applicant for failure to make a timely application, an application for exemption or exclusion filed after the close of the listing period may be approved by the Department of Revenue, the Board of Equalization and Review, the Board of County Commissioners, or the governing body of a municipality, as appropriate. An untimely application for exemption or exclusion approved under this provision applies only to property taxes levied by the county or municipality in the calendar year in which the untimely application is filed.

Four applicants are applying for homestead exclusion based on NCGS 105-277.1, which allows exclusion of the greater of $25,000 or 50% of the appraised value of the residence.

One of the applicants is applying for exclusion based on NCGS 105-277.1C, which allows for an exclusion of $45,000 for an honorably discharged Disabled American Veteran.

One of the applicants is applying for exemption based on NCGS 105-278.7 which allows for an exemption from property taxes for property used for educational, scientific, literary or charitable purposes.

Including these six applications, the Board will have considered a total of eighty-eight untimely applications for exemption of 2019 taxes since the 2019 Board of Equalization and Review adjourned on June 27, 2019. Taxpayers may submit an untimely application for exemption of 2019 taxes to the Board of Commissioners through December 31, 2019.

Based on the information supplied in the applications and based on the above-referenced General Statutes, the applications may be approved by the Board of County Commissioners. NCGS 105-282.1(a1) permits approval of such application if good cause is demonstrated by the taxpayer.

FINANCIAL IMPACT: The reduction in the County's tax base associated with approval of the exemption application will result in a reduction of FY 2019/2020 taxes due to the County, municipalities, and special districts in the amount of $3,555.32.

SOCIAL JUSTICE IMPACT: There is no Orange County Social Justice Goal impact associated with this item.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

RECOMMENDATION(S): The Manager recommends that the Board approve the attached resolution for the above-listed applications for FY 2019/2020 exemption.

NORTH CAROLINA RES-2020-012

ORANGE COUNTY

EXEMPTION/EXCLUSION RESOLUTION

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

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

Whereas, the Tax Administrator has determined that the applicants could have been approved for 2018 had applications been timely.

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY THAT the properties applying for exemption for 2019 are so approved as exempt.

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

Ayes: Commissioners _____

_____

Noes: _____

I, Donna Baker, Clerk to the Board of Commissioners for the County of Orange, North Carolina, DO HEREBY CERTIFY that the foregoing has been carefully copied from the recorded minutes of the Board of Commissioners for said County at a business 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 _____, 2020.

_____
Clerk to the Board of Commissioners

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

BOCC REPORT - REAL/PERSONAL
LATE EXEMPTION/ EXCLUSION
MARCH 10, 2020

NAME	ACCOUNT NUMBER	BILL YEAR	ORIGINAL VALUE	TAXABLE VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
Eno Fire & Emergency Services Inc.	188906	2019	18,000	0	(173.64)	Late application for exemption General Statute105-278.7(other charitable, educational, scientific, literary or charitable purposes)
Hawkes, Elouise S.	108675	2019	92,800	47,800	(421.06)	Late application for exemption General Statute 105-277.1C(disabled veteran)
Reed, Anna	221802	2019	277,600	194,463	(979.10)	Late application for exemption General Statute105-277.1 (homestead exemption)
Terrell, Kimberly	87745	2019	146,800	74,877	(673.19)	Late application for exemption General Statute105-277.1 (homestead exemption)
Thompson, Mary	106485	2019	139,800	69,900	(815.38)	Late application for exemption General Statute105-277.1 (homestead exemption)
Walters, Frances	1074822	2019	202,740	150,790	(492.95)	Late application for exemption General Statute105-277.1 (homestead exemption)
					(3,555.32)	Total

*Circuit Breaker does not result in a reduction in value. The exemption received is based on the income of the taxpayer.

The spreadsheet represents the financial impact that approval of the requested release or refund would have on the principal amount of taxes.
Approval of the release or refund of the principal tax amount also constitutes approval of the release or
refund of all associated interest, penalties, fees, and costs appurtenant to the released or refunded principal tax amount.

FILED
DEC 19 2019
ORANGE COUNTY
TAX ADMINISTRATION

Request for Approval of Property Tax Exemption, Exclusion or Deferral Due to Showing of Good Cause for Failure to Make a Timely Application

Date: 12-9-2019

To Whom It May Concern:

I, (PRINT NAME) Danny Dennis - END Fire & Emergency Service wish to be considered for Property Tax Exemption, Exclusion or Deferral for the tax year 2019 on Tax Abstract or Parcel Identification Number(s) (PIN) # 9893535660.

In accordance with North Carolina General Statute 105-282.1(a1), I submit the reason(s) set forth below for consideration as demonstration of good cause for failure to make a timely application. An untimely application approved under G.S. 105-282.1 (a1) applies only to the property taxes levied by the county or municipality in the calendar year in which the untimely application is filed. If additional space for explanation is needed, please submit an attachment with this request.

Please explain:
END has owned this property for many years. We are tax exempt. This propery allows us access from both Mount Hermon Church Road & US 70

How did you find out about the program(s)? Talked with Ms. McLean

Thank you,
Danny Dennis
(Signature)

Treasurer, END Fire + Emergency Service

December 27, 2019

FILED

DEC 23 2019

ORANGE COUNTY
TAX ADMINISTRATION

Board of County Commissioners
Orange County Tax Office
228 S. Churton St
Hillsborough NC 27278

Dear BOCC

Please accept this Tax Exemption Application late for 2019. I was unaware of the exemption programs available. My financial situation changed drastically when I lost my husband almost four years ago.

Property location: 2607 Mill Creek Rd
Mebane NC 27302

Property ID number: 9836248838

Sincerely

Elouise S Hawkes

FILED

DEC 31 2020

ORANGE COUNTY
TAX ADMINISTRATION

Request for Approval of Property Tax Exemption, Exclusion or Deferral Due to Showing of Good Cause for Failure to Make a Timely Application

Date: 12-31-19

To Whom It May Concern:

I, (PRINT NAME) Anna Reed, wish to be considered for Property Tax Exemption, Exclusion or Deferral for the tax year 2019 on Tax Abstract or Parcel Identification Number(s) (PIN) # 9776264959. Please note that the deadline to submit a timely application Deadline is June 1st of the tax year.

In accordance with North Carolina General Statute 105-282.1(a1), I submit the reason(s) set forth below for consideration as demonstration of good cause for failure to make a timely application. An untimely application approved under G.S. 105-282.1 (a1) applies only to the property taxes levied by the county or municipality in the calendar year in which the untimely application is filed. If additional space for explanation is needed, please submit an attachment with this request.

Please explain: Last applicaton was not aware of due date

How did you find out about the program(s)? Back of tax Bill

Thank you,

Anna Reed

(Signature)

FILED

DEC 31 2019

ORANGE COUNTY
TAX ADMINISTRATION

Request for Approval of
Property Tax Exemption, Exclusion or Deferral
Due to Showing of Good Cause for Failure to Make a Timely Application

Date: 12-30-19

To Whom It May Concern:

I, (PRINT NAME) Kimberly Morris Terrell **, wish to be considered for Property Tax Exemption, Exclusion or Deferral for the tax year** 2019 **on Tax Abstract or Parcel Identification Number(s) (PIN) #** 9852127133.

Please note that the deadline to submit a timely application Deadline is June 1st of the tax year.

In accordance with North Carolina General Statute 105-282.1(a1), I submit the reason(s) set forth below for consideration as demonstration of good cause for failure to make a timely application. An untimely application approved under G.S. 105-282.1 (a1) applies only to the property taxes levied by the county or municipality in the calendar year in which the untimely application is filed. If additional space for explanation is needed, please submit an attachment with this request.

Please explain:

I am on complete permanent disability. I have been on full disability since April 2015. Paperwork included.

How did you find out about the program(s)? I called the Orange Co. Tax office

Thank you,

Kimberly Terrell

Signature

RECEIVED
AUG 14 2019
Orange County Tax

Request for Approval of
Property Tax Exemption, Exclusion or Deferral
Due to Showing of Good Cause for Failure to Make a Timely Application

Date: Aug 6/19

To Whom It May Concern:

I, (PRINT NAME) Mary Alice Thompson / Linda Humphrey, **wish to be considered for Property Tax Exemption, Exclusion or Deferral for the tax year** 2019 **on Tax Abstract or Parcel Identification Number(s) (PIN) #** 9769106697. **Please note that the deadline to submit a timely application Deadline is June 1st of the tax year.**

In accordance with North Carolina General Statute 105-282.1(a1), I submit the reason(s) set forth below for consideration as demonstration of good cause for failure to make a timely application. An untimely application approved under G.S. 105-282.1 (a1) applies only to the property taxes levied by the county or municipality in the calendar year in which the untimely application is filed. If additional space for explanation is needed, please submit an attachment with this request.

Please explain:
I was sick + hospitalized

How did you find out about the program(s)? Administrator

Thank you,

Linda Humphrey

(Signature)

RECEIVED
OCT 16 2019
Orange County Tax

Request for Approval of
Property Tax Exemption, Exclusion or Deferral
Due to Showing of Good Cause for Failure to Make a Timely Application

Date: 10-15-19

To Whom It May Concern:

I, (PRINT NAME) Frances Walters, wish to be considered for Property Tax Exemption, Exclusion or Deferral for the tax year 2019 on Tax Abstract or Parcel Identification Number(s) (PIN) # 9960516764. Please note that the deadline to submit a timely application Deadline is June 1st of the tax year.

In accordance with North Carolina General Statute 105-282.1(a1), I submit the reason(s) set forth below for consideration as demonstration of good cause for failure to make a timely application. An untimely application approved under G.S. 105-282.1 (a1) applies only to the property taxes levied by the county or municipality in the calendar year in which the untimely application is filed. If additional space for explanation is needed, please submit an attachment with this request.

Please explain:

How did you find out about the program(s)? Was always in it Until I Split Some Land and Sold

Thank you,

Frances C Walters X

(Signature)

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: March 10, 2020

Action Agenda Item No. 8-e

SUBJECT: Resolution Regarding Underpayment and Overpayment of Taxes

DEPARTMENT: Tax Administration

ATTACHMENT(S):
Resolution
Unsigned Resolution 2001-039
Excerpt from April 17, 2001 Board Meeting Minutes - Item 5-b

INFORMATION CONTACT:
Nancy T. Freeman, Tax Administrator, (919) 245-2735

PURPOSE: To approve a new resolution as an administrative clean-up confirming Resolution 2001-039, which was adopted by the Board on April 17, 2001 to allow the Tax Collector to write off up to $1.00 in underpayment and absorb up to $1.00 in overpayment of taxes.

BACKGROUND: In April 2001, the Board of County Commissioners approved Resolution 2001-039 allowing the Tax Collector to write off up to $1.00 in underpayment and absorb up to $1.00 in overpayment of taxes, as allowed in North Carolina General Statute (NCGS) 105-357(c). Since that time, the Orange County Tax Collector/Tax Administrator has followed this practice. However, during a recent audit, the Tax Department learned that the approved 2001 Resolution had inadvertently not been signed by the Board Chair. On the recommendation of the County Attorney, the Department is requesting approval of an updated resolution to confirm/continue this practice. The approved minutes from the April 2001 Board meeting are attached (see page 5), along with the original resolution.

FINANCIAL IMPACT: On average, the impact is less than $300 per year.

SOCIAL JUSTICE IMPACT: There is no Orange County Social Justice Goal impact associated with this item.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

RECOMMENDATION(S): The Manager recommends that the Board approve the attached resolution.

NORTH CAROLINA RES-2020-013

ORANGE COUNTY

ORANGE COUNTY BOARD OF COMMISSIONERS RESOLUTION

AUTHORIZING ORANGE COUNTY TAX COLLECTOR TO TREAT SMALL UNDER AND OVERPAYMENTS AS PAID IN FULL PURSUANT TO NORTH CAROLINA GENERAL STATUTE SECTION 105-357(c)

Whereas, North Carolina General Statutes 105-357(c) of the Machinery Act permits, by resolution approved by the Board of County Commissioners, the Tax Collector to treat small underpayments (one dollar or less) as fully paid and to not refund small overpayments (one dollar or less) of taxes unless the taxpayer requests a refund before the end of the fiscal year in which the small overpayment is made subject to the limitations and requirements set forth in such statute; and

Whereas, the Orange County Board of County Commissioners by this resolution authorized the Tax Collector to adjust small underpayments and overpayments as set out in North Carolina General Statue 105-357(c) for all taxes levied for 2019-2020 fiscal year, and for all previous fiscal years, and shall continue in effect until repealed or amended by resolution of the Orange County Board of County Commissioners.

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY THAT the recommended treatment of small under and overpayment(s) is 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 business 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 _____, 2020

_____

Clerk to the Board of Commissioners

4-17-2001
5b

NORTH CAROLINA
COUNTY OF ORANGE

RES-2001-039

ORANGE COUNTY BOARD OF COMMISSIONERS
RESOLUTION

AUTHORIZING ORANGE COUNTY TAX COLLECTOR TO TREAT SMALL UNDER AND OVERPAYMENTS AS PAID IN FULL PURSUANT TO NORTH CAROLINA GENERAL STATUTE SECTION 105-357c

WHEREAS, N. C. General Statute 105-357 of the Machinery Act permits, by resolution approved by the Board of County Commissioners, the Tax Collector to treat small underpayments (one dollar or less) of taxes as fully paid and to not refund small overpayments (one dollar or less) of taxes unless the taxpayer requests a refund before the end of the fiscal year in which the small overpayment is made subject to the limitations and requirements set forth in such statute.

WHEREAS, the Orange County Board of County Commissioners by this resolution authorizes the Tax Collector to adjust small underpayments and overpayments as set out in N. C. General Statute 105-357c for all taxes levied for 2001-2002 fiscal year, and for all previous fiscal years, and shall continue in effect until repealed or amended by resolution of the Orange County Board of County Commissioners.

This the _____ day of April, 2001.

_____
Stephen Halkiotis, Chair
Orange County Board of Commissioners

APPROVED 11/7/2001

MINUTES
ORANGE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
April 17, 2001

The Orange County Board of Commissioners met in regular session on Tuesday, April 17, 2001 at 7:30 p.m. in the boardroom of the Southern Human Services Center in Chapel Hill, North Carolina.

COUNTY COMMISSIONERS PRESENT: Chair Stephen H. Halkiotis and Commissioners Moses Carey, Jr., Alice M. Gordon, and Barry Jacobs

COUNTY COMMISSIONER ABSENT: Commissioner Margaret W. Brown

COUNTY ATTORNEY PRESENT: Geoffrey Gledhill

COUNTY STAFF PRESENT: County Manager John M. Link, Jr., Assistant County Manager Rod Visser and Clerk to the Board Beverly A. Blythe (All other staff members will be identified appropriately below)

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

1. ADDITIONS OR CHANGES TO THE AGENDA

Chair Halkiotis added the following sentence to the closed session: "To consult with an attorney retained by the Board in order to preserve the attorney client privilege between the attorney and the Board," NCGS § 143-318.11(a)(3) in the case of Orange County versus CP&L.

Commissioner Gordon would like to discuss item 10c, Board of County Commissioners Open Space Task Force, and not receive it as information only. This item will be addressed as 10a.

PUBLIC CHARGE

Chair Halkiotis read the public charge.

2. CITIZEN & AUDIENCE COMMENTS

a. Matters not on the Printed Agenda

Martha Oxenfelt was representing the Commission for Women and gave an update on the Wheels for Work program. She said that they were able to hire Mr. William Matthews, who had just retired from 30 years in the army as a transportation officer. He has organized the program, which aids low-income families in paying for car repairs. She said that Mr. Matthews has made many community presentations, which were very well received and he has made connections all over the County. Eight car dealerships in the County have agreed to send car donors to the program when they would benefit more from a tax write off than a trade-in. These dealerships have also agreed to provide car inspections for Wheels for Work. All of the local newspapers have been very enthusiastic about the program as well. Unfortunately, this program has been at the mercy of help from other organizations and it was thought that it might be better for the Commission for Women to have its own 501c3 status. Human Rights and Relations Director Annette Moore agreed to pursue this, and all the documents have been signed. The organization will be called Friends of the Commission for Women, which means that the Commission for Women can receive donated cars and give the official notice for a tax write off. They still hope to have alliances with other organizations, but they no longer depend solely on these alliances.

Louis B. Coble spoke representing People for Progress from the Buckhorn Road area and said that they have been working on solving their sewer and water needs. They have met with both sides who could help them with their situation with no results. He would like to know what the Board of County Commissioners could do to move their project forward. He gave his contact information to John Link.

Pat Casper, Vice-Chair of the Human Relations Commission, read the proclamation.

A motion was made by Commissioner Jacobs, seconded by Commissioner Carey to approve and authorize the Chair to sign the proclamation as stated below, which proclaims April 24th as Armenian Martyrs Day.

A PROCLAMATION
for
ARMENIAN MARTYRS DAY

WHEREAS, between 1915-1923, the extermination of more than one and one-half million Armenians and the deportation of countless other Armenians took place by the Ottoman Turks; and

WHEREAS, during this atrocity, Armenians were forced to witness the slaughter of their relatives and the loss of their ancestral homelands; and

WHEREAS, Armenians assert that the government of modern-day Turkey refuses to recognize the facts of genocide; and

WHEREAS, the denial of the Armenian genocide by the present day Turkish government serves to taint the history and disavows Armenians of the right to their homelands and heritage; and

WHEREAS, ancestral Armenian lands taken by the Ottoman Turks have not been returned to the Armenian people, nor have the Armenians received compensation for their losses; and

WHEREAS, Armenians traditionally designated April 24th as ARMENIAN MARTYRS DAY, in recognition and remembrance of those who died during the Armenian genocide; and

WHEREAS, it is important to remember history so that mistakes of the past are not repeated for future generations;

NOW, THEREFORE, do we, the Commissioners of Orange County, proclaim April 24th, 2001 as Armenian Martyrs Day and commend this observance to all Orange County citizens.

THIS, THE 17TH DAY OF APRIL 2001.

VOTE: UNANIMOUS

b. Resolution of Under- and Over-payment of Tax

The Board considered a resolution allowing the tax collector to write off up to $1.00 in under-payment and absorb up to $1.00 in over-payment of property taxes.

Assistant County Manager Rod Visser presented this item.

A motion was made by Commissioner Carey, seconded by Commissioner Jacobs to approve and authorize the Chair to sign the resolution as stated below, which will allow the tax collector to write off up to $1.00 in under-payment and absorb up to $1.00 in over-payment of property taxes.

RESOLUTION
AUTHORIZING ORANGE COUNTY TAX COLLECTOR TO TREAT SMALL UNDER AND OVERPAYMENTS AS PAID IN FULL PURSUANT TO NORTH CAROLINA GENERAL STATUTE SECTION 105-357c

Whereas, N. C. General Statute 105-357c of the Machinery Act permits, by resolution approved by the Board of County Commissioners, the Tax Collector to treat small underpayments (one dollar or less) of

taxes as fully paid and to not refund small overpayments (one dollar or less) of taxes unless the taxpayer requests a refund before the end of the fiscal year in which the small overpayment is made subject to the limitations and requirements set forth in such statute; and

Whereas, the Orange County Board of Commissioners by the resolution authorizes the Tax Collector to adjust small underpayments and overpayments as set out in N. C. General Statute 105-357c for all taxes levied for 2001-2002 fiscal year, and for all previous fiscal years, and shall continue in effect until repealed or amended by resolution of the Orange County Board of Commissioners.

This, the 17th day of April 2001.
VOTE: UNANIMOUS

c. Endorsement of Letters to Soft Drink Manufacturers Urging More Recycling of their Containers

The Board considered a resolution endorsing a campaign by the GrassRoots Recycling Network to encourage container recycling by soft drink manufacturers.

Rod Visser presented this item.

A motion was made by Commissioner Jacobs, seconded by Commissioner Carey to approve and authorize the Chair to sign the resolution as stated below, which endorses a campaign by the GrassRoots Recycling Network to encourage container recycling by soft drink manufacturers.

A RESOLUTION ENDORSING GRASSROOTS RECYCLING NETWORK LETTERS TO SOFT DRINK MANUFACTURERS URGING THEM TO INCREASE RECYCLED CONTENT AND THE RATE OF RECYCLING OF THEIR CANS AND BOTTLES

Whereas, Orange County has a commitment to achieving a waste reduction rate of 61% per capita by 2006; and

Whereas, recycling as a means of waste reduction can be achieved only when there are sound markets for the materials collected for diversion; and

Whereas, industry has a significant role to play in determining the demands for use of the recyclable materials; and

Whereas, industry also shapes the demand for product and the types of containers it is packaged in;

Now, be it therefore resolved, that the Orange County Board of Commissioners endorses the attached GrassRoots Recycling Network letters urging soft drink manufacturers to increase the recycled content of their plastic containers to 25% post-consumer waste and increase the rate of container recycling to 80%.

This, the 17th day of April 2001.
VOTE: UNANIMOUS

d. Efland Area Sewer System Overall System Plan Resolution

The Board considered a resolution on the boundaries of the Efland sewer system plan.

Commissioners Gordon and Jacobs made amendments to this resolution specifically related to the designation of lots, which were so noted by County Attorney Geoffrey Gledhill.

A motion was made by Commissioner Gordon, seconded by Commissioner Jacobs to approve and authorize the Chair to sign the resolution as stated below with the changes to the map and resolution as discussed, which confirms and ratifies the mapping delineation of the boundaries of the current overall system plan for the Efland sewer system.

RESOLUTION DOCUMENTING THE STATE OF THE OVERALL SYSTEM PLAN FOR SEWER COLLECTION TREATMENT SYSTEM TO SERVE THE EFLAND AREA

ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT
Meeting Date: March 10, 2020

Action Agenda
Item No. 8-f

SUBJECT: City of Durham's Teer Quarry Reservoir – Letter of "No Objection" from Orange County Related to the Voluntary Eno River Capacity Use Agreement

DEPARTMENT: Planning & Inspections

ATTACHMENTS:
1. City of Durham Request for "No Objection" Letter
2. City of Durham Letters to NCDWR (Project Description and Conditions)
3. Executed "No Objection" Letters from Partners
4. Orange County "No Objection" Letter

INFORMATION CONTACTS:
Craig Benedict, Planning Director, 919-245-2592
Christopher Sandt, Staff Engineer, 919-245-2583

PURPOSE: To approve and authorize the Chair to sign a letter of "No Objection" from Orange County related to the City of Durham's proposed initiative to withdraw excess water from the Eno River for the purposes of filling the City of Durham's Teer Quarry Reservoir in conformance with the existing Voluntary Eno River Capacity Use Agreement and additional guidelines agreed upon by the North Carolina Division of Water Resources (NCDWR).

BACKGROUND: Orange County has received a written request from Sydney Miller (Water Resources Manager, City of Durham Department of Water Management) for Orange County to provide a letter of "No Objection" regarding the City's proposal for filling the Teer Quarry Reservoir. The City's written request to Orange County is provided at Attachment 1.

In 1988, Orange County became party to the Voluntary Eno River Capacity Use Agreement (Agreement). The Agreement is intended to preserve a minimum flow in the Eno River, even during times of drought, by restricting the amount of water that major users can withdraw from the Eno River. The Agreement is specific to the Upper Eno River basin, starting from the Eno River headwaters in Orange County and ending at its confluence with the Little River in Durham County. The seven (7) water users who are part of the Agreement are the Town of Hillsborough, Orange-Alamance Water System (OAWS), Piedmont Minerals (now Resco Products, Inc), the City of Durham (City), the West Point Grist Mill, large irrigators whose monthly average withdrawals exceed 100,000 gallons per day, and Orange County. Orange County is party to the Agreement because at the time of Agreement execution, Lake Orange was the only public water supply reservoir on the Eno River in Orange County.

The Agreement sets forth a release schedule from Lake Orange to supply the seven water users identified in the Agreement with sufficient water based on their allocations and to provide minimum in-stream flows in the Eno River during drought periods. The operating conditions and water withdrawals limits defined within the Agreement are based upon average daily river flows measured at the USGS Eno River at Hillsborough gauge (USGS Gauge #02085000) which is located on the Eno River near downtown Hillsborough.

The Agreement allows the City to withdraw up to five million gallons per day (5 MGD) from the Eno River in Durham County when average daily river flows are above 30 cubic feet per second from March through May, and when average daily river flows are above 10 cubic feet per second during other times of the year - measured at the USGS Eno River Near Durham gauge (USGS Gauge #02085070). The Agreement does not define Eno River flow conditions for City water withdrawals greater than 5 MGD. An electronic copy of the Agreement can be found at:

http://www.ncwater.org/Permits_and_Registration/Capacity_Use/Eno_River_Management/docs/water_management_plan.pdf

Teer Quarry Reservoir: The City owns and operates the Teer Quarry Reservoir (Quarry), a public water supply storage reservoir located along the Eno River in Durham County approximately 0.80 miles to the east of US-501 and approximately 15 miles downriver from the USGS Eno River at Hillsborough gauge (USGS Gauge #02085000). The Quarry is planned to become an additional non-emergency source of water for the City once it has been appropriately classified for drinking water purposes and approved by the North Carolina Public Water Supply Section. Attachment 2 provides a summary of City letters to NCDWR describing the proposed Quarry project and the additional guidelines agreed upon by NCDWR, as well as a map showing the location of the Quarry in Durham County.

The City has coordinated with NCDWR to propose withdrawals of raw water from the Eno River in excess of 5 MGD for the purposes of filling the Quarry. The Agreement allows public water supply systems to withdraw additional water from the Eno River during periods of higher flow "*provided that they have long-term contracts for obtaining an equal amount of water from outside the basin when the flow in the Eno River drops*" (Page 4 of the Agreement). The City has a Jordan Lake water supply allocation of 16.5 percent, which is equal to 2,462 million gallons of water supply storage (estimated to reliably yield 16.5 million gallons per day), satisfying that requirement in the Agreement. The City's proposed withdrawals of raw water from the Eno River in excess of 5 MGD would occur in Durham County only when Eno River flows as measured at the USGS Eno River near Durham gauge (USGS Gauge #02085070) exceed the annual median river flow of 49 cubic feet per second. The proposed raw water withdrawals would be over 15 miles downstream from the USGS Eno River at Hillsborough gauge (USGS Gauge #02085000). Hydrologic modeling efforts by the City suggest that the agreed-upon conditions for the City to fill the Quarry with water withdrawn from the Eno River will have no impact whatsoever on the parties of the Agreement. The Quarry project has been discussed in detail by the seven water users identified in the Agreement and no users have expressed concerns with the project. Attachment 3 includes copies of executed "No Objection" letters from OAWS, Resco Products, Inc., and the Town of Hillsborough.

No Objection from Orange County: Orange County staff has no objection to the City's intent to withdraw excess water from the Eno River in Durham County for the purposes of filling the Teer Quarry Reservoir during periods of high flows in the Eno River, as defined within the Agreement and in conformance with the additional guidelines agreed upon by NCDWR. Orange County staff does not anticipate that the City's project will negatively impact the stream ecology of the Upper Eno River basin or the seven water users identified in the Agreement. Attachment 4 is a copy of the proposed Orange County "No Objection" letter, for signature by the Board Chair and distribution to the City.

Orange County understands that the City of Durham is proposing a new water intake location on the Eno River (approximately ¾ mile upstream of the City's current water intake location) for use in filling the Teer Quarry reservoir. The proposed letter of no objection to the City's proposed withdrawal of water from the Eno River does not represent Orange County's approval or resolution of support for the City's proposed new water intake location.

FINANCIAL IMPACT: There is no financial impact related to this item.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goal is applicable to this item:

- **GOAL: ESTABLISH SUSTAINABLE AND EQUITABLE LAND-USE AND ENVIRONMENTAL POLICIES**
  The fair treatment and meaningful involvement of people of all races, cultures, incomes and educational levels with respect to the development and enforcement of environmental laws, regulations, policies, and decisions. Fair treatment means that no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies.

ENVIRONMENTAL IMPACT: The following Orange County Environmental Responsibility Goal impact is applicable to this item:

- **ENERGY EFFICIENCY AND WASTE REDUCTION**
  Initiate policies and programs that: 1) conserve energy; 2) reduce resource consumption; 3) increase the use of recycled and renewable resources; and 4) minimize waste stream impacts on the environment.

RECOMMENDATION(S): The Manager recommends that the Board review and approve the attached Orange County "No Objection" letter (Attachment 4) for signature by the Board Chair and subsequent distribution to the City.

From: Miller, Sydney
To: Christopher Sandt
Cc: Craig Benedict; Howard W. Fleming; Greeley, Don
Subject: [EXTERNAL MAIL!] RE: Teer Reservoir Proposal
Date: Thursday, December 26, 2019 12:55:56 PM
Attachments: image001.png
Teer Quarry Project_Eno River Capacity Use.pdf
ERCUA_orange.docx

Christopher,

This email message is a follow-up to the voicemail message I left you. DWR has requested that we obtain letters from all of the Eno River Water Users stating that each has no objection to the City's proposed Eno River water withdrawal for refilling Teer Quarry. I discussed this project with all of the Eno River Water Users at our annual meeting on August 30th.

I have attached the letter we had sent to DWR on October 29th that explains the City's proposed Teer Quarry operation and Eno River water withdrawal to refresh your memory. I have also attached a draft letter you could use as a template. Please copy the draft onto your Orange County letterhead, sign the letter, and return the letter to me.

Please call me if you have any questions or concerns.

--Syd

--

Sydney Paul Miller
Water Resources Manager

Department of Water Management, City of Durham
1600 Mist Lake Drive
Durham, NC 27704
919.560.4381 ext. 35201
919.560.4479 fax
Sydney.Miller@durhamnc.gov

WATER MANAGEMENT
CITY OF DURHAM

E-mail correspondence to and from this sender may be subject to the North Carolina Public Records Law and can be disclosed to third parties.

From: Howard W. Fleming [mailto:hfleming@orangecountync.gov]
Sent: Monday, December 16, 2019 4:33 PM
To: Miller, Sydney <Sydney.Miller@durhamnc.gov>

Subject: RE: Teer Reservoir Proposal

Received thank you.

Sincerely,
Howard

From: Miller, Sydney [mailto:Sydney.Miller@durhamnc.gov]
Sent: Monday, December 16, 2019 4:12 PM
To: Howard W. Fleming
Cc: Christopher Sandt; Craig Benedict; Greeley, Don
Subject: [EXTERNAL MAIL!] RE: Teer Reservoir Proposal

Howard,

Attached is a PDF of the letter we sent to Linda Culpepper at DWR. I was told by Harold Brady (DWR) in a phone conversation that we (the City of Durham Department of Water Management) would need to obtain a letter from each member of the Eno River Users Group (Orange-Alamance, Hillsborough, Orange County, and Piedmont Minerals) stating that each of the Eno River Users had no objection to the City's proposed Teer Quarry operation and conditions of water withdrawal from the Eno River. DWR would then present this information to the EMC for its consideration.

--Syd

--
Sydney Paul Miller
Water Resources Manager

Department of Water Management, City of Durham
1600 Mist Lake Drive
Durham, NC 27704
919.560.4381 ext. 35201
919.560.4479 fax
Sydney.Miller@durhamnc.gov



E-mail correspondence to and from this sender may be subject to the North Carolina Public Records Law and can be disclosed to third parties.

From: Howard W. Fleming [mailto:hfleming@orangecountync.gov]
Sent: Monday, December 16, 2019 4:03 PM
To: Miller, Sydney <Sydney.Miller@durhamnc.gov>

WATER MANAGEMENT
CITY OF DURHAM

October 29, 2019

Ms. Linda Culpepper, Director
Division of Water Resources
NC Department of Environmental Quality
1611 Mail Service Center
Raleigh, NC 27699-1611

RE: Teer Quarry Operation and Eno River Capacity Use Area

Dear Ms. Culpepper:

The City of Durham (City) owns the Teer Quarry Reservoir located adjacent to the Eno River and needs to operate the facility under broader parameters than those currently permitted under the Finding of No Significant Impact (FONSI) for the Phase I Teer Quarry Supplemental Storage Project (2010) in order to meet the City's water supply needs. The City of Durham Department of Water Management (DWM) developed a broader set of water withdrawal and water supply access conditions in collaboration with the Division of Water Resources (DWR), the NC Wildlife Resources Commission (WRC) and the US Fish and Wildlife Service (USFWS), and presented those conditions to the Eno River Water Users at their annual meeting.

The Durham Water System (City of Durham) is subject to the Voluntary Eno River Capacity Use Area (CUA) Water Management Operations Plan (WMOP), as are the Hillsborough Water System (Town of Hillsborough), the Orange-Alamance Water System, and Piedmont Minerals (now Resco Products). The WMOP was implemented as a result of low flow conditions during which the demand for water exceeded the amount of water available from the Eno River. With the exception of the City's withdrawal from the Eno River (downstream from US-501), the WMOP is based on Lake Orange water levels (upstream of the USGS Eno River Gage at Hillsborough) and Eno River flows at the USGS Eno River Gage at Hillsborough (US-70). See Figure 1 on the next page.

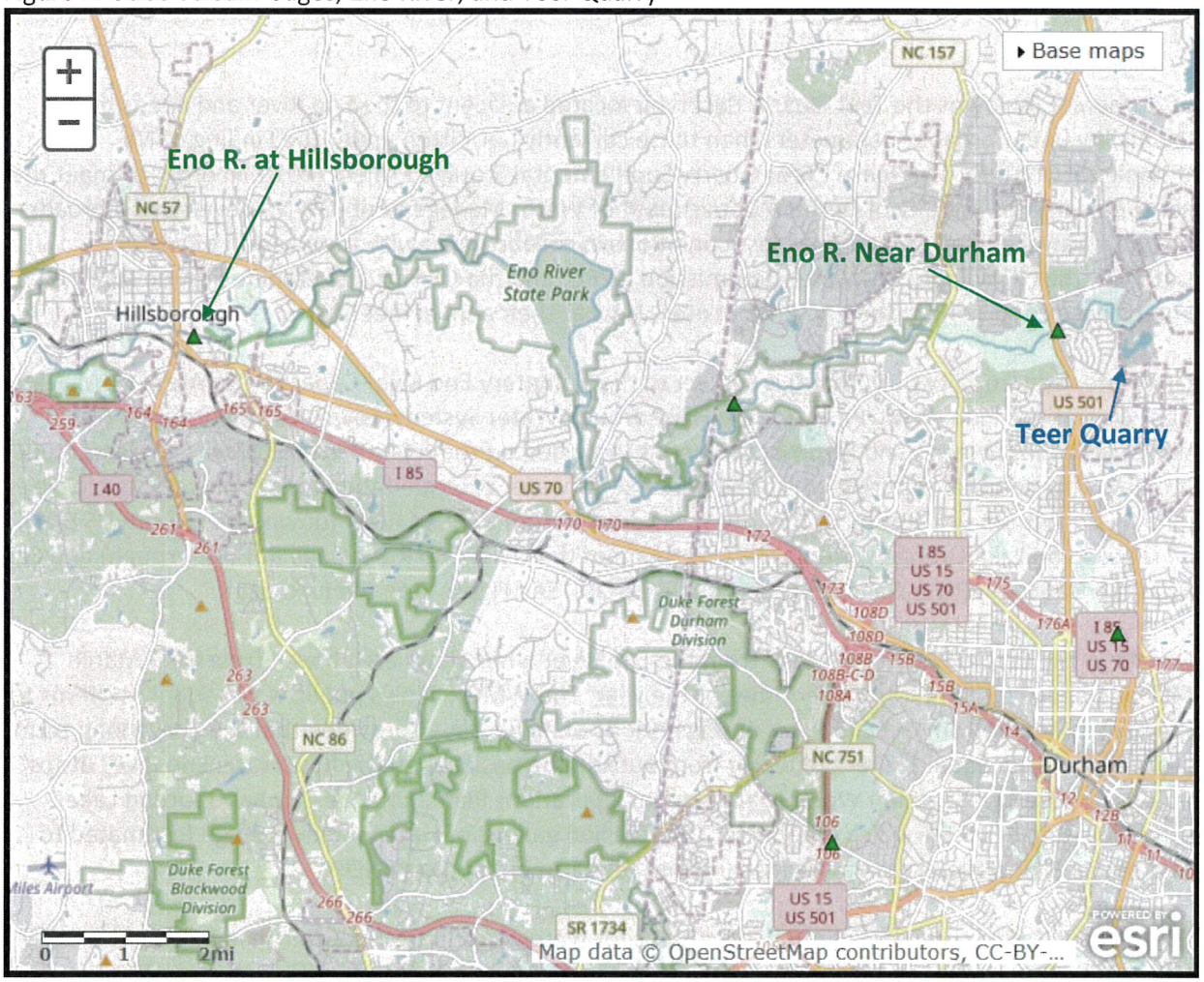
The WMOP allows the City to withdraw 5 mgd from the Eno River when flows are above 30 cfs from March through May and above 10 cfs during other times of the year. The WMOP allows public water supply systems to withdraw additional water from the Eno River during periods of higher flow "provided that they have long-term contracts for obtaining an equal amount of water from outside the basin when the flow in the Eno River drops" (Eno River Capacity Use Investigation Water Management Operations Plan, p.4). The City has a Jordan Lake water supply allocation of 16.5% which is equal to 2,462 million gallons of water supply storage (estimated to reliably yield 16.5 million gallons per day), satisfying that requirement in the WMOP.

The WMOP does not define the Eno River flow conditions for water withdrawals greater than 5 mgd. The DWM worked with the DWR, the WRC and the USFWS to develop and analyze a range of hydrologic modeling scenarios using the DWR's Cape Fear-Neuse River Basins Hydrologic Model to develop operational conditions under which the City can withdraw more than 5 mgd from the Eno River without negatively impacting the stream ecology or other Eno River users.

The essence of the agreed-upon conditions for withdrawal from the Eno River is:

1. A withdrawal rate of 5 mgd is currently allowable under the Voluntary Eno River Capacity Use Area (CUA) Water Management Operations Plan.
2. Withdrawal rates exceeding 5 mgd may only occur when Eno River flows as measured at the USGS Eno River Gage near Durham (US-501) exceed the annual median flow of 49 cfs, i.e., flows well above the low flow conditions of concern in the WMOP.
3. Withdrawal rates exceeding 5 mgd require a flowby rate downstream of the point of withdrawal measured at the USGS Eno River Gage Near Durham.
    a. The total flowby requirement in the Eno River downstream of the point of withdrawal will be 90% of flow above 49 cfs when Teer Quarry is above 254' MSL.
    b. The total flowby requirement in the Eno River downstream of the point of withdrawal will be 80% of flow above 49 cfs when Teer Quarry is below 254' MSL.
4. Withdrawal rates exceeding 5 mgd may only occur when Falls Lake is at or above guide curve (251.5' MSL).

Figure 1. USGS Stream Gages, Eno River, and Teer Quarry



The WMOP is largely concerned with low flows in the Eno River as measured at the USGS Eno River Gage at Hillsborough. The City's withdrawal from the Eno River would only occur during high flow events, withdrawals from the Eno River would occur only about 12 days per year on average (during 1,038 days of the 32,142 days

modeled), and the withdrawals would be over 15 miles downstream from the Eno River Gage at Hillsborough. It is clear from Figure 1 and from the hydrologic modeling results (see Scenario 4.3 in the attached report) that the agreed upon conditions for the City to fill Teer Quarry with water withdrawn from the Eno River that the City's operation of Teer Quarry will have absolutely no impact whatsoever on the Hillsborough Water System (Town of Hillsborough), the Orange-Alamance Water System, or Resco Products. The Eno River Water Users discussed this project at their annual meeting on August 30, 2019, and expressed no concerns.

The ability to withdraw water from the Eno River for filling the Teer Quarry Reservoir is crucial for the City's use of Teer Quarry as a water supply. We request confirmation that the City's operating conditions for its use of the Teer Quarry Reservoir are in accordance with the Eno River Capacity Use Investigation Water Management Operations Plan.

Sincerely,

Donald F. Greeley,
Director

C: Marie Strandwitz, Utilities Director, Town of Hillsborough
Ben Vaughn, General Manager, Orange-Alamance Water System
Tonya Scarlett, Operations Manager, Resco Products

ROY COOPER
Governor
MICHAEL S. REGAN
Secretary
LINDA CULPEPPER
Director

NORTH CAROLINA
Environmental Quality

February 20, 2019

Attn: Mr. Donald F. Greeley, PE, PLS
Director, City of Durham Dept. of Water Management
101 City Hall Plaza
Durham, NC 277701

Re: Conditions for withdrawal of waters from the Eno River and Lake Michie for transfer to the Teer Quarry and usage of those waters for water supply

Mr. Greeley,

The North Carolina Department of Environmental Quality (NCDEQ) - Division of Water Resources (DWR), working closely with the North Carolina Wildlife Resources Commission (WRC), and the City of Durham and their consultants, Hazen and Sawyer, have agreed to conditions by which the City of Durham would be allowed to withdraw water for water supply purposes from the Eno River. It is understood that water withdrawn from the Eno River would be discharged into the nearby Teer Quarry for water supply storage (map attached). The Teer Quarry is planned to become an additional non-emergency source of water for the City of Durham once it has been appropriately classified for drinking water purposes and approved by the Public Water Supply Section. In addition to waters from the Eno River, the Teer Quarry is also expected to receive significant contributions from Lake Michie. Availability by the City of Durham to the waters within Teer Quarry for water supply purposes will also be under a specific set of conditions. This letter serves to provide the conditions by which waters can be withdrawn from the Eno River, Lake Michie, and Little River Reservoir and transferred to the Teer Quarry and the conditions by which waters in Teer Quarry will be allowed to be used for water supply.

A meeting was held on November 16, 2018 to review the proposed Teer Quarry operation and withdrawal conditions and review the results from the associated hydrologic study conducted by Hazen and Sawyer. During this meeting, none of the agency representatives present (attendance sheet attached) expressed significant issues with the results from the hydrologic analysis and offered no objections to the proposed withdrawal and water supply access conditions. Below is a detailed list of the proposed conditions and operations for the proposed project. Please note that minimum release requirements for both Lake Michie and the Little River Reservoir are also included. Minimum release requirements for Lake Michie have been previously agreed upon by NCDEQ, but not formally documented as permit conditions. Minimum release conditions for the Little River Reservoir are contained within the current NCDEQ Dam Safety Permit.

Proposed Conditions:

1. Prior to conducting any Teer Quarry refill operation, Falls Lake must be at or above guide curve (elevation: 251.5' mean sea level (MSL)).

2. Eno River withdrawals for transferring water to the Teer Quarry are subject to the following conditions:
   a. Withdrawal rate of up to 5 mgd (7.7 cfs) is currently allowable under the Voluntary Eno River Capacity Use Area (CUA) Water Management Plan, when flows in the Eno River are at or above 30 cfs from March through May and above 10 cfs during all other times of the year. River flows downstream of the Eno River intake must remain at or above 30 cfs and 10 cfs for withdrawal to occur. This is also described in the 2010 FONSI issued by the DWR allowing withdrawals for water supply from the Teer Quarry on an emergency basis; Stage 4 Water Supply Emergency. Additionally, the City of Durham has provided a chart (attached) describing the predicted withdrawal rates based upon the conceptual design constraints of the proposed weir along the southern bank of the Eno River. The pumps will be located behind the weir; therefore, water must be at a certain stage (i.e., height) to effectively flow over the structure and reach the pumps. It has been estimated by Hazen and Sawyer, consultants with the City of Durham, that the flow rates in the Eno River will meet or exceed the minimum required flows for withdrawal prior to water passing over the weir.
   b. Withdrawal rates exceeding 5 mgd will require a flowby rate downstream of the point of withdrawal of 49 cfs (annual median) measured at the USGS Eno River gage at Durham (US501).
   c. The total flowby requirement in the Eno River downstream of the point of withdrawal will be 90% of flow above 49 cfs when the Teer Quarry is above 254' MSL.
   d. The total flowby requirement in the Eno River downstream of the point of withdrawal will be 80% of flow above 49 cfs when the Teer Quarry is below 254' MSL.
   e. It is understood that unless agreements are secured with the primary partners (i.e., water users group) of the Eno River CUA, withdrawals from the Eno River will be limited to a maximum daily withdrawal of 21.5 mgd (33.2 cfs) as outlined in "Outside Sources" section of the Eno River CUA Water Management Plan. This allowance is based upon the 16.5 mgd (25.5 cfs) allocation from Jordan Lake, which the City of Durham has been allocated by the Environmental Management Commission (EMC) and the existing 5 mgd allowance discussed in bullet 2a.

3. Lake Michie withdrawals for transferring water to Teer Quarry are subject to the following conditions:
   a. 3-tiered minimum release schedule for the Flat River below Lake Michie Dam:
      i. >70% storage = 1.75 cfs
      ii. 40% ≤ storage < 70% = 1.2 cfs
      iii. < 40% storage = 0.61 cfs
   b. No transfer of water to Teer Quarry will occur until Flat River flows below Lake Michie are at or above 11.75 cfs, measured at a gage location, yet to be determined, immediately downstream of the dam.
   c. The maximum rate of transfer from Lake Michie to Teer Quarry will be 20 mgd (30.9 cfs).

4. Little River Reservoir withdrawals for transferring water to Teer Quarry are subject to the following conditions:
   a. Transfer of water from Little River Reservoir to Teer Quarry will only be allowable when Lake Michie is off-line; therefore, it will be considered an emergency operation.
   b. Little River Reservoir has existing minimum release requirements of 6 cfs from December through May and 2 cfs all other times of the year, measured at the crossing of Vintage Hill Parkway.
   c. No transfer of water to Teer Quarry until flows in the Little River below the Little River Reservoir are at or above the minimum release + 20 cfs (i.e., 26 and 22 cfs).
   d. The maximum rate of transfer from the Little River Reservoir to Teer Quarry will be 20 mgd (30.9 cfs).

5. Operation requirements for water stored in Teer Quarry to be used for water supply:
   a. Teer Quarry water supply operations would not occur under "normal" conditions, but would be allowable once drought conditions (Stage D1 in DWR approved Water Shortage Response Plan) are declared, as a means to more fully manage the water supply available to the City.

Additional Items:

1. The Teer Quarry transfer rates will be adjustable to conditions by the City of Durham through the use of pumps with variable flow devices (VFDs), throttling valves, or other technology.

2. Requiring Falls Lake to be at or above guide curve (251.5' MSL) before allowing withdrawals to occur from Lake Michie will insure that there is sufficient water for the North Carolina Wildlife Resources Commission (NCWRC) to withdraw water for seasonal waterfowl impoundments located on the Flat River arm of Falls Lake at the Butner – Falls of Neuse Game Land.

Please contact Harold Brady, harold.m.brady@ncdenr.gov, if there are any comments or concerns regarding the withdrawal and water supply access conditions outlined above for the proposed project by the City of Durham.

Thank you,

T. Fransen

Tom Fransen
Chief, Water Planning Section
North Carolina Division of Water Resources

ORANGE-ALAMANCE WATER SYSTEM, INC.

POST OFFICE BOX 187 MEBANE, NORTH CAROLINA 27302 TELEPHONE: (919) 563-6212

December 30, 2019

Donald F. Greeley, Director
Department of Water Management
City of Durham
101 City Hall Plaza
Durham, NC 27707

Received
Office of the Director
JAN 6 2020

Dept. of Water Management

RE: Teer Quarry Operation and Eno River Capacity Use Area

Dear Mr. Greeley,

This letter is to confirm that Orange-Alamance Water System has no objection to the City of Durham's proposed withdrawal of water from the Eno River under the conditions specified by the NC Department of Environmental Quality Division of Water Resources (DWR). The City of Durham, referred to as the Durham Water System in the WMOP, is subject to the Voluntary Eno River Capacity Use Area Water Management Operations Plan (WMOP), as are the Hillsborough Water System (Town of Hillsborough), Orange County, the Orange-Alamance Water System, and Piedmont Minerals (now Resco Products).

The City of Durham (City) owns the Teer Quarry Reservoir located adjacent to the Eno River and needs to operate the facility under broader parameters than those currently permitted under the Finding of No Significant Impact (FONSI) for the Phase I Teer Quarry Supplemental Storage Project (2010) in order to meet the City's water supply needs. The City of Durham Department of Water Management developed a broader set of water withdrawal and water supply access conditions in collaboration with DWR, the NC Wildlife Resources Commission (WRC) and the US Fish and Wildlife Service (USFWS), and discussed those conditions with the Eno River Water Users at their annual meeting on August 30, 2019.

The essence of the agreed-upon conditions for withdrawal from the Eno River is:

1. A withdrawal rate of 5 mgd is currently allowable under the Voluntary Eno River Capacity Use Area (CUA) Water Management Operations Plan.
2. Withdrawal rates exceeding 5 mgd may only occur when Eno River flows as measured at the USGS Eno River Gage near Durham (US-501) exceed the annual median flow of 49 cfs, i.e., flows well above the low flow conditions of concern in the WMOP.
3. Withdrawal rates exceeding 5 mgd require a flowby rate downstream of the point of withdrawal measured at the USGS Eno River Gage Near Durham.
    a. The total flowby requirement in the Eno River downstream of the point of withdrawal will be 90% of flow above 49 cfs when Teer Quarry is above 254' MSL.
    b. The total flowby requirement in the Eno River downstream of the point of withdrawal will be 80% of flow above 49 cfs when Teer Quarry is below 254' MSL.
4. Withdrawal rates exceeding 5 mgd may only occur when Falls Lake is at or above guide curve (251.5' MSL).

Sincerely,

Faye Metcalf,
Board of Director

RESCO
PRODUCTS, INC.

February 4, 2020

Donald F. Greeley, Director
Department of Water Management
City of Durham
101 City Hall Plaza
Durham, NC 27707

RE: Teer Quarry Operation and Eno River Capacity Use Area

Dear Mr. Greeley,

This letter is to confirm that Resco Products, referred to as Piedmont Minerals in the Voluntary Eno River Capacity Use Area Water Management Operations Plan (WMOP), has no objection to the City of Durham's proposed withdrawal of water from the Eno River under the conditions specified by the NC Department of Environmental Quality Division of Water Resources (DWR). The City of Durham, referred to as the Durham Water System in the WMOP, is subject to the Voluntary Eno River Capacity Use Area Water Management Operations Plan (WMOP), as are the Hillsborough Water System (Town of Hillsborough), Orange County, the Orange-Alamance Water System, and Piedmont Minerals (now Resco Products).

The City of Durham (City) owns the Teer Quarry Reservoir located adjacent to the Eno River and needs to operate the facility under broader parameters than those currently permitted under the Finding of No Significant Impact (FONSI) for the Phase I Teer Quarry Supplemental Storage Project (2010) in order to meet the City's water supply needs. The City of Durham Department of Water Management developed a broader set of water withdrawal and water supply access conditions in collaboration with DWR, the NC Wildlife Resources Commission (WRC) and the US Fish and Wildlife Service (USFWS), and discussed those conditions with the Eno River Water Users at their annual meeting on August 30, 2019.

The essence of the agreed-upon conditions for withdrawal from the Eno River is:

1. A withdrawal rate of 5 mgd is currently allowable under the Voluntary Eno River Capacity Use Area (CUA) Water Management Operations Plan.
2. Withdrawal rates exceeding 5 mgd may only occur when Eno River flows as measured at the USGS Eno River Gage near Durham (US-501) exceed the annual median flow of 49 cfs, i.e., flows well above the low flow conditions of concern in the WMOP.
3. Withdrawal rates exceeding 5 mgd require a flowby rate downstream of the point of withdrawal measured at the USGS Eno River Gage Near Durham.
    a. The total flowby requirement in the Eno River downstream of the point of withdrawal will be 90% of flow above 49 cfs when Teer Quarry is above 254' MSL.
    b. The total flowby requirement in the Eno River downstream of the point of withdrawal will be 80% of flow above 49 cfs when Teer Quarry is below 254' MSL.
4. Withdrawal rates exceeding 5 mgd may only occur when Falls Lake is at or above guide curve (251.5' MSL).

Sincerely,

Tonya Scarlett

Tonya Scarlett,
Resco Products, Inc – Hillsborough Plant Manager

TOWN OF HILLSBOROUGH

February 14, 2020

Donald F. Greeley, Director
Department of Water Management
City of Durham
101 City Hall Plaza
Durham, NC 27707

RE: Teer Quarry Operation and Eno River Capacity Use Area

Dear Mr. Greeley,

We are aware that the City of Durham, referred to as the Durham Water System in the WMOP, is subject to the Voluntary Eno River Capacity Use Area Water Management Operations Plan (WMOP), as are the Hillsborough Water System (Town of Hillsborough), the Orange-Alamance Water System, and Piedmont Minerals (now Resco Products).

The City of Durham (City) owns the Teer Quarry Reservoir located adjacent to the Eno River and needs to operate the facility under broader parameters than those currently permitted in order to meet the City's water supply needs. The City of Durham Department of Water Management developed a broader set of water withdrawal and water supply access conditions in collaboration with DWR, the NC Wildlife Resources Commission (WRC) and the US Fish and Wildlife Service (USFWS), and highlighted those conditions with the Eno River Water Users at their annual meeting on August 30, 2019.

The essence of the agreed-upon conditions for withdrawal from the Eno River is:

1. A withdrawal rate of 5 mgd is currently allowable under the Voluntary Eno River Capacity Use Area (CUA) Water Management Operations Plan.
2. Withdrawal rates exceeding 5 mgd may only occur when Eno River flows as measured at the USGS Eno River Gage near Durham (US-501) exceed the annual median flow of 49 cfs (flows well above the low flow conditions of concern in the WMOP).
3. Withdrawal rates exceeding 5 mgd require a flow-by rate downstream of the point of withdrawal measured at the USGS Eno River Gage Near Durham.
    a. The total flow-by requirement in the Eno River downstream of the point of withdrawal will be 90% of flow above 49 cfs when Teer Quarry is above 254' MSL.
    b. The total flow-by requirement in the Eno River downstream of the point of withdrawal will be 80% of flow above 49 cfs when Teer Quarry is below 254' MSL.
4. Withdrawal rates exceeding 5 mgd may only occur when Falls Lake is at or above guide curve (251.5' MSL).

This letter is to confirm that the Town of Hillsborough, referred to as the Hillsborough Water System in the Voluntary Eno River Capacity Use Area Water Management Operations Plan (WMOP), has no objection to the City of Durham's proposed withdrawal of water from the Eno River under the conditions specified by the NC Department of Environmental Quality Division of Water Resources (DWR).

Sincerely,

K. Marie Strandwitz, PE
Utilities Director

Attachment 4

To be printed on BOCC letterhead

March 10, 2020

Donald F. Greeley, Director
Department of Water Management
City of Durham
101 City Hall Plaza
Durham, NC 27707

RE: Teer Quarry Operation and Eno River Capacity Use Area

Dear Mr. Greeley,

This letter is to confirm that Orange County has no objection to the City of Durham's proposed withdrawal of water from the Eno River under the conditions specified by the NC Department of Environmental Quality Division of Water Resources (DWR). The City of Durham, referred to as the Durham Water System in the WMOP, is subject to the Voluntary Eno River Capacity Use Area Water Management Operations Plan (WMOP), as are the Hillsborough Water System (Town of Hillsborough), Orange County, the Orange-Alamance Water System, and Piedmont Minerals (now Resco Products).

The City of Durham (City) owns the Teer Quarry Reservoir located adjacent to the Eno River and needs to operate the facility under broader parameters than those currently permitted under the Finding of No Significant Impact (FONSI) for the Phase I Teer Quarry Supplemental Storage Project (2010) in order to meet the City's water supply needs. The City of Durham Department of Water Management developed a broader set of water withdrawal and water supply access conditions in collaboration with DWR, the NC Wildlife Resources Commission (WRC) and the US Fish and Wildlife Service (USFWS), and discussed those conditions with the Eno River Water Users at their annual meeting on August 30, 2019.

The essence of the agreed-upon conditions for withdrawal from the Eno River is:

1. A withdrawal rate of 5 mgd is currently allowable under the Voluntary Eno River Capacity Use Area (CUA) Water Management Operations Plan.
2. Withdrawal rates exceeding 5 mgd may only occur when Eno River flows as measured at the USGS Eno River Gage near Durham (US-501) exceed the annual median flow of 49 cfs, i.e., flows well above the low flow conditions of concern in the WMOP.
3. Withdrawal rates exceeding 5 mgd require a flowby rate downstream of the point of withdrawal measured at the USGS Eno River Gage Near Durham.
    a. The total flowby requirement in the Eno River downstream of the point of withdrawal will be 90% of flow above 49 cfs when Teer Quarry is above 254' MSL.
    b. The total flowby requirement in the Eno River downstream of the point of withdrawal will be 80% of flow above 49 cfs when Teer Quarry is below 254' MSL.
4. Withdrawal rates exceeding 5 mgd may only occur when Falls Lake is at or above guide curve (251.5' MSL).

Orange County understands that the City is proposing a new water intake location on the Eno River (approximately ¾ mile upstream of the City's current water intake location) for use in filling the Teer Quarry reservoir. This letter of no objection to the City's proposed withdrawal of water from the Eno River does not represent Orange County's approval or resolution of support for the City's proposed new water intake location.

Sincerely,

Penny Rich
Chair, Orange County Board of County Commissioners

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: March 10, 2020

Action Agenda
Item No. 8-g

SUBJECT: Adoption of Involuntary Commitment Transport Plan

DEPARTMENT: Sheriff's Office

ATTACHMENT(S):
Attachment 1: NC DHHS Memorandum Dated October 24, 2018- Summary of Action Items Required by Senate Bill 630 (Session Law 2018-33)
Attachment 2: IVC Transportation Plan

IINFORMATION CONTACT:
Sheriff Charles S. Blackwood, 919.245.2900
Jennifer Galassi, Legal Advisor to the Sheriff, 919.245.2900

PURPOSE: To adopt a plan (transportation agreement) for the custody and transportation of respondents under involuntary commitment from one entity to another.

BACKGROUND: Senate Bill 630 (Session Law 2018-33): An Act Revising the Laws Pertaining to Involuntary Commitment in order to Improve the Delivery of Behavioral Health Services in North Carolina was approved in June 2018. The Bill requires the governing body of a city or county to adopt a plan (transportation agreement) for the custody and transportation of respondents under involuntary commitment from one entity to another. The Orange County Behavioral Health Task Force formed a subcommittee work group to draft a transportation agreement. The agreement tracks the language of North Carolina General Statute § 122C-251 and has been reviewed and is supported by the Carrboro Police Department, the Chapel Hill Police Department, the Orange County Sheriff's Office, and the UNC-Chapel Hill Police Department.

FINANCIAL IMPACT: There is no financial impact to the County. North Carolina General Statute § 122C-251(h) sets forth the costs and expenses of custody and transportation of a respondent.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goal is applicable to this item:

- **GOAL: CREATE A SAFE COMMUNITY**
  The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

RECOMMENDATION(S): The Manager recommends that the Board adopt the Involuntary Commitment Transportation Plan.

NC DEPARTMENT OF
HEALTH AND HUMAN SERVICES
Division of Mental Health, Developmental Disabilities and Substance Abuse Services

ROY COOPER · Governor
MANDY COHEN, MD, MPH · Secretary
KODY H. KINSLEY · Deputy Secretary for Behavioral Health & IDD

MEMORANDUM

Date: October 24, 2018

To: North Carolina Association of County Commissioners (NCACC)
North Carolina League of Municipalities

From: Kody H. Kinsley, Deputy Secretary for Behavioral Health & IDD

Subject: Summary of Action Items Required by Senate Bill 630 (Session Law 2018-33): An Act Revising the Laws Pertaining to Involuntary Commitment in order to Improve the Delivery of Behavioral Health Services in North Carolina.

New legislation (SB630) was passed in June of 2018 to revise the Involuntary Commitment process. The Department of Health and Human Services recognizes that successful implementation of SB630 will require collaboration among all stakeholders and thus, we would like to facilitate this joint effort. To aid in the discussion, we are reaching out with a brief review of the city/county-specific action items and their relevant due dates. We are asking how we can be supportive in this process, including coordination with the LME-MCOs.

SB630 City/County Specific Items:

- Previously optional, SB630 **requires the governing body of a city or county to adopt a plan (transportation agreement)** for the custody and transportation of respondents under involuntary commitment from one entity to another.
- **The city** has the duty to provide transportation of a respondent **who is a resident of the city or who is physically taken into custody in the city limits**. **The county** has the duty to provide transportation for a respondent **who resides in the county outside of city limits or who is physically taken into custody outside of city limits**. Cities and counties may contract with each other to provide transportation.
- **Law enforcement, local acute care hospitals, and mental health providers shall participate** in developing the transportation agreement.
- This agreement **may designate law enforcement officers, volunteers, or other public or private personnel to provide custody and transport** for individuals undergoing involuntary commitment proceedings.
- Private personnel or agencies contracting for transportation services **shall complete training identified by the applicable LME-MCO** to ensure safety for both the respondent and public. Law enforcement may request to participate.

- Transportation agreements **shall be submitted to NC DMH/DD/SAS, area magistrates, county clerks of court and the LME-MCO** that serves the city or county **by January 1, 2019.** Subsequently modified transportation plans shall be submitted to the same entities at least 10 days prior to their effective date.
- LME-MCOs shall adopt a **community crisis services plan that incorporates the transportation agreement** and facilitates the first commitment examination in conjunction with a health screening for individuals under involuntary commitment.

Please note that this memo is only intended to provide a high level overview; for details, please refer to Senate Bill 630/Session Law 2018-33 . We look forward to hearing how we can best partner with the NCACC and NC League of Municipalities in this process. Questions/comments can be directed to IVCCommunication@dhhs.nc.gov.

Attachment 2

IVC TRANSPORTATION PLAN

I. Issuance of Transportation Order and Service

A. A Magistrate or clerk of Superior Court shall evaluate petitions for involuntary commitment.

B. If the involuntary commitment criteria are met, the magistrate or Clerk of Court will issue a Custody Order to law enforcement.

C. A law enforcement officer must take the respondent into custody within 24 hours after the order is signed.

II. Transportation for Initial Examination

A. Without unnecessary delay after assuming custody, the law enforcement officer shall take the respondent to an area facility for examination by a physician, eligible psychologist, or any health professional or mental health professional who is certified to perform the first examination for involuntary commitment as provided in Chapter 122C of the North Carolina General Statutes.

B. When the respondent is a resident of the city, or is taken into custody within the city limits, that city's police department will provide transportation in accordance with the order. If the respondent lives in the county, or is taken into custody in the county, then the county must transport the respondent.

C. If the transportation order requires the respondent to be transported to a facility outside the county, then the county is responsible for the transportation regardless of whether the respondent resides in the city or the county.

D. A clerk, magistrate, or district court judge may authorize the family or immediate friends of the respondent, if they so request, to transport the respondent pursuant to IVC procedures. This authorization shall only be granted in cases where the danger to the public, the family or friends of the respondent, or the respondent himself or herself is not substantial. The family or immediate friends of the respondent shall bear the costs of providing this transportation.

III. Transportation between Facilitates

A. If the commitment examiner finds that the respondent is mentally ill and is dangerous to self or others the commitment examiner shall recommend inpatient commitment, and shall so show on the examination report.

B. Upon notification, the law enforcement officer or other designated person shall take the respondent to a 24-hour facility pending a district court hearing.

C. To the extent feasible, in providing the transportation of the respondent, the law enforcement agency shall act within six hours of notification. Other designated persons shall take the respondent to a 24-hour facility within six hours of notification.

D. If a 24-hour facility is not immediately available or appropriate to the respondent's medical condition, the respondent may be temporarily detained under appropriate supervision at the site of the first examination.

1. Upon the commitment examiner's determination that a 24-hour facility is available and medically appropriate, the law enforcement officer or other designated person shall transport the respondent after receiving a request for transportation by the facility of the commitment examiner.

2. To the extent feasible, in providing the transportation of the respondent, the law enforcement agency shall act within six hours of notification. Other designated persons shall transport the respondent without unnecessary delay and within six hours after receiving a request for transportation by the facility of the commitment examiner.

E. The law enforcement agency who originally took the respondent into custody is responsible for transporting the respondent from the initial examination to the designated 24-hour facility if the facility is located within the county.

F. Transportation between counties for respondents held in 24-hour facilities who have requested a change of venue for the district court hearing shall be provided by the county where the petition for involuntary commitment was initiated.

IV. Outpatient Treatment and Discharges

A. If the physician recommends outpatient treatment, or neither inpatient nor outpatient treatment, the agency who originally took the respondent into custody shall return the respondent to the respondent's regular residence or, with the respondent's consent, to the home of a consenting individual located in the originating county.

B. Transportation between counties for discharge of a respondent from a 24-hour facility shall be provided by the county of residence of the respondent. However, a respondent being discharged from a facility may use his own transportation at his own expense.

V. Procedural Considerations

A. To the extent feasible, in providing transportation of a respondent, a city or county shall provide a driver or attendant who is the same sex as the respondent, unless the law enforcement officer allows a family member of the respondent to accompany the respondent in lieu of an attendant of the same sex as the respondent.

B. Law enforcement officers should advise respondents when taking them into custody that they are not under arrest and have not committed a crime, but are being taken into custody and transported to receive treatment and for their own safety and that of others.

C. To the extent feasible, law enforcement agencies transporting an IVC individual should provide a driver or attendant of the same gender or, alternatively, allow a family member of the IVC individual to accompany them.

D. Law enforcement officers may use reasonable force to restrain the IVC individual if it appears necessary for protection of themselves, the IVC individual or others. Officers shall use every effort to avoid restraint of a child under age 10 unless the child's behavior or other circumstances dictate that restraint is necessary.

E. Law enforcement officers shall respond to all inquiries from the destination facility concerning the IVC individual's behavior and any use of restraints during custody or transport, unless the information is confidential or would compromise a law enforcement investigation.

F. The cost and expenses of custody and transportation of a respondent are set forth in GS 122C-251(h).

VI. Other

A. This Agreement may be modified by mutual agreement of all the parties.

B. Any party may withdraw from this Agreement by written notice from its governing body.

C. This Agreement shall be submitted to the magistrates in the judicial district of each party to the Agreement, to the county clerks of court, to the LME/MCO that serves the city or county, and to the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services.

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: March 10, 2020

Action Agenda Item No. 8-h

SUBJECT: Approval of the Transfer of Ownership of One (1) Manufactured Home Unit to EmPOWERment, Inc.

DEPARTMENT: Housing and Community Development

ATTACHMENT(S):	**INFORMATION CONTACT:**
Resolution	Emila Sutton, Director, Housing and Community Development, (919) 245-2490

PURPOSE: To approve a resolution transferring from Orange County to EmPOWERment, Inc. the ownership of one (1) manufactured home purchased under the previously approved Orange County Land Banking/Manufactured Home Park Initiative's *Displacement Mitigation Assistance Program (DMAP).*

BACKGROUND: On November 20, 2017, the Affordable Housing Land Banking/Mobile Home Park Work Group presented the Board of County Commissioners (BOCC) with its recommendations on strategies for mitigating resident displacement and relocation challenges due to park closures and redevelopment efforts.

On March 20, 2018, the BOCC approved entering into an agreement with EmPOWERment, Inc. to assist the Housing and Community Development Department with Relocation Coordination Services under the County's new *Displacement Mitigation Assistance Program (DMAP)*. Given the proposed closing of a manufactured home park along NC 86 South and the number of families who initially needed to relocate and the condition of their existing units, two (2) new manufactured home units were purchased.

One family was relocated and another family chose not to relocate but continued to work with the park owner, who changed his mind about closing the park. Therefore, the County collaborated with Habitat for Humanity as it related to providing assistance to a unit owner living in the Tar Heel Mobile Home Park in Chapel Hill. Partnering with Habitat, the County utilized the unit purchased earlier to provide assistance to a single-parent household with a school-aged child who was experiencing medical issues give the indoor air quality of their existing unit. The existing unit was beyond repair and exceeded the unit lifespan as determined by the manufacturer.

The Tar Heel Mobile Home community was sold approximately 20 months ago. At that time the new owners shared with the tenants the vision to build a gas station and a three-story storage unit. The owners shared at that time some residents were going to be re-located in other parts of the park and also warned some leases were not going to be renewed. One of those families is the recipient of this third manufactured home. The family has two working adults and five children living in the home, and have lived in the current home for almost 15 years. Per the landlord, leaving the park was their only option, and as such, EmPOWERment determined this family was a candidate for the DMAP program.

The *Displacement Mitigation Assistance Program (DMAP)* has a lease-purchase component that allows for manufactured home park tenants who received a replacement unit under the program to purchase units after twelve (12) months of successful renting. The home must be affordable and payments must not exceed thirty percent (30%) of the household income. The proposed transfer of ownership of the one (1) new manufactured home units to EmPOWERment, Inc. would allow for the activation of the lease-purchase component. The formula for calculating the purchase price for each of the units is as follows:

- Purchase price shall not exceed seventy percent (70%) of the original base purchase price and the mortgage shall be for a period of 10 years with a zero percent interest rate.
  - 3-Bedroom Unit: $30,824 X 70% = $21,576.80. $21,576.80/10= $2,157.68. $2,157.68/12 = $179.81 per month.
  - 2-Bedroom Unit: $29,633 X 70% = $20,743.10. $20,743.10/10= $2,074.31. $2,074.31/12 = $172.86 per month

Note that the above monthly amounts paid by tenants to EmPOWERment, Inc. under the lease-purchase component will be transferred to the County on a monthly basis. To date, one tenant has expressed interest in purchasing the manufactured home.

FINANCIAL IMPACT: There is no negative impact to the County. However, the value of the asset or manufactured homes will be transferred to EmPOWERment, Inc., but all mortgage payments will be returned to Orange County.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goals are applicable to this item:

- **GOAL: FOSTER A COMMUNITY CULTURE THAT REJECTS OPPRESSION AND INEQUITY**
  The fair treatment and meaningful involvement of all people regardless of race or color; religious or philosophical beliefs; sex, gender or sexual orientation; national origin or ethnic background; age; military service; disability; and familial, residential or economic status.
- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**
  The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.

The creation and preservation of affordable housing options helps to meet a basic human need and advances economic self-sufficiency.

- **GOAL: CREATE A SAFE COMMUNITY**
  The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence.

Affordable housing options allow individuals to reduce risks associated with being in unstable housing or experiencing homelessness.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

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

1) approve and authorize the Chair to sign the resolution transferring ownership of the one (1) manufactured home unit to EmPOWERment, Inc.; and
2) authorize the County Manager to execute any agreements or other required documentation subject to legal review and approval by the County Attorney as it relates to transferring the property to EmPOWERment, Inc.

ORANGE COUNTY BOARD OF COMMISSIONERS

RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY-OWNED PERSONAL PROPERTY BY PRIVATE SALE TO EMPOWERMENT PURSUANT TO N.C.G.S. § 160A-279 TO PROVIDE AFFORDABLE HOUSING TO PERSONS OF LOW OR MODERATE INCOME

WHEREAS, Orange County owns manufactured homes identified by Serial Number CWP039516TN; and

WHEREAS, the manufactured homes in question were purchased by Orange County pursuant to the Affordable Housing Land Banking/Manufactured Home Initiative Development Agreement ("Development Agreement") between Orange County and EmPOWERment, Inc. ("EmPOWERment"); and

WHEREAS, the Development Agreement permits Orange County to transfer ownership of manufactured homes purchased pursuant to the Development Agreement to EmPOWERment, a North Carolina not-for-profit corporation engaged in providing quality housing to low and moderate persons in Orange County; and

WHEREAS, EmPOWERment will lease the manufactured homes to low to moderate income persons in Orange County facing displacement and relocation challenges due to manufactured homes park closures and redevelopment efforts within Orange County; and

WHEREAS, North Carolina General Statute § 160A-279 provides that whenever a county is authorized to appropriate funds to any private entity which carries on a public purpose, the county may, in lieu on appropriating funds, convey for private sale to such entity any personal property which is owns provided that it attach a covenant which will assure the property will be put to a public use by the recipient entity; and

WHEREAS, North Carolina General Statute § 153A-378 provides that assisting with providing housing to persons of low or moderate income is a public purpose; and

WHEREAS, North Carolina General Statute § 160A-279 requires that the procedural provisions of North Carolina General Statute § 160A-267 shall apply, which statute requires that the Board adopt a resolution authorizing appropriate officials to dispose of the property by private sale at a negotiated price, and that a notice summarizing the contents of the resolution be published once after its adoption, and that such sale be consummated no earlier than ten (10) days after the publication of said notice; and

WHEREAS, the Orange County Board of County Commissioners has determined that it would be in the public interest and appropriate to use this statutory authorization to convey the manufactured homes to EmPOWERment.

NOW, THEREFORE, BE IT RESOLVED by the Orange County Board of Commissioners that the following procedures and standards for affordable housing are hereby adopted and shall be followed:

1. That the County Manager is hereby authorized, subject to legal review and approval by the County Attorney, to execute the necessary documents to convey the above-described manufactured home to EmPOWERment for the price of one dollar ($1.00) with the covenant that EmPOWERment shall rent the manufactured home to low income families earning up to 80% of the HUD area median income, including entering into lease-purchase agreements with eligible tenant families to facilitate homeownership by persons of low or moderate income in Orange County, pursuant to Orange County's Displacement Mitigation Assistance Program ("DMAP"). Tenants participating in DMAP's lease-purchase component shall spend no more than thirty percent (30%) of their total household income on the purchase of the unit. EmPOWERment shall further covenant to return to Orange County on a monthly basis all payments made by tenants who will be purchasing their replacement manufactured home unit under the lease-purchase component of the Displacement Mitigation Assistance Program (DMAP), not including the monthly maintenance fee or lot rental fee.

2. That the Clerk to the Board is directed to publish a notice summarizing the contents of the resolution once after its adoption, and that the transfer of the manufactured homes to EmPOWERment not be consummated until at least ten (10) days after its publication.

Adopted this the 10th day of March, 2020.

_____
Penny Rich, Chair
Orange County Board of Commissioners

ATTEST:

_____
Donna Baker, Clerk to the Board

Approved as to form and legal sufficiency:

_____
County Attorney's Office

ORD-2020-006

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: March 10, 2020

Action Agenda Item No. 8-i

SUBJECT: Fiscal Year 2019-20 Budget Amendment #6

DEPARTMENT: Finance and Administrative Services

ATTACHMENT(S):
Attachment 1. Budget As Amended Spreadsheet
Attachment 2. Year-to-Date Budget Summary

INFORMATION CONTACT:
Paul Laughton, (919) 245-2152
Gary Donaldson, (919) 245-2453

PURPOSE: To approve budget and grant project ordinance amendments for fiscal year 2019-20.

BACKGROUND:

Department on Aging

1. The Department on Aging has received the following revenue to its FY 2019-20 budget:
    - **State Senior Center General Purpose Funds –** receipt of $21,148 from the N.C. General Assembly through the Triangle J Area Agency on Aging to be used to cover temporary personnel and program supplies at the Passmore and Seymour Senior Centers.
    - **Facilities Rental –** receipt of $2,000 for various building rentals of the Seymour and Passmore Centers, used to pay for temporary staff to work at these rentals.
    - **Fitness Studio –** anticipated receipt of $5,000 in Fitness Studio fees to pay for class instructors.
    - **Wellness Classes –** anticipated receipt of $10,000 in wellness class fees to pay for instructors and related class expenses. These funds will be appropriated in the Annual Grant Fund, outside of the General Fund.

This budget amendment provides for the receipt of these additional funds, and amends the current Senior Citizen Health Promotion Wellness Grant Project Ordinance as follows:

Senior Citizen Health Promotion Wellness Grant ($10,000) - Project # 294303

Revenues for this project:

	Current FY 2019-20	FY 2019-20 Amendment	FY 2019-20 Revised
Senior Citizen Wellness Funds	$153,155	$10,000	$163,155
Total Project Funding	**$153,155**	**$10,000**	**$163,155**

Appropriated for this project:

	Current FY 2019-20	FY 2019-20 Amendment	FY 2019-20 Revised
Senior Citizen Wellness	$153,155	$10,000	$163,155
Total Costs	**$153,155**	**$10,000**	**$163,155**

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goal is applicable to this item:

- **GOAL: CREATE A SAFE COMMUNITY**
  The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence

County Manager Technical Amendment

2. The County Manager's Office is moving $1,800 between functions to cover expenses related to meeting facilitation for the Greene Tract property. This budget amendment provides for the moving of budgeted funds from the County Manager's Office to the Non-Departmental section of the General Government function.

   SOCIAL JUSTICE IMPACT: There is no Orange County Social Justice Goal impact associated with this item.

Sheriff's Office

3. The Sheriff's Office has been awarded funds from the U.S. Department of Justice FY 2019 State Criminal Alien Assistance Program (SCAAP) in the amount of $67,359. In June 2000, the Sheriff's Office entered into an agreement with Justice Benefit, Inc. to secure appropriate Federal financial assistance in recovering federal funds that are due to counties who house federal inmates. This budget amendment provides for the receipt of the additional $67,359. *(See Attachment 1, column 3)*

   SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goal is applicable to this item:

   - **GOAL: CREATE A SAFE COMMUNITY**
     The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence

Human Rights and Relations

4. The Human Rights and Relations Department has received $227,509 in additional Housing and Urban Development (HUD) funds for case reimbursement, administrative costs and training. This budget amendment provides for the receipt and appropriation of these additional funds and amends the following Human Rights and Relations HUD Grant Project Ordinance: *(See Attachment 1, column 4)*

Human Rights and Relations HUD Grant ($227,509) - Project # 71300

Revenues for this project:

	Current FY 2019-20	FY 2019-20 Amendment	FY 2019-20 Revised
HUD Funds	$181,077	$227,509	$408,586
From General Fund	$272,063	$0	$272,063
Total Project Funding	**$453,140**	**$227,509**	**$680,649**

Appropriated for this project:

	Current FY 2019-20	FY 2019-20 Amendment	FY 2019-20 Revised
Human Rights & Relations HUD Grant	$453,140	$227,509	$680,649
Total Costs	**$453,140**	**$227,509**	**$680,649**

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goal is applicable to this item:

- **GOAL: FOSTER A COMMUNITY CULTURE THAT REJECTS OPPRESSION AND INEQUITY**
  The fair treatment and meaningful involvement of all people regardless of race or color; religious or philosophical beliefs; sex, gender or sexual orientation; national origin or ethnic background; age; military service; disability; and familial, residential or economic status.

Cooperative Extension

5. Cooperative Extension is requesting to appropriate $12,500 from its 4-H Fund Balance. These funds will be used toward a vehicle purchase for the 4-H Program. With this appropriation, approximately $12,500 remains in the 4-H Fund Balance. *(See Attachment 1, column 5)*

   SOCIAL JUSTICE IMPACT: There is no Orange County Social Justice Goal impact associated with this item.

Finance and Administrative Services

6. The Finance and Administrative Services Department is requesting the approval of a new Financial Systems Administrator (1.0 FTE) position that will support the department and provide administration of the Enterprise Resource Planning (ERP) Financial System, known as Tyler MUNIS. Tyler MUNIS applications include: Accounts Payable, Accounts Receivable, Budgeting, Cash Management, Content Management, Fixed Assets, Payroll, Purchasing, Projects and Grants, and other financial subsidiaries. The department has implemented an investment strategy, which has resulted in strong investment earnings growth. Reinvestment of a portion of investment earnings will provide the offsetting revenue for this new position to support our County-wide financial systems. This budget amendment provides for the creation of this new 1.0 FTE position effectively immediately, with an estimated salary and benefits cost of $34,721 for the remainder of FY 2019-20 (annual cost is estimated at $105,225). *(See Attachment 1, column 6)*

   SOCIAL JUSTICE IMPACT: There is no Orange County Social Justice Goal impact associated with this item.

Board of County Commissioners

7. The Complete Count Committee has requested $12,500 from the Board of County Commissioners' Contingency account for expenses related to outreach materials for the 2020 Census. Approximately $5,500 would be used to professionally edit and produce an educational video created by Cedar Ridge High School students. The Committee

anticipates that the remaining funds would be used to cover additional costs for translation of materials into languages not provided by the Census (Burmese, Karen, and Swahili), printed guides and signage for the 13 Be Counted Sites, costs related to a series of Census Be Counted Launch events on March 16, 2020, brochures for information tables for community events, and other expenses. The Towns of Carrboro, Chapel Hill, and Hillsborough have also pledged to provide funds to pay for associated costs. This budget amendment provides for the allocation of $12,500 from the BOCC Contingency account to the Community Relations printing account to cover the above mentioned anticipated expenses. With this appropriation, $8,204 remains available in the Contingency account for FY 2019-20. (*See Attachment 1, column 7)*

SOCIAL JUSTICE IMPACT: There is no Orange County Social Justice Goal associated with this item.

Department of Social Services

8. The Department of Social Services has received several additional allocations from the State totaling $135,076. These allocations include Social Services Block Grant, Daycare Child Care Development Funds, Foster Care Caseworker, and is drawing more IV-E Foster Care Federal funds due to more IV-E eligible children in care. This budget amendment allows for the receipt of those funds and use of them for administrative purposes as well as to pay foster care board payments on behalf of children in care. *(See Attachment 1, column 8)*

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goals are applicable to this item:

- **GOAL: CREATE A SAFE COMMUNITY**
  The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence.
- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**
  The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.

Library Services

9. Orange County Library Services has received the following revenue to its FY 2019-20 budget.
   - **Library Services and Technology Act (LSTA) Mini Grant -** The Adult and Teen Services have been awarded a $2,000 LSTA mini grant. The Department will be conducting an oral history project focused on the senior citizen African American population in Hillsborough and northern Orange County.
   - **Friends of the OC Library –** Friends of the Library is donating $1,200 to fund the Library's 10 year anniversary community celebration.
   - **LSTA State Aid –** LSTA is increasing the County's allocation of state aid by $4,180, this will be used to replace the security gate, which has been considered a barrier for community members.
   - **Donations –** The Greenwald Family Charitable Trust of the Triangle Community Foundation is donating $1,000. This will fund the purchase of a desk as well as hardware for a 3D video counter software purchase.

This budget amendment provides for the receipt of these additional funds. *(See Attachment 1, column 9)*

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goal is applicable to this item:

- **GOAL: FOSTER A COMMUNITY CULTURE THAT REJECTS OPPRESSION AND INEQUITY**
  The fair treatment and meaningful involvement of all people regardless of race or color; religious or philosophical beliefs; sex, gender or sexual orientation; national origin or ethnic background; age; military service; disability; and familial, residential or economic status.

Visitors Bureau

10. The Orange County Visitors Bureau has received $174,502 in additional revenue from the Town of Chapel Hill for surpassing FY2018-19 performance benchmarks. As per the Agreement, the Town of Chapel Hill agrees to award the Visitors Bureau 50% of revenues from hotel/motel occupancy receipts of collections exceeding $1,000,000. The Bureau will use the funds to cover originally unbudgeted advertising campaigns, such as the Emu campaign and CVENT. A small portion will be used to cover shortfalls in the telephones, subscriptions, contract services and credit card acceptance charge line items. This budget amendment provides for the receipt of these additional funds for the purposes mentioned above. *(See Attachment 1, column 10)*

    SOCIAL JUSTICE IMPACT: There is no Orange County Social Justice Goal associated with this item.

ENVIRONMENTAL IMPACT: There are no Orange County Environmental Responsibility Goal impacts associated with these Budget Amendment items.

FINANCIAL IMPACT: Financial impacts are included in the background information above. This budget amendment provides for the receipt of these additional funds in FY 2019-20 and increases the General Fund by $273,684, increases the Grant Projects Fund by $237,509, increases the 4-H Fund budget by $12,500, and increases in the Visitors Bureau Fund by $174,502.

RECOMMENDATION(S): The Manager recommends the Board approve budget and grant project ordinance amendments for fiscal year 2019-20.

Attachment 1. Orange County Proposed 2019-20 Budget Amendment

The 2019-20 Orange County Budget Ordinance is amended as follows:

	Original Budget	Encumbrance Carry Forwards	Budget as Amended	Budget as Amended Through BOA #5	1. Department on Aging - receipt of additional State Senior Center General Purpose funds of $21,148; receipt of Facilities Rental revenue of $2,000; receipt of Fitness Studio fees of $5,000; and anticipated receipt of an additional $10,000 in wellness class fees in the Annual Grant Project Fund	2. County Manager - Technical Amendment to move budgeted funds from the County Manager's Office to the Non-Departmental section of the General Government function	3. Sheriff's Office - receipt of 2019 State Criminal Alien Assistance Program (SCAAP) funds totaling $67,359	4. Human Rights and Relations - receipt of additional HUD funds of $227,509 for case reimbursement, administration costs, and training.	5. Cooperative Extension - appropriation of $12,500 fund balance in the 4-H Fund for a vehicle purchase	6. Creation of a new Financial Systems Administrator (1.0 FTE) position in Finance and Administrative Services to support the department and provide administration of the Enterprise Resource Planning (ERP) Financial System, known as Tyler MUNIS	7. Board of County Commissioners - Allocate $12,500 from Commissioners Contingency to Community Relations for expenses related to outreach materials for the 2020 Census	8. Department of Social Services - receipt of additional SSBG, Day Care CCDF, Foster Care funds totaling $135,076	9. Library Services - receipt of additional funds totaling $8,380 from LSTA Grant, LSTA State Aid, and donations	10. Visitor's Bureau - receipt of additional revenue of $174,502 from the Town of Chapel Hill for surpassing FY 2018-19 performance benchmarks	Budget as Amended Through BOA #6
General Fund															
Revenue															
Property Taxes	$ 165,153,931	$ -	$ 165,153,931	$ 165,153,931	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 165,153,931
Sales Taxes	$ 25,372,861	$ -	$ 25,372,861	$ 25,372,861	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 25,372,861
License and Permits	$ 313,260	$ -	$ 313,260	$ 313,260	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 313,260
Intergovernmental	$ 18,278,612	$ -	$ 18,278,612	$ 18,826,343	$ 21,148	$ -	$ -	$ -	$ -	$ -	$ -	$ 135,076	$ 6,180	$ -	$ 18,988,747
Charges for Service	$ 12,704,833	$ -	$ 12,704,833	$ 12,781,147	$ 5,000	$ -	$ 67,359	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 12,853,506
Investment Earnings	$ 415,000		$ 415,000	$ 415,000						$ 34,721					$ 449,721
Miscellaneous	$ 3,040,769		$ 3,040,769	$ 3,287,452	$ 2,000								$ 2,200		$ 3,291,652
Transfers from Other Funds	$ 4,034,600		$ 4,034,600	$ 4,034,600											$ 4,034,600
Alternative Financing	$ -		$ -	$ 254,953											$ 254,953
Fund Balance	$ 7,808,006	$ 1,468,810	$ 9,276,816	$ 9,253,092											$ 9,253,092
Total General Fund Revenues	$ 237,121,872	$ 1,468,810	$ 238,590,682	$ 239,692,639	$ 28,148	$ -	$ 67,359	$ -	$ -	$ 34,721	$ -	$ 135,076	$ 8,380	$ -	$ 239,966,323
Expenditures															
Community Relations - Public Affairs	$ 288,826	$ -	$ 288,826	$ 295,483							$ 12,500				$ 307,983
Finance and Administrative Services	$ 1,534,718	$ 89,327	$ 1,624,045	$ 1,646,041						$ 34,721					$ 1,680,762
Support Services	$ 12,465,362	$ 421,862	$ 12,887,224	$ 11,949,512	$ -	$ -	$ -	$ -	$ -	$ 34,721	$ 12,500	$ -	$ -	$ -	$ 11,996,733
County Commissioners	$ 986,129	$ 40,797	$ 1,026,926	$ 1,037,742							$ (12,500)				$ 1,025,242
County Manager's Office	$ 2,998,025	$ 50,000	$ 3,048,025	$ 3,066,163		$ (1,800)									$ 3,064,363
Non-Departmental	$ 105,000	$ -	$ 105,000	$ 105,000		$ 1,800									$ 106,800
General Government	$ 23,540,653	$ 104,565	$ 23,645,218	$ 23,814,878	$ -	$ -	$ -	$ -	$ -	$ -	$ (12,500)	$ -	$ -	$ -	$ 23,802,378
Community Services	$ 14,421,090	$ 196,963	$ 14,618,053	$ 14,886,792	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 14,886,792
Human Services	$ 40,822,906	$ 410,483	$ 41,233,389	$ 42,361,910	$ 28,148	$ -	$ -	$ -	$ -	$ -	$ -	$ 135,076	$ 8,380	$ -	$ 42,533,514
Public Safety	$ 26,643,096	$ 334,937	$ 26,978,033	$ 27,471,782	$ -	$ -	$ 67,359	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 27,539,141
Education	$ 111,279,115		$ 111,279,115	$ 111,279,115											$ 111,279,115
Transfers Out	$ 7,949,650	$ -	$ 7,949,650	$ 7,928,650											$ 7,928,650
Total General Fund Appropriation	$ 237,121,872	$ 1,468,810	$ 238,590,682	$ 239,692,639	$ 28,148	$ -	$ 67,359	$ -	$ -	$ 34,721	$ -	$ 135,076	$ 8,380	$ -	$ 239,966,323
	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Visitors Bureau Fund															
Revenues															
Occupancy Tax	$ 1,423,571		$ 1,423,571	$ 1,423,571											$ 1,423,571
Sales and Fees	$ 500		$ 500	$ 500											$ 500
Intergovernmental	$ 236,703		$ 236,703	$ 240,903										$ 174,502	$ 415,405
Investment Earnings	$ 4,000		$ 4,000	$ 4,000											$ 4,000
Miscellaneous	$ -		$ -	$ -											$ -
Alternative Financing	$ -		$ -	$ 79,324											$ 79,324
Appropriated Fund Balance	$ 259,606	$ 2,438	$ 262,044	$ 446,080											$ 446,080
Total Revenues	$ 1,924,380	$ 2,438	$ 1,926,818	$ 2,194,378											$ 2,368,880
Expenditures															
General Government	$ 211,168		$ 211,168	$ 215,368											$ 215,368
Community Services	$ 1,713,212	$ 2,438	$ 1,715,650	$ 1,979,010										$ 174,502	$ 2,153,512
Total Visitors Bureau Expenditures	$ 1,924,380	$ 2,438	$ 1,926,818	$ 2,194,378	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 174,502	$ 2,368,880

Attachment 1. Orange County Proposed 2019-20 Budget Amendment

The 2019-20 Orange County Budget Ordinance is amended as follows:

	Original Budget	Encumbrance Carry Forwards	Budget as Amended	Budget as Amended Through BOA #5	1. Department on Aging - receipt of additional State Senior Center General Purpose funds of $21,148; receipt of Facilities Rental revenue of $2,000; receipt of Fitness Studio fees of $5,000; and anticipated receipt of an additional $10,000 in wellness class fees in the Annual Grant Project Fund	2. County Manager - Technical Amendment to move budgeted funds from the County Manager's Office to the Non-Departmental section of the General Government function	3. Sheriff's Office - receipt of 2019 State Criminal Alien Assistance Program (SCAAP) funds totaling $67,359	4. Human Rights and Relations - receipt of additional HUD funds of $227,509 for case reimbursement, administration costs, and training.	5. Cooperative Extension - appropriation of $12,500 fund balance in the 4-H Fund for a vehicle purchase	6. Creation of a new Financial Systems Administrator (1.0 FTE) position in Finance and Administrative Services to support the department and provide administration of the Enterprise Resource Planning (ERP) Financial System, known as Tyler MUNIS	7. Board of County Commissioners - Allocate $12,500 from Commissioners Contingency to Community Relations for expenses related to outreach materials for the 2020 Census	8. Department of Social Services - receipt of additional SSBG, Day Care CCDF, Foster Care funds totaling $135,076	9. Library Services - receipt of additional funds totaling $8,380 from LSTA Grant, LSTA State Aid, and donations	10. Visitor's Bureau - receipt of additional revenue of $174,502 from the Town of Chapel Hill for surpassing FY 2018-19 performance benchmarks	Budget as Amended Through BOA #6
4-H Fund															
Revenues															
Donations	**$ 6,928**		**$ 6,928**	**$ 6,928**											**$ 6,928**
Charges for Services	**$ 12,000**		**$ 12,000**	**$ 12,000**											**$ 12,000**
Intergovernmental	**$ 5,000**		**$ 5,000**	**$ 5,000**											**$ 5,000**
Interest on Investments	**$ 160**		**$ 160**	**$ 160**											**$ 160**
Appropriated Fund Balance	**$ 7,500**		**$ 7,500**	**$ 7,500**					$ 12,500						**$ 20,000**
Total 4-H Fund Revenues	**$ 31,588**	**$ -**	**$ 31,588**	**$ 31,588**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 12,500**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 44,088**
Expenditures															
4-H Program	**$ 31,588**		**$ 31,588**	**$ 31,588**					**$ 12,500**						**$ 44,088**
Grant Project Fund															
Revenues															
Intergovernmental	**$ 144,765**		**$ 144,765**	**$ 513,821**				**$ 227,509**							**$ 741,330**
Charges for Services	**$ 65,000**		**$ 65,000**	**$ 75,000**	**$ 10,000**										**$ 85,000**
Transfer from General Fund	**$ 57,043**		**$ 57,043**	**$ 57,043**											**$ 57,043**
Miscellaneous			**$ -**	**$ 40,000**											**$ 40,000**
Transfer from Other Funds			**$ -**	**$ -**											**$ -**
Appropriated Fund Balance	**$ 4,421**	$ 1,691	**$ 6,112**	**$ 6,112**											**$ 6,112**
Total Revenues	**$ 271,229**	**$ 1,691**	**$ 272,920**	**$ 691,976**	**$ 10,000**	**$ -**	**$ -**	**$ 227,509**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 929,485**
Expenditures															
Support Services	**$ -**	**$ -**	**$ -**	**$ 147,247**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 147,247**
Community Services	**$ -**	**$ -**	**$ -**	**$ 40,000**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 40,000**
Senior Citizen Health Promotion(Wellness)	$ 141,464	$ 1,691	**$ 143,155**	$ 153,155	$ 10,000										$ 163,155
Human Rights & Relations HUD Grant (Multi-Yr)			**$ -**	$ -				$ 227,509							$ 227,509
Emergency Solutions Grant - DSS (Multi-Yr)			**$ -**	$ 40,000											$ 40,000
United Way - FSA - Health (Multi-Yr)	**$ -**		**$ -**	$ 31,809											$ 31,809
Outreach Literacy Time to Read-Library	$ 94,765		**$ 94,765**	$ 94,765											$ 94,765
Human Services	**$ 236,229**	**$ 1,691**	**$ 237,920**	**$ 319,729**	**$ 10,000**	**$ -**	**$ -**	**$ 227,509**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 557,238**
EM Performance Grant	$ 35,000		$ 35,000	$ 35,000											$ 35,000
Local Reentry Council Grant - CJRD	$ -			$ 150,000											$ 150,000
Public Safety	**$ 35,000**	**$ -**	**$ 35,000**	$ 185,000	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 185,000**
Total Expenditures	**$ 271,229**	**$ 1,691**	**$ 272,920**	**$ 691,976**	**$ 10,000**	**$ -**	**$ -**	**$ 227,509**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 929,485**

Year-To-Date Budget Summary

Fiscal Year 2019-20

General Fund Budget Summary

Original General Fund Budget	$237,121,872
Additional Revenue Received Through Budget Amendment #6 (March 10, 2020)	
Grant Funds	$254,453
Non Grant Funds	$1,144,912
General Fund - Fund Balance for Anticipated Appropriations (i.e. Encumbrances)	$1,468,810
General Fund - Fund Balance Appropriated to Cover Anticipated and Unanticipated Expenditures	($23,724)
Total Amended General Fund Budget	**$239,966,323**
Dollar Change in 2019-20 Approved General Fund Budget	$2,844,451
% Change in 2019-20 Approved General Fund Budget	1.20%

Authorized Full Time Equivalent Positions

Original Approved General Fund Full Time Equivalent Positions	945.470
Original Approved Other Funds Full Time Equivalent Positions	98.350
Total Approved Full-Time-Equivalent Positions for Fiscal Year 2019-20	**1,043.820**

Paul:
increase a .50 FTE Navigator position in Health Department to 1.00 FTE thru FY 19-20 (BOA #1); increase a .75 FTE Navigator position to 1.00 FTE thru FY 19-20, and moves both temporary FTE increases for these Navigators from GF to Grant Fund (BOA #2); increase a 1.0 FTE Deputy Sheriff I - SRO Position (BOA #2-A); increase a 1.0 FTE time-limited Human Services Specialist position in DSS (BOA #3-A)

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: March 10, 2020

Action Agenda Item No. 8-j

SUBJECT: Agreements for Right-of-Way Encroachments on Primary and Secondary Highways – Bus Shelters

DEPARTMENT: Planning and Inspections

ATTACHMENT(S):	**INFORMATION CONTACT:**
1. Map of Shelter Locations	Tom Altieri, 919-245-2579
2. Encroachment Agreement among NCDOT, Orange County and Town of Hillsborough for Three Shelters	Steven Arndt, 919-245-2658 Craig Benedict, 919-245-2592 Theo Letman, 919-245-2007
3. Encroachment Agreement among NCDOT, Orange County and Town of Chapel Hill for One Shelter	

PURPOSE: To approve Right-of-Way Encroachment Agreements for Non-Utility Encroachments on Primary and Secondary Highways authorizing Orange County, on behalf of Orange County Public Transportation, to enter into agreements with the North Carolina Department of Transportation (NCDOT) for the installation of four (4) bus shelters at existing bus stops. Three bus stops are in Hillsborough and one bus stop is in Chapel Hill.

BACKGROUND: In 2012, the Board of Commissioners along with the Durham-Chapel Hill Carrboro Metropolitan Planning Organization and GoTriangle adopted Orange County's first comprehensive Transit Plan. This Plan was funded using a newly adopted Article 43 Half-Cent Sales Tax, and it included investments in new and expanded bus service, bus stop improvements, new capital infrastructure projects such as the Chapel Hill North-South Bus Rapid Transit Project and the Hillsborough Train Station.

In November 2019, the Board of Commissioners approved a planning framework to update the Transit Plan. While the updated Plan will outline transit investment priorities through 2040, there are several existing bus capital projects, such as bus shelters, that were included in the original plan and are committed projects that continue to proceed. Orange County Public Transportation (OCPT) bus stop sites that have been targeted for bus shelters include (map provided at Attachment 1):

1. Faucette Mill Road at Cornelius Street (US 70);
2. North Churton Street (NC-86) at Hillsborough Police Station;
3. New NC 86 South Bound at Home Depot; and
4. Martin Luther King, Jr. Boulevard at Homestead Road (Chapel Hill)

These stops service more than one OCPT route including the Hillsborough Circulator and Orange-Chapel Hill Connector as well as GoTriangle and Chapel-Hill Transit routes.

An Encroachment Agreement is necessary for any encroachment into NCDOT right-of-way. Since the four proposed shelters are located within the incorporated areas of the towns, the Encroachments Agreements that have been recommended are of a three-party nature. NCDOT owns the right-of-way, Orange County is the project sponsor, and the towns are each a party, as each will take the ownership and maintenance of the shelters following construction.

Attachment 2 includes the Encroachment Agreement between NCDOT, Orange County and the Town of Hillsborough for three shelters.

The Eclipse-Arch model transit shelter to be used at the three sites is made in the USA by Brasco International, is 5' x 10', black in color, and is equipped with solar lighting and USB connector. This shelter is on the NCDOT approved list for shelters in its right-of-way, has been recommended by Town staff, approved by the Historic District Commission, presented to the Town Board of Commissioners, and matches the shelter that is planned and currently under construction at the River Park entranceway on Churton Street. Based on a previous BOCC requested, staff has and will continue to work with the manufacturer and request that the benches used in the shelters not include "anti-vagrant" rest dividers. While not an exact match of specifications, pictures of this model can be viewed via the following link: https://www.brasco.com/products/bus-stop-shelters/eclipse/sloped/

Attachment 3 includes the Encroachment Agreement between NCDOT, Orange County and the Town of Chapel Hill for one shelter.

The Slim-Line model transit shelter to be used at this site is made in the USA by Brasco International, is 5' x 10', black in color, and is equipped with solar lighting and USB connector. The bench will not include "anti-vagrant" rest dividers. This shelter is also on the NCDOT approved list for shelters in its Right-of-Way, has been recommended by Town staff, and matches other shelters that currently exist in Chapel Hill. While not an exact match of specifications, pictures of this model can be viewed via the following link: https://www.brasco.com/products/bus-stop-shelters/slimline/dome/

Next Steps: Each town will be asked to take action on their respective agreements prior to final NC Board of Transportation (BOT) approval. Orange County Planning staff is in coordination with the respective town staffs. The Hillsborough Board of Commissioners will consider the Agreement on its consent agenda on March 9, 2020, and Town of Chapel Hill staff is conferring with the Town Attorney to determine if Council action is required on the Agreement or if the Town Manager has the authority to sign.

Orange County Asset Management Services (AMS) will manage the construction of the shelters in coordination with a staff team consisting of representatives from the County's Planning and Inspections Department and representation from the respective towns. As mentioned previously, the towns will take ownership and maintain the shelters following construction.

FINANCIAL IMPACT: There is no direct financial impact to the County associated with this item. Funding has already been secured for this project through the half-cent public transit sales tax and reflected in the FY 20 Transit Work Plan. Small bus capital projects, such as bus stop improvements, are handled on a reimbursement basis. As a result, the funding and off-setting revenues are also reflected in Orange County's FY 20 budget.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goals are associated with this item:

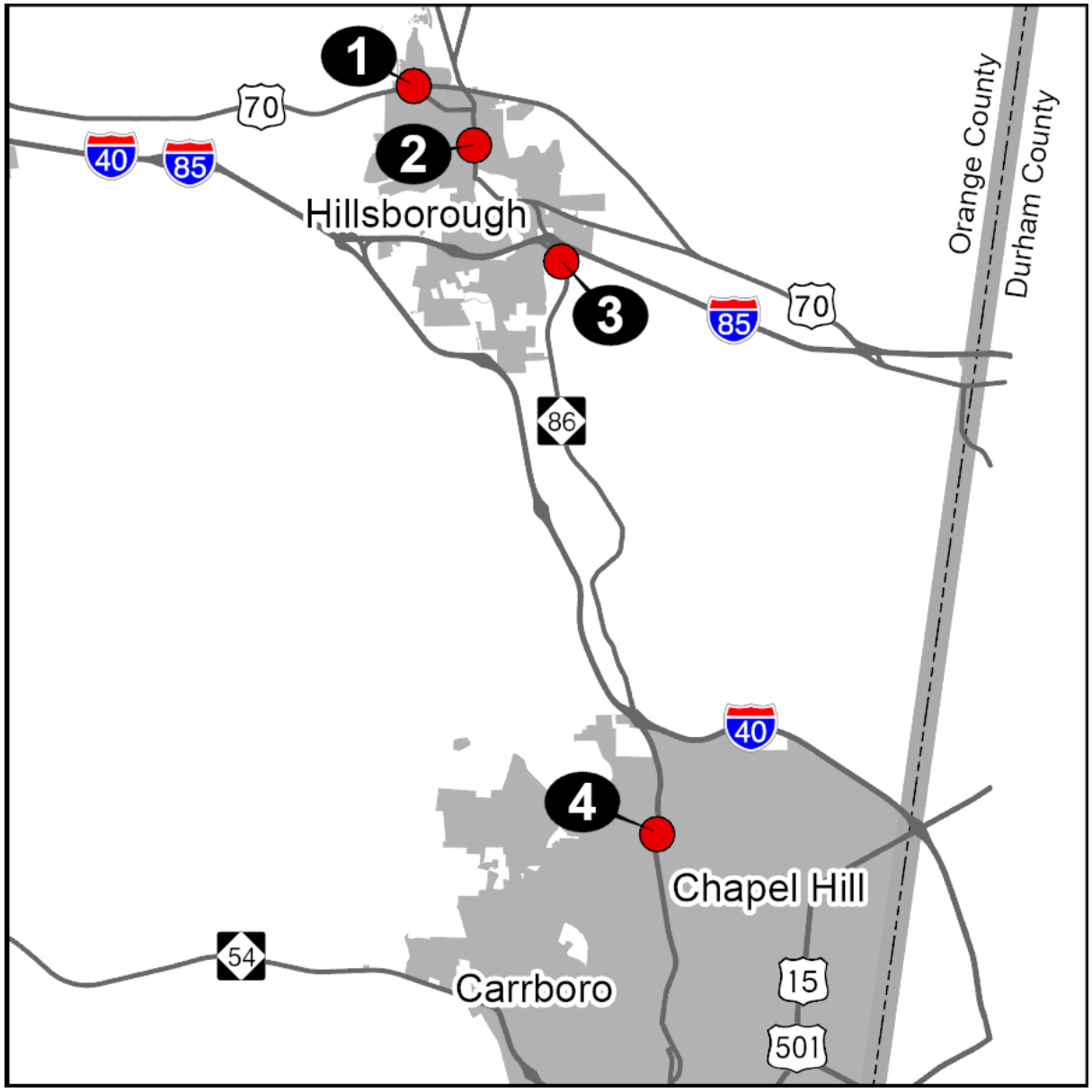
- **GOAL: CREATE A SAFE COMMUNITY**
  The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence.
- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**
  The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.

ENVIRONMENTAL IMPACT: The following Orange County Environmental Responsibility Goal impact is applicable to this item:

- **CLEAN OR AVOIDED TRANSPORTATION**
  Implement programs that monitor and improve local and regional air quality by: 1) promoting public transportation options, 2) decreasing dependence on single-occupancy vehicles, and 3) otherwise minimizing the need for travel.

RECOMMENDATION(S): The Manager recommends that the Board approve and authorize the Chair to sign the attached Encroachment Agreements for bus shelter installation at existing bus stops.

Map of Locations for Bus Shelters in Hillsborough and Chapel Hill



Locations:

1. Faucette Mill Rd. at Cornelius Street (US 70);
2. North Churton Street (NC-86) at Hillsborough Police Station;
3. New NC 86 South Bound at Home Depot; and
4. MLK Boulevard at Homestead (Chapel Hill).

STATE OF NORTH CAROLINA

ROUTE	SR 1328/US 70 BYP New NC 86 Churton St/NC 86	PROJECT	Orange County Bus Stop Improvements – Bus Shelters	COUNTY OF	Orange

DEPARTMENT OF TRANSPORTATION

-AND-

Orange County

-AND-

Town of Hillsborough

THREE PARTY RIGHT OF WAY ENCROACHMENT AGREEMENT ON PRIMARY AND SECONDARY SYSTEM

THIS AGREEMENT, made and entered into this the _____ day of _____ , 20 20 , by and between the Department of Transportation, party of the first part; and Orange County party of the second part; and Town of Hillsborough party of the third part,

W I T N E S S E T H

THAT WHEREAS, the party of the second part desires to encroach on the right of way of the public road designated as Route(s) SR1328/US 70 BYP; New NC 86; and Churton St/NC 86 , located at Faucette Mill Rd at US 70 BYP (westbound); at Home Depot at New NC 86 (southbound); and at Hillsborough Police Station at Churton St/NC 86 (southbound)

with the construction and/or erection of: concrete pads, bus shelters, and associated improvements.

WHEREAS, it is to the material advantage of the party of the second part to effect this encroachment, and the party of the first part in the exercise of authority conferred upon it by statute, is willing to permit the encroachment within the limits of the right of way as indicated, subject to the conditions of this agreement;

NOW, THEREFORE, IT IS AGREED that the party of the first part hereby grants to the party of the second part the right and privilege to make this encroachment as shown on attached plan sheet(s), specifications and special provisions which are made a part hereof upon the following conditions, to wit:

That the installation, operation, and maintenance of the above described facility will be accomplished in accordance with the party of the first part's latest POLICIES AND PROCEDURES FOR ACCOMMODATING UTILITIES ON HIGHWAY RIGHTS-OF-WAY, and such revisions and amendments thereto as may be in effect at the date of this agreement. Information as to these policies and procedures may be obtained from the Division Engineer or State Utility Agent of the party of the first part.

That the said party of the second part binds and obligates himself to install and maintain the encroaching facility in such safe and proper condition that it will not interfere with or endanger travel upon said highway, nor obstruct nor interfere with the proper maintenance thereof, to reimburse the party of the first part for the cost incurred for any repairs or maintenance to its roadways and structures necessary due to installation and existence of the facilities of the party of the second part, and if at any time the party of the first part shall require the removal of or changes in the location of the said facilities, that the said party of the second part binds himself, his successors and assigns, to promptly remove or alter the said facilities, in order to conform to the said requirement, without any cost to the party of the first part.

That the party of the second part agrees to provide during construction and any subsequent maintenance proper signs, signal lights, flagmen and other warning devices for the protection of traffic in conformance with the latest Manual on Uniform Traffic Control Devices for Streets and Highways and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained from the Division Engineer of the party of the first.

That the party of the second part hereby agrees to indemnify and save harmless the party of the first part from all damages and claims for damage that may arise by reason of the installation and maintenance of this encroachment.

That the party of the second part agrees to restore all areas disturbed during installation and maintenance to the satisfaction of the Division Engineer of the party of the first part. The party of the second part agrees to exercise every reasonable precaution during construction and maintenance to prevent eroding of soil; silting or pollution of rivers, streams, lakes, reservoirs, other water impoundments, ground surfaces or other property; or pollution of the air. There shall be compliance with applicable rules and regulations of the North Carolina Division of Environmental Management, North Carolina Sedimentation Control Commission, and with ordinances and regulations of various counties, municipalities and other official agencies relating to pollution prevention and control. When any installation or maintenance operation disturbs the ground surface and existing ground cover, the party of the second part agrees to remove and replace the sod or otherwise reestablish the grass cover to meet the satisfaction of the Division Engineer of the party of the first part.

That the party of the second part agrees to assume the actual cost of any inspection of the work considered to be necessary by the Division Engineer of the party of the first part.

That the party of the second part agrees to have available at the construction site, at all times during construction, a copy of this agreement showing evidence of approval by the party of the first part. The party of the first part reserves the right to stop all work unless evidence of approval can be shown.

Provided the work contained in this agreement is being performed on a completed highway open to traffic; the party of the second part agrees to give written notice to the Division Engineer of the party of the first part when all work contained herein has been completed. Unless specifically requested by the party of the first part, written notice of completion of work on highway projects under construction will not be required.

That in the case of noncompliance with the terms of this agreement by the party of the second part, the party of the first part reserves the right to stop all work until the facility has been brought into compliance or removed from the right of way at no cost to the party of the first part.

That it is agreed by both parties that this agreement shall become void if actual construction of the work contemplated herein is not begun within one (1) year from the date of authorization by the party of the first part unless written waiver is secured by the party of the second part from the party of the first part.

During the performance of this contract, the second party, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor"), agrees as follows:

a. Compliance with Regulations: The contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the U. S. Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

b. Nondiscrimination: The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

c. Solicitations for Subcontracts, including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.

d. Information and Reports: The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the Department of Transportation, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

e. Sanctions for Noncompliance: In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to,

(1) withholding of payments to the contractor under the contract until the contractor complies, and/or
(2) cancellation, termination or suspension of the contract, in whole or in part.

f. Incorporation of Provisions: The contractor shall include the provisions of paragraphs "a" through "f" in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Department of Transportation to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

That when title to the subject that constitutes the aforesaid encroachment passes from the party of the second part and vests in the party of the third part, the party of the third part agrees to assume all responsibilities and rights and to perform all obligations as agreed to herein by the party of the second part.

R/W (166): Party of the Second Part certifies that this agreement is true and accurate copy of the form R/W (166) incorporating all revisions to date.

IN WITNESS WHEREOF, each of the parties to this agreement has caused the same to be executed the day and year first above written.

DEPARTMENT OF TRANSPORTATION

BY: _____
DIVISION ENGINEER

WITNESS:

ORANGE COUNTY

Donna Baker – Clerk to the BOCC

ORANGE COUNTY

Penny Rich - Chair

Second Party

WITNESS:

TOWN OF HILLSBOROUGH

TOWN OF HILLSBOROUGH

Third Party

STATE OF NORTH CAROLINA

ROUTE	New NC 86 (Martin Luther King Jr. Blvd.)	PROJECT	Orange County Bus Stop Improvement – Bus Shelter	COUNTY OF	Orange

DEPARTMENT OF TRANSPORTATION

-AND-

Orange County

-AND-

Town of Chapel Hill

THREE PARTY RIGHT OF WAY ENCROACHMENT AGREEMENT ON PRIMARY AND SECONDARY SYSTEM

THIS AGREEMENT, made and entered into this the _____ day of _____ , 20 20 , by and between the Department of Transportation, party of the first part; and Orange County party of the second part; and Town of Chapel Hill party of the third part,

W I T N E S S E T H

THAT WHEREAS, the party of the second part desires to encroach on the right of way of the public road designated as Route(s) New NC 86 (Martin Luther King Jr. Blvd.) , located At northeast quadrant of New NC 86 (Martin Luther King Jr. Blvd.) and Homestead Road (SR 1777) intersection.

with the construction and/or erection of: A concrete pad for a bus shelter and associated improvements.

WHEREAS, it is to the material advantage of the party of the second part to effect this encroachment, and the party of the first part in the exercise of authority conferred upon it by statute, is willing to permit the encroachment within the limits of the right of way as indicated, subject to the conditions of this agreement;

NOW, THEREFORE, IT IS AGREED that the party of the first part hereby grants to the party of the second part the right and privilege to make this encroachment as shown on attached plan sheet(s), specifications and special provisions which are made a part hereof upon the following conditions, to wit:

That the installation, operation, and maintenance of the above described facility will be accomplished in accordance with the party of the first part's latest POLICIES AND PROCEDURES FOR ACCOMMODATING UTILITIES ON HIGHWAY RIGHTS-OF-WAY, and such revisions and amendments thereto as may be in effect at the date of this agreement. Information as to these policies and procedures may be obtained from the Division Engineer or State Utility Agent of the party of the first part.

That the said party of the second part binds and obligates himself to install and maintain the encroaching facility in such safe and proper condition that it will not interfere with or endanger travel upon said highway, nor obstruct nor interfere with the proper maintenance thereof, to reimburse the party of the first part for the cost incurred for any repairs or maintenance to its roadways and structures necessary due to installation and existence of the facilities of the party of the second part, and if at any time the party of the first part shall require the removal of or changes in the location of the said facilities, that the said party of the second part binds himself, his successors and assigns, to promptly remove or alter the said facilities, in order to conform to the said requirement, without any cost to the party of the first part.

That the party of the second part agrees to provide during construction and any subsequent maintenance proper signs, signal lights, flagmen and other warning devices for the protection of traffic in conformance with the latest Manual on Uniform Traffic Control Devices for Streets and Highways and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained from the Division Engineer of the party of the first.

That the party of the second part hereby agrees to indemnify and save harmless the party of the first part from all damages and claims for damage that may arise by reason of the installation and maintenance of this encroachment.

That the party of the second part agrees to restore all areas disturbed during installation and maintenance to the satisfaction of the Division Engineer of the party of the first part. The party of the second part agrees to exercise every reasonable precaution during construction and maintenance to prevent eroding of soil; silting or pollution of rivers, streams, lakes, reservoirs, other water impoundments, ground surfaces or other property; or pollution of the air. There shall be compliance with applicable rules and regulations of the North Carolina Division of Environmental Management, North Carolina Sedimentation Control Commission, and with ordinances and regulations of various counties, municipalities and other official agencies relating to pollution prevention and control. When any installation or maintenance operation disturbs the ground surface and existing ground cover, the party of the second part agrees to remove and replace the sod or otherwise reestablish the grass cover to meet the satisfaction of the Division Engineer of the party of the first part.

That the party of the second part agrees to assume the actual cost of any inspection of the work considered to be necessary by the Division Engineer of the party of the first part.

That the party of the second part agrees to have available at the construction site, at all times during construction, a copy of this agreement showing evidence of approval by the party of the first part. The party of the first part reserves the right to stop all work unless evidence of approval can be shown.

Provided the work contained in this agreement is being performed on a completed highway open to traffic; the party of the second part agrees to give written notice to the Division Engineer of the party of the first part when all work contained herein has been completed. Unless specifically requested by the party of the first part, written notice of completion of work on highway projects under construction will not be required.

That in the case of noncompliance with the terms of this agreement by the party of the second part, the party of the first part reserves the right to stop all work until the facility has been brought into compliance or removed from the right of way at no cost to the party of the first part.

That it is agreed by both parties that this agreement shall become void if actual construction of the work contemplated herein is not

begun within one (1) year from the date of authorization by the party of the first part unless written waiver is secured by the party of the second part from the party of the first part.

During the performance of this contract, the second party, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor"), agrees as follows:

a. Compliance with Regulations: The contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the U. S. Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

b. Nondiscrimination: The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

c. Solicitations for Subcontracts, including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.

d. Information and Reports: The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the Department of Transportation, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

e. Sanctions for Noncompliance: In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to,

(1) withholding of payments to the contractor under the contract until the contractor complies, and/or
(2) cancellation, termination or suspension of the contract, in whole or in part.

f. Incorporation of Provisions: The contractor shall include the provisions of paragraphs "a" through "f" in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Department of Transportation to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

That when title to the subject that constitutes the aforesaid encroachment passes from the party of the second part and vests in the party of the third part, the party of the third part agrees to assume all responsibilities and rights and to perform all obligations as agreed to herein by the party of the second part.

R/W (166): Party of the Second Part certifies that this agreement is true and accurate copy of the form R/W (166) incorporating all revisions to date.

IN WITNESS WHEREOF, each of the parties to this agreement has caused the same to be executed the day and year first above written.

DEPARTMENT OF TRANSPORTATION

BY: _____
DIVISION ENGINEER

WITNESS:

ORANGE COUNTY

Donna Baker – Clerk to the BOCC

ORANGE COUNTY

Penny Rich - Chair

Second Party

WITNESS:

TOWN OF CHAPEL HILL

TOWN OF CHAPEL HILL

Third Party

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: March 10, 2020

Action Agenda
Item No. 8-k

SUBJECT: Lease of 1000 Corporate Drive, Suites 401 and 402, Hillsborough

DEPARTMENT: Asset Management Services (AMS)

ATTACHMENT(S):
Lease of 1000 Corporate Drive

INFORMATION CONTACT:
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PURPOSE: To approve and authorize the Manager to sign a lease of 1000 Corporate Drive, Suites 401 and 402, in Hillsborough upon final review by the County Attorney.

BACKGROUND: During 2019, occupants of the John M. Link, Jr. Government Services Center were moved to alternative office locations to allow for the performance of moisture remediation activities. In April 2019, the staff of the Human Rights and Relations and the County Attorney's Offices were relocated to a small rental office suite located at 105 W. Corbin Street in Hillsborough. Originally, the move was envisioned to be short term, and staff has been able to work with less than ideal circumstances. For instance, the walls separating offices are not very sound proof, which impacts the ability of staff to discuss sensitive legal matters. In addition, offices are small, cramped, and lack adequate meeting space.

Unfortunately, conditions within the Link Center continued to deteriorate and at the November 7, 2019 Board of County Commisioners meeting, a decision was made to relocate all staff from the building. Planning efforts are now underway to determine the best approach to resolve the long term facilities needs of Orange County.

Due to changing circumstances, the Human Rights and Relations and the County Attorney's Offices now require office space that can better serve the needs. Vacant office space at 1000 Corporate Drive, located across the street from the Sportsplex, is a little larger and configured in a way to better accommodate both departments.

The cost of the lease for the first 12 months would be $45,600, with a 3% increase each year after the base year. Additional renovations, budgeted at $91,850, would be necessary. Renovations include adding fiber to the facility, new paint and carpet, and improvements to a conference room.

The County would be responsible for all interior maintenance, cleaning, and utilities.

FINANCIAL IMPACT: At the November 7, 2019 BOCC meeting, the Board approved Budget Amendment #2-C with $970,000, which included money to fund leases, renovation costs, and other expenses related to the temporary office moves. Funds needed for FY 2019-20, including the rent and the costs of the renovations at 1000 Corporate Drive, are **$105,150.** These expenses will be covered from funds authorized in the previously approved budget amendment**.** The total rental costs for FY 2020-21 is $46,968.

SOCIAL JUSTICE IMPACT: There is no Orange County Social Justice Goal impact associated with this item.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

RECOMMENDATION(S): The Manager recommends that the Board approve and authorize the Manager to sign the lease for 1000 Corporate Drive, Suites 401 and 402, in Hillsborough, upon final review by the County Attorney.

COMMERCIAL LEASE AGREEMENT

THIS COMMERCIAL LEASE AGREEMENT ("Lease") is made and entered into as of the Date of Lease (as hereinafter defined) by and between **1000 CORPORATE DRIVE, LLC**, a North Carolina limited liability company ("Landlord"); and **ORANGE COUNTY**, **NORTH CAROLINA**, a body politic and corporate and a political subdivision of the State of North Carolina ("Tenant").

FOR AND IN CONSIDERATION of the terms, covenants and conditions set forth below and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto covenant and agree as follows:

1. PREMISES. Subject to each of the terms, covenants and conditions set forth below, Landlord leases and rents unto Tenant, and Tenant leases and rents from Landlord, all of that certain real property located in Orange County, North Carolina, having the following physical address and description (the "Premises):

Address: 1000 Corporate Drive, Suites 401 and 402, Hillsborough, NC 27278

Additional Description: Approximately 2,850 square feet.

(X) See attached **Exhibit A** for additional description of the Premises.

When and as used in this Lease, the term "Building" shall mean (a) the building in which the Premises are located if the Premises are less than the entire building, or (b) any commercial use building, the entirety of which constitutes all or a part of the Premises.

Unless otherwise expressly provided in this Lease, Landlord shall deliver the Premises to Tenant, and Tenant shall accept the Premises from Landlord, in such **AS-IS** condition as the Premises exist on the date of this Lease.

2. TERM. The initial term of this Lease shall commence on March 16, 2020 (the "Commencement Date") and shall end at midnight (local time) on February 28, 2023 (the "Expiration Date") unless sooner terminated as hereinafter provided. Notwithstanding the foregoing, and provided that Tenant is not in default under any term, covenant and/or condition contained in this Lease, Tenant shall have the right and option to extend the initial term of this Lease for two (2) terms of one (1) year each as provided below. The first extension term shall commence, if at all, on March 1, 2023 and end at midnight (local time) on February 29, 2024 unless sooner terminated as hereinafter provided. Tenant shall exercise its right and option to extend the initial term of this Lease for a term of one (1) year, if at all, by delivering written notice of Tenant's exercise of its right and option to extend the Lease to Landlord not later than October 31, 2022. In the event Tenant shall deliver such written notice to Landlord when and as provided above, the initial term of this Lease shall then and thereupon be extended, subject to all of the terms, covenants and conditions contained in this Lease, until midnight (local time) on February 29, 2024 unless sooner terminated as hereinafter provided. In the event Tenant shall fail, for any reason, to deliver such written notice to Landlord on or before October 31, 2022 as hereinabove provided, the initial term of this Lease shall end at midnight (local time) on the Expiration Date unless sooner terminated as hereinafter provided. The second extension term shall commence, if at all, on March 1, 2024 and end at midnight (local time) on February 28, 2025 unless sooner terminated as hereinafter provided. Tenant shall exercise its right and option to extend the Lease for a second additional term of one (1) year, if at all, by delivering written notice of Tenant's exercise of its right and option to extend the Lease to Landlord not later than October 31, 2023. In the event Tenant shall deliver such written notice to Landlord when and as provided above, the term of this Lease shall then and thereupon be extended, subject to all of the terms, covenants and conditions contained in this Lease, until

midnight (local time) on February 28, 2025 unless sooner terminated as hereinafter provided. In the event Tenant shall fail, for any reason, to deliver such written notice to Landlord on or before October 31, 2023 as hereinabove provided, the term of this Lease shall end at midnight (local time) on February 29, 2024 unless sooner terminated as hereinafter provided.

When and as used in this Lease, "Lease Year" shall mean a twelve (12) month period beginning on March 1 of each calendar year during the Term. When and as used in this Lease, "Term" shall mean the initial term of this Lease and the period of any extension of the initial term as provided above.

3. RENT. Tenant shall pay to Landlord or Landlord's designated agent, without demand, deduction or set off, initial annual rent for the Premises in the amount of $45,600.00, payable in equal monthly installments in the amount of $3,800.00 each, in advance, commencing on March 16, 2020 (pro-rated for March, 2020), and continuing on the first day of each successive month thereafter during the Term. The amount of rent due for any period during the Term which is less than one (1) full calendar month (a "Partial Month") shall be determined by multiplying the amount of rent due for one (1) full calendar month (based upon the then prevailing monthly installment of annual rent) by a fraction which shall have as the numerator the actual number of days in such Partial Month and as the denominator the actual number of days in the calendar month during which such Partial Month occurs. On each Lease Year Anniversary, the annual rental payable hereunder (and each corresponding monthly installment of annual rent) shall be increased, if at all, as follows (if checked):

(_) CPI. To reflect any increase in the Consumer Price Index, Urban Wage Earners and Clerical Workers, All Cities (CPI-W, 1982-1984=100) (the "Index"), by multiplying the annual rent then in effect by a fraction, the numerator of which shall be the value of the Index for the month which is two (2) months prior to the next Lease Year Anniversary, and the denominator of which shall be the value of the Index for the month which is two (2) months prior to the previous Lease Year Anniversary. For the purpose of determining the adjustment on the first Lease Year Anniversary, the denominator of such fraction shall be value of the Index for the month which is two (2) months prior to the first full month of the Term. Notwithstanding the foregoing, in no event shall annual rent be reduced at any time during the Term by reason of any decrease in the value of the Index. In the event the Index ceases to be published, there shall be substituted for the Index a measure published by the US Department of Labor which most nearly approximates the Index.

(X) Other. **Commencing on March 1, 2021**, Tenant shall pay to Landlord or Landlord's designated agent, without demand, deduction or set off, annual rent for the Premises in the amount of $46,968.00, payable in equal monthly installments in the amount of $3,914.00 each, in advance, commencing on March 1, 2021 and continuing on the first day of each successive month thereafter. **Commencing on March 1, 2022**, Tenant shall pay to Landlord or Landlord's designated agent, without demand, deduction or set off, annual rent for the Premises in the amount of $48,377.04, payable in equal monthly installments in the amount of $4,031.42 each, in advance, commencing on March 1, 2022 and continuing on the first day of each successive month thereafter. **Commencing on March 1, 2023**, Tenant shall pay to Landlord or Landlord's designated agent, without demand, deduction or set off, annual rent for the Premises in the amount of $49,828.32, payable in equal monthly installments in the amount of $4,152.36 each, in advance, commencing on March 1, 2023 and continuing on the first day of each successive month thereafter. **Commencing on March 1, 2024**, Tenant shall pay to Landlord or Landlord's designated agent, without demand, deduction or set off, annual rent for the Premises in the amount of $51,323.16, payable in equal monthly installments in the amount of $4,276.93 each, in advance, commencing on March 1, 2024 and continuing on the first day of each successive month thereafter for the remainder of the Term.

Unless and until Landlord shall otherwise notify Tenant, in writing, all rent, additional rent and other charges, if any, due and owing pursuant to the terms of this Lease shall be (a) paid in cash or by personal or business check, official bank check, money order or other form of certified check made payable to Landlord, or order, and (b) delivered to the following address on or prior to the first day of each month during the Term (unless another due date is expressly specified in this Lease):

1000 Corporate Drive, LLC
320 Executive Court
Hillsborough, NC 27278

4. LATE PAYMENT CHARGES. If Landlord fails to receive any payment of rent within ten (10) days after it is due, Tenant shall pay to Landlord, as additional rent, a late payment charge in an amount equal to five percent (5%) of the overdue amount, plus any actual bank service fees or charges incurred by Landlord by reason of any returned or dishonored check. The parties agree that the above-stated late payment charge represents a fair and reasonable estimate of the cost Landlord will incur by reason of any such late payment.

5. SECURITY DEPOSIT. This Lease does not require a security deposit from Tenant.

6. UTILITIES AND SERVICES.

(a) Tenant shall pay the following utilities and services with respect to the Premises: All electric, telephone, cable and internet, and all interior cleaning.

(b) Landlord shall pay the following utilities and services with respect to the Premises: All water and sewer and exterior lighting.

The responsibility to pay for any utility service shall include all metering, connection and other miscellaneous fees and/or charges associated with the installation and maintenance of such utility service in addition to any monthly or other periodic service or use fee or charge.

7. COMMON AREA COSTS. (_) CHECK IF APPLICABLE. The Premises are part of a larger building or group of buildings that share common area maintenance costs. Consequently, Tenant shall pay, as additional rent, the following pro-rata share of common area maintenance costs: _.

8. TAX AND INSURANCE ESCALATION. (_) CHECK IF APPLICABLE. During the Term, Tenant shall pay to Landlord, upon demand, as additional rent (if checked):

(_) the amount by which all taxes (including but not limited to, ad valorem taxes, special assessment and any other governmental charges) on the Premises for each tax year exceed all taxes on the Premises for the tax year 20_.

(_) all taxes (including but not limited to, ad valorem taxes, special assessments and any other government charges) on the Premises for each tax year.

In the event the Premises are less than the entire property assessed for such taxes for any such tax year, then the tax for any such year applicable to the Premises shall be determined by proration on the basis that the rentable floor area of the Premises bears to the rentable floor area of the entire Building in which the Premises are located. If the final year of the Term fails to coincide with the tax year, then any excess for the tax year during which the Term ends shall be reduced by the pro-rata part of such tax year

beyond the Term. If such taxes for the year in which the Lease terminates are not ascertainable before payment of the last month's rent, then the amount of such taxes assessed against the property for the previous tax year shall be used as a basis for determining the pro-rata share, if any, to be paid by Tenant for that portion of the last Lease Year.

During the Term, Tenant shall further pay, upon demand, as additional rent (if checked):

(_) the excess cost of fire and extended coverage insurance including any and all public liability insurance on the Building over the cost of the first year of the Lease for each subsequent year during the Term.

(_) all fire and extended coverage insurance including any and all public liability insurance on the Building.

In the event the Premises are less than the entire property, then the insurance payable by Tenant for the Premises shall be determined by proration on the basis that the rentable floor area of the Premises bears to the rentable floor area of the entire Building in which the Premises are located.

Tenant shall pay all taxes and insurance as provided herein within fifteen (15) days after receipt of notice from Landlord as to the amount due. Tenant shall be solely responsible for insuring Tenant's personal and business property and for paying any taxes or governmental assortments levied thereon.

9. USE OF PREMISES. The Premises shall be used for office purposes only and for no other purpose. All required federal, state and local business licenses, permits and approvals shall be obtained by Tenant and shall be maintained by Tenant during the Term. The Premises shall not be used (a) for any illegal purposes, (b) in any manner so as to create or constitute a nuisance or a trespass, or (c) in any manner which vitiates the insurance on the Premises or the Building or increases the rate of insurance on the Premises or the Building. In the event Tenant's use of the Premises results in an increase in the rate of insurance on the Premises or the Building, Tenant shall pay to Landlord, upon demand, as additional rent, the amount of any such increase.

10. RULES AND REGULATIONS. (X) CHECK IF APPLICABLE. The Rules and Regulations attached hereto as **Exhibit C** are made a part of this Lease and are incorporated herein by reference. Tenant agrees to perform and abide by any and all such Rules and Regulations and any additional Rules and Regulations that may be adopted from time to time during the Term by Landlord or its designated agent.

11. INSURANCE. Tenant shall, at all times during the Term and at Tenant's expense, maintain in full force and effect: (a) a commercial general liability insurance policy in an amount not less than $1,000,000.00 per occurrence with not less than a $2,000,000.00 general aggregate, or such other amounts as Landlord may reasonably require from time to time during the Term, insuring Tenant against liability for damages to persons (including injury or death) or property by reason of Tenant's use or occupancy of the Premises, including Tenant's principals, employees, agents, licensees, invitees and/or contractors; and (b), unless waived or modified by Landlord in writing, an additional policy of insurance on Tenant's trade fixtures, machinery, equipment, merchandise and other personal property located in, on or upon the Premises, in an amount equal to their full replacement value, which policy shall insure against any peril included within the classification of "fire and extended coverage." Landlord shall be named as an additional insured on each such policy. Tenant shall provide evidence of all such insurance to Landlord prior to the commencement of the Term. Tenant hereby releases and relieves Landlord, and waives any right of recovery, for loss or damage arising out of or incident to the perils insured against arising in, on or about the Premises or the Building, whether due to the negligence of Landlord or

Landlord's principals, employees, agents, licensees, invitees and/or contractors, to the extent that such loss or damage is within the policy limits of and such policy of insurance.

12. REPAIRS BY LANDLORD. Landlord shall keep in good repair the roof, foundation and exterior walls (exclusive of all exterior glass and exterior doors of the Premises) of the Building and underground utility and sewer pipes outside the exterior walls of the Building, except repairs rendered necessary by the negligence or intentional wrongful acts of Tenant, its agents, employees or invitees. In the event the Premises shall constitute less than all of the Building, Landlord shall also keep in good repair all water and sewer pipes, electrical, telephone, internet and other utility cable and wiring located within the Building but outside the Premises. Landlord shall maintain the grounds surrounding the Building, including paving, the mowing of grass, care of shrubs and general landscaping. Tenant shall promptly report in writing to Landlord any defective condition known to it which Landlord is required to repair and failure to report such conditions shall make Tenant responsible to Landlord for any liability incurred by Landlord by reason of such conditions. Landlord shall be responsible for all major repairs including' but not limited to, the heating and air conditioning system servicing the Premises.

13. REPAIRS BY TENANT. Tenant accepts the Premises in their present condition and as suited for the uses intended by Tenant. Tenant shall, throughout the Term, at its expense, maintain in good order and repair the Premises, including the building, and other improvements located thereon, except those repairs expressly required to be made by Landlord as provided above. Tenant agrees to return the Premises to Landlord at the expiration or any prior termination of the Term, in as good condition and repair as when first received, natural wear and tear, damage by storm, fire, lightning, earthquake or other casualty alone excepted. Normal wear and tear shall not include, in any warehouse area, tow motor tire skid marks or damage to any drywall or masonry from the use of a forklift or similar equipment. In the event any part of the Premises Tenant and its principals, employees, agents, contractors and/or subcontractors shall take no action which may void any manufacturers or installers warranty with relation to the Premises or any equipment therein. Tenant shall indemnify and hold Landlord harmless from any liability, claim, demand or cause of action arising on account of Tenant's breach of the provisions of this paragraph.

14. ALTERATIONS. Tenant shall not make any alterations, additions or improvements to the Premises without Landlord's prior written consent. Tenant shall promptly remove any alterations, additions or improvements made by Tenant in violation of this Section upon Landlord's written request. All approved alterations, additions and improvements shall be made and completed (a) in a good and workmanlike manner, (b) in conformity with all applicable laws and regulations, (c) by a contractor approved by Landlord, and (d) free of any liens or encumbrances. Landlord may require Tenant to remove any alterations, additions or improvements (whether or not made with Landlord's consent) at the expiration or any earlier termination of the Term and restore the Premises to its prior condition, all at Tenant's expense. Except to the limited extent otherwise expressly provided in this Lease, all alterations, additions and improvements which Landlord has not required Tenant to remove shall become Landlord's property and shall be surrendered to Landlord upon the expiration or any earlier termination of the Term, except that Tenant may remove any of Tenant's machinery, equipment and/or trade fixtures which can be removed without material damage to the Premises. Tenant shall repair, at Tenant's expense, any damage to the Premises caused by the removal of any such machinery, equipment and/or trade fixtures.

15. REMOVAL OF TRADE FIXTURES. Tenant may, at any time prior to the expiration or any earlier termination of the Term, and provided that Tenant is not in default hereunder, remove all machinery, equipment and trade fixtures which Tenant has placed and/or installed in or on the Premises and which can be removed without material damage to the Premises. Tenant shall, however, repair, at Tenant's expense, any and all damage to the Premises caused the removal of any such machinery, equipment and/or trade fixtures. Any and all fixtures placed and/or installed in or on the Premises by

Tenant which cannot be removed without material damage to the Premises shall, at Landlord's option, be deemed a part of the Premises and shall not be removed by Tenant.

16. DESTRUCTION OF OR DAMAGE TO PREMISES. If the Premises are totally destroyed by storm, fire, lightning, earthquake or other casualty, this Lease shall terminate as of the date of such destruction and Tenant's obligation to pay rent shall terminate as of such date. Tenant shall, however, be responsible for the payment of all rent, additional rent and other charges, if any, due or owing pursuant to the terms of this Lease for any period prior to such date of termination. If the Premises are damaged but not wholly destroyed by any such casualty, rent shall abate in proportion to the extent that Tenant's effective use of the Premises has been diminished, and Landlord shall restore the Premises to substantially the same condition as before the damage occurred, in a reasonably expeditious manner, whereupon Tenant's obligation to make full payment of rental shall resume.

17. GOVERNMENTAL ORDERS. Tenant agrees, at its own expense, to comply promptly with all requirements of any legally constituted public authority made necessary by reason of Tenant's occupancy of the Premises. Landlord agrees to comply promptly with any such requirements if not made necessary by reason of Tenant's occupancy. It is mutually agreed by the parties that, if in order to comply with any such requirements, the cost to either party exceed an amount equal to one (1) year's rent, then (a) such party may elect to terminate this Lease by delivering written notice of termination to the other party as provided herein, which termination shall become effective not less than sixty (60) days after delivery of such notice, and (b) the delivery of notice of termination as provided above shall eliminate the necessity of compliance with such requirements by the party giving notice. The party who did not give notice of termination may, at any time prior to the effective date of such termination, cause the notice of termination to be canceled and this Lease to be maintained in place for the remainder of the Term by paying in full any and all such costs of compliance in excess of one (1) year's rent or securing payment of such amount in a manner reasonably satisfactory to the party giving notice.

18. CONDEMNATION. If the whole of the Premises, or such portion thereof as will make the Premises unusable for the purposes herein leased, is condemned by any legally constituted authority for any public use or purpose, then, upon either of said events, the Term shall be terminated effective as of the date on which possession of the Premises is taken by the public authority, and Tenant's obligation to pay rent shall also terminate on such date. Tenant shall, however, be responsible for the payment of all rent, additional rent and other charges, if any, due or owing pursuant to the terms of this Lease for any period prior to such date of termination. Such termination shall be without prejudice to the rights of either Landlord or Tenant to recover compensation and damages caused by condemnation from the condemnor. It is further understood and agreed that Tenant shall not have any rights in or to any award made to Landlord by the condemnor.

19. ASSIGNMENT AND SUBLETTING. Tenant shall not assign this Lease or any interest hereunder, or sublet the Premises or any part thereof, or permit the use of the Premises by any party other than Tenant, without the prior written consent of Landlord, which consent shall be given, if at all, at the sole discretion of Landlord. Landlord's consent to any assignment or sublease shall not impair this provision and all later assignments or subleases shall be made subject to the provisions of this Section. Any assignee of Tenant shall, at option of Landlord, become directly liable to Landlord for all obligations of Tenant pursuant to the terms of this Lease. No assignment of this Lease or any interest hereunder, or any sublet of the Premises or any part thereof, shall relieve Tenant of any liability to Landlord pursuant to the terms of this Lease.

20. EVENTS OF DEFAULT. The happening of any one or more of the following events during the Term (each an "Event of Default") shall constitute a breach of this Lease on the part of the Tenant: (a) Tenant fails to pay any rent, additional rent and/or other charge required to be paid by Tenant when and as

provided herein; (b) Tenant abandons or vacates the Premises; (c) Tenant fails to comply with or abide by and perform any other obligation imposed upon Tenant as provided herein; (d) Tenant is adjudicated bankrupt; (e) a permanent receiver is appointed for Tenant's property and such receiver is not removed within sixty (60) days after appointment; (f) Tenant, either voluntarily or involuntarily, takes advantage of any debt or relief proceedings under any present or future law whereby the rent or any part thereof is, or is proposed to be, reduced or payment thereof deferred; (g) Tenant makes an assignment for benefit of creditors; or (h) Tenant's property is levied upon or attached under process against Tenant which is not satisfied or dissolved within thirty (30) days after such levy or attachment.

21. REMEDIES UPON DEFAULT. Upon the occurrence of any Event of Default, Landlord may pursue any one or more of the following remedies separately or concurrently, without prejudice to any other remedy herein provided or provided by law. If the Event of Default involves (a) nonpayment of rent, additional rent and/or any other charge required to be paid by Tenant as provided herein, and Tenant fails to cure such default with ten (10) days after receipt of written notice of default from Landlord, or (b) a default in the compliance or performance of any other obligation imposed upon Tenant as provided herein, and Tenant fails to cure such default within fifteen (15) days after receipt of written notice of default from Landlord, then, in any such event, Landlord may terminate this Lease by giving written notice to Tenant. Upon any such termination, Landlord shall be entitled to recover from Tenant any and all damages as may be permitted under applicable law. If the Event of Default involves any other than those set forth in (a) or (b) above, Landlord may terminate this Lease by giving written notice of termination to Tenant. Upon any such termination, Landlord shall be entitled to recover from Tenant damages in an amount equal to all rent, additional rent and other charges, if any, then due and owing by Tenant as provided herein and which would otherwise have become due and owing by Tenant during the remainder of the Term. In addition to the above-stated remedies, Landlord may, upon the occurrence of any Event of Default, as Tenant's agent and without terminating this Lease, enter upon and re-let the Premises, in whole or in part, at the best price obtainable by reasonable effort, without advertisement and by private negotiation, for such term as Landlord deems appropriate under the circumstances. Tenant shall be liable to Landlord for any deficiency, if any, between the amount of Tenant’s rent hereunder and the amount of rent obtained by Landlord in re-letting the Premises, or any part thereof; provided, however, that Landlord shall not be under any duty, except to the extent required by applicable law, to mitigate its damages resulting from Tenant's default. In the event Landlord hires an attorney to enforce its rights upon the occurrence of any Event of Default, Tenant shall also be liable to Landlord for reasonable attorneys’ fees incurred by Landlord, not to exceed fifteen percent (15%) of the aggregate amount of Tenant’s indebtedness to Landlord, and all costs of collection.

22. EXTERIOR SIGNS. Tenant shall place no signs upon the outside walls or roof of the Building except with the express written consent of the Landlord. Any and all signs placed on the Building or the Premises by Tenant shall be maintained in compliance with governmental rules and regulations governing such signs and Tenant shall be responsible to Landlord for any damage caused by installation, use or maintenance of said signs, and all damages incident to removal thereof.

23. LANDLORD'S ENTRY OF PREMISES. Landlord may advertise the Premises “For Rent” or “For Sale” sixty (60) days prior to the expiration or any termination of the Term. Landlord may enter the Premises at reasonable hours to exhibit same to prospective purchasers or tenants and to make repairs required of Landlord under the terms hereof, or to make repairs to Landlord's adjoining property, if any. Landlord may enter upon the Premises, at any time, when and as reasonably necessary to repair or mitigate any emergency situation.

24. EFFECT OF TERMINATION OF LEASE. No termination of this Lease prior to the expiration of the Term, as stated herein, regardless of the reason for such termination, shall impair or

affect Landlord's right to collect rent, additional rent and/or any other charge that may be due and owing by Tenant to Landlord, as provided herein, for any period prior to such termination.

25. MORTGAGEE'S RIGHTS. Tenant's rights under this Lease shall be subject and subordinate to any bona fide mortgage, deed of trust or other security interest which now encumbers or may hereafter encumber the Premises or any building in which the Premises are located. Tenant shall, if requested by Landlord, execute a separate agreement reflecting such subordination, and shall be obligated to execute such documentation as may facilitate Landlord's sale or refinancing of the Premises, including, but not limited to, estoppel certificates, subordination and/or attornment agreements.

26. QUIET ENJOYMENT. So long as Tenant observes, abides by and performs all of the terms, covenants and conditions contained in this Lease, Tenant shall, at all times during the Term, peacefully and quietly have and enjoy possession of the Premises, but always subject to all such terms, covenants and conditions. In the event Landlord shall sell or otherwise transfer its interest in the Premises, Tenant agrees to attorn to any new owner or interest holder and shall, if requested by Landlord, execute a separate agreement reflecting such attornment; provided, however, that such agreement shall require that the new owner or interest holder recognize its obligations and Tenant's rights under this Lease.

27. HOLDING OVER. In the event Tenant shall remain in possession of the Premises after the expiration or any earlier termination of the Term with Landlord's acquiescence and without any express agreement of the parties, (a) Tenant shall be a tenant at will, (b) commencing on the day following the date of such expiration or termination, Tenant shall pay to Landlord monthly rent at in an amount equal to the amount of the monthly installment of annual rent in effect on the date of such expiration or termination for each month, or fraction thereof, during which Tenant remains in possession of the Premises, and (c) there shall be no renewal or extension of the Term by operation of law. In the event Tenant shall remain in possession of the Premises after the expiration or any earlier termination of the Term without Landlord's acquiescence, (i) Tenant shall be a tenant at sufferance, and (ii) commencing on the day following the date of such expiration or termination, Tenant shall pay to Landlord monthly rent in an amount equal to the twice the amount of the monthly installment of annual rent in effect on the date of such expiration or termination for each month, or fraction thereof, during which Tenant remains in possession of the Premises.

28. ATTORNEY'S FEES. In the event that any action or proceeding is brought by Landlord or Tenant to enforce any term, covenant or condition of this Lease, the prevailing party in such litigation shall be entitled to recover its reasonable attorney's fees and court costs.

29. RIGHTS CUMULATIVE. Any and all rights, powers and privileges conferred hereunder upon either or both of the parties hereto shall be cumulative and not restrictive of those given by law.

30. WAIVER OF RIGHTS. Neither the failure of Landlord to exercise any right or power given or reserved to Landlord hereunder or to insist upon strict compliance by Tenant of any of Tenant's obligations hereunder, nor any custom, practice or course of dealing by or between the parties which is or may be at variance with the express terms hereof, shall constitute a waiver of Landlord's right to demand strict compliance with the terms hereof.

31. ENVIRONMENTAL LAWS.

(a) Tenant shall not bring onto the Premises or the Building any Hazardous Materials (as defined below) without the prior written approval of Landlord. Any approval must be preceded by submission to Landlord of appropriate Material Safety Data Sheets (MSD Sheets). In the event

of approval by Landlord, Tenant covenants that it will (i) comply with all requirements of any constituted public authority and all federal, state, and local codes, statutes, ordinances, rules and regulations, and laws, whether now in force or hereafter adopted, relating to Tenant's use of the Premises, or relating to the storage, use, disposal, processing, distribution, shipping or sales of any hazardous, flammable, toxic, or dangerous materials, waste or substance, the presence of which is regulated by a federal, state, or local law, ruling, rule or regulation (hereafter collectively referred to as “Hazardous Materials"); (ii) comply with any reasonable recommendations by the insurance carrier of either Landlord or Tenant relating to the use of such Hazardous Materials by Tenant on the Premises or in the Building; (iii) refrain from unlawfully disposing of or allowing the disposal of any Hazardous Materials upon, within, about or under the Premises or the Building; and (iv) remove all Hazardous Materials from the Premises and the Building, either after their use by Tenant or upon the expiration or any earlier termination of the Term, in compliance with all applicable laws.

(b) Tenant shall be responsible for obtaining all necessary permits in connection with its use, storage and disposal of Hazardous Materials, and shall develop and maintain, and where necessary file with the appropriate authorities, all reports, receipts, manifest, filings, lists and invoices covering those Hazardous Materials and Tenant shall provide Landlord with copies of all such items upon request. Tenant shall provide within five (5) days after receipt thereof, copies of all notices, orders, claims or other correspondence from any federal, state or local government or agency alleging any violation of any environmental law or regulation by Tenant, or related in any manner to Hazardous Materials. In addition, Tenant shall provide Landlord with copies of all responses to such correspondence at the time of the response.

(c) Tenant hereby indemnifies and holds harmless Landlord, its successors and assigns from and against any and all losses, liabilities, damages, injuries, penalties, fines, costs, expenses and claims of any and every kind whatsoever (including attorney's fees and costs, expenses or claims asserted or arising under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, from time to time, and regulations promulgated thereunder, any so-called state or local "Superfund" or "Superlien" law, or any other federal, state or local statute, law or ordinance, code, rule, regulation, order or decree regulating, relating to, or imposing liability or standards of conduct concerning any Hazardous Materials) paid, incurred or suffered by, or asserted against, Landlord as a result of any claim, demand or judicial or administrative action by any person or entity (including governmental or private entities) for, with respect to, or as a direct or indirect result of, the presence on or under or the escape, seepage, leakage, spillage, discharge, emission or release from, the Premises or the Building, of any Hazardous Materials caused by Tenant or Tenant's agents, employees, invitees or successors in interest. This indemnity shall also apply to any release of Hazardous Materials caused by a fire or other casualty to the Premises or the Building if such Hazardous Materials were stored on the Premises or the Building by Tenant, its agents, employees, invitees or successors in interest.

(d) If Tenant fails to comply with the covenants to be performed hereunder with respect to Hazardous Materials, or if an environmental protection lien is filed against the Premises as a result of the actions of Tenant, its principals, employees, agents or invitees, then the occurrence of any such events shall be considered an Event of Default hereunder.

(e) Tenant will give Landlord prompt notice of any release of Hazardous Materials, reportable or non-reportable, to federal, state or local authorities, of any fire, or any damage occurring on or to the Premises.

(f) Tenant will use and occupy the Premises and conduct its business in such a manner that the Premises are neat, clean and orderly at all times with all chemicals or Hazardous Materials marked for easy identification and stored according to all codes as outlined above.

(g) The warranties and indemnities contained in this Section shall survive the expiration or any earlier termination of the Term.

32. TIME OF THE ESSENCE. Time is of the essence in this Lease.

33. ABANDONMENT. Tenant shall not abandon the Premises at any time during the Term. If Tenant shall abandon the Premises or be dispossessed of the Premises by process of law at any time during the Term, any machinery, equipment, trade fixtures and/or personal property belonging to Tenant and left on the Premises shall, at the option of Landlord, be deemed abandoned, and shall be available to Landlord to use or sell to offset any rent, additional or other charges due and owing by Tenant to Landlord, and any expenses incurred by Landlord to remove same and restore the Premises.

34. NOTICES. All notices and statements required or permitted by this Lease to be given to the parties or to either of them shall be deemed sufficiently given and delivered when made in writing and (a) personally delivered to the parties or delivered by next day courier service (i.e. FedEx, UPS, etc.), or (b) delivered by the United States Postal Service via certified mail, return receipt requested, postage prepaid and addressed to the appropriate party(ies) at the following address(es), or (c) delivered by facsimile or electronic mail (email) to the appropriate party(ies) at the following facsimile number(s) or email address(es):

If to Landlord: 1000 Corporate Drive, LLC
c/o Sentry Property Management, LLC
960 Corporate Drive, Suite 404
Hillsborough, NC 27278
Email: Tori.Reid@summitde.net

If to Tenant: Orange County, North Carolina
Attention: County Manager
P.O. Box 8181
Hillsborough, NC 27278
Facsimile: _____
Email: adorman@orangecountync.gov

Any such notice or statement delivered by personal delivery shall be deemed delivered and received as of the date of personal delivery. Any notice or statement delivered by next day courier service or United States certified mail as provided above shall be deemed delivered when delivered to the next day courier service or deposited in the United States mail, and the delivery confirmation or return receipt therefrom, as applicable, shall be deemed prima facie evidence that such notice or statement was received on the date stated on such delivery confirmation or return receipt. Any such notice or statement delivered by facsimile or email shall be deemed delivered and received as of the date sent.

35. ENTIRE AGREEMENT. This Lease and any attached exhibits contain(s) the entire agreement of the parties hereto, and no representations, inducements, promises or agreements, oral or otherwise, between the parties, not embodied herein shall be of any force or effect. This Lease may not be modified except by a written instrument signed by each of the parties hereto.

36. TRANSFER OF LANDLORD'S INTEREST. In the event of the sale, assignment or transfer by Landlord of its interest in the Premises or in this Lease (other than a collateral assignment to

secure a debt of Landlord) to a successor in interest who expressly assumes the obligations of Landlord under this Lease, Landlord shall thereupon be released and discharged from all its covenants, duties and obligations under this Lease, except those obligations that have accrued prior to such sale, assignment or transfer; and Tenant agrees to look solely to the successor in interest of Landlord for the performance of those covenants, duties and obligations arising after such sale, assignment or transfer. Landlord's assignment of this Lease, or of any or all of its rights pursuant to this Lease, shall not affect Tenant's obligations hereunder, and Tenant shall attorn and look to such assignee as the landlord under this Lease; provided, however, that Tenant shall have first received written notice of the assignment of Landlord's interest.

37. ADDITIONAL PROVISIONS. (X) CHECK IF APPLICABLE. The additional provisions set forth in the attached **Exhibit B** are incorporated into this Lease by reference and are a part hereof. To the extent any such additional provision shall be contrary to or in conflict with any provision contained in the body of this Lease, such additional provision shall be paramount and controlling and the Lease shall be construed and interpreted consistent therewith.

38. WARRANTIES OF TENANT. (_) CHECK IF APPLICABLE. Tenant represents, warrants and covenants to Landlord that Tenant is a nonprofit corporation duly created, validly existing and in good standing in accordance with the laws of the State of North Carolina. Tenant has full right, power and authority to enter into this Lease and all required action necessary to authorize Tenant to enter into this Lease has been taken. At all times during the Term Tenant shall keep and maintain its status as a nonprofit corporation active and in good standing pursuant to the laws of the State of North Carolina.

39. GUARANTY. (_) CHECK IF APPLICABLE. _ shall execute and deliver to Landlord a Lease Guaranty contemporaneously with Tenant's execution and delivery of this Lease.

40. AUTHORIZED LEASE EXECUTION. (X) CHECK IF APPLICABLE. Each individual executing this Lease as an officer, partner, member or agent of a corporation, partnership, limited liability company or governmental entity represents and warrants that he or she is duly authorized to execute and deliver this Lease for and on behalf of such corporation, partnership, limited liability company or governmental entity.

41. MEMORANDUM OF LEASE. Upon request by either Landlord or Tenant, the parties hereto shall execute a short form lease (Memorandum of Lease), in recordable form, setting forth such provisions hereof (other than the amount of the annual rent and other sums due) as either party may wish to incorporate. The cost of recording such Memorandum of Lease shall be borne by the party requesting same.

42. GOVERNING LAW AND JURIDICTION. This Lease shall be governed by and construed, interpreted and enforced in accordance with the laws and decisions of the State of North Carolina. Any action or proceeding brought by any party to construe, interpret or enforce this Lease, or any provision hereof, shall be instituted and prosecuted in the District or Superior Court of Orange County, North Carolina, and each party hereto hereby submits and consents to the jurisdiction and venue of said court and waives any right or defense relating to such jurisdiction and venue.

43. DATE OF LEASE. When and as used herein, Date of Lease" shall mean the date as of which both Landlord and Tenant shall have executed this Lease as indicated below.

THIS LEASE IS A LEGAL DOCUMENT. EXECUTION OF THIS LEASE HAS LEGAL CONSEQUENCES THAT COULD BE ENFORCEABLE IN A COURT OF LAW. TENANT SHOULD CONSULT ITS ATTORNEY BEFORE EXECUTING THIS LEASE.

IN WITNESS WHEREOF, each of the parties has caused this Lease to be executed by its duly authorized representative(s) on the day and year indicated below.

LANDLORD:

1000 CORPORATE DRIVE, LLC,
a North Carolina limited liability company

By: Hillsborough Holdings, LLC,
a North Carolina limited liability company, its Manager

By: _____ (Seal)
James W. Parker, Jr., Manager

Date: _____

TENANT:

ORANGE COUNTY, NORTH CAROLINA,
a body politic and corporate and a political subdivision of the State of North Carolina

By: _____ (Seal)
_____, County Manager

Date: _____

Exhibit A

Premises Layout/Floor Plan

Exhibit B

Additional Provisions

Tenant Upfit. Notwithstanding any provision in the Lease to the contrary, Tenant shall have the right, at Tenant's sole cost and expense, and with the prior consent of Landlord, which consent shall not be unreasonably withheld, to perform such repair and/or upfit of the Premises that Tenant may deem necessary or desirable, including, without limitation, a build out of the conference room space.

HVAC System. Prior to the Commencement Date, Landlord shall, at its sole cost and expense, cause the HVAC system in the Premises to be inspected and shall ensure that it is in good working order.

Signatures. The Lease, together with any amendments or modifications, may be executed electronically. All electronic signatures affixed hereto evidence the consent of the parties to utilize electronic signatures and the intent of the parties to comply with Article 11A and Article 40 of North Carolina General Statute Chapter 66.

Non-Appropriation. Landlord acknowledges that Tenant is a governmental entity, and the validity of the Lease is based upon the availability of public funding under the authority of its statutory mandate. In the event that public funds are unavailable and not appropriated for the performance of Tenant's obligations under the Lease, then the Lease shall automatically expire without penalty to Tenant immediately upon written notice to Landlord of the unavailability and non-appropriation of public funds. It is expressly agreed that Tenant shall not activate this non-appropriation provision for its convenience or to circumvent the requirements of the Lease, but only as an emergency fiscal measure during a substantial fiscal crisis. In the event of a change in the Tenant's statutory authority, mandate and/or mandated functions, by state and/or federal legislative or regulatory action, which adversely affects Tenant's authority to continue its obligations under the Lease, then the Lease shall automatically terminate without penalty to Tenant upon written notice to Landlord of such limitation or change in Tenant's legal authority.

Landlord _____ Tenant _____

Exhibit C

RULES AND REGULATIONS
"The Summit Office Campus"

1. The sidewalks, entrances, green areas and parking areas in front of each unit shall not be obstructed or used for any purpose other than ingress to and egress from the units.

2. All garbage refuse is to be deposited only in the facilities provided each building for that purpose. All recyclable refuse must be disposed of properly by each tenant. The City of Hillsborough does not allow any cardboard boxes of any kind to be disposed of in the dumpster, so we ask that each tenant carry all material to the Cardboard Container located at end of Corporate Drive.

3. Automobile parking spaces shall be used solely and exclusively for that purpose. They shall not be used for the storage of boats, inoperative vehicles, or any purpose other than parking facilities, as aforesaid. Tenant is provided with unassigned parking spaces.

4. Each Tenant shall keep his/her unit in a good state of preservation and cleanliness and shall not sweep or throw or permit to be swept or thrown therefrom, or from the doors or windows thereof, any dirt or other substance.

5. No radio or television aerial and or satellite dish shall be attached to or hung from the exterior of units without the prior written approval of the Manager of "The Summit" Office Campus.

6. Tenants shall not cause or permit any unusual or objectionable noise, lights or odors to be produced upon or to emanate from their units. There will not be any pets allowed on the premises without prior permission from the Property Manager. The only exception is if the animal is used for handicap purposes only.

7. Tenant shall not store or use any dangerous or hazardous chemical, substance or material on the leased premises, including but not limited to asbestos, toxic chemicals, radioactive materials, chemical waste, medical waste or pollutants. Tenant shall not release or discharge any dangerous or hazardous chemical, substance or material on the leased premises. In the event that the tenant causes or allows any environmental discharge or damage to the leased premises, tenant shall be fully responsible for all environmental clean-up expenses, attorneys' fees and other cost of compliance with applicable environmental laws and regulations.

8. These rules and regulations may be amended at any time and at the sole discretion of the Property Manager of "The Summit" Office Campus.

Landlord _____ Tenant _____

ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT
Meeting Date: March 10, 2020

Action Agenda
Item No. 8-I

SUBJECT: Schools Adequate Public Facilities Ordinance (SAPFO) – Receipt and Transmittal of 2020 Annual Technical Advisory Committee Report

DEPARTMENT: Planning and Inspections

ATTACHMENT(S):

1. SAPFO Partners Transmittal Letter
2. Draft 2020 SAPFOTAC Annual Report and Larger Scale Projection Worksheets

INFORMATION CONTACT:

Ashley Moncado, Planner II, 919-245-2589
Craig Benedict, Director, 919-245-2575

PURPOSE: To receive, in conjunction with the standard and customary annual process outlined in the Schools Adequate Public Facilities Ordinance, the 2020 Annual Report of the SAPFO Technical Advisory Committee (SAPFOTAC) and transmit it to the SAPFO partners for comments before certification in May.

NOTE: The School Capacity Capital Investment Plan (CIP) Needs Analysis projects no new school capacity needs in the next 10 years for elementary, middle and high school levels for both Orange County Schools (OCS) and Chapel Hill-Carrboro City Schools (CHCCS).

ADDITIONAL NOTE: In 2018, the North Carolina General Assembly unveiled House Bill 90 which allows for a phasing-in process to address the decrease in class size averages over the next three school years. Based on House Bill 90, average class sizes for kindergarten to third grade will be phased-in as provided below:

2019 – 2020 1:19
2020 – 2021 1:18
2021 – 2022 1:17

Based on numbers contained in the 2019 SAPFOTAC Report, reductions in class size averages are expected to create elementary school capacity issues for the 2021-2022 school year. In order to address these impacts in time, the School Boards and Orange County Board of Commissioners continue to meet and review options to determine how to implement the school capacity changes into the SAPFO annual report and 10-year student membership and building capacity projections sheets.

ADDITIONAL NOTE: Charter and private schools are not included as part of the SAPFO Annual Report and, as a result, their membership and capacity numbers are not formally monitored or included in future projections. SAPFO projections are used for projecting only public school capacity needs. However, the SAPFO Technical Advisory Committee does monitor charter and private schools and their effect on student enrollment in both school districts. Charter and private schools numbers are not collected for SAPFO purposes; however, impacts due to enrollment at these schools are accounted for in SAPFO process with the annual reporting of student membership and growth rates contained in the 10-year student projections.

BACKGROUND:

1. **Annual Report**

   Each year, since 2004, the SAPFOTAC Report is updated to reflect actual changing conditions of student membership and school capacity. This information is analyzed and used to project future school construction needs based on adopted level of service standards. There are two steps to the full report. The first part (Student Membership and Capacity) is certified in the fall and then this full report, in the following spring, is to keep the SAPFO system calibrated. At the December 10, 2019 Board of County Commissioners meeting, the Board approved the November 15, 2019 actual membership and capacity numbers (i.e. first part) for both Orange County Schools (OCS) and Chapel Hill-Carrboro City Schools (CHCCS). A draft of the full annual SAPFOTAC Report is complete and has been reviewed by the SAPFOTAC members.

2. **SAPFOTAC**

   The SAPFOTAC, comprised of representatives of both school systems, the Planning Directors of the County and Towns, and County Finance staff, is tasked to produce an annual report for the governing boards of each SAPFO partner outlining changes in actual membership, capacity, student projections, and their collective impacts on the Capital Investment Plan (CIP) and the future issuance of Certificates of Adequate Public Schools (CAPS). Orange County's Planning Staff compiles the report, holds a meeting discussing the various aspects, and then prepares a draft report, which is reviewed by the SAPFO Technical Advisory Committee.

3. **Membership Data**

   CHCCS total increased from the previous year: 11 students

(108)	Elementary School
111	Middle School
8	High School

   OCS total increased from the previous year: 59 students

27	Elementary School
(16)	Middle School
48	High School

   ( ) denotes decrease

4. **Capacity Data**

   There were no changes to school capacities this year in either school district. Mandated class size changes, discussed in a "Note" on the previous page, are expected to create capacity issues in the 2021-22 school year.

5. **Capacity Information**

   SAPFO vs. DPI

   The SAPFO is a local ordinance, independent of State Department of Public Instruction (DPI) projections and rules regarding class size. The SAPFO, for instance, does not count temporary modular classrooms as fulfilling the capacity level of service outlined in the SAPFO interlocal Memorandum of Understanding (MOU). The MOU requires 'bricks and mortar' instead of temporary facilities and also requires its own set of future student projections to identify long-term capital school construction needs. However, the County did phase in the smaller class size mandates in previous years that decreased capacity. Decisions will have to be made if new discussions at the state level create any class size

changes that should or should not be reflected in the County's SAPFO. Future decisions would reflect the timing and impact of new state legislation.

This year, CHCCS and OCS did not exceed the adopted level of service standards established in the SAPFO, nor do projections show a potential need for additional capacity at the elementary, middle, and high school levels within the 10-year planning period.

6. Student Projection Analysis

CHCCS

Student membership projections show a mix of increases and decreases at all levels within the 10-year planning period. Projections are shown on page 39 of the report.

OCS

Student membership projections show a mix of increases and decreases at all levels within the 10-year planning period. Projections are shown on page 38 of the report.

The City of Mebane lies partially within Orange County and students within the Orange County portion of Mebane attend Orange County schools. However, Mebane is not a party to the SAPFO agreement and does not require that CAPS be issued prior to development approvals. Although the SAPFO system is not formally regulated in Mebane, students residing within the Orange County portion of Mebane are accounted for in the SAPFO process with the annual reporting of actual student membership and ensuing growth rates contained in the 10-year student projections.

7. School Capacity CIP Needs Analysis

CHCCS

Projected needs:

Elementary School	Projections show no needs in the next 10 years
Middle School	Projections show no needs in the next 10 years
High School	Projections show no needs in the next 10 years

OCS

Projected needs:

Elementary School	Projections show no needs in the next 10 years
Middle School	Projections show no needs in the next 10 years
High School	Projections show no needs in the next 10 years

NOTE: School capacity changes as part of a school renovation/upgrade project will be reviewed as necessary by the BOCC and school districts.

8. Student Generation Rates

The updated student generation rates were approved on May 19, 2015 and are shown in Attachment II.E.1 on page 45 of the report. Updated rates began to be used for CAPS issuances in the fall of 2015 and are based on an inventory of recently built units from January 1, 2004 to December 31, 2013.

9. Access to Full Report

The draft SAPFOTAC report will be posted on the Orange County Planning Department's web site. A letter and the Executive Summary of the report will be sent to all SAPFO partners after this BOCC meeting advising them of the availability of the draft report and inviting comment. It is anticipated the draft 2020 SAPFOTAC report will be brought back to the BOCC for certification at the May 19, 2020 regular meeting.

10. Additional Information

There are two primary parts to the SAPFO system. The first part, Certificate of Adequate Public Schools (CAPS), is the testing of the student generation rate (SGR) from development projects against available capacity within the schools. The second part, student projections and capacity needs assessment, is the tracking of historical enrollment and the projection of future student enrollment against existing capacity at a certain school level. This part is not directly related to a development project, but a current year outcome of how many children actually 'show up' in a school year. This includes new students that also come from existing housing stock.

The purpose of explaining these two parts of the SAPFO system is to illustrate how projects can be approved as part of the CAPS system when capacity is available yet aberration in actual enrollment can cause future year projections to accelerate capital needs dramatically. The 10-year student projections developed for the SAPFO Annual Report forecast future school needs based on current student membership numbers and historic growth rates derived by the five projection models.

The process accounting for students once they are actually enrolled in the school system emphasizes a delay that exists from the time a residential development is approved and developed to when students begin to enter the system. For example, the proposed residential growth that has occurred in the recent past within Mebane's jurisdiction has yet to be seen with OCS student membership numbers and fully entered into the historically based projection methods. Orange County staff will continue to work with the SAPFO Technical Advisory Committee and our planning partners to monitor future residential development throughout Orange County.

In summary, although the SAPFO Technical Advisory Committee report does not show immediate capital needs, the development approvals in both school districts could, after a normal lag, accelerate capital school needs and renovations based on localized student increases at specific schools. These local impacts will have to be analyzed by the school district to determine the best method to resolve new demands (i.e. redistricting, renovation, new school construction, etc.).

FINANCIAL IMPACT: Current student growth projections do not show capacity needs for additional schools in either the CHCCS District or OCS District during the 10-year projection period.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goal is applicable to this agenda item:

- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**
  The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.

ENVIRONMENTAL IMPACT: There are no Orange County Environmental Responsibility Goal impacts applicable to this item.

RECOMMENDATION(S): The Manager recommends the Board:

1. Receive the 2020 SAPFOTAC Annual Report in conjunction with the standard and customary annual process outlined in the Schools Adequate Public Facilities Ordinance; and

2. Authorize the Chair to sign the transmittal letter to SAPFO partners contained in Attachment 1.

BOCC Letterhead

March 11, 2020

Pam Hemminger, Mayor
Town of Chapel Hill
405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514

Will Atherton, Chair
Orange County Board of Education
200 E. King Street
Hillsborough, NC 27278

Lydia Lavelle, Mayor
Town of Carrboro
301 W. Main Street
Carrboro, NC 27510

Mary Ann Wolf, Chair
Chapel Hill-Carrboro Board of Education
750 Merritt Mill Road
Chapel Hill, NC 27516

Jenn Weaver, Mayor
Town of Hillsborough
P.O. Box 429
Hillsborough, NC 27278

Subject: Schools Adequate Public Facilities Ordinance Technical Advisory Committee (SAPFOTAC) Annual Report

Dear Sir or Madam:

This letter is to update you on the status of the 2020 Annual SAPFOTAC Report. In accordance with the SAPFO Memoranda of Understanding (MOU), the Board of County Commissioners (BOCC) approved the November 15, 2019 actual membership and capacity numbers for Orange County Schools and Chapel Hill – Carrboro City Schools at its meeting on December 10, 2019.

The SAPFOTAC, comprised of representatives of both school systems and the Planning Directors of the County and Towns has produced the 2020 Annual Report. As per the SAPFO MOU, the annual technical report contains information on Level of Service, Building Capacity, Membership Date, Capital Investment Plan, Student Membership Projection Methodology, Student Membership Projections, Student Membership Growth Rate, Student/Housing Generation Rate, and the SAPFO Process. Enclosed for your use are copies of the 2020 Executive Summary and the March 10, 2020 BOCC meeting agenda item abstract when the BOCC received the draft report.

The full draft SAPFOTAC report is available on the Orange County Planning Department website in the Current Interest Projects section at the following link: https://www.orangecountync.gov/1722/Current-Interest-Projects.

The 2020 Annual SAPFOTAC Report is scheduled to be certified by the BOCC at a regular meeting in May 2020. Therefore, if you have any comments pertaining to the report, please forward them to Craig N. Benedict, Planning Director, no later than 5:00 p.m. on **April 13, 2020**. Mr. Benedict can be reached by phone at (919)

245-2592 or by e-mail at cbenedict@orangecountync.gov. Any comments received will be part of our agenda package in May.

Please share this information and the 2020 SAPFOTAC report with your respective boards.

Sincerely,

Penny Rich
Chair

Enclosures

cc: Board of County Commissioners
Bonnie Hammersley, Orange County Manager
Travis Myren, Deputy Orange County Manager
Maurice Jones, Manager, Town of Chapel Hill
David Andrews, Manager, Town of Carrboro
Eric Peterson, Manager, Town of Hillsborough
Pamela Baldwin, Superintendent, Chapel Hill-Carrboro City Schools
Monique Felder, Superintendent, Orange County Schools
Patrick Abele, Assistant Superintendent for Support Services, Chapel Hill–Carrboro City Schools
Catherine Mau, Coordinator for Student Enrollment, Chapel Hill-Carrboro City Schools
Michelle Dodson, Student Assignment and Student Transfers, Orange County Schools
Craig Benedict, Planning Director, Orange County
Judy Johnson, Planning and Development Services Interim Director, Town of Chapel Hill
Margaret Hauth, Planning Director, Town of Hillsborough
Trish McGuire, Planning Director, Town of Carrboro

Attachment 2

ORANGE COUNTY, NC

SCHOOLS ADEQUATE PUBLIC FACILITIES ORDINANCE

PREPARED BY A STAFF COMMITTEE: PLANNING DIRECTORS, SCHOOL REPRESENTATIVES, TECHNICAL ADVISORY COMMITTEE (SAPFOTAC)

(PURSUANT TO PROVISIONS OF A MEMORANDUM OF UNDERSTANDING ADOPTED IN 2002 & 2003)

(ORDINANCES ADOPTED IN JULY 2003)

Annual Report
2020

(BASED ON NOVEMBER 2019 DATA)

CERTIFIED BY THE BOCC ON MAY X, 2020

Table of Contents

2020 SAPFOTAC Executive Summary i

Introduction vii

Schools Adequate Public Facilities Ordinance Partners viii

Planning Directors/School Representatives Technical Advisory Committee ix

I. Base Memorandum of Understanding 1

A. Level of Service 1

B. Building Capacity and Membership 2

Attachment I.B.1 Orange County School Capacity (Elementary, Middle, & High) (2018-19) 5

Attachment I.B.2 Chapel Hill/Carrboro School Capacity (Elementary, Middle, & High) (2018-19) 8

Attachment I.B.3 Orange County School Capacity (Elementary, Middle, & High) (2019-20) 11

Attachment I.B.4 Chapel Hill/Carrboro School Capacity (Elementary, Middle, & High) (2019-20) 14

C. Membership Date 17

II. Annual Update to Schools Adequate Public Facilities Ordinance System 18

A. Capital Investment Plan (CIP) 18

B. Student Membership Projection Methodology 19

Attachment II.B.I – Student Membership Projection Descriptions 20

Attachment II.B.2 – Student Membership Projection Models Performance Analysis (2018-19) 21

Attachment II.B.3 – Student Membership Projection Models Performance Analysis (2019-20) 25

C. Student Membership Projections 29

Attachment II.C.1 – Orange County Student Projections (Elementary, Middle, & High) (2018-19) 34

Attachment II.C.2 – Chapel Hill/Carrboro Student Projections (Elementary, Middle, & High) (2018-19) 35

Attachment II.C.3 – Orange County Student Projections (Elementary, Middle, & High) (2019-20) 36

Attachment II.C.4 – Chapel Hill/Carrboro Student Projections (Elementary, Middle, & High) (2019-20) 37

D. Student Membership Growth Rate 38

Attachment II.D.1 – Orange County and Chapel Hill/Carrboro Student Growth Rates (Chart dates from 2019-2029 based on 11/15/18 membership numbers) (2018-19) 39

Attachment II.D.2 – Orange County and Chapel Hill/Carrboro Student Growth Rates (Chart dates from 2020-2030 based on 11/15/19 membership numbers) (2019-20) 40

E. Student / Housing Generation Rate 41

Attachment II.E.1 – Current Student Generation Rates (2015) 43

III. Flowchart of Schools Adequate Public Facilities Ordinance Process 44

A. Capital Investment Plan (CIP) (Process 1) 44

Attachment III.A.1 – Process 1 Capital Improvement Plan 45

B. Schools Adequate Public Facilities Ordinance Certificate of Adequate Public Schools (CAPS) Update (Process 2) 46

Attachment III.B.1 – Process 2 Certificate of Adequate Public Schools (CAPS) Allocation 48

2020 SAPFOTAC Executive Summary

I. Base Memorandum of Understanding

A. Level of Service .....*(No Change)*.....*Pg. 1*

	Chapel Hill/Carrboro School District	*Orange County School District*
Elementary	105%	105%
Middle	107%	107%
High	110%	110%

B. Building Capacity and Membership .....*(Change)*.....*Pg. 2*

	Chapel Hill/Carrboro School District			*Orange County School District*		
	Capacity	**Membership**	**Increase from Prior Year**	**Capacity**	**Membership**	**Increase from Prior Year**
Elementary	5664	5363	(108)	3361	3232	27
Middle	2944	3044	111	2166	1763	(16)
High	3875	3940	8	2439	2397	48

C. Membership Date – *November 15*.....*(No Change)*.....*Pg. 17*

II. Annual Update to SAPFO System

A. Capital Investment Plan (CIP) .....*(No Change)*.....*Pg. 18*

B. Student Membership Projection Methodology .....*(No Change)*.....*Pg. 19*
The average of 3, 5, and 10-year history/cohort survival, linear and arithmetic projection models.

C. Student Membership Projections .....*(Change)*.....*Pg. 29*

Analysis of 5 Years of Projections for 2019-2020 School Year – Chapel Hill/Carrboro City Schools

(The first column for each year includes the student membership projection made for 2019-2020 in that given year. The second column for each year includes the number of students the projection was off compared to actual membership. An "L" indicates the projection was low compared to the actual, whereas an "H" indicates the projection was high compared to the actual.)

		Year Projection Made for 2019-2020 Membership									
	Actual 2019 Membership	**2014-2015**		**2015-2016**		**2016-2017**		**2017-2018**		**2018-2019**	
Elementary	5363	5839	H476	5634	H271	5658	H295	5467	H104	5448	H85
Middle	3044	3058	H14	2995	L49	2977	L67	2936	L108	2962	L82
High	3940	3979	H39	3857	L83	3864	L76	3930	L10	3948	H8

Analysis of 5 Years of Projections for 2019-2020 School Year – Orange County Schools

(The first column for each year includes the student membership projection made for 2019-2020 in that given year. The second column for each year includes the number of students the projection was off compared to actual membership. An "L" indicates the projection was low compared to the actual, whereas an "H" indicates the projection was high compared to the actual.)

		Year Projection Made for 2019-2020 Membership									
	Actual 2019 Membership	2014-2015		2015-2016		2016-2017		2017-2018		2018-2019	
Elementary	3232	3227	L5	3332	H100	3230	L2	3154	L78	3213	L19
Middle	1763	1848	H85	1846	H83	1824	H61	1794	H31	1790	H27
High	2397	2579	H182	2559	H162	2474	H77	2416	H19	2348	L49

D. Student Membership Growth Rate .....*(Change)*.....*Pg. 38*

Projected Average Annual Growth Rate Over Next 10 Years										
	Chapel Hill/Carrboro School District					*Orange County School District*				
Year Projection Made:	**2015-2016**	**2016-2017**	**2017-2018**	**2018-2019**	**2019-2020**	**2015-2016**	**2016-2017**	**2017-2018**	**2018-2019**	**2019-2020**
Elementary	0.92%	0.91%	0.36%	0.56%	0.65%	0.80%	0.51%	0.58%	0.91%	0.84%
Middle	0.82%	0.95%	0.21%	0.19%	-0.07%	0.67%	0.36%	0.13%	0.28%	0.37%
High	0.93%	0.72%	0%	0.16%	0.03%	0.56%	0.22%	-0.10%	0.21%	0.21%

E. Student / Housing Generation Rate .....(*No Change*).....*Pg. 41*

SCHOOL ADEQUATE PUBLIC FACILITIES ORDINANCE STATUS

(based on future year Student Membership Projections)

CHAPEL HILL/CARRBORO SCHOOL DISTRICT

Elementary School Level

A. Does not currently exceed 105% LOS standard (current LOS is 94.7%).
B. The projected growth rate at this level is expected to increase and remain positive over the next 10 years (average ~0.65% per year compared to 0.33% over the past 10 years).
C. Similar to last year, projections are not showing a need for an additional Elementary School in the 10-year projection period.

Middle School Level

A. Does not currently exceed 107% LOS standard (current LOS is 103.4%).
B. The projected growth rate at this level is expected to decrease over the next 10 years (average ~-0.07% compared to an average of 0.85% over the past 10 years).
C. Similar to last year, projections are not showing a need for an additional Middle School in the 10-year projection period.

High School Level

A. Does not currently exceed the 110% LOS standard (current LOS is 101.7%).
B. The projected growth rate at this level is expected to decrease over the next 10 years (average ~0.03% compared to 0.82% over the past 10 years).

C. Similar to last year, projections are not showing a need to expand Carrboro High School from the initial capacity of 800 students to the ultimate capacity of 1,200 students in the 10-year projection period.

ORANGE COUNTY SCHOOL DISTRICT

Elementary School Level

A. Does not currently exceed 105% LOS standard (current LOS is 96.2%).
B. The projected growth rate at this level is expected to increase and remain positive over the next 10 years (average ~0.84% compared to 0.15% over the past 10 years).
C. Similar to last year, projections are not showing a need for an additional Elementary School in the 10-year projection period.

Middle School Level

A. Does not currently exceed 107% LOS standard (current LOS is 81.4%).
B. The projected growth rate at this level is expected to decrease, but remain positive over the next 10 years (average ~0.37% compared to 1.08% over the past 10 years).
C. Similar to last year, projections are not showing a need for an additional Middle School in the 10-year projection period.

High School Level

A. Does not currently exceed 110% LOS standard (current LOS is 98.3%).
B. The projected growth rate at this level is expected to decrease, but remain positive over the next 10 years (average ~ 0.21% compared to 0.5% over the past 10 years).
C. Similar to last year, projections are not showing a need to expand Cedar Ridge High School from the initial capacity of 1,000 students to 1,500 students in the 10-year projection period.

ADDITIONAL INFORMATION

The Schools Adequate Public Facilities Ordinance (SAPFO) student projections illustrate when the adopted level of service capacities are forecasted to be met and/or exceeded in anticipation of CIP planning and the construction of a new school. Both school districts continue planning efforts to renovate and expand existing facilities to address school capacity needs in a more feasible way. Additional capacity resulting from school renovations and expansions will be added to the projection models in stages, once funding is approved, versus the addition of greater capacity when a new school is constructed and completed. The renovation and expansion to existing facilities may delay construction of new schools further into the future, depending on how and how much capacity is added to the system. This process will pose some challenges to SAPFO compared to the existing process which indicates in advance when a completely new school is needed. Decisions on the timing of reconstruction (i.e. capacity additions) funding would be directly linked to the SAPFO model at the appropriate time.

SAPFO student projections for this year are not showing a need for new school construction or expansion in the 10-year projection period for both school districts due to slowing student growth rates. However, planned residential development in the near future may increase student membership and accelerate school construction and expansion needs into the 10-year projection period. Although capacity and construction needs are not identified this year, both school

districts face a large backlog of school capital maintenance and renovation projects that need to be addressed. Given that student projections are not showing an immediate need for school construction in the 10-year period, this may provide the time for both school districts to commence and/or complete these projects in order to address ongoing needs.

Changes in Average Class Size

In 2018, the North Carolina General Assembly unveiled House Bill 90 which allows for a phasing-in process to address the decrease in class size averages over the next three school years. Based on House Bill 90, average class sizes for kindergarten to third grade will face a decrease from 1:20 to 1:19 for the 2019-2020 school year, 1:19 to 1:18 for the 2020-2021 school year, and 1:18 to 1:17 for the 2021-2022 school year. Reductions in class size averages may create elementary school capacity issues for the 2021-2022 school year. In order to address these impacts in time, the School Boards and Orange County Board of Commissioners have met to review elementary school capacity (including Pre-K impacts) and determine how to implement the school capacity changes into the SAPFO annual report and 10-year student membership and building capacity projections sheets.

Charter and Private Schools

Currently, there are two Charter Schools located in the Town of Hillsborough. Charter student membership for these two schools is as follows:

	Eno River Academy	The Expedition School
School Year	**Number of Students**	**Number of Students**
2017-18	542	326
2018-19	655 *(+113)*	355 *(+29)*
2019-20	715 *(+60)*	365 *(+10)*

Charter and private schools are not included as part of the SAPFO Annual Report and, as a result, their membership and capacity numbers are not monitored or included in future projections. SAPFO projections are used for projecting only public school construction needs. However, the SAPFO Technical Advisory Committee does monitor charter and private schools and their effect on student enrollment in both school districts. If a charter or private school were to close and a spike were to be realized in school enrollment, the student projections would likely accelerate the need for additional capacity in future years, but likely still within an appropriate time for CIP planning. Charter Schools are also monitored by the Department of Public Institution (DPI) which provides pupil information, based on data received from Charter Schools located in Orange County, to the County for funding purposes. The County budgeted for charter schools as follows:

	Chapel Hill-Carrboro City Schools	Orange County Schools
Fiscal Year	**Number of Students**	**Number of Students**
2017-18	162	617
2018-19	155 *(-7)*	769 *(+152)*
2019-20	169 *(+14)*	843 *(+74)*

Although charter and private schools numbers are not collected for SAPFO purposes, impacts due to enrollment at these schools are accounted for in SAPFO process with the annual reporting of student membership and growth rates contained in the 10-year student projections.

Future Residential Development

Following the economic downturn, there has been an increase in approved and undeveloped residential projects in Orange County. Currently, there are over three thousand proposed single family and multifamily housing units approved, but undeveloped in the CHCCS district. In addition, there are over a thousand proposed residential units approved, but undeveloped in the OCS district. Proposed growth is not included in the SAPFO projection system until actual students begin enrollment. The Certificate of Adequate Public Schools (CAPS) test is conducted during the approval process at a certain stage. Once students are enrolled in a school year, through annual reporting of student membership numbers, 10-year student projections can be updated to display future capacity needs in time to efficiently plan for future school construction requests. Staff and the SAPFO Technical Advisory Committee continue to monitor and evaluate the demand and growth of residential development throughout Orange County as well as its effect on student membership rates.

Below is a list of larger residential projects and the potential number of students from these projects which may have impact to the schools in the short term. Please note, the City of Mebane is not a party to the SAPFO agreement and therefore does not require that CAPS (Certificate of Adequate Public Schools) be issued prior to development approvals. As a result, the potential number of students is based on unit type and bedroom count estimates.

Residential Project	Jurisdiction	Proposed Total Units	Potential Number of Students
Collins Ridge Phase 1	Hillsborough	672	Elementary: 84 Middle: 45 High: 57
Forest Ridge	Hillsborough	233	Elementary: 36 Middle: 19 High: 26
Carraway Village	Chapel Hill	400	Elementary: 28 Middle: 10 High: 14
Weavers Grove	Chapel Hill	235	Elementary: 44 Middle: 18 High: 20
The Meadows	Mebane	256	Elementary: 60 Middle: 31 High: 34
Stagecoach Corner	Mebane	35	Elementary: 9 Middle: 5 High: 6
Bowman Village/ Bowman Place	Mebane	177	Elementary: 48 Middle: 23 High: 30

Residential Project	Jurisdiction	Proposed Total Units	Potential Number of Students
The Townes of Oakwood Square	Mebane	88	Elementary: 5 Middle: 4 High: 5
Northeast Village (Havenstone Phase 1 & 2)	Mebane	169	Elementary: 46 Middle: 22 High: 29
The Retreat at Lake Michael	Mebane	43	Elementary: 12 Middle: 6 High: 7

Orange County, NC School Adequate Public Facilities Ordinance

Introduction

The Schools Adequate Public Facilities Ordinance (SAPFO) and its Memorandum of Understanding are ordinances and agreements, respectively. Supporting documents are anticipated to be dynamic to incorporate the annual changing conditions of membership, capacity and student projections that may affect School Capital Investment Plan (CIP) timing. This formal annual report will be forthcoming to all of the Schools Adequate Public Facilities Ordinance partners each year as new information is available.

This updated information is used in the schools capital needs process of the Capital Investment Plan (Process 1) and within elements of the Schools Adequate Public Facilities Ordinance Certificate of Adequate Public Schools (CAPS) spreadsheet system (Process 2).

This report and any comments from the Schools Adequate Public Facilities Ordinance partners will be considered in the first half of each year by the Board of County Commissioners at a regular or special meeting. The various elements of the report are then "certified" and formally considered in the process of the upcoming Capital Investment Plan. The Certificate of Adequate Public Schools system is updated after November 15 when data is received from the school districts with actual membership and pre-certified capacity (i.e. CIP capacity or prior "joint action" capacity changes).

The Schools Adequate Public Facilities Ordinance and Memorandum of Understanding have dynamic aspects. The derivation of the baseline and update to the variables will continue in the future as a variety of school related issues are fine-tuned by technical and policy groups.

The primary facet of this report includes the creation of mathematical projections for student memberships by school levels (Elementary, Middle and High) and by School Districts (Chapel Hill/Carrboro and Orange County). This information is found in Section II, Subsections B, C, D, and E.

In summary, this report serves as an update to the dynamic conditions of student membership and school capacity which affect future projected needs considered in Capital Investment Planning.

Interested parties may make their comments known to the Board of County Commissioners prior to their review of the report and school CIP completion or ask questions of the SAPFOTAC members.

Schools Adequate Public Facilities Ordinance Partners

ANNUAL REPORT AS OUTLINED IN Schools Adequate Public Facilities Ordinance Memorandum of Understanding (SAPFO MOU) SECTION 1d

RESPECTFULLY SUBMITTED TO SCHOOLS ADEQUATE PUBLIC FACILITIES ORDINANCE PARTNERS

Chapel Hill/Carrboro School District SAPFO	Orange County School District SAPFO
Board of County Commissioners	Board of County Commissioners
Carrboro Board of Aldermen	Hillsborough Board of Commissioners
Chapel Hill Town Council	
Chapel Hill/Carrboro School Board	Orange County School Board

Planning Directors/School Representatives Technical Advisory Committee
(aka SAPFOTAC)

Town of Carrboro
Trish McGuire, Planning Director
301 West Main Street
Carrboro, NC 27510

Town of Chapel Hill
Judy Johnson, Interim Planning and Development Services Director
405 Martin Luther King, Jr. Blvd.
Chapel Hill, North Carolina 27514

Town of Hillsborough
Margaret Hauth, Planning Director
P.O. Box 429
Hillsborough, NC 27278

Orange County Planning Department
Craig Benedict, Planning Director
Ashley Moncado, Special Projects Planner
Gary Donaldson, Director of Finance and Administrative Services
131 W. Margaret Lane
P.O. Box 8181
Hillsborough, NC 27278

Orange County School District
Monique Felder, Superintendent
200 E. King Street
Hillsborough, NC 27278

Chapel Hill-Carrboro School District
Patrick Abele, Assistant Superintendent for Support Services
Catherine Mau, Coordinator of Student Enrollment
750 Merritt Mill Road
Chapel Hill, NC 2751

I. Base Memorandum of Understanding

A. Level of Service

1. ***Responsible Entity for Suggesting Change –*** Change can only be effectuated by amendment to Memorandum of Understanding (MOU) by all SAPFO partners.
2. ***Definition –*** Level of Service (LOS) means the amount (level) of students that can be accommodated (serviced) at a certain school system grade group [i.e., Elementary level (K-5), Middle Level (6-8), High School Level (9-12)].
3. ***Standard for:*** ***Standard for:***

Chapel Hill/Carrboro School District			**Orange County School District**		
Elementary	**Middle**	**High School**	**Elementary**	**Middle**	**High School**
105%	**107%**	**110%**	**105%**	**107%**	**110%**

4. ***Analysis of Existing Conditions:*** ***Analysis of Existing Conditions:***

Chapel Hill/Carrboro School District

These standards are acceptable at this time.

Orange County School District

These standards are acceptable at this time.

5. ***Recommendation:*** ***Recommendation:***

Chapel Hill/Carrboro School District

No change from above standard.

Orange County School District

No change from above standard.

B. Building Capacity and Membership

1. ***Responsible Entity for Suggesting Change –*** The Planning Directors, School Representatives, and Technical Advisory Committee (SAPFOTAC) will receive requested changes that are CIP related and adopted in the prior year. CIP capacity changes will be updated along with actual membership received in November of each year. Other changes will be sent to a 'Joint Action Committee' of the BOCC and Board of Education, as noted in the MOU, who will make recommendations and forward changes (on the specific forms with justification) to the full Board of County Commissioners for review and action. These non-CIP changes would be updated in the upcoming November CAPS system recalibration and included in the SAPFOTAC report.
2. ***Definition –*** "For purposes of this Memorandum, "building capacity" will be determined by reference to State guidelines and the School District guidelines (consistent with CIP School Construction Guidelines/policies developed by the School District and the Board of County Commissioners) and will be determined by a joint action of the School Board and the Orange County Board of Commissioners. As used herein the term "building capacity" refers to permanent buildings. Mobile classrooms and other temporary student accommodating classroom spaces are not permanent buildings and may not be counted in determining the school districts building capacity."
3. ***Standard for:***

Chapel Hill/Carrboro School District

The original certified capacity for each of the schools was certified by the respective superintendent and incorporated in the initialization of the CAPS system (Chapel Hill Carrboro School District April 29, 2002 - Base)

Capacity changes were made each year as follows:

2003: Increase of 619 at Rashkis Elementary.

2004: No changes at Elementary, Middle, or High School levels.

2005: No changes at Elementary, Middle, or High

Standard for:

Orange County School District

The original certified capacity for each of the schools was certified by the respective superintendent and incorporated in the initialization of the CAPS system (Orange County School District April 30, 2002 - Base)

Capacity changes were made each year as follows:

2003: No net increase in capacity at Elementary level. No changes at Middle School level. Increase of 1,000 at Cedar Ridge High School.

2004: No net increase in capacity at Elementary

School levels.

2006: No changes at Elementary, Middle, or High School levels.

2007: An increase of 800 at the High School level with the opening of Carrboro High School.

2008: An increase of 323 at the Elementary School level due to the opening of Morris Grove Elementary School and the implementation of the 1:21 class size ratio in grades K-3

2009: No changes at Elementary, Middle, or High School levels.

2010: An increase in capacity of 40 students at the High School level with Phoenix Academy High School becoming official high school within the district

2011: No changes at Elementary, Middle, or High School levels.

2012: No changes at Elementary, Middle, or High School levels.

2013: An increase in capacity of 585 students due to the opening of Northside Elementary School.

2014: An increase in capacity of 104 students due to the opening of the Culbreth Middle School addition.

2015: No changes at Elementary, Middle, or High School levels.

2016: No changes at Elementary, Middle, or High School levels.

2017: A decrease in capacity of 165 students due to the implementation of the 1:20 class size ratio in grades K-3.

level. No changes at Middle or High School levels.

2005: An increase in capacity of 100 at Hillsborough Elementary with the completion of renovations.

2006: An increase in capacity of 700 at the Middle School level with the completion of Gravelly Hill Middle School and an increase of 15 at the High School level with the temporary location of Partnership Academy Alternative School. An increase of 2 at the Elementary level due to a change in the capacity calculation for each grade at each school.

2007: No changes at Elementary, Middle, or High School levels.

2008: A decrease of 228 at the Elementary School level due to the implementation of the 1:21 class size ratio in grades K-3 and an increase of 25 at the High School level with the completion of the new Partnership Academy Alternative School.

2009: No changes at Elementary, Middle, or High School levels.

2010: No changes at Elementary, Middle, or High School levels.

2011: No changes at Elementary, Middle, or High School levels.

2012: No changes at Elementary or Middle School levels. A decrease of 119 at High School level as a result of a N.C. Department of Public Instruction (DPI) study.

2013: No changes at Elementary, Middle, or High

2018: No changes at Elementary, Middle or High School levels.

2019: No changes at Elementary, Middle, or High School levels.

School levels.

2014: No changes at Elementary, Middle, or High School levels.

2015: No changes at Elementary, Middle, or High School levels.

2016: No changes at Elementary, Middle, or High School levels.

2017: A decrease in capacity of 333 students due to the implementation of the 1:20 class size ratio in grades K-3.

2018: No changes at Elementary, Middle, or High School levels.

2019: No changes at Elementary, Middle, or High School levels.

4. ***Analysis of Existing Conditions:***

Chapel Hill/Carrboro School District

The Schools Facilities Task Force developed a system to calculate capacity. Any changes year to year will be monitored, reviewed, and recorded by the SAPFOTAC on approved forms distributed to SAPFO partners and certified upon approval by the Board of County Commissioners each year. The requested 2019-20 capacity is noted on Attachment I.B.4

Analysis of Existing Conditions:

Orange County School District

The Schools Facilities Task Force developed a system to calculate capacity. Any changes year to year will be monitored, reviewed, and recorded by the SAPFOTAC on approved forms distributed to SAPFO partners and certified upon approval by the Board of County Commissioners each year. The requested 2019-20 capacity is noted on Attachment I.B.3

5. ***Recommendation:***

Chapel Hill/Carrboro School District

Accept school capacities at all levels, as reported by CHCCS and shown in Attachment I.B.4.

Recommendation:

Orange County School District

Accept school capacities at all levels, as reported by OCS and shown in Attachment I.B.3.

School APFO Capacity, Membership and Change Request Form

School District: Orange County Schools
SAPFO CAPS Year: November 15, 2018 - November 14, 2019
Capacity and Membership Submittal Date: November 15, 2018

Elementary School	Square Feet	2014-2015 Requested Capacity	2015-2016 Requested Capacity	2016-2017 Requested Capacity	2017-2018 Requested Capacity	2018-2019 Requested Capacity	Justification Footnote #	Membership
Cameron Park	70,812	565	565	565	502	502		597
Central	52,492	455	455	455	428	428		267
Efland Cheeks	64,316	497	497	497	455	455		467
Grady Brown	74,016	544	544	544	490	490		462
Hillsborough	51,106	471	471	471	420	420		435
New Hope	100,164	586	586	586	526	526		589
Pathways	85,282	576	576	576	540	540		388
Total	**498,188**	**3,694**	**3,694**	**3,694**	**3,361**	**3,361**		**3,205**

Special Note(s): 1. For the November 15, 2002 base year the board accepted the superintendent-certified capacities as part of the School Facilities Task Force review and 2003 Planners and School Representative Technical Advisory Committee Report. These capacities will remain effective until changed by (1) the School CIP or (2) an amended version of this form that is certified by the BOCC.

Justification:

Capacity Certification:

11-16-18
Superintendent Date

12/18/18
BOCC Chair Date

Membership Certification:

11-16-18
Superintendent Date

12/18/18
BOCC Chair Date

School APFO Capacity, Membership and Change Request Form

School District: Orange County Schools
SAPFO CAPS Year: November 15, 2018 - November 14, 2019
Capacity and Membership Submittal Date: November 15, 2018

Middle School	Square Feet	2014-2015 Requested Capacity	2015-2016 Requested Capacity	2016-2017 Requested Capacity	2017-2018 Requested Capacity	2018-2019 Requested Capacity	Justification Footnote #	Membership
A.L. Stanback	136,000	740	740	740	740	740		649
C.W. Stanford	107,620	726	726	726	726	726		649
Gravelly Hill	123,000	700	700	700	700	700		481
Total	366,620	2,166	2,166	2,166	2,166	2,166		1,779

Special Note(s): 1. For the November 15, 2002 base year the board accepted the superintendent-certified capacities as part of the School Facilities Task Force review and 2003 Planners and School Representative Technical Advisory Committee Report. These capacities will remain effective until changed by (1) the School CIP or (2) an amended version of this form that is certified by the BOCC.

Justification:

Capacity Certification:

11-16-18
Superintendent Date

12/18/18
BOCC Chair Date

Membership Certification:

11-16-18
Superintendent Date

12/18/18
BOCC Chair Date

School APFO Capacity, Membership and Change Request Form

School District: Orange County Schools
SAPFO CAPS Year: November 15, 2018 - November 14, 2019
Capacity and Membership Submittal Date: November 15, 2018

High School	Square Feet	2014-2015 Requested Capacity	2015-2016 Requested Capacity	2016-2017 Requested Capacity	2017-2018 Requested Capacity	2018-2019 Requested Capacity	Justification Footnote #	Membership
Orange	213,509	1,399	1,399	1,399	1,399	1,399		1,290
Cedar Ridge	206,900	1,000	1,000	1,000	1,000	1,000		1,018
Partnership	6,600	40	40	40	40	40		41
Total	427,009	2,439	2,439	2,439	2,439	2,439		2,349

Special Note(s): 1. For the November 15, 2002 base year the board accepted the superintendent-certified capacities as part of the School Facilities Task Force review and 2003 Planners and School Representative Technical Advisory Committee Report. These capacities will remain effective until changed by (1) the School CIP or (2) an amended version of this form that is certified by the BOCC. 2. The 2012-2013 capacity numbers for Orange High School (1,399) is based on a capacity analysis and facilities study completed by the Department of Public Instruction in August 2012.

Justification:

Capacity Certification:

11/16/18
Superintendent Date

BOCC Chair Date

Membership Certification:

11/16/18
Superintendent Date

BOCC Chair Date

School APFO Capacity, Membership and Change Request Form

School District: Chapel Hill-Carrboro City Schools
SAPFO CAPS Year: November 15, 2018 - November 14, 2019
Capacity and Membership Submittal Date: November 15, 2018

Elementary School	Square Feet	2014-2015 Requested Capacity	2015-2016 Requested Capacity	2016-2017 Requested Capacity	2017-2018 Requested Capacity	2018-2019 Requested Capacity	Justification Footnote #	Membership (referenced school year)
Carrboro	60,832	533	533	533	518	518		487
Ephesus	66,952	448	448	448	436	436		440
Estes Hills	56,299	527	527	527	516	516		473
Glenwood	50,764	423	538	423	412	412		484
FP Graham	66,689	538	423	538	522	522		615
McDougle	98,000	564	564	564	548	548		540
Rashkis	95,729	585	585	585	568	568		454
Scroggs	90,980	575	585	575	558	558		470
Seawell	52,896	466	585	466	450	450		503
Morris Grove	90,221	585	575	585	568	568		555
Northside	99,500	585	466	585	568	568		450
Total	**828,862**	**5,829**	**5,829**	**5,829**	**5,664**	**5,664**		**5,471**

Special Note(s): 1. For the November 15, 2002 base year the Board accepted the superintendent-certified capacities as part of the School Facilities Task Force review and 2003 Planners and School Representative Technical Advisory Committee Report. These capacities will remain effective until changed by (1) the School CIP or (2) an amended version of this form that is certified by the BOCC.

Justification:

Capacity Certification:

Pamela Baldwin 11/26/18
Superintendent Date

Penny Rich 12/18/18
BOCC Chair Date

Membership Certification:

Pamela Baldwin 11/26/18
Superintendent Date

Penny Rich 12/18/18
BOCC Chair Date

School APFO Capacity, Membership and Change Request Form

School District: Chapel Hill-Carrboro City Schools
SAPFO CAPS Year: November 15, 2018 - November 14, 2019
Capacity and Membership Submittal Date: November 15, 2018

Middle School	Square Feet	2014-2015 Requested Capacity	2015-2016 Requested Capacity	2016-2017 Requested Capacity	2017-2018 Requested Capacity	2018-2019 Requested Capacity	Justification Footnote #	Membership (referenced school year)
Culbreth	122,467	670	774	774	774	774		736
McDougle	136,221	732	732	732	732	732		683
Phillips	109,498	706	706	706	706	706		654
Smith	128,764	732	732	732	732	732		860
Total	**496,950**	**2,840**	**2,944**	**2,944**	**2,944**	**2,944**		**2,933**

Special Note(s): 1. For the November 15, 2002 base year the Board accepted the superintendent-certified capacities as part of the School Facilities Task Force review and 2003 Planners and School Representative Technical Advisory Committee Report. These capacities will remain effective until changed by (1) the School CIP or (2) an amended version of this form that is certified by the BOCC.

Justification:

Capacity Certification:

Pamela Baker 11/20/18
Superintendent Date

Penny Rich 12/18/18
BOCC Chair Date

Membership Certification:

Pamela Baker 11/20/18
Superintendent Date

Penny Rich 12/18/18
BOCC Chair Date

School APFO Capacity, Membership and Change Request Form

School District: Chapel Hill-Carrboro City Schools
SAPFO CAPS Year: November 15, 2018 - November 14, 2019
Capacity and Membership Submittal Date: November 15, 2018

High School	Square Feet	2014-2015 Requested Capacity	2015-2016 Requested Capacity	2016-2017 Requested Capacity	2017-2018 Requested Capacity	2018-2019 Requested Capacity	Justification Footnote #	Membership (referenced school year)
Chapel Hill	241,111	1,520	1,520	1,520	1,520	1,520		1,527
East Chapel Hill	259,869	1,515	1,515	1,515	1,515	1,515		1,493
Carrboro	148,023	800	800	800	800	800		877
Phoenix Acad.	5,207	40	40	40	40	40		35
Total	**654,210**	**3,875**	**3,875**	**3,875**	**3,875**	**3,875**		**3,932**

Special Note(s): 1. For the November 15, 2002 base year the Board accepted the superintendent-certified capacities as part of the School Facilities Task Force review and 2003 Planners and School Representative Technical Advisory Committee Report. These capacities will remain effective until changed by (1) the School CIP or (2) an amended version of this form that is certified by the BOCC.

Justification:

Capacity Certification:

Superintendent 11/26/18 Date

BOCC Chair 12/18/18 Date

Membership Certification:

Superintendent 11/26/18 Date

BOCC Chair 12/18/18 Date

School APFO Capacity, Membership and Change Request Form

School District: Orange County Schools
SAPFO CAPS Year: November 15, 2019 - November 14, 2020
Capacity and Membership Submittal Date: November 15, 2019

Elementary School	Square Feet	2015-2016 Requested Capacity	2016-2017 Requested Capacity	2017-2018 Requested Capacity	2018-2019 Requested Capacity	2019-2020 Requested Capacity	Justification Footnote #	Membership
Cameron Park	70,812	565	565	502	502	502		601
Central	52,492	455	455	428	428	428		286
Efland Cheeks	64,316	497	497	455	455	455		499
Grady Brown	74,016	544	544	490	490	490		442
Hillsborough	51,106	471	471	420	420	420		444
New Hope	100,164	586	586	526	526	526		579
Pathways	85,282	576	576	540	540	540		381
Total	498,188	3,694	3,694	3,361	3,361	3,361		3,232

Special Note(s): 1. For the November 15, 2002 base year the board accepted the superintendent-certified capacities as part of the School Facilities Task Force review and 2003 Planners and School Representative Technical Advisory Committee Report. These capacities will remain effective until changed by (1) the School CIP or (2) an amended version of this form that is certified by the BOCC.

Justification:

RECEIVED
NOV 18 2019

Capacity Certification:

Superintendent 11/19/19 Date

Membership Certification:

Superintendent 11/19/19 Date

BOCC Chair Date

BOCC Chair Date

School APFO Capacity, Membership and Change Request Form

School District: Orange County Schools
SAPFO CAPS Year: November 15, 2019 - November 14, 2020
Capacity and Membership Submittal Date: November 15, 2019

Middle School	Square Feet	2015-2016 Requested Capacity	2016-2017 Requested Capacity	2017-2018 Requested Capacity	2018-2019 Requested Capacity	2019-2020 Requested Capacity	Justification Footnote #	Membership
A.L. Stanback	136,000	740	740	740	740	740		653
C.W. Stanford	107,620	726	726	726	726	726		642
Gravelly Hill	123,000	700	700	700	700	700		468
Total	366,620	2,166	2,166	2,166	2,166	2,166		1,763

Special Note(s): 1. For the November 15, 2002 base year the board accepted the superintendent-certified capacities as part of the School Facilities Task Force review and 2003 Planners and School Representative Technical Advisory Committee Report. These capacities will remain effective until changed by (1) the School CIP or (2) an amended version of this form that is certified by the BOCC.

Justification:

Capacity Certification:

Superintendent Date 11/26/19

Membership Certification:

Superintendent Date 1/22/19

BOCC Chair Date

BOCC Chair Date

School APFO Capacity, Membership and Change Request Form

School District: Orange County Schools
SAPFO CAPS Year: November 15, 2019 - November 14, 2020
Capacity and Membership Submittal Date: November 15, 2019

High School	Square Feet	2015-2016 Requested Capacity	2016-2017 Requested Capacity	2017-2018 Requested Capacity	2018-2019 Requested Capacity	2019-2020 Requested Capacity	Justification Footnote #	Membership
Orange	213,509	1,399	1,399	1,399	1,399	1,399		1,296
Cedar Ridge	206,900	1,000	1,000	1,000	1,000	1,000		1,067
Partnership	6,600	40	40	40	40	40		34
Total	427,009	2,439	2,439	2,439	2,439	2,439		2,397

Special Note(s): 1. For the November 15, 2002 base year the board accepted the superintendent-certified capacities as part of the School Facilities Task Force review and 2003 Planners and School Representative Technical Advisory Committee Report. These capacities will remain effective until changed by (1) the School CIP or (2) an amended version of this form that is certified by the BOCC. 2. The 2012-2013 capacity numbers for Orange High School (1,399) is based on a capacity analysis and facilities study completed by the Department of Public Instruction in August 2012.

Justification:

RECEIVED
NOV 18 2019
BPFS DEPT

Capacity Certification:

Superintendent 11/15/19 Date

Membership Certification:

Superintendent 11/15/19 Date

BOCC Chair Date

BOCC Chair Date

School APFO Capacity, Membership and Change Request Form

School District: Chapel Hill-Carrboro City Schools
SAPFO CAPS Year: November 15, 2019 - November 14, 2020
Capacity and Membership Submittal Date: November 15, 2019

Elementary School	Square Feet	2015-2016 Requested Capacity	2016-2017 Requested Capacity	2017-2018 Requested Capacity	2018-2019 Requested Capacity	2019-2020 Requested Capacity	Justification Footnote #	Membership (referenced school year)
Carrboro	60,832	533	533	518	518	518	*	515
Ephesus	66,952	448	448	436	436	436		389
Estes Hills	56,299	527	527	516	516	516		429
Glenwood	50,764	538	423	412	412	412		456
FP Graham	66,689	423	538	522	522	522		585
McDougle	98,000	564	564	548	548	548		552
Rashkis	95,729	585	585	568	568	568		494
Scroggs	90,980	585	575	558	558	558		425
Seawell	52,896	585	466	450	450	450		517
Morris Grove	90,221	575	585	568	568	568		545
Northside	99,500	466	585	568	568	568		456
Total	828,862	5,829	5,829	5,664	5,664	5,664		5,363

Special Note(s): 1. For the November 15, 2002 base year the Board accepted the superintendent-certified capacities as part of the School Facilities Task Force review and 2003 Planners and School Representative Technical Advisory Committee Report. These capacities will remain effective until changed by (1) the School CIP or (2) an amended version of this form that is certified by the BOCC.

Justification:

** Waiting for the Schools Joint Action Committee reductions for class size changes*

Capacity Certification:

Pamela Baker 11/20/19
Superintendent Date

Membership Certification:

Pamela Baker 11/20/19
Superintendent Date

Penny Rich
BOCC Chair Date

Penny Rich
BOCC Chair Date

School APFO Capacity, Membership and Change Request Form

School District: Chapel Hill-Carrboro City Schools
SAPFO CAPS Year: November 15, 2019 - November 14, 2020
Capacity and Membership Submittal Date: November 15, 2019

Middle School	Square Feet	2015-2016 Requested Capacity	2016-2017 Requested Capacity	2017-2018 Requested Capacity	2018-2019 Requested Capacity	2019-2020 Requested Capacity	Justification Footnote #	Membership (referenced school year)
Culbreth	122,467	774	774	774	774	774		800
McDougle	136,221	732	732	732	732	732		692
Phillips	109,498	706	706	706	706	706		748
Smith	128,764	732	732	732	732	732		804
Total	**496,950**	**2,944**	**2,944**	**2,944**	**2,944**	**2,944**		**3,044**

Special Note(s): 1. For the November 15, 2002 base year the Board accepted the superintendent-certified capacities as part of the School Facilities Task Force review and 2003 Planners and School Representative Technical Advisory Committee Report. These capacities will remain effective until changed by (1) the School CIP or (2) an amended version of this form that is certified by the BOCC.

Justification:

Capacity Certification:

Pamela Baker 11/20/19
Superintendent Date

Membership Certification:

Pamela Baker 11/20/19
Superintendent Date

BOCC Chair Date

BOCC Chair Date

School APFO Capacity, Membership and Change Request Form

School District: Chapel Hill-Carrboro City Schools
SAPFO CAPS Year: November 15, 2019 - November 14, 2020
Capacity and Membership Submittal Date: November 15, 2019

High School	Square Feet	2015-2016 Requested Capacity	2016-2017 Requested Capacity	2017-2018 Requested Capacity	2018-2019 Requested Capacity	2019-2020 Requested Capacity	Justification Footnote #	Membership (referenced school year)
Chapel Hill	241,111	1,520	1,520	1,520	1,520	1,520		1,514
East Chapel Hill	259,869	1,515	1,515	1,515	1,515	1,515		1,519
Carrboro	148,023	800	800	800	800	800		869
Phoenix Acad.	5,207	40	40	40	40	40		38
Total	**654,210**	**3,875**	**3,875**	**3,875**	**3,875**	**3,875**		**3,940**

Special Note(s): 1. For the November 15, 2002 base year the Board accepted the superintendent-certified capacities as part of the School Facilities Task Force review and 2003 Planners and School Representative Technical Advisory Committee Report. These capacities will remain effective until changed by (1) the School CIP or (2) an amended version of this form that is certified by the BOCC.

Justification:

Capacity Certification:

Pamela Baldwin 11/20/19
Superintendent Date

BOCC Chair Date

Membership Certification:

Pamela Baldwin 11/20/19
Superintendent Date

BOCC Chair Date

C. Membership Date

1. ***Responsible Entity for Suggesting Change –*** Change can be effectuated only by amendment to Memorandum of Understanding (MOU) by all SAPFO partners. The Planning Directors, School Representatives, and Technical Advisory Committee (SAPFOTAC) may advise if a change in date would improve the reporting or timeliness of the report.
2. ***Definition –*** The date at which student membership is calculated. This date is updated each year and also serves as the basis for projections along with the history from previous years. "For purposes of this Memorandum, the term "school membership" means the actual number of students attending school as of November 15 of each year. The figure is determined by considering the number of students enrolled (i.e. registered, regardless of whether a student is no longer attending school) and making adjustments for withdrawals, dropouts, deaths, retentions and promotions. Students who are merely absent from class on the date membership is determined as a result of sickness or some other temporary reason are included in school membership figures. Each year the School District shall transmit its school membership to the parties to this agreement no later than five (5) school days after November 15.
3. ***Standard for:*** ***Standard for:***

Chapel Hill/Carrboro School District	**Orange County School District**
November 15 of each year	November 15 of each year

4. ***Analysis of Existing Conditions:***

   This will be analyzed in the future years to determine if it is an exemplary date.

5. ***Recommendation:*** ***Recommendation:***

Chapel Hill/Carrboro School District	**Orange County School District**
No change at this time.	No change at this time.

II. Annual Update to Schools Adequate Public Facilities Ordinance System

A. Capital Investment Plan (CIP)

1. ***Responsible Entity for Suggesting Change –*** The updating of this section will be conducted by the Board of County Commissioners (BOCC) after review of the CIP requests from the School Districts. Action regarding CIP programs usually occurs during the BOCC budget Public Hearing process in the winter and spring of each year. The development of the CIP considers the conditions noted in the SAPFOTAC report released in the same CIP development year including LOS (level of service), capacity, and membership projections.
2. ***Definition –*** The process and resultant program to determine school needs and provide funding for new school facilities through a variety of funding mechanisms.
3. ***Standard for:*** ***Standard for:***

   Chapel Hill/Carrboro School District **Orange County School District**

   Not Applicable Not Applicable
4. ***Analysis of Existing Conditions:***

   The MOU outlines a system of implementing the SAPFO, including issuing Certificates of Adequate Public Schools (CAPS) to new development if capacity is available. The Requests for CAPS will be evaluated using the most recently adopted Capital Investment Plan. A new Capital Investment Plan is currently under development for approval prior to June 30, 2020.
5. ***Recommendation:***

   Not subject to staff review

B. Student Membership Projection Methodology

1. ***Responsible Entity for Suggesting Change –*** This section is reviewed and recommended by the Planning Directors, School Representatives, and Technical Advisory Committee (SAPFOTAC) to the BOCC for change, if necessary.
2. ***Definition –*** The method(s) by which student memberships are calculated for future years to determine total membership at each combined school level (Elementary, Middle, and High School) which take into consideration historical membership totals at a specific time (November 15) in the school year. These methods are also known as 'models'.
3. ***Standard for:*** **Chapel Hill/Carrboro School District** ***Standard for:*** **Orange County School District**

   Presently, the <u>average of five models</u> is being used: namely 3, 5, and 10-year history/cohort survival methods, Orange County Planning Department Linear Wave, and Tischler Linear methods. Attachment II.B.1 includes a description of each model.
4. ***Analysis of Existing Conditions:***

   Performance of the models is monitored each year. The value of a projection model is in its prediction of school level capacities at least three years in advance of capacity shortfalls so the annual Capital Investment Plan (CIP) updates can respond proactively with siting, design, and construction. Attachment II.B.1 includes a description of each model. Attachment II.B.3 shows the performance of the models for the 2019-20 school year from the prior year projection.
5. ***Recommendation:***

   More than fifteen years of projection results are now available. Analysis on the accuracy of the results is showing that some models have better results in one district while others have better results in the other district. The historic growth rate is recorded by the models, but projected future growth is more difficult to accurately quantify. In all areas of the county, proposed growth is not included in the SAPFO projection system until actual students begin enrollment. The system is updated in November of each year, becoming part of the historical projection base.

STUDENT MEMBERSHIP PROJECTIONS

PROJECTION TYPE	DESCRIPTION / CHARACTERISTICS	FORMULA	ASSUMPTIONS
Tischler Linear (OCS & CHCCS)	Mathematical formula; straight line projection	y=((c*b)*x)+b y=projected population; c=historical annual change; b=base year; x= projection years	Historical growth is reflected in projected growth
OCP Linear Wave (OCS)	Mathematical linear with percent variation among school levels; reflects progressing waves of membership	**BYM + (BYI + 5(n)) = EYM EYM * %SL = EYM/SL** BYM= base year 2nd month membership; BYI=year student membership increment base; EYM=ensuing year membership; n=projection year; %SL=% of total membership per school level (i.e. elementary, middle, high); EYM/SL=ensuing year member by school level	Base year growth reflects 10-year average; increase in BYI of 5 every other year reflects increases in housing growth; reflects buildout constraints
OCP Linear Wave (CHCCS)	Mathematical linear with percent variation among school levels; reflects progressing waves of membership	**BYM + (BYI - 15(n)) = EYM EYM * %SL = EYM/SL** BYM= base year 2nd month membership; BYI=year student membership increment base; EYM=ensuing year membership; n=projection year; %SL=% of total membership per school level (i.e. elementary, middle, high); EYM/SL=ensuing year member by school level	Base year growth reflects 10-year average; decrease in BYI of 15 until school year 2010-2011 reflects decreases in housing growth; reflects buildout constraints
3-Year Cohort (OCS & CHCCS)	Mathematical formula that computes the average advancement rate over the previous 3 years for each grade level and then uses each rate to calculate projected membership by school level; an assumed kindergarten membership is based on birth records and/or historical growth rates	$K_n = k_{n-1} + (k_{n-1} * 0.01)$ n=1 $a = (\Sigma\ G_n / g_{n-1}) / 3$ n=3 $b = g_{n-1}$ (a) K=kindergarten membership; n=given school year; G=given grade's membership(other than kindergarten); g= previous grade's membership; a=average advancement rate; b=projected membership	Assumes a 1% annual growth rate for the kindergarten grade level; assumes the same percentage of students in each grade level graduate to the next level each year
5 year Cohort (OCS & CHCCS)	Mathematical formula that computes the average advancement rate over the previous 5 years for each grade level and then uses each rate to calculate projected membership by school level; an assumed kindergarten membership is based on birth records and/or historical growth rates	$K_n = k_{n-1} + (k_{n-1} * 0.01)$ n=1 $a = (\Sigma\ G_n / g_{n-1}) / 5$ n=5 $b = g_{n-1}$ (a) K=kindergarten membership; n=given school year; G=given grade's membership(other than kindergarten); g= previous grade's membership; a=average advancement rate; b=projected membership	Assumes a 1% annual growth rate for the kindergarten grade level; assumes the same percentage of students in each grade level graduate to the next level each year
10 year Cohort (OCS & CHCCS)	Mathematical formula that computes the average advancement rate over the previous 10 years for each grade level and then uses each rate to calculate projected membership by school level; an assumed kindergarten membership is based on birth records and/or historical growth rates	$K_n = k_{n-1} + (k_{n-1} * 0.01)$ n=1 $a = (\Sigma\ G_n / g_{n-1}) / 10$ n=10 $b = g_{n-1}$ (a) K=kindergarten membership; n=given school year; G=given grade's membership(other than kindergarten); g= previous grade's membership; a=average advancement rate; b=projected membership	Assumes a 1% annual growth rate for the kindergarten grade level; assumes the same percentage of students in each grade level graduate to the next level each year

Orange County School District
School Membership 2018-2019 School Year (November 15, 2018)

	11/15/17 Actual 2017-18		2018 Report Projection for 2018-19	11/15/18 Actual 2018-19	Change between actual Nov 2017 - Nov 2018
Elementary	**3183**			**3205**	**+ 22**
Model				Projection is	
T			3201	L4	
OCP			3200	L5	
10C			3140	L65	
5C			3128	L77	
3C			3139	L66	
AVG			**3161**	**L44**	
	11/14/17			11/15/18	
Middle	**1730**			**1779**	**+ 49**
Model				Projection is	
T			1740	L39	
OCP			1739	L40	
10C			1822	H43	
5C			1812	H33	
3C			1814	H35	
AVG			**1785**	**H6**	
	11/14/17			11/15/18	
High	**2445**			**2349**	**- 96**
Model				Projection is	
T			2458	H109	
OCP			2460	H111	
10C			2354	H5	
5C			2368	H19	
3C			2340	L9	
AVG			**2396**	**H47**	
Totals	11/14/17			11/15/18	
Elementary	3183			3205	
Middle	1730			1779	
High	2445			2349	
	7358			**7333**	**- 25**
Model				Projection is	
T			7399	H66	
OCP			7399	H66	
10C			7316	L17	
5C			7308	L25	
3C			7293	L40	
AVG			**7342**	**H9**	

H means High
L means Low

Orange County School District
School Membership 2018-2019 School Year (November 15, 2018)

Statistical Findings

PROJECTION TYPE ABBREVIATIONS	
'TISCHLER' LINEAR (T) ORANGE COUNTY PLANNING (OCP)	10-YEAR COHORT (10C) 5-YEAR COHORT (5C) 3-YEAR COHORT (3C)

Elementary School Level

- The projections were all low, ranging from 4 students to 77 students below actual membership. On average, the projections were 44 students lower than the actual membership.
- The membership actually increased by 22 students between November 16, 2017 and November 15, 2018.

Middle School Level

- Projections were mixed, ranging from 40 students below to 43 students above actual membership. On average, the projections were 6 students higher than the actual membership.
- The membership actually increased by 49 students between November 16, 2017 and November 15, 2018.

High School Level

- The majority of projections were high, ranging from 5 students to 111 students above actual membership. One projection was 9 students below actual membership. On average, the projections were 47 students higher than the actual membership.
- The membership actually decreased by 96 students between November 16, 2017 and November 15, 2018.

TOTAL

- The totals of all school level projections were mixed, ranging from 40 students below to 66 students above actual membership. On average, the projections were 9 students higher than the actual membership.
- The membership decreased in total by 25 students, which is the sum of +22 at Elementary, +49 at Middle, and -96 at High.

Chapel Hill/Carrboro School District
School Membership 2018-2019 School Year (November 15, 2018)

	11/15/17 Actual 2017-18		2018 Report Projection for 2018-19	11/15/18 Actual 2018-19	Change between actual Nov 2017 - Nov 2018
Elementary	**5522**			**5471**	**- 51**
Model				Projection is	
T			5556	H85	
OCP			5541	H70	
10C			5496	H25	
5C			5475	H4	
3C			5479	H8	
AVG			**5509**	**H38**	
	11/14/17			11/15/18	
Middle	**2833**			**2933**	**+ 100**
Model				Projection is	
T			2850	L83	
OCP			2848	L85	
10C			2926	L7	
5C			2907	L26	
3C			2915	L18	
AVG			**2889**	**L44**	
	11/14/17			11/15/18	
High	**3927**			**3932**	**+ 5**
Model				Projection is	
T			3951	H19	
OCP			3938	H6	
10C			3884	L48	
5C			3889	L43	
3C			3912	L20	
AVG			**3915**	**L17**	
Totals	11/14/17			11/15/18	
Elementary	5522			5471	
Middle	2833			2933	
High	3927			3932	
	12,282			**12,336**	**+ 54**
Model				Projection is	
T			12,357	H21	
OCP			12,327	L9	
10C			12,306	L30	
5C			12,271	L65	
3C			12,306	L30	
AVG			**12,313**	**L23**	

H means High
L means Low

Chapel Hill/Carrboro School District
School Membership 2018-2019 School Year (November 15, 2018)

Statistical Findings

PROJECTION TYPE ABBREVIATIONS	
'TISCHLER' LINEAR (T) ORANGE COUNTY PLANNING (OCP)	10-YEAR COHORT (10C) 5-YEAR COHORT (5C) 3-YEAR COHORT (3C)

Elementary School Level

- Projections were all high ranging from 4 students to 85 students above actual membership. On average, the projections were 38 students higher than the actual membership.
- The actual membership decreased by 51 students between November 16, 2017 and November 15, 2018.

Middle School Level

- Projections were all low, ranging from 7 students to 85 students below actual membership. On average, the projections were 44 students lower than the actual membership.
- The actual membership increased by 100 students between November 16, 2017 and November 15, 2018.

High School Level

- Projections were mixed, ranging from 48 students below to 19 students above actual membership. On average, the projections were 17 students lower than the actual membership.
- The actual membership increased by 5 students between November 16, 2017 and November 15, 2018.

TOTAL

- The majority of all school level projections were low, ranging from 9 students to 65 students below actual membership. One projection was 21 students above the actual membership. On average, the projections were 23 students lower than the actual membership.
- The membership increased in total by 54 students, which is the sum of -51 at Elementary, +100 at Middle, and +5 at High.

Orange County School District
School Membership 2019-2020 School Year (November 15, 2019)

	11/15/18 Actual 2018-19		2019 Report Projection for 2019-20	11/15/19 Actual 2019-20	Change between actual Nov 2018 - Nov 2019
Elementary	**3205**			**3232**	**+ 27**
Model				Projection is	
T			3217	L15	
OCP			3215	L17	
10C			3217	L15	
5C			3197	L35	
3C			3217	L15	
AVG			**3213**	**L19**	
	11/15/18			11/15/19	
Middle	**1779**			**1763**	**- 16**
Model				Projection is	
T			1786	H23	
OCP			1773	H10	
10C			1808	H45	
5C			1794	H31	
3C			1788	H25	
AVG			**1790**	**H27**	
	11/15/18			11/15/19	
High	**2349**			**2397**	**+ 48**
Model				Projection is	
T			2358	L39	
OCP			2385	L12	
10C			2339	L58	
5C			2339	L58	
3C			2318	L79	
AVG			**2348**	**L49**	
Totals	11/15/18			11/15/19	
Elementary	3205			3232	
Middle	1779			1763	
High	2349			2397	
	7333			**7392**	**+ 59**
Model				Projection is	
T			7361	L31	
OCP			7373	L19	
10C			7364	L28	
5C			7330	L62	
3C			7323	L69	
AVG			**7351**	**L41**	

H means High
L means Low

Orange County School District
School Membership 2019-2020 School Year (November 15, 2019)

Statistical Findings

PROJECTION TYPE ABBREVIATIONS	
'TISCHLER' LINEAR (T) ORANGE COUNTY PLANNING (OCP)	10-YEAR COHORT (10C) 5-YEAR COHORT (5C) 3-YEAR COHORT (3C)

Elementary School Level

- The projections were all low, ranging from 15 students to 35 students below actual membership. On average, the projections were 19 students lower than the actual membership.
- The membership actually increased by 27 students between November 16, 2018 and November 15, 2019.

Middle School Level

- Projections were all high, ranging from 10 students to 45 students above actual membership. On average, the projections were 27 students higher than the actual membership.
- The membership actually decreased by 16 students between November 16, 2018 and November 15, 2019.

High School Level

- The majority of projections all low, ranging from 12 students to 79 students below actual membership. On average, the projections were 49 students lower than the actual membership.
- The membership actually increased by 48 students between November 16, 2018 and November 15, 2019.

TOTAL

- The totals of all school level projections were low, ranging from 19 students to 69 students below actual membership. On average, the projections were 41 students lower than the actual membership.
- The membership increased in total by 59 students, which is the sum of +27 at Elementary, -16 at Middle, and +48 at High.

Chapel Hill/Carrboro School District
School Membership 2019-2020 School Year (November 15, 2019)

	11/15/18 Actual 2018-19		2019 Report Projection for 2019-20	11/15/19 Actual 2019-20	Change between actual Nov 2018 - Nov 2019
Elementary	**5471**			**5363**	**- 108**
Model				Projection is	
T			5512	H149	
OCP			5417	H54	
10C			5423	H60	
5C			5473	H110	
3C			5418	H55	
AVG			**5448**	**H85**	
	11/15/18			11/15/19	
Middle	**2933**			**3044**	**+ 111**
Model				Projection is	
T			2955	L89	
OCP			2910	L134	
10C			3010	L34	
5C			2908	L136	
3C			3025	L19	
AVG			**2962**	**L82**	
	11/15/18			11/15/19	
High	**3932**			**3940**	**+ 8**
Model				Projection is	
T			3962	H22	
OCP			4055	H115	
10C			3894	L46	
5C			3902	L38	
3C			3926	L14	
AVG			**3948**	**H8**	
Totals	11/15/18			11/15/19	
Elementary	5471			5363	
Middle	2933			3044	
High	3932			3940	
	12,336			**12,347**	**+ 11**
Model				Projection is	
T			12,429	H82	
OCP			12,382	H35	
10C			12,327	L20	
5C			12,283	L64	
3C			12,369	H22	
AVG			**12,358**	**H11**	

H means High
L means Low

Chapel Hill/Carrboro School District
School Membership 2019-2020 School Year (November 15, 2019)

Statistical Findings

PROJECTION TYPE ABBREVIATIONS	
'TISCHLER' LINEAR (T) ORANGE COUNTY PLANNING (OCP)	10-YEAR COHORT (10C) 5-YEAR COHORT (5C) 3-YEAR COHORT (3C)

Elementary School Level

- Projections were all high ranging from 54 students to 149 students above actual membership. On average, the projections were 85 students higher than the actual membership.
- The actual membership decreased by 108 students between November 16, 2018 and November 15, 2019.

Middle School Level

- Projections were all low, ranging from 19 students to 136 students below actual membership. On average, the projections were 82 students lower than the actual membership.
- The actual membership increased by 111 students between November 16, 2018 and November 15, 2019.

High School Level

- Projections were mixed, ranging from 46 students below to 115 students above actual membership. On average, the projections were 8 students higher than the actual membership.
- The actual membership increased by 8 students between November 16, 2018 and November 15, 2019.

TOTAL

- The totals of all school level projections were mixed, ranging from 64 students below to 82 students above actual membership. On average, the projections were 11 students higher than the actual membership.
- The membership increased in total by 11 students, which is the sum of -108 at Elementary, +111 at Middle, and +8 at High.

C. Student Membership Projections

1. ***Responsible Entity for Suggesting Change –*** The updating of this section will be conducted by the Planning Directors, School Representatives, and Technical Advisory Committee (SAPFOTAC) and referred to the BOCC for annual report certifications. Projections will be distributed to SAPFO partners for review and comments to the BOCC prior to certification.
2. ***Definition –*** The result of the average of the five student projection models represented by 10 year numerical membership projections by school level (Elementary, Middle, and High) for each school district (Chapel Hill/Carrboro City School District and Orange County School District).
3. ***Standard for:*** ***Standard for:***

Chapel Hill Carrboro School District	**Orange County School District**
The 5 model average discussed in Section II.B (Student Projection Methodology)	The 5 model average discussed in Section II.B (Student Projection Methodology)
See Attachment II.C.4	See Attachment II.C.3

4. ***Analysis of Existing Conditions***

   The membership figures and percentage growth on the attachments show an increase at the Chapel Hill/Carrboro City Schools' middle and high school levels and at the Orange County Schools' elementary and high school level. The attachments show a decrease at the Chapel Hill/Carrboro City Schools' elementary school level and Orange County Schools' middle school level. The majority of Chapel Hill/Carrboro Schools and Orange County Schools projected average annual growth rates have all decreased since the previous year, except the elementary school levels in both districts which have experienced an increase. The majority of projected annual growth rates show positive growth for the three levels in the 10-year projection period. However, the Chapel Hill/Carrboro City Schools' middle school level shows a negative growth rate in the 10-year projection period. Attachment II.C.3 and Attachment II.C.4 show year by year percent growth and projected level of service (LOS). The projection models were updated using current (November 15, 2019) memberships. Ten years of student membership were projected thereafter.

Chapel Hill/Carrboro School District

Elementary

The previous year (2018-19) projections for November 2019 at this level were overestimated by 85 students. The actual membership decreased by 108 students. Over the previous ten years, this level has shown varying increases and decreases in growth rates. Following a significant increase (168 students) in 2011-12, this level has experienced a decrease in four out of the five previous school years including this year. Growth rates during the past ten years have ranged from -1.57% to +3.17%. The district's eleventh elementary school, Northside Elementary School, opened in 2013. Capacity was decreased in 2017-18 due to changes in class size averages for kindergarten to third grade by the North Carolina State Legislature. The need for an additional elementary school is not anticipated in the 10-year projection period. This is similar to last year's projections.

Although not included in SAPFO school capacity or membership numbers, Pre-K programs continue to impact operations at District elementary schools where Pre-K programs exist. Specific impacts of Pre-K programs at the elementary school level will continue to be reviewed and discussed in the coming year.

Middle

The previous year (2018-19) projections for November 2019 for this level were underestimated by 82 students. The actual membership increased by 111 students. Over the previous ten years, this level has shown varying increases before experiencing a decrease in 2015-16 and 2016-17. Growth rates during this time period have ranged from -0.59% to +3.53%. Capacity was increased in 2014 with the opening of the Culbreth Middle School science wing. The need for an additional middle school is not anticipated in the 10-year projection period. This is similar to last year's projections.

High School

The previous year (2018-19) projections for November 2019 for this level were overestimated by 8 students. The actual membership increased by 8 students. Over the previous ten years, change has been variable with decreases in membership in four of the ten years. Growth rates during this time period have ranged from -0.90 to +4.39%. The need for additional high school capacity at Carrboro High School is not anticipated in the 10-year projection period. This is similar to last

year's projections. Due to renovations to Chapel Hill High School, this level will experience an increase in capacity of 105 seats for the 2020-21 school year.

Additional Information for Chapel Hill/Carrboro School District

Following the economic downturn, there has been an increase in residential projects, specifically multifamily development, in the Town of Chapel Hill. Currently, there are over three thousand proposed single family and multifamily housing units approved, but undeveloped in the CHCCS district. As previously stated, proposed growth is not directly and immediately included in the SAPFO projection system until actual students begin enrollment. The CAPS test is conducted during the approval process at a certain stage and this step does project development impacts against rated capacity. Once students are enrolled in a school year, through annual reporting of student membership numbers, 10-year student projections can be updated to display future capacity needs in time to efficiently plan for future school construction requests. Staff and the SAPFO Technical Advisory Committee will continue to monitor and evaluate the demand and growth of residential development in Chapel Hill and Carrboro as well as its effect on student membership rates.

Charter schools are not included as part of the SAPFO Annual Report and, as a result, their membership and capacity numbers are not monitored or included in future projections. However, the SAPFO Technical Advisory Committee does monitor charter schools and their effect on student enrollment at both school districts. If a charter school does close and a spike is realized in school enrollment, the student projections will likely accelerate the need in future years, still within an appropriate time for CIP planning. Charter Schools are additionally monitored by the Department of Public Institution (DPI) which provides pupil information, based on data received from Charter Schools located in Orange County, to the County for funding purposes.

Orange County School District

Elementary

The previous year (2018-19) projections for November 2019 at this level were underestimated by 19 students. Actual membership increased by 27 students. Over the previous ten years, this level experienced positive growth before experiencing decreases in 2014-15, 2016-17, and 2017-18. Growth rates during this period have ranged from -5.07% to +2.30%. In the Orange County school system, historic growth is more closely related to new residential development than in the

Chapel Hill/Carrboro School District, which has a sizeable number of new families in older, existing housing stock. Capacity was decreased in 2017-18 due to changes in class size averages for kindergarten to third grade by the North Carolina State Legislature. The need for an additional Elementary School is not anticipated in the 10 year projection period. This is similar to last year's projections.

Although not included in SAPFO school capacity or membership numbers, Pre-K programs continue to impact operations at District elementary schools where Pre-K programs exist. Specific impacts of Pre-K programs at the elementary school level will continue to be reviewed and discussed in the coming year.

Middle

The previous year (2018-19) projections for November 2019 for this level were overestimated by 27 students. The actual membership decreased by 16 students. Over the previous ten years, growth has varied widely with decreases in student membership in 2012-13, 2015-16, 2016-17, and this school year. Growth rates during this period have ranged from -1.31% to +4.00%. The district's third Middle School, Gravelly Hill Middle School, opened in October 2006. The need for an additional Middle School is not anticipated in the 10 year projection period. This is similar to last year's projections.

High School

The previous year (2018-19) projections for November 2019 for this level were underestimated by 49 students. The actual membership increased by 48 students. Over the previous ten years, growth has been varied. Growth rates during this period ranged from -3.93% to 4.58%. In 2012-13 student membership increased by 32 while capacity decreased by 119 at Orange County High School as a result of a N.C. Department of Public Instruction (DPI) study. Similar to last year's projections, the need for additional capacity at Cedar Ridge High School is not anticipated in the 10 year projection period. However, to address public safety concerns with the current high school capacity exceeding the 100% threshold, Orange County Schools is in preliminary planning stages to expand Cedar Ridge High School from initial capacity of 1,000 students to1,500 students for the 2021-22 school year.

Additional Information for Orange County School District

The City of Mebane lies partially within Orange County and students within the Orange County portion of Mebane attend Orange County schools. However, the City of Mebane is not a party to the SAPFO agreement and therefore does not require that CAPS (Certificate of Adequate Public Schools) be issued prior to development approvals. Following the economic downtown, there has been an increase in approved and undeveloped residential development in the City of Mebane and the Town of Hillsborough. Currently, there are over one thousand proposed single family and multifamily housing units approved, but undeveloped in the City of Mebane and the Town of Hillsborough. The residential growth that has occurred in the recent past within Mebane's and Hillsborough's jurisdiction has yet to be seen with OCS student membership numbers and fully realized into the historically based projection methods due to the recession, charter schools, and possibly new family dynamics effecting family size. Staff and the SAPFO Technical Advisory Committee will need to continue monitoring and evaluating the demand and growth of residential development in Mebane and Hillsborough as well as its effect on student membership rates.

Currently, there are two Charter Schools located in the Town of Hillsborough. Eno River Academy (K-12) serves 715 students and The Expedition School (K-8) serves 365 students. Both of these charter schools continue to have an effect on OCS membership numbers. Charter schools are not included as part of the SAPFO Annual Report and, as a result, their membership and capacity are not monitored or included in future projections. However, the SAPFO Technical Advisory Committee does monitor charter schools and their effect on student enrollment at both school districts. If a charter school were to close and a spike were to be realized in school enrollment, the student projections will likely accelerate the need for additional capacity in future years, still within an appropriate time for CIP planning. Charter Schools are also monitored by the Department of Public Institution (DPI) which provides pupil information, based on data received from Charter Schools located in Orange County, to the County for funding purposes.

5. ***Recommendation:***

Use statistics as noted in 3 above

OCS Student Projections (1) (4)

Elementary

School Year	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29
Actual	3,165	3,211	3,285	3,348	3,403	3,433	3,259	3,318	3,293	3,183	3,205										
Tischler (2)												3,217	3,229	3,241	3,254	3,266	3,278	3,290	3,302	3,314	3,327
OC Planning												3,215	3,236	3,259	3,283	3,308	3,334	3,360	3,385	3,407	3,426
10 Year Growth												3,217	3,293	3,314	3,379	3,448	3,482	3,517	3,552	3,588	3,624
5 Year Growth												3,197	3,257	3,265	3,317	3,378	3,412	3,446	3,480	3,515	3,550
3 Year Growth												3,217	3,294	3,311	3,371	3,437	3,471	3,506	3,541	3,577	3,612
Average												**3,213**	**3,262**	**3,278**	**3,321**	**3,367**	**3,395**	**3,424**	**3,452**	**3,480**	**3,508**
Annual Change - Increase (Decrease) in Actual & Projected Membership)	**7**	**46**	**74**	**63**	**55**	**30**	**(174)**	**59**	**(25)**	**(110)**	**22**	**8**	**49**	**16**	**43**	**47**	**28**	**28**	**29**	**28**	**27**
Capacity - 100% Level of Service	**3,694**	**3,694**	**3,694**	**3,694**	**3,694**	**3,694**	**3,694**	**3,694**	**3,694**	**3,361**	**3,361**	**3,361**	**3,361**	**3,361**	**3,361**	**3,361**	**3,361**	**3,361**	**3,361**	**3,361**	**3,361**
Number of Students, Actual and Projected, Over (Under) 100% LOS	**(529)**	**(483)**	**(409)**	**(346)**	**(291)**	**(261)**	**(435)**	**(376)**	**(401)**	**(178)**	**(156)**	**(148)**	**(99)**	**(83)**	**(40)**	**6**	**34**	**63**	**91**	**119**	**147**
105% Level of Service	**3,879**	**3,879**	**3,879**	**3,879**	**3,879**	**3,879**	**3,879**	**3,879**	**3,879**	**3,529**	**3,529**	**3,529**	**3,529**	**3,529**	**3,529**	**3,529**	**3,529**	**3,529**	**3,529**	**3,529**	**3,529**
Number of Students, Actual and Projected, Over (Under) 105% LOS	**(714)**	**(668)**	**(594)**	**(531)**	**(476)**	**(446)**	**(620)**	**(561)**	**(586)**	**(346)**	**(324)**	**(317)**	**(267)**	**(251)**	**(208)**	**(162)**	**(134)**	**(105)**	**(77)**	**(49)**	**(21)**
Actual - % Level of Service	85.7%	86.9%	88.9%	90.6%	92.1%	92.9%	88.2%	89.8%	89.1%	94.7%	95.4%										
Average - % Level of Service												95.6%	97.0%	97.5%	98.8%	100.2%	101.0%	101.9%	102.7%	103.5%	104.4%
Annual Student Growth Rate (3)	**0.22%**	**1.45%**	**2.30%**	**1.92%**	**1.64%**	**0.88%**	**-5.07%**	**1.81%**	**-0.75%**	**-3.34%**	**0.69%**	**0.23%**	**1.53%**	**0.50%**	**1.31%**	**1.40%**	**0.83%**	**0.83%**	**0.83%**	**0.81%**	**0.79%**

Important Note: Per 2005 recommendation of School Collaboration Work Group and approved by BOCC with approval of 2009-09 Membership & Capacity numbers and certification of 2009 SAFFOTAC report of May 5, 2009, Grades K-3 class size reduced from 1:23 to 1:21 with opening of CHCCS Elementary #10- Morris Grove (to allow for prior legislative action re: reduced class size)

Capacity decrease due to change in class size ratios per House Bill 13 (K-3 average class size ratios are 1:20 as directed by State legislative action)

(1) It is important to note that this reflects the November 15, 2018 date of membership as outlined in by the Schools Adequate Public Facilities Ordinance.

(2) The Tischler Model provides for the "Linear Method" of projections for both CHCCS and OCS. Original projections used in prior years projection models included the "Linear Extrapolation Method" for CHCCS.

(3) Annual growth rate calculated using actual membership for years 2009-10 through 2018-19 and average membership for years 2019-20 through 2028-29

(4) Class sizes for grades K-3 = 1:23 for school years 2000 through 2007-08. In accordance with 2005 School Collaboration Work Group direction, effective the 2008-2009 school year with the opening of CHCCS Elementary #10, K-3 class sizes are 1:21 as directed by past State legislative action.

OCS Student Projections(1)

Middle

School Year	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29
Actual	1,601	1,665	1,698	1,704	1,684	1,747	1,762	1,739	1,724	1,730	1,779										
Tischler (2)												1,786	1,793	1,799	1,806	1,813	1,820	1,826	1,833	1,840	1,847
OC Planning												1,773	1,775	1,779	1,782	1,786	1,791	1,795	1,822	1,841	1,861
10 Year Growth												1,808	1,726	1,715	1,678	1,706	1,710	1,760	1,815	1,833	1,851
5 Year Growth												1,794	1,700	1,679	1,634	1,652	1,643	1,680	1,725	1,742	1,759
3 Year Growth												1,788	1,693	1,684	1,652	1,683	1,684	1,729	1,779	1,797	1,815
Average												**1,790**	**1,737**	**1,731**	**1,710**	**1,728**	**1,729**	**1,758**	**1,795**	**1,811**	**1,827**
Annual Change - Increase (Decrease) in Actual & Projected Membership)	**(36)**	**64**	**33**	**6**	**(20)**	**63**	**15**	**(23)**	**(16)**	**6**	**49**	**11**	**(52)**	**(6)**	**(21)**	**18**	**1**	**29**	**37**	**16**	**16**
Capacity - 100% Level of Service	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**
Number of Students, Actual and Projected, Over (Under) 100% LOS	**(565)**	**(501)**	**(468)**	**(462)**	**(482)**	**(419)**	**(404)**	**(427)**	**(442)**	**(436)**	**(387)**	**(376)**	**(429)**	**(435)**	**(456)**	**(438)**	**(437)**	**(408)**	**(371)**	**(355)**	**(339)**
107% Level of Service	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**
Number of Students, Actual and Projected, Over (Under) 107% LOS	**(717)**	**(653)**	**(620)**	**(614)**	**(634)**	**(571)**	**(556)**	**(579)**	**(594)**	**(588)**	**(539)**	**(528)**	**(580)**	**(587)**	**(607)**	**(590)**	**(589)**	**(560)**	**(523)**	**(507)**	**(491)**
Actual - % Level of Service	73.9%	76.9%	78.4%	78.7%	77.7%	80.7%	81.3%	80.3%	79.6%	79.9%	82.1%										
Average - % Level of Service												82.6%	80.2%	79.9%	79.0%	79.8%	79.8%	81.2%	82.9%	83.6%	84.3%
Annual Student Growth Rate (3)	**-2.20%**	**4.00%**	**1.98%**	**0.35%**	**-1.17%**	**3.74%**	**0.86%**	**-1.31%**	**-0.86%**	**0.35%**	**2.83%**	**0.60%**	**-2.93%**	**-0.36%**	**-1.19%**	**1.03%**	**0.08%**	**1.65%**	**2.09%**	**0.89%**	**0.89%**

(1) It is important to note that this reflects the November 15, 2018 date of membership as outlined in by the Schools Adequate Public Facilities Ordinance.

(2) The Tischler Model provides for the "Linear Method" of projections for both CHCCS and OCS. Original projections used in prior years projection models included the "Linear Extrapolation Method" for CHCCS.

(3) Annual growth rate calculated using actual membership for years 2009-10 through 2018-19 and average membership for years 2019-20 through 2028-29

OCS Student Projections (1)

High

School Year	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29
Actual	2,242	2,217	2,222	2,283	2,315	2,421	2,502	2,469	2,446	2,445	2,349										
Tischler (2)												2,358	2,367	2,376	2,385	2,394	2,402	2,411	2,420	2,429	2,438
OC Planning												2,385	2,402	2,420	2,438	2,459	2,479	2,499	2,496	2,504	2,516
10 Year Growth												2,339	2,382	2,419	2,493	2,443	2,432	2,378	2,351	2,420	2,439
5 Year Growth												2,339	2,377	2,399	2,455	2,390	2,361	2,297	2,257	2,305	2,309
3 Year Growth												2,318	2,329	2,327	2,360	2,295	2,276	2,229	2,206	2,270	2,284
Average												**2,348**	**2,371**	**2,388**	**2,426**	**2,396**	**2,390**	**2,363**	**2,346**	**2,386**	**2,397**
Annual Change - Increase (Decrease) in Actual & Projected Membership)	**41**	**(25)**	**5**	**61**	**32**	**106**	**81**	**(33)**	**(23)**	**(1)**	**(96)**	**(1)**	**23**	**17**	**38**	**(30)**	**(6)**	**(27)**	**(17)**	**40**	**12**
Capacity - 100% Level of Service	**2,558**	**2,558**	**2,558**	**2,558**	**2,439**	**2,439**	**2,439**	**2,439**	**2,439**	**2,439**	**2,439**	**2,439**	**2,439**	**2,939**	**2,939**	**2,939**	**2,939**	**2,939**	**2,939**	**2,939**	**2,939**
Number of Students, Actual and Projected, Over (Under) 100% LOS	**(316)**	**(341)**	**(336)**	**(275)**	**(124)**	**(18)**	**63**	**30**	**7**	**6**	**(90)**	**(91)**	**(68)**	**(551)**	**(513)**	**(543)**	**(549)**	**(576)**	**(593)**	**(563)**	**(542)**
110% Level of Service	**2,814**	**2,814**	**2,814**	**2,814**	**2,683**	**2,683**	**2,683**	**2,683**	**2,683**	**2,683**	**2,683**	**2,683**	**2,683**	**3,233**	**3,233**	**3,233**	**3,233**	**3,233**	**3,233**	**3,233**	**3,233**
Number of Students, Actual and Projected, Over (Under) 110% LOS	**(572)**	**(597)**	**(592)**	**(531)**	**(368)**	**(262)**	**(181)**	**(214)**	**(237)**	**(238)**	**(334)**	**(335)**	**(312)**	**(845)**	**(807)**	**(837)**	**(843)**	**(870)**	**(887)**	**(847)**	**(836)**
Actual - % Level of Service	87.6%	86.7%	86.9%	89.2%	94.9%	99.3%	102.6%	101.2%	100.3%	100.2%	96.3%										
Average - % Level of Service												96.3%	97.2%	81.3%	82.6%	81.5%	81.3%	80.4%	79.8%	81.2%	81.6%
Annual Student Growth Rate (3)	**1.86%**	**-1.12%**	**0.23%**	**2.75%**	**1.40%**	**4.58%**	**3.35%**	**-1.32%**	**-0.93%**	**-0.04%**	**-3.93%**	**-0.05%**	**1.00%**	**0.71%**	**1.59%**	**-1.24%**	**-0.26%**	**-1.14%**	**-0.72%**	**1.70%**	**0.48%**

Partnership Academy Alternative School relocated - capacity added

Orange High capacity decreased, per DPI study

Cedar Ridge High School adding 500 seats.

(1) It is important to note that this reflects the November 15, 2018 date of membership as outlined in by the Schools Adequate Public Facilities Ordinance.

(2) The Tischler Model provides for the "Linear Method" of projections for both CHCCS and OCS. Original projections used in prior years projection models included the "Linear Extrapolation Method" for CHCCS.

(3) Annual growth rate calculated using actual membership for years 2009-10 through 2018-19 and average membership for years 2019-20 through 2028-29

CHCCS Student Projections (1) (4)

Elementary

School Year	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29
Actual	5,302	5,219	5,296	5,464	5,543	5,554	5,541	5,501	5,587	5,522	5,471										
Tischler (2)												5,512	5,554	5,595	5,636	5,677	5,719	5,760	5,801	5,843	5,884
OC Planning												5,417	5,461	5,504	5,546	5,587	5,628	5,654	5,680	5,691	5,690
10 Year Growth												5,423	5,418	5,464	5,489	5,603	5,659	5,715	5,772	5,830	5,888
5 Year Growth												5,473	5,369	5,340	5,332	5,326	5,379	5,433	5,487	5,542	5,598
3 Year Growth												5,418	5,420	5,468	5,495	5,592	5,648	5,704	5,761	5,819	5,877
Average												5,448	5,444	5,474	5,498	5,557	5,606	5,653	5,700	5,745	5,787
Annual Change - Increase (Decrease) in Actual & Projected Membership)	129	(83)	77	168	79	11	(13)	(40)	86	(65)	(51)	(74)	(4)	30	24	59	49	47	47	45	42
Capacity - 100% Level of Service (LOS)	5,244	5,244	5,244	5,244	5,244	5,829	5,829	5,829	5,829	5,664	5,664	5,664	5,664	5,664	5,664	5,664	5,664	5,664	5,664	5,664	5,664
Number of Students, Actual and Projected, Over (Under) 100% LOS	58	(25)	52	220	299	(275)	(288)	(328)	(242)	(142)	(193)	(216)	(220)	(190)	(166)	(107)	(58)	(11)	36	81	123
Capacity - 105% Level of Service (LOS)	5,506	5,506	5,506	5,506	5,506	6,120	6,120	6,120	6,120	5,947	5,947	5,947	5,947	5,947	5,947	5,947	5,947	5,947	5,947	5,947	5,947
Number of Students, Actual and Projected, Over (Under) 105% LOS	(204)	(287)	(210)	(42)	37	(566)	(579)	(619)	(553)	(425)	(476)	(499)	(503)	(473)	(449)	(390)	(341)	(294)	(247)	(202)	(160)
Actual - % Level of Service	101.1%	99.5%	101.0%	104.2%	105.7%	95.3%	95.1%	94.4%	95.5%	97.5%	96.6%										
Average - % Level of Service												99.2%	99.1%	99.6%	97.1%	98.1%	99.0%	99.8%	100.6%	101.4%	102.2%
Annual Student Growth Rate (3)	2.49%	-1.57%	1.48%	3.17%	1.45%	0.20%	-0.23%	-0.72%	1.20%	-0.81%	-0.92%	-0.41%	-0.08%	0.55%	0.43%	1.07%	0.89%	0.84%	0.83%	0.78%	0.74%

Per November 15, 2005 Certified Capacity Calculations, CHCCS projects Elementary #10 opening for school year 2008-09. In accordance with BOCC adopted School Construction Standards, elementary school capacity totals 600 students.
Important Note: Per 2005 agreement of School Collaboration Work Group, Grades K-3 class size reduced from 1:23 to 1:21 the year Elementary # 10 opens (to allow for prior Legislative Action re: reduced class size)

Elementary School #11 opens with 585 seats

Capacity decrease due to change in class size ratios per House Bill 13 (K-3 average class size ratios are 1:20 as directed by State legislative action)

(1) It is important to note that this reflects the November 15, 2018 date of membership as outlined in by the Schools Adequate Public Facilities Ordinance. It does not include CHCCS students attending the Hospital School.

(2) The Tischler Model provides for the "Linear Method" of projections for both CHCCS and OCS. Original projections used in prior years' projection models included the "Linear Extrapolation Method" for CHCCS.

(3) Annual growth rate calculated using actual membership for years 2009-10 through 2018-19 and average membership for years 2019-20 through 2028-29

(4) Class sizes for grades K-3 = 1:20 for school years 2000 through 2007-08. In accordance with 2005 School Collaboration Work Group direction, effective the 2008-2009 school year with the opening of CHCCS Elementary #10, K-3 class sizes are 1:21 as directed by part State legislative action.

CHCCS Student Projections (1)

Middle

School Year	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29
Actual	2,697	2,708	2,722	2,753	2,785	2,858	2,861	2,844	2,829	2,833	2,933										
Tischler (2)												2,955	2,977	2,999	3,022	3,044	3,066	3,088	3,110	3,132	3,154
OC Planning												2,910	2,908	2,905	2,901	2,897	2,918	2,937	2,957	2,963	2,981
10 Year Growth												3,010	3,008	2,951	2,905	2,814	2,835	2,833	2,921	2,950	2,980
5 Year Growth												2,908	2,976	2,962	2,944	2,871	2,814	2,781	2,748	2,775	2,803
3 Year Growth												3,025	3,036	2,987	2,944	2,866	2,890	2,879	2,962	2,991	3,021
Average												2,962	2,961	2,961	2,943	2,898	2,905	2,904	2,939	2,962	2,988
Annual Change - Increase (Decrease) in Actual & Projected Membership)	75	11	14	31	32	73	76	(17)	(15)	4	100	29	19	(20)	(18)	(45)	6	(1)	36	23	26
Capacity - 100% Level of Service	2,840	2,840	2,840	2,840	2,840	2,840	2,944	2,944	2,944	2,944	2,944	2,944	2,944	2,944	2,944	2,944	2,944	2,944	2,944	2,944	2,944
Number of Students, Actual and Projected, Over (Under) 100% LOS	(143)	(132)	(118)	(87)	(55)	18	(83)	(100)	(115)	(111)	(11)	18	37	17	(1)	(46)	(39)	(40)	(5)	18	44
107% Level of Service	3,039	3,039	3,039	3,039	3,039	3,039	3,150	3,150	3,150	3,150	3,150	3,150	3,150	3,150	3,150	3,150	3,150	3,150	3,150	3,150	3,150
Number of Students, Actual and Projected, Over (Under) 107% LOS	(342)	(331)	(317)	(286)	(254)	(181)	(289)	(306)	(321)	(317)	(217)	(189)	(169)	(189)	(207)	(252)	(246)	(247)	(211)	(186)	(162)
Actual - % Level of Service	95.0%	95.4%	95.8%	96.9%	98.1%	100.6%	97.2%	96.6%	96.1%	96.2%	99.6%										
Average - % Level of Service												100.6%	101.3%	100.6%	100.0%	98.5%	98.7%	98.8%	99.8%	100.6%	101.5%
Annual Student Growth Rate (3)	2.86%	0.41%	0.52%	1.14%	1.16%	2.62%	0.10%	-0.59%	-0.53%	0.14%	3.53%	0.97%	0.66%	-0.68%	-0.60%	-1.52%	0.21%	-0.04%	1.24%	0.78%	0.86%

Additional 104 new seats at Culbreth Middle School

(1) It is important to note that this reflects the November 15, 2018 date of membership as outlined in by the Schools Adequate Public Facilities Ordinance. It does not include CHCCS students attending the Hospital School.

(2) The Tischler Model provides for the "Linear Method" of projections for both CHCCS and OCS. Original projections used in prior years' projection models included the "Linear Extrapolation Method" for CHCCS.

(3) Annual growth rate calculated using actual membership for years 2009-10 through 2018-19 and average membership for years 2019-20 through 2028-29

CHCCS Student Projections (1)

High

School Year	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29
Actual	3,630	3,606	3,640	3,714	3,796	3,764	3,730	3,701	3,762	3,927	3,932										
Tischler (2)												3,962	3,991	4,021	4,051	4,080	4,110	4,140	4,169	4,199	4,229
OC Planning												4,055	4,057	4,058	4,058	4,057	4,031	4,015	3,999	4,007	4,015
10 Year Growth												3,894	3,929	3,932	4,055	4,092	4,040	4,014	3,884	3,867	3,902
5 Year Growth												3,902	3,908	3,900	3,881	4,019	4,017	3,983	3,971	3,846	3,798
3 Year Growth												3,926	3,974	3,995	4,140	4,182	4,144	4,140	4,010	3,996	4,034
Average												3,948	3,972	3,981	4,037	4,086	4,068	4,058	4,007	3,983	3,995
Annual Change - Increase (Decrease) in Actual & Projected Membership)	(5)	(24)	34	74	82	(32)	(66)	(29)	61	165	5	16	24	9	56	49	(18)	(10)	(52)	(23)	12
Capacity - 100% Level of Service	3,835	3,835	3,875	3,875	3,875	3,875	3,875	3,875	3,875	3,875	3,875	3,875	3,980	3,980	3,980	3,980	3,980	3,980	3,980	3,980	3,980
Number of Students, Actual and Projected, Over (Under) 100% LOS	(205)	(229)	(235)	(161)	(79)	(111)	(145)	(174)	(113)	52	57	73	(8)	1	57	106	88	78	27	3	15
110% Level of Service	4,219	4,219	4,263	4,263	4,263	4,263	4,263	4,263	4,263	4,263	4,263	4,263	4,378	4,378	4,378	4,378	4,378	4,378	4,378	4,378	4,378
Number of Students, Actual and Projected, Over (Under) 110% LOS	(589)	(613)	(623)	(549)	(467)	(499)	(533)	(562)	(501)	(336)	(331)	(315)	(406)	(397)	(341)	(292)	(310)	(320)	(371)	(395)	(383)
Actual - % Level of Service	94.7%	94.0%	93.9%	95.6%	98.0%	97.1%	96.3%	95.5%	97.1%	101.3%	101.5%										
Average - % Level of Service												101.9%	99.8%	100.0%	101.4%	102.7%	102.2%	102.0%	100.7%	100.1%	100.4%
Annual Student Growth Rate (3)	-0.14%	-0.66%	0.94%	2.03%	2.21%	-0.84%	-0.90%	-0.78%	1.65%	4.39%	0.13%	0.40%	0.62%	0.23%	1.40%	1.21%	-0.44%	-0.24%	-1.27%	-0.58%	0.30%

Phoenix Academy High School becomes official high school starting 2010-11 school year with 40 student capacity

Chapel Hill High School adding 105 seats.

(1) It is important to note that this reflects the November 15, 2018 date of membership as outlined in by the Schools Adequate Public Facilities Ordinance. It does not include CHCCS students attending the Hospital School.

(2) The Tischler Model provides for the "Linear Method" of projections for both CHCCS and OCS. Original projections used in prior years' projection models included the "Linear Extrapolation Method" for CHCCS.

(3) Annual growth rate calculated using actual membership for years 2009-10 through 2018-19 and average membership for years 2019-20 through 2028-29

OCS Student Projections (1) (4)

Elementary

School Year	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30
Actual	3,211	3,285	3,348	3,403	3,433	3,259	3,318	3,293	3,183	3,205	3,232										
Tischler (2)												3,241	3,251	3,260	3,270	3,279	3,289	3,298	3,308	3,317	3,327
OC Planning												3,248	3,271	3,295	3,320	3,346	3,372	3,394	3,412	3,430	3,448
10 Year Growth												3,275	3,283	3,334	3,374	3,409	3,443	3,478	3,512	3,548	3,583
5 Year Growth												3,285	3,299	3,354	3,396	3,429	3,464	3,498	3,533	3,568	3,604
3 Year Growth												3,286	3,300	3,357	3,397	3,426	3,460	3,495	3,530	3,565	3,601
Average												**3,267**	**3,281**	**3,320**	**3,351**	**3,378**	**3,406**	**3,433**	**3,459**	**3,496**	**3,513**
Annual Change - Increase (Decrease) in Actual & Projected Membership)	**46**	**74**	**63**	**55**	**30**	**(174)**	**59**	**(25)**	**(110)**	**22**	**27**	**35**	**14**	**39**	**31**	**26**	**28**	**27**	**26**	**27**	**27**
Capacity - 100% Level of Service	**3,694**	**3,694**	**3,694**	**3,694**	**3,694**	**3,694**	**3,694**	**3,694**	**3,361**	**3,361**	**3,361**	**3,361**	**3,361**	**3,361**	**3,361**	**3,361**	**3,361**	**3,361**	**3,361**	**3,361**	**3,361**
Number of Students, Actual and Projected, Over (Under) 100% LOS	**(483)**	**(409)**	**(346)**	**(291)**	**(261)**	**(435)**	**(376)**	**(401)**	**(178)**	**(156)**	**(129)**	**(94)**	**(80)**	**(41)**	**(10)**	**17**	**45**	**72**	**98**	**125**	**152**
105% Level of Service	**3,879**	**3,879**	**3,879**	**3,879**	**3,879**	**3,879**	**3,879**	**3,879**	**3,529**	**3,529**	**3,529**	**3,529**	**3,529**	**3,529**	**3,529**	**3,529**	**3,529**	**3,529**	**3,529**	**3,529**	**3,529**
Number of Students, Actual and Projected, Over (Under) 105% LOS	**(668)**	**(594)**	**(531)**	**(476)**	**(446)**	**(620)**	**(561)**	**(586)**	**(346)**	**(324)**	**(297)**	**(262)**	**(248)**	**(209)**	**(178)**	**(151)**	**(123)**	**(96)**	**(70)**	**(43)**	**(16)**
Actual - % Level of Service	86.9%	88.9%	90.6%	92.1%	92.9%	88.2%	89.8%	89.1%	94.7%	95.4%	96.2%										
Average - % Level of Service												97.2%	97.6%	98.8%	99.7%	100.5%	101.3%	102.1%	102.9%	103.7%	104.5%
Annual Student Growth Rate (3)	**1.45%**	**2.30%**	**1.92%**	**1.64%**	**0.88%**	**-5.07%**	**1.81%**	**-0.75%**	**-3.34%**	**0.69%**	**0.84%**	**1.06%**	**0.42%**	**1.19%**	**0.95%**	**0.79%**	**0.82%**	**0.79%**	**0.77%**	**0.77%**	**0.77%**

Capacity decrease due to change in class size ratios per House Bill 13 (K-3 average class size ratios are 1:20 as directed by State legislative action)

(1) It is important to note that this reflects the November 15, 2019 date of membership as outlined in by the Schools Adequate Public Facilities Ordinar

(2) The Tischler Model provides for the "Linear Method" of projections for both CHCCS and OCS. Original projections used in prior years projection models included the "Linear Extrapolation Method" for CH

(3) Annual growth rate calculated using actual membership for years 2001-11 through 2019-20 and average membership for years 2020-21 through 2025

(4) Class sizes for grades K-3 = 1:23 for school years 2000 through 2007-08 . In accordance with 2005 School Collaboration Work Group direction, effective the 2008-2009 school year with the opening of CHCCS Elementary #10, K-3 class sizes are 1:21 as directed by past State legislative

OCS Student Projections(1)

Middle

School Year	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30
Actual	1,685	1,698	1,704	1,684	1,747	1,762	1,739	1,724	1,730	1,779	1,763										
Tischler (2)												1,768	1,773	1,779	1,784	1,789	1,794	1,799	1,804	1,810	1,815
OC Planning												1,773	1,776	1,779	1,783	1,787	1,814	1,834	1,854	1,873	1,893
10 Year Growth												1,709	1,694	1,679	1,701	1,691	1,727	1,751	1,770	1,787	1,805
5 Year Growth												1,702	1,690	1,681	1,712	1,710	1,750	1,775	1,793	1,811	1,829
3 Year Growth												1,686	1,664	1,649	1,682	1,684	1,725	1,748	1,761	1,779	1,797
Average												**1,726**	**1,719**	**1,713**	**1,732**	**1,732**	**1,762**	**1,781**	**1,796**	**1,812**	**1,828**
Annual Change - Increase (Decrease) in Actual & Projected Membership)	**64**	**33**	**6**	**(20)**	**63**	**15**	**(23)**	**(15)**	**6**	**49**	**(16)**	**(36)**	**(8)**	**(6)**	**19**	**(0)**	**30**	**19**	**15**	**16**	**16**
Capacity - 100% Level of Service	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**
Number of Students, Actual and Projected, Over (Under) 100% LOS	**(501)**	**(468)**	**(462)**	**(482)**	**(419)**	**(404)**	**(427)**	**(442)**	**(436)**	**(387)**	**(403)**	**(439)**	**(447)**	**(453)**	**(434)**	**(434)**	**(404)**	**(385)**	**(370)**	**(354)**	**(338)**
107% Level of Service	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**
Number of Students, Actual and Projected, Over (Under) 107% LOS	**(653)**	**(620)**	**(614)**	**(634)**	**(571)**	**(556)**	**(579)**	**(594)**	**(588)**	**(539)**	**(555)**	**(590)**	**(598)**	**(604)**	**(585)**	**(585)**	**(556)**	**(536)**	**(521)**	**(506)**	**(490)**
Actual - % Level of Service	76.9%	78.4%	78.7%	77.7%	80.7%	81.3%	80.3%	79.6%	79.9%	82.1%	81.4%										
Average - % Level of Service												79.8%	79.4%	79.1%	80.0%	80.0%	81.3%	82.2%	82.9%	83.7%	84.4%
Annual Student Growth Rate (3)	**4.00%**	**1.98%**	**0.35%**	**-1.17%**	**3.74%**	**0.86%**	**-1.31%**	**-0.86%**	**0.35%**	**2.83%**	**-0.90%**	**-2.01%**	**-0.47%**	**-0.35%**	**1.11%**	**-0.01%**	**1.72%**	**1.10%**	**0.84%**	**0.87%**	**0.87%**

(1) It is important to note that this reflects the November 15, 2019 date of membership as outlined in by the Schools Adequate Public Facilities Ordinar

(2) The Tischler Model provides for the "Linear Method" of projections for both CHCCS and OCS. Original projections used in prior years projection models included the "Linear Extrapolation Method" for CH

(3) Annual growth rate calculated using actual membership for years 2001-11 through 2019-20 and average membership for years 2020-21 through 2025

OCS Student Projections (1)

High

School Year	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2019-20	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30
Actual	2,217	2,222	2,283	2,315	2,421	2,502	2,469	2,446	2,445	2,349	2,397										
Tischler (2)												2,404	2,411	2,418	2,425	2,432	2,439	2,446	2,453	2,460	2,467
OC Planning												2,412	2,430	2,448	2,468	2,489	2,486	2,494	2,506	2,519	2,531
10 Year Growth												2,398	2,425	2,460	2,417	2,409	2,355	2,362	2,392	2,395	2,438
5 Year Growth												2,389	2,400	2,418	2,361	2,352	2,304	2,320	2,362	2,371	2,417
3 Year Growth												2,401	2,407	2,421	2,350	2,325	2,266	2,280	2,327	2,336	2,381
Average												**2,401**	**2,415**	**2,433**	**2,404**	**2,401**	**2,370**	**2,380**	**2,408**	**2,416**	**2,447**
Annual Change - Increase (Decrease) in Actual & Projected Membership)	**(25)**	**5**	**61**	**32**	**106**	**81**	**(33)**	**(23)**	**(1)**	**(96)**	**48**	**4**	**14**	**18**	**(29)**	**(3)**	**(31)**	**10**	**28**	**8**	**31**
Capacity - 100% Level of Service	**2,558**	**2,558**	**2,558**	**2,439**	**2,439**	**2,439**	**2,439**	**2,439**	**2,439**	**2,439**	**2,439**	**2,439**	**2,939**	**2,939**	**2,939**	**2,939**	**2,939**	**2,939**	**2,939**	**2,939**	**2,939**
Number of Students, Actual and Projected, Over (Under) 100% LOS	**(341)**	**(336)**	**(275)**	**(124)**	**(18)**	**63**	**30**	**7**	**6**	**(90)**	**(42)**	**(38)**	**(524)**	**(506)**	**(535)**	**(538)**	**(569)**	**(559)**	**(531)**	**(523)**	**(492)**
110% Level of Service	**2,814**	**2,814**	**2,814**	**2,683**	**2,683**	**2,683**	**2,683**	**2,683**	**2,683**	**2,683**	**2,683**	**2,683**	**3,233**	**3,233**	**3,233**	**3,233**	**3,233**	**3,233**	**3,233**	**3,233**	**3,233**
Number of Students, Actual and Projected, Over (Under) 110% LOS	**(597)**	**(592)**	**(531)**	**(368)**	**(262)**	**(181)**	**(214)**	**(237)**	**(238)**	**(334)**	**(286)**	**(282)**	**(818)**	**(800)**	**(829)**	**(832)**	**(863)**	**(853)**	**(825)**	**(817)**	**(786)**
Actual - % Level of Service	86.7%	86.9%	89.2%	94.9%	99.3%	103.8%	101.2%	100.3%	100.2%	96.3%	98.3%										
Average - % Level of Service												98.4%	82.2%	82.8%	81.8%	81.7%	80.6%	81.0%	81.9%	82.2%	83.3%
Annual Student Growth Rate (3)	**-1.12%**	**0.23%**	**2.75%**	**1.40%**	**4.58%**	**3.35%**	**-1.32%**	**-0.93%**	**-0.04%**	**-3.93%**	**2.04%**	**0.16%**	**0.57%**	**0.76%**	**-1.18%**	**-0.12%**	**-1.31%**	**0.44%**	**1.16%**	**0.34%**	**1.27%**

Orange High capacity decreased, per DPI study

Cedar Ridge High School adding 500 seats.

(1) It is important to note that this reflects the November 15, 2019 date of membership as outlined in by the Schools Adequate Public Facilities Ordinar

(2) The Tischler Model provides for the "Linear Method" of projections for both CHCCS and OCS. Original projections used in prior years projection models included the "Linear Extrapolation Method" for CH

(3) Annual growth rate calculated using actual membership for years 2001-11 through 2019-20 and average membership for years 2020-21 through 2025

CHCCS Student Projections (1) (4)

Elementary

School Year	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30
Actual	5,219	5,296	5,464	5,543	5,554	5,541	5,501	5,567	5,522	5,471	5,363										
Tischler (2)												5,398	5,432	5,467	5,502	5,537	5,571	5,606	5,641	5,676	5,710
OC Planning												5,378	5,371	5,413	5,453	5,493	5,532	5,570	5,606	5,643	5,654
10 Year Growth												5,349	5,349	5,350	5,464	5,528	5,583	5,639	5,696	5,753	5,810
5 Year Growth												5,331	5,328	5,321	5,421	5,473	5,528	5,583	5,639	5,695	5,752
3 Year Growth												5,322	5,305	5,283	5,370	5,415	5,469	5,523	5,579	5,634	5,691
Average												**5,356**	**5,357**	**5,367**	**5,442**	**5,489**	**5,537**	**5,594**	**5,632**	**5,680**	**5,723**
Annual Change - Increase (Decrease) in Actual & Projected Membership)	(83)	77	168	79	11	(13)	(40)	66	(45)	(51)	(108)	(7)	1	10	75	47	47	48	48	48	43
Capacity - 100% Level of Service (LOS)	5,244	5,244	5,244	5,244	5,829	5,829	5,829	5,829	5,664	5,664	5,664	5,664	5,664	5,664	5,664	5,664	5,664	5,664	5,664	5,664	5,664
Number of Students, Actual and Projected, Over (Under) 100% LOS	(25)	52	220	299	(275)	(288)	(328)	(262)	(142)	(193)	(301)	(308)	(307)	(297)	(222)	(175)	(127)	(80)	(32)	16	59
Capacity - 105% Level of Service (LOS)	5,506	5,506	5,506	5,506	6,120	6,120	6,120	6,120	5,947	5,947	5,947	5,947	5,947	5,947	5,947	5,947	5,947	5,947	5,947	5,947	5,947
Number of Students, Actual and Projected, Over (Under) 105% LOS	(287)	(210)	(42)	37	(566)	(579)	(619)	(553)	(425)	(476)	(584)	(592)	(590)	(580)	(505)	(458)	(411)	(363)	(315)	(267)	(224)
Actual - % Level of Service	99.5%	101.0%	104.2%	105.7%	95.3%	95.1%	94.4%	95.5%	97.5%	96.6%	94.7%										
Average - % Level of Service												94.6%	94.6%	94.8%	96.1%	96.9%	97.8%	98.6%	99.4%	100.3%	101.0%
Annual Student Growth Rate (3)	-1.57%	1.48%	3.17%	1.45%	0.20%	-0.23%	-0.72%	1.20%	-0.81%	-0.92%	-1.97%	-0.14%	0.03%	0.19%	1.40%	0.87%	0.86%	0.86%	0.86%	0.86%	0.76%

Elementary School #11 opens with 525 seats

Capacity decrease due to change in class size ratios per House Bill 13 (K-3 average class size ratios are 1:20 as directed by State legislative action)

(1) It is important to note that this reflects the November 15, 2018 date of membership as outlined in by the Schools Adequate Public Facilities Ordinance. It does not include CHCCS students attending the Hospital Scho

(2) The Tischler Model provides for the "Linear Method" of projections for both CHCCS and OCS. Original projections used in prior years projection models included the "Linear Extrapolation Method" for CHCC

(3) Annual growth rate calculated using actual membership for years 2001-11 through 2019-20 and average membership for years 2020-21 through 2029-30

(4) Class sizes for grades K-3 = 1:23 for school years 2000 through 2007-08. In accordance with 2005 School Collaboration Work Group direction, effective the 2008-2009 school year with the opening of CHCCS Elementary #10, K-3 class sizes are 1:21 as directed by past State legislative actio

CHCCS Student Projections (1)

Middle

School Year	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30
Actual	2,708	2,722	2,753	2,785	2,858	2,861	2,844	2,829	2,833	2,933	3,044										
Tischler (2)												3,064	3,083	3,103	3,123	3,143	3,162	3,182	3,202	3,221	3,241
OC Planning												3,055	3,052	3,049	3,045	3,041	3,036	3,031	3,049	3,068	3,087
10 Year Growth												3,031	2,978	2,935	2,834	2,799	2,773	2,862	2,900	2,929	2,958
5 Year Growth												3,033	2,967	2,914	2,809	2,782	2,746	2,822	2,848	2,877	2,905
3 Year Growth												3,042	2,998	2,961	2,856	2,821	2,771	2,835	2,853	2,882	2,910
Average												**3,045**	**3,016**	**2,992**	**2,933**	**2,917**	**2,897**	**2,946**	**2,970**	**2,995**	**3,020**
Annual Change - Increase (Decrease) in Actual & Projected Membership)	11	14	31	32	73	76	(17)	(15)	4	100	111	1	(29)	(23)	(59)	(16)	(20)	49	24	25	25
Capacity - 100% Level of Service	2,840	2,840	2,840	2,840	2,840	2,944	2,944	2,944	2,944	2,944	2,944	2,944	2,944	2,944	2,944	2,944	2,944	2,944	2,944	2,944	2,944
Number of Students, Actual and Projected, Over (Under) 100% LOS	(132)	(118)	(87)	(55)	18	(83)	(100)	(115)	(111)	(11)	100	101	72	48	(11)	(27)	(47)	2	26	51	76
107% Level of Service	3,039	3,039	3,039	3,039	3,039	3,150	3,150	3,150	3,150	3,150	3,150	3,150	3,150	3,150	3,150	3,150	3,150	3,150	3,150	3,150	3,150
Number of Students, Actual and Projected, Over (Under) 107% LOS	(331)	(317)	(286)	(254)	(181)	(289)	(306)	(321)	(317)	(217)	(106)	(105)	(134)	(158)	(217)	(233)	(253)	(204)	(180)	(155)	(130)
Actual - % Level of Service	95.4%	95.8%	96.9%	98.1%	100.6%	97.2%	96.6%	96.1%	96.2%	99.6%	103.4%										
Average - % Level of Service												103.4%	102.4%	101.6%	99.6%	99.1%	98.4%	100.1%	100.9%	101.7%	102.6%
Annual Student Growth Rate (3)	0.41%	0.52%	1.14%	1.16%	2.62%	0.10%	-0.59%	-0.53%	0.14%	3.53%	3.78%	0.03%	-0.97%	-0.77%	-1.97%	-0.55%	-0.68%	1.69%	0.81%	0.84%	0.83%

Additional 104 new seats at Culbreth Middle School

(1) It is important to note that this reflects the November 15, 2018 date of membership as outlined in by the Schools Adequate Public Facilities Ordinance. It does not include CHCCS students attending the Hospital Scho

(2) The Tischler Model provides for the "Linear Method" of projections for both CHCCS and OCS. Original projections used in prior years projection models included the "Linear Extrapolation Method" for CHCC

(3) Annual growth rate calculated using actual membership for years 2001-11 through 2019-20 and average membership for years 2020-21 through 2029-3

CHCCS Student Projections (1)

High

School Year	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30
Actual	3,606	3,640	3,714	3,796	3,764	3,730	3,701	3,762	3,927	3,932	3,940										
Tischler (2)												3,966	3,991	4,017	4,042	4,068	4,093	4,119	4,144	4,170	4,195
OC Planning												3,959	4,009	4,010	4,008	4,007	4,004	4,001	3,971	3,941	3,936
10 Year Growth												3,981	4,008	4,094	4,143	4,119	4,075	3,919	3,878	3,868	3,859
5 Year Growth												3,998	4,033	4,129	4,182	4,142	4,091	3,930	3,882	3,866	3,847
3 Year Growth												4,022	4,062	4,174	4,242	4,218	4,188	4,038	3,984	3,952	3,914
Average												**3,985**	**4,021**	**4,085**	**4,123**	**4,111**	**4,090**	**4,001**	**3,972**	**3,959**	**3,950**
Annual Change - Increase (Decrease) in Actual & Projected Membership)	(24)	34	74	82	(32)	(66)	(29)	61	165	5	8	45	35	64	39	(13)	(21)	(89)	(30)	(12)	(9)
Capacity - 100% Level of Service	3,835	3,875	3,875	3,875	3,875	3,875	3,875	3,875	3,875	3,875	3,875	3,980	3,980	3,980	3,980	3,980	3,980	3,980	3,980	3,980	3,980
Number of Students, Actual and Projected, Over (Under) 100% LOS	(229)	(235)	(161)	(79)	(111)	(146)	(174)	(113)	52	57	65	5	41	105	143	131	110	21	(8)	(21)	(30)
110% Level of Service	4,219	4,263	4,263	4,263	4,263	4,263	4,263	4,263	4,263	4,263	4,263	4,378	4,378	4,378	4,378	4,378	4,378	4,378	4,378	4,378	4,378
Number of Students, Actual and Projected, Over (Under) 110% LOS	(613)	(623)	(549)	(467)	(499)	(533)	(562)	(501)	(336)	(331)	(323)	(393)	(357)	(293)	(255)	(267)	(288)	(377)	(406)	(419)	(428)
Actual - % Level of Service	94.0%	93.9%	95.8%	96.0%	97.1%	96.3%	95.5%	97.1%	101.3%	101.5%	101.7%										
Average - % Level of Service												100.1%	101.0%	102.6%	103.6%	103.3%	102.8%	100.5%	99.8%	99.5%	99.3%
Annual Student Growth Rate (3)	-0.66%	0.94%	2.03%	2.21%	-0.84%	-0.90%	-0.78%	1.65%	4.39%	0.13%	0.20%	1.15%	0.89%	1.60%	0.94%	-0.31%	-0.50%	-2.17%	-0.74%	-0.31%	-0.23%

Phoenix Academy High School becomes official high school starting 2010-11 school year with 40 student capacity

Chapel Hill High School adding 105 seats.

(1) It is important to note that this reflects the November 15, 2018 date of membership as outlined in by the Schools Adequate Public Facilities Ordinance. It does not include CHCCS students attending t

(2) The Tischler Model provides for the "Linear Method" of projections for both CHCCS and OCS. Original projections used in prior years projection models included the "Linear Extrapolation Method" for

(3) Annual growth rate calculated using actual membership for years 2001-11 through 2019-20 and average membership for years 2020-21 through 2029-3

D. Student Membership Growth Rate

1. ***Responsible Entity for Suggesting Change –*** The updating of this section will be conducted by the Planning Directors, School Representatives, and Technical Advisory Committee (SAPFOTAC) each year and referred to the BOCC for annual report certification. Projections will be distributed to SAPFO partners for review and comments to the BOCC prior to certification.
2. ***Definition*** – The annual percentage growth rate calculated from the projections resulting from the average of the five models represented by 10-year numerical membership projections by school level for each school district. This does not represent the year-by- year growth rate that may be positive or negative, but rather the average of the annual anticipated growth rates over the next 10 years.
3. ***Standard for:***

Chapel Hill/Carrboro School District

See Attachment II.D.2

Standard for:

Orange County School District

See Attachment II.D.2

4. ***Analysis of Existing Conditions:***

Chapel Hill/Carrboro School District

The membership figures and percentage growth on the attachments show continued growth at each school level within the system.

Projected Average Annual Growth Rate over next ten years:

School Level	Year Projection Made				
	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020
Elementary	0.92%	0.91%	0.36%	0.56%	0.65%
Middle	0.82%	0.95%	0.21%	0.19%	-0.07%
High	0.93%	0.72%	0%	0.16%	0.03%

Analysis of Existing Conditions:

Orange County School District

The membership figures and percentage growth on the attachments show continued growth at each school level within the system.

Projected Average Annual Growth Rate over next ten years:

School Level	Year Projection Made				
	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020
Elementary	0.80%	0.51%	0.58%	0.91%	0.84%
Middle	0.67%	0.36%	0.13%	0.28%	0.37%
High	0.56%	0.22%	-0.10%	0.21%	0.21%

5. ***Recommendation:***

Chapel Hill/Carrboro School District

Use statistics as noted.

Recommendation:

Orange County School District

Use statistics as noted.

Attachment II.D.1 – Orange County and Chapel Hill/Carrboro Student Growth Rates (Chart dates from 2019-2029 based on 11/15/18 membership numbers) (2018-19)

2018-2019

Orange County Student Projections

Elementary

School Year	2018-2019 (actual)	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026	2026-2027	2027-2028	2028-2029
Membership	3,205	3,213	3,262	3,278	3,321	3,367	3,395	3,424	3,452	3,480	3,508
Average % Increase		0.23%	1.53%	0.50%	1.31%	1.40%	0.83%	0.83%	0.83%	0.81%	0.79%

Middle

School Year	2018-2019 (actual)	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026	2026-2027	2027-2028	2028-2029
Membership	1,779	1,790	1,737	1,731	1,710	1,728	1,729	1,758	1,795	1,811	1,827
Average % Increase		0.60%	-2.93%	-0.36%	-1.19%	1.03%	0.08%	1.65%	2.09%	0.89%	0.89%

High School

School Year	2018-2019 (actual)	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026	2026-2027	2027-2028	2028-2029
Membership	2,349	2,348	2,371	2,388	2,426	2,396	2,390	2,363	2,346	2,386	2,397
Average % Increase		-0.05%	1.00%	0.71%	1.59%	-1.24%	-0.26%	-1.14%	-0.72%	1.70%	0.48%

Chapel Hill/Carrboro Student Projections

Elementary

School Year	2018-2019 (actual)	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026	2026-2027	2027-2028	2028-2029
Membership	5,471	5,448	5,444	5,474	5,498	5,557	5,606	5,653	5,700	5,745	5,787
Average % Increase		-0.41%	-0.08%	0.55%	0.43%	1.07%	0.89%	0.84%	0.83%	0.78%	0.74%

Middle

School Year	2018-2019 (actual)	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026	2026-2027	2027-2028	2028-2029
Membership	2,933	2,962	2,981	2,961	2,943	2,898	2,905	2,904	2,939	2,962	2,988
Average % Increase		0.97%	0.65%	-0.68%	-0.60%	-1.52%	0.21%	-0.04%	1.24%	0.78%	0.86%

High School

School Year	2018-2019 (actual)	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026	2026-2027	2027-2028	2028-2029
Membership	3,932	3,948	3,972	3,981	4,037	4,086	4,068	4,058	4,007	3,983	3,995
Average % Increase		0.40%	0.62%	0.23%	1.40%	1.21%	-0.44%	-0.24%	-1.27%	-0.58%	0.30%

Attachment II.D.2 – Orange County and Chapel Hill/Carrboro Student Growth Rates (Chart dates from 2020-2030 based on 11/15/19 membership numbers) (2019-20)

2019-2020

Orange County Student Projections

Elementary

School Year	2019-2020 (actual)	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026	2026-2027	2027-2028	2028-2029	2029-2030
Membership	3,232	3,267	3,281	3,320	3,351	3,378	3,406	3,433	3,459	3,486	3,513
Average % Increase		1.08%	0.42%	1.19%	0.95%	0.79%	0.82%	0.79%	0.77%	0.77%	0.77%

Middle

School Year	2019-2020 (actual)	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026	2026-2027	2027-2028	2028-2029	2029-2030
Membership	1,763	1,728	1,719	1,713	1,732	1,732	1,762	1,781	1,796	1,812	1,828
Average % Increase		-2.01%	-0.47%	-0.35%	1.11%	-0.01%	1.72%	1.10%	0.84%	0.87%	0.87%

High School

School Year	2019-2020 (actual)	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026	2026-2027	2027-2028	2028-2029	2029-2030
Membership	2,397	2,401	2,415	2,433	2,404	2,401	2,370	2,380	2,408	2,416	2,447
Average % Increase		0.16%	0.57%	0.76%	-1.18%	-0.12%	-1.31%	0.44%	1.16%	0.34%	1.27%

Chapel Hill/Carrboro Student Projections

Elementary

School Year	2019-2020 (actual)	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026	2026-2027	2027-2028	2028-2029	2029-2030
Membership	5,363	5,356	5,357	5,367	5,442	5,489	5,537	5,584	5,632	5,680	5,723
Average % Increase		-0.14%	0.03%	0.18%	1.40%	0.87%	0.86%	0.86%	0.86%	0.85%	0.76%

Middle

School Year	2019-2020 (actual)	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026	2026-2027	2027-2028	2028-2029	2029-2030
Membership	3,044	3,045	3,016	2,992	2,933	2,917	2,897	2,946	2,970	2,995	3,020
Average % Increase		0.03%	-0.97%	-0.77%	-1.97%	-0.55%	-0.68%	1.69%	0.81%	0.84%	0.83%

High School

School Year	2019-2020 (actual)	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026	2026-2027	2027-2028	2028-2029	2029-2030
Membership	3,940	3,985	4,021	4,085	4,123	4,111	4,090	4,001	3,972	3,959	3,950
Average % Increase		1.15%	0.89%	1.60%	0.94%	-0.31%	-0.50%	-2.17%	-0.74%	-0.31%	-0.23%

E. Student / Housing Generation Rate

1. ***Responsible Entity for Suggesting Change –*** The updating of this section will be conducted by Planning Directors, School Representatives, and Technical Advisory Committee (SAPFOTAC) and referred to the BOCC for certification. Projections will be distributed to SAPFO partners for review and comments to the BOCC prior to certification.
2. ***Definition –*** Student generation rate refers to the number of public school students per housing unit constructed in each school district, as defined in the Student Generation Rate Study completed by TisherBise on October 28, 2014. Housing units include single family detached, single family attached/duplex, multifamily, and manufactured homes.
3. ***Standard for:*** ***Standard for:***

Chapel Hill/Carrboro School District	**Orange County School District**
See Attachment II.E.1	See Attachment II.E.1

4. ***Analysis of Existing Conditions:***

   At the January 2014 SAPFOTAC meeting, members discussed the increased number of students generated in both school districts from new development, particularly multifamily housing. The SAPFOTAC recommended further evaluation of the adopted Student Generation Rates and the impacts the number of bedrooms a particular housing type may have on student generation rates. As a result, Orange County entered into a contract with TischlerBise to update the student generation rate analysis. The new student generation rates were approved on May 19, 2015 and are shown in Attachment II.E.1. New rates from the 2014 Student Generation Rates for Orange County Schools and Chapel Hill-Carrboro School District Report are based on an inventory of recently built units from January 1, 2004 to December 31, 2013.

   It should be noted that students are generated from new housing as well as from existing housing where new families have moved in. The CAPS system estimates new development impacts and associated student generation, but it is important to understand that student increases are a composite of both of these factors. This effect can be dramatic and can vary greatly between areas and districts where either new

housing is dominant or new families move into a large inventory of existing housing stock.

5. ***Recommendation:***

   No change at this time.

TischlerBise Student Generation Rates – 2014

Chapel Hill/Carrboro Schools				
	0-3 Bedrooms	**4 Bedrooms**	**5+ Bedrooms**	**Weighted Average**
Single-Family Detached	0.61	0.84	1.13	0.84
	0-2 Bedrooms	**3+ Bedrooms**		**Weighted Average**
Single-Family Attached	0.27	0.42		0.38
Multifamily/Other	0.11	0.47		0.18
Manufactured Home	0.268	0.86		0.78
			Weight Average for Chapel Hill/Carrboro School District	**0.49**

Orange County Schools				
	0-3 Bedrooms	**4 Bedrooms**	**5+ Bedrooms**	**Weighted Average**
Single-Family Detached	0.35	0.57	0.57	0.44
	0-2 Bedrooms	**3+ Bedrooms**		**Weighted Average**
Single-Family Attached	0.07	0.17		0.15
Multifamily/Other	0.08	0.67		0.17
Manufactured Home	0.67	0.47		0.52
			Weight Average for Orange County School District	0.37

Source: Student Generation Rates for Orange County School District and Chapel Hill-Carrboro School District, TischlerBise, October 28, 2014
Revised May 7, 2015

III. Flowchart of Schools Adequate Public Facilities Ordinance Process

Abstract: The Schools Adequate Public Facilities Ordinance process has two distinct components:

A. Capital Investment Plan (CIP) (Process 1)

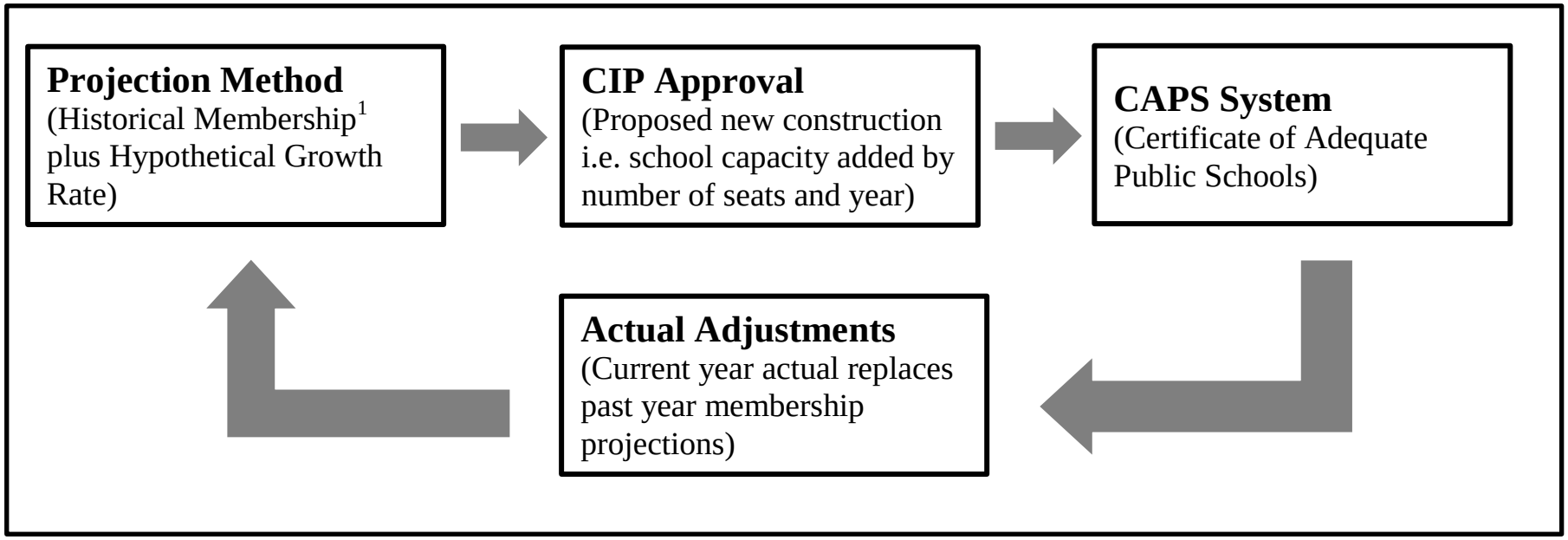
Timeframe: In November of each year, Student Membership and Building Capacity is transmitted from the school districts to the Orange County Board of Commissioners for consideration and approval and used in the following years CIP (e.g. November 15, 2019 membership numbers used to develop a CIP to be considered for adoption in June 2020).

Process Framework

1. SAPFOTAC projects future student membership from historical data, current membership and hypothetical growth rates from established methodologies.
2. School Districts and BOCC compare projections to existing capacity and proposed Capital Investment Plan.
3. SAPFOTAC forwards data and projections to all SAPFO partners.
4. School Districts develop Capital Investment Plan Needs Assessment during this process
5. The Capital Investment Plan work sessions and Public Hearings are conducted by the BOCC in the spring of each year.
6. The adoption of CIP that sets forth monies and timeframe for school construction (future capacity) by BOCC.

School Adequate Public Facilities Ordinance

Process 1 - Capital Investment Planning (CIP)



[1]Historical Membership is a product of students generated from: (1) pre-existing/approved undeveloped lots where new housing is built, (2) existing housing stock with new families/children, and (3) newly approved housing development (in the future this component will be known as CAPS approved development).

[2]The only part of the CAPS System (i.e., computer spreadsheet subdivision tracking) that receives data from the Process 1 CIP includes the actual membership (November 15 of preceding CIP year) and new school capacity amount (seats) in a specific year pursuant to the CIP.

B. Schools Adequate Public Facilities Ordinance Certificate of Adequate Public Schools (CAPS) Update (Process 2)

Timeframe: The CAPS system is updated approximately November 15 of each year when the school districts report actual membership and 'pre-certified' capacity, whether it is CIP associated or prior 'joint action' agreement. 'Joint action' determinations of changes in capacity due to State rules or other non-construction related items are anticipated to be done prior to the November 15 capacity and membership reporting date. This update may reflect the Board of County Commissioners action on the earlier year Capital Investment Plan (CIP) as it affects capacity and addition of new actual fall membership. The Schools Adequate Public Facilities Ordinance Certificate of Adequate Public Schools (CAPS) stays in effect until the following year – (e.g.: November 15, 2005 to November 14, 2006).

New development is originally logged for a certain year. As the CAPS system is updated, each CAPS projection year is 'absorbed' by the actual estimate of a given year. Later year CAPS projections of the same development remain in the future year CAPS system accordingly. For example, if a 50-lot subdivision is issued a CAPS, 15 lots may be assigned to "Year 1," 10 lots to "Year 2," 10 lots to "Year 3," 10 lots to "Year 4," and 5 lots to "Year 5." When "Year 1" is updated, the students generated from the 15 lots are absorbed by the actual estimate. The students generated in "Years 2, 3, 4, and 5" are held in the CAPS system and added to the appropriate year when the CAPS system is updated.

As previously noted in Section II.C, The City of Mebane is not a party to the SAPFO and does not require that CAPS be issued prior to approving development activities. Increasing development within this area of the county has the potential to encumber a significant portion of the available capacity within the Orange County School District. Although the SAPFO system is not formally regulated in Mebane, staff monitors development activity and when students enter the school system their enrollment is calculated and used in future school projection needs.

Please note that the two processes (CIP and CAPS) are on separate, but parallel tracks. However, the CIP does create a crossover of capacity information between the two processes.

Section III

For example, the SAPFO system for both school districts that will be established / initiated / certified each year in November and is based on prior year created and/or planned CIP capacity and current school year membership. The SAPFOTAC report including new current year membership and projections are to be used for upcoming CIP development as noted in Process 1.

CIP Process 1 (for CIP 2020 - 2030)
November 2018 – June 2019 (using 2019 SAPFOTAC Report)

SAPFO CAPS Process 2 (for SAPFO System 2020 – 2021)
November 2019 - November 2020

School Adequate Public Facilities Ordinance

Process 2 - Certificate of Adequate Public Schools (CAPS) Allocation

2020 CAPS system is effective November 15, 2019 through November 14, 2020.

The system is updated with new membership, CIP capacity changes, and any other BOCC/School District joint action approved capacity prior to November 15, 2019. This information is received within 5 days of November 15 and posted within the next 15 days. This CAPS system recalibration is retroactive to November 15, 2019.

CAPS Allocation System

1. Certified Capacity
2 LOS Capacity
3. Actual Membership
4. Year Start Available Capacity
5. Ongoing Current Available Capacity (includes available capacity decreases from approved CAPS development by year)
6. CAPS approved development
   a. Total units
   b. Single Family[1]
   c. Other Housing[1]

CAPS System[2]

AC = SC – (ADM+ND1+ND2+…)

AC≥0 - Issue CAPS

AC<0 - Defer CAPS to later date

[1] Student Generation Rates from CAPS housing type create future membership estimate. Please note that this CAPS membership future estimate is different than the projection based on historical data and projection models used in the CIP process 1. This estimate only captures new development impact, which is the component that the SAPFO can regulate.

[2] AC – Available Capacity - Starts at Annual Update Capacity and reduces as CAPS approved development is entered into the system.
SC – Certified School Level Capacity
ADM – Average Daily Membership
ND – New Development; ND1 means first approved CAPS approved development

REVISED 1/27/2020

OCS Student Projections (1) (4)

Elementary

School Year	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30
Actual	3,211	3,285	3,348	3,403	3,433	3,259	3,318	3,293	3,183	3,205	3,232										
Tischler (2)												3,241	3,251	3,260	3,270	3,279	3,289	3,298	3,308	3,317	3,327
OC Planning												3,248	3,271	3,295	3,320	3,346	3,372	3,394	3,412	3,430	3,448
10 Year Growth												3,275	3,283	3,334	3,374	3,409	3,443	3,478	3,512	3,548	3,583
5 Year Growth												3,285	3,299	3,354	3,396	3,429	3,464	3,498	3,533	3,568	3,604
3 Year Growth												3,286	3,300	3,357	3,397	3,426	3,460	3,495	3,530	3,565	3,601
Average												**3,267**	**3,281**	**3,320**	**3,351**	**3,378**	**3,406**	**3,433**	**3,459**	**3,486**	**3,513**
Annual Change - Increase (Decrease) in Actual & Projected Membership)	**46**	**74**	**63**	**55**	**30**	**(174)**	**59**	**(25)**	**(110)**	**22**	**27**	**35**	**14**	**39**	**31**	**26**	**28**	**27**	**26**	**27**	**27**
Capacity - 100% Level of Service	**3,694**	**3,694**	**3,694**	**3,694**	**3,694**	**3,694**	**3,694**	**3,694**	**3,361**	**3,361**	**3,361**	**3,361**	**3,361**	**3,361**	**3,361**	**3,361**	**3,361**	**3,361**	**3,361**	**3,361**	**3,361**
Number of Students, Actual and Projected, Over (Under) 100% LOS	**(483)**	**(409)**	**(346)**	**(291)**	**(261)**	**(435)**	**(376)**	**(401)**	**(178)**	**(156)**	**(129)**	**(94)**	**(80)**	**(41)**	**(10)**	**17**	**45**	**72**	**98**	**125**	**152**
105% Level of Service	**3,879**	**3,879**	**3,879**	**3,879**	**3,879**	**3,879**	**3,879**	**3,879**	**3,529**	**3,529**	**3,529**	**3,529**	**3,529**	**3,529**	**3,529**	**3,529**	**3,529**	**3,529**	**3,529**	**3,529**	**3,529**
Number of Students, Actual and Projected, Over (Under) 105% LOS	**(668)**	**(594)**	**(531)**	**(476)**	**(446)**	**(620)**	**(561)**	**(586)**	**(346)**	**(324)**	**(297)**	**(262)**	**(248)**	**(209)**	**(178)**	**(151)**	**(123)**	**(96)**	**(70)**	**(43)**	**(16)**
Actual - % Level of Service	86.9%	88.9%	90.6%	92.1%	92.9%	88.2%	89.8%	89.1%	94.7%	95.1%	96.2%										
Average - % Level of Service												97.2%	97.6%	98.8%	99.7%	100.5%	101.3%	102.1%	102.9%	103.7%	104.5%
Annual Student Growth Rate (3)	**1.45%**	**2.30%**	**1.92%**	**1.64%**	**0.88%**	**-5.07%**	**1.81%**	**-0.75%**	**-3.34%**	**0.69%**	**0.84%**	**1.08%**	**0.42%**	**1.19%**	**0.95%**	**0.79%**	**0.82%**	**0.79%**	**0.77%**	**0.77%**	**0.77%**

Capacity decrease due to change in class size ratios per House Bill 13 (K-3 average class size ratios are 1:20 as directed by State legislative action)

(1) It is important to note that this reflects the November 15, 2019 date of membership as outlined in by the Schools Adequate Public Facilities Ordinar

(2) The Tischler Model provides for the "Linear Method" of projections for both CHCCS and OCS. Original projections used in prior years projection models included the "Linear Extrapolation Method" for CH

(3) Annual growth rate calculated using actual membership for years 20010-11 through 2019-20 and average membership for years 2020-21 through 2029

(4) Class sizes for grades K-3 = 1:23 for school years 2000 through 2007-08. In accordance with 2005 School Collaboration Work Group direction, effective the 2008-2009 school year with the opening of CHCCS Elementary #10, K-3 class sizes are 1:21 as directed by past State legislative a

OCS Student Projections(1)

Middle

School Year	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30
Actual	1,665	1,698	1,704	1,684	1,747	1,762	1,739	1,724	1,730	1,779	1,763										
Tischler (2)												1,768	1,773	1,779	1,784	1,789	1,794	1,799	1,804	1,810	1,815
OC Planning												1,773	1,776	1,779	1,783	1,787	1,814	1,834	1,854	1,873	1,893
10 Year Growth												1,709	1,694	1,679	1,701	1,691	1,727	1,751	1,770	1,787	1,805
5 Year Growth												1,702	1,690	1,681	1,712	1,710	1,750	1,775	1,793	1,811	1,829
3 Year Growth												1,686	1,664	1,649	1,682	1,684	1,725	1,748	1,761	1,779	1,797
Average												**1,728**	**1,719**	**1,713**	**1,732**	**1,732**	**1,762**	**1,781**	**1,796**	**1,812**	**1,828**
Annual Change - Increase (Decrease) in Actual & Projected Membership)	**64**	**33**	**6**	**(20)**	**63**	**15**	**(23)**	**(15)**	**6**	**49**	**(16)**	**(35)**	**(8)**	**(6)**	**19**	**(0)**	**30**	**19**	**15**	**16**	**16**
Capacity - 100% Level of Service	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**	**2,166**
Number of Students, Actual and Projected, Over (Under) 100% LOS	**(501)**	**(468)**	**(462)**	**(482)**	**(419)**	**(404)**	**(427)**	**(442)**	**(436)**	**(387)**	**(403)**	**(438)**	**(447)**	**(453)**	**(434)**	**(434)**	**(404)**	**(385)**	**(370)**	**(354)**	**(338)**
107% Level of Service	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**	**2,318**
Number of Students, Actual and Projected, Over (Under) 107% LOS	**(653)**	**(620)**	**(614)**	**(634)**	**(571)**	**(556)**	**(579)**	**(594)**	**(588)**	**(539)**	**(555)**	**(590)**	**(598)**	**(604)**	**(585)**	**(585)**	**(556)**	**(536)**	**(521)**	**(506)**	**(490)**
Actual - % Level of Service	76.9%	78.4%	78.7%	77.7%	80.7%	81.3%	80.3%	79.6%	79.9%	82.1%	81.4%										
Average - % Level of Service												79.8%	79.4%	79.1%	80.0%	80.0%	81.3%	82.2%	82.9%	83.7%	84.4%
Annual Student Growth Rate (3)	**4.00%**	**1.98%**	**0.35%**	**-1.17%**	**3.74%**	**0.86%**	**-1.31%**	**-0.86%**	**0.35%**	**2.83%**	**-0.90%**	**-2.01%**	**-0.47%**	**-0.35%**	**1.11%**	**-0.01%**	**1.72%**	**1.10%**	**0.84%**	**0.87%**	**0.87%**

(1) It is important to note that this reflects the November 15, 2019 date of membership as outlined in by the Schools Adequate Public Facilities Ordinar

(2) The Tischler Model provides for the "Linear Method" of projections for both CHCCS and OCS. Original projections used in prior years projection models included the "Linear Extrapolation Method" for CH

(3) Annual growth rate calculated using actual membership for years 20010-11 through 2019-20 and average membership for years 2020-21 through 2029

OCS Student Projections (1)

High

School Year	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2019-20	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30
Actual	2,217	2,222	2,283	2,315	2,421	2,502	2,469	2,446	2,445	2,349	2,397										
Tischler (2)												2,404	2,411	2,418	2,425	2,432	2,439	2,446	2,453	2,460	2,467
OC Planning												2,412	2,430	2,448	2,468	2,489	2,486	2,494	2,506	2,519	2,531
10 Year Growth												2,398	2,425	2,460	2,417	2,409	2,355	2,362	2,392	2,395	2,438
5 Year Growth												2,389	2,400	2,418	2,361	2,352	2,304	2,320	2,362	2,371	2,417
3 Year Growth												2,401	2,407	2,421	2,350	2,325	2,266	2,280	2,327	2,336	2,381
Average												**2,401**	**2,415**	**2,433**	**2,404**	**2,401**	**2,370**	**2,380**	**2,408**	**2,416**	**2,447**
Annual Change - Increase (Decrease) in Actual & Projected Membership)	**(25)**	**5**	**61**	**32**	**106**	**81**	**(33)**	**(23)**	**(1)**	**(96)**	**48**	**4**	**14**	**18**	**(29)**	**(3)**	**(31)**	**10**	**28**	**8**	**31**
Capacity - 100% Level of Service	**2,558**	**2,558**	**2,558**	**2,439**	**2,439**	**2,439**	**2,439**	**2,439**	**2,439**	**2,439**	**2,439**	**2,439**	**2,939**	**2,939**	**2,939**	**2,939**	**2,939**	**2,939**	**2,939**	**2,939**	**2,939**
Number of Students, Actual and Projected, Over (Under) 100% LOS	**(341)**	**(336)**	**(275)**	**(124)**	**(18)**	**63**	**30**	**7**	**6**	**(90)**	**(42)**	**(38)**	**(524)**	**(506)**	**(535)**	**(538)**	**(569)**	**(559)**	**(531)**	**(523)**	**(492)**
110% Level of Service	**2,814**	**2,814**	**2,814**	**2,683**	**2,683**	**2,683**	**2,683**	**2,683**	**2,683**	**2,683**	**2,683**	**2,683**	**3,233**	**3,233**	**3,233**	**3,233**	**3,233**	**3,233**	**3,233**	**3,233**	**3,233**
Number of Students, Actual and Projected, Over (Under) 110% LOS	**(597)**	**(592)**	**(531)**	**(368)**	**(262)**	**(181)**	**(214)**	**(237)**	**(238)**	**(334)**	**(286)**	**(282)**	**(818)**	**(800)**	**(829)**	**(832)**	**(863)**	**(853)**	**(825)**	**(817)**	**(786)**
Actual - % Level of Service	86.7%	86.9%	89.2%	94.9%	99.3%	102.6%	101.2%	100.3%	100.2%	96.3%	98.3%										
Average - % Level of Service												98.4%	82.2%	82.8%	81.8%	81.7%	80.6%	81.0%	81.9%	82.2%	83.3%
Annual Student Growth Rate (3)	**-1.12%**	**0.23%**	**2.75%**	**1.40%**	**4.58%**	**3.35%**	**-1.32%**	**-0.93%**	**-0.04%**	**-3.93%**	**2.04%**	**0.16%**	**0.57%**	**0.76%**	**-1.18%**	**-0.12%**	**-1.31%**	**0.44%**	**1.16%**	**0.34%**	**1.27%**

Orange High capacity decreased, per DPI study

Cedar Ridge High School adding 500 seats.

(1) It is important to note that this reflects the November 15, 2019 date of membership as outlined in by the Schools Adequate Public Facilities Ordinar

(2) The Tischler Model provides for the "Linear Method" of projections for both CHCCS and OCS. Original projections used in prior years projection models included the "Linear Extrapolation Method" for CH

(3) Annual growth rate calculated using actual membership for years 20010-11 through 2019-20 and average membership for years 2020-21 through 2029

CHCCS Student Projections (1) (4)

Elementary

School Year	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30
Actual	5,219	5,296	5,464	5,543	5,554	5,541	5,501	5,567	5,522	5,471	5,363										
Tischler (2)												5,398	5,432	5,467	5,502	5,537	5,571	5,606	5,641	5,676	5,710
OC Planning												5,378	5,371	5,413	5,453	5,493	5,532	5,570	5,606	5,643	5,654
10 Year Growth												5,349	5,349	5,350	5,464	5,528	5,583	5,639	5,696	5,753	5,810
5 Year Growth												5,331	5,328	5,321	5,421	5,473	5,528	5,583	5,639	5,695	5,752
3 Year Growth												5,322	5,305	5,283	5,370	5,415	5,469	5,523	5,579	5,634	5,691
Average												**5,356**	**5,357**	**5,367**	**5,442**	**5,489**	**5,537**	**5,584**	**5,632**	**5,680**	**5,723**
Annual Change - Increase (Decrease) in Actual & Projected Membership)	(83)	77	168	79	11	(13)	(40)	66	(45)	(51)	(108)	(7)	1	10	75	47	47	48	48	48	43
Capacity - 100% Level of Service (LOS)	**5,244**	**5,244**	**5,244**	**5,244**	**5,829**	**5,829**	**5,829**	**5,829**	**5,664**	**5,664**	**5,664**	**5,664**	**5,664**	**5,664**	**5,664**	**5,664**	**5,664**	**5,664**	**5,664**	**5,664**	**5,664**
Number of Students, Actual and Projected, Over (Under) 100% LOS	(25)	52	220	299	(275)	(288)	(328)	(262)	(142)	(193)	(301)	(308)	(307)	(297)	(222)	(175)	(127)	(80)	(32)	16	59
Capacity - 105% Level of Service (LOS)	**5,506**	**5,506**	**5,506**	**5,506**	**6,120**	**6,120**	**6,120**	**6,120**	**5,947**	**5,947**	**5,947**	**5,947**	**5,947**	**5,947**	**5,947**	**5,947**	**5,947**	**5,947**	**5,947**	**5,947**	**5,947**
Number of Students, Actual and Projected, Over (Under) 105% LOS	(287)	(210)	(42)	37	(566)	(579)	(619)	(553)	(425)	(478)	(584)	(592)	(590)	(580)	(505)	(458)	(411)	(363)	(315)	(267)	(224)
Actual - % Level of Service	99.5%	101.0%	104.2%	105.7%	95.3%	95.1%	94.4%	95.5%	97.5%	96.6%	94.7%										
Average - % Level of Service												94.6%	94.6%	94.8%	96.1%	96.9%	97.8%	98.6%	99.4%	100.3%	101.0%
Annual Student Growth Rate (3)	**-1.57%**	**1.48%**	**3.17%**	**1.45%**	**0.20%**	**-0.23%**	**-0.72%**	**1.20%**	**-0.81%**	**-0.92%**	**-1.97%**	**-0.14%**	**0.03%**	**0.18%**	**1.40%**	**0.87%**	**0.86%**	**0.86%**	**0.86%**	**0.85%**	**0.76%**

Elementary School #11 opens with 585 seats

Capacity decrease due to change in class size ratios per House Bill 13 (K-3 average class size ratios are 1:20 as directed by State legislative action)

(1) It is important to note that this reflects the November 15, 2018 date of membership as outlined in by the Schools Adequate Public Facilities Ordinance. It does not include CHCCS students attending the Hospital Scho

(2) The Tischler Model provides for the "Linear Method" of projections for both CHCCS and OCS. Original projections used in prior years projection models included the "Linear Extrapolation Method" for CHCC

(3) Annual growth rate calculated using actual membership for years 20010-11 through 2019-20 and average membership for years 2020-21 through 2029-30

(4) Class sizes for grades K-3 = 1:23 for school years 2000 through 2007-08. In accordance with 2005 School Collaboration Work Group direction, effective the 2008-2009 school year with the opening of CHCCS Elementary #10, K-3 class sizes are 1:21 as directed by past State legislative actio

CHCCS Student Projections (1)

Middle

School Year	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30
Actual	2,708	2,722	2,753	2,785	2,858	2,861	2,844	2,829	2,833	2,933	3,044										
Tischler (2)												3,064	3,083	3,103	3,123	3,143	3,162	3,182	3,202	3,221	3,241
OC Planning												3,055	3,052	3,049	3,045	3,041	3,036	3,031	3,049	3,068	3,087
10 Year Growth												3,031	2,978	2,935	2,834	2,799	2,772	2,862	2,900	2,929	2,958
5 Year Growth												3,033	2,967	2,914	2,809	2,782	2,746	2,822	2,848	2,877	2,905
3 Year Growth												3,042	2,998	2,961	2,856	2,821	2,771	2,835	2,853	2,882	2,910
Average												**3,045**	**3,016**	**2,992**	**2,933**	**2,917**	**2,897**	**2,946**	**2,970**	**2,995**	**3,020**
Annual Change - Increase (Decrease) in Actual & Projected Membership)	**11**	**14**	**31**	**32**	**73**	**76**	**(17)**	**(15)**	**4**	**100**	**111**	**1**	**(29)**	**(23)**	**(59)**	**(16)**	**(20)**	**49**	**24**	**25**	**25**
Capacity - 100% Level of Service	**2,840**	**2,840**	**2,840**	**2,840**	**2,840**	**2,944**	**2,944**	**2,944**	**2,944**	**2,944**	**2,944**	**2,944**	**2,944**	**2,944**	**2,944**	**2,944**	**2,944**	**2,944**	**2,944**	**2,944**	**2,944**
Number of Students, Actual and Projected, Over (Under) 100% LOS	**(132)**	**(118)**	**(87)**	**(55)**	**18**	**(83)**	**(100)**	**(115)**	**(111)**	**(11)**	**100**	**101**	**72**	**48**	**(11)**	**(27)**	**(47)**	**2**	**26**	**51**	**76**
107% Level of Service	**3,039**	**3,039**	**3,039**	**3,039**	**3,039**	**3,150**	**3,150**	**3,150**	**3,150**	**3,150**	**3,150**	**3,150**	**3,150**	**3,150**	**3,150**	**3,150**	**3,150**	**3,150**	**3,150**	**3,150**	**3,150**
Number of Students, Actual and Projected, Over (Under) 107% LOS	**(331)**	**(317)**	**(286)**	**(254)**	**(181)**	**(289)**	**(306)**	**(321)**	**(317)**	**(217)**	**(106)**	**(105)**	**(134)**	**(158)**	**(217)**	**(233)**	**(253)**	**(204)**	**(180)**	**(155)**	**(130)**
Actual - % Level of Service	95.4%	95.8%	96.9%	98.1%	100.6%	97.2%	96.6%	96.1%	96.2%	99.6%	103.4%										
Average - % Level of Service												103.4%	102.4%	101.6%	99.6%	99.1%	98.4%	100.1%	100.9%	101.7%	102.6%
Annual Student Growth Rate (3)	**0.41%**	**0.52%**	**1.14%**	**1.16%**	**2.62%**	**0.10%**	**-0.59%**	**-0.53%**	**0.14%**	**3.53%**	**3.78%**	**0.03%**	**-0.97%**	**-0.77%**	**-1.97%**	**-0.55%**	**-0.68%**	**1.69%**	**0.81%**	**0.84%**	**0.83%**

(1) It is important to note that this reflects the November 15, 2018 date of membership as outlined in by the Schools Adequate Public Facilities Ordinance. It does not include CHCCS students attending the Hospital Scho

(2) The Tischler Model provides for the "Linear Method" of projections for both CHCCS and OCS. Original projections used in prior years projection models included the "Linear Extrapolation Method" for CHCC

(3) Annual growth rate calculated using actual membership for years 20010-11 through 2019-20 and average membership for years 2020-21 through 2029-3

Additional 104 new seats at Culbreth Middle School

CHCCS Student Projections (1)

High

School Year	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30
Actual	3,606	3,640	3,714	3,796	3,764	3,730	3,701	3,762	3,927	3,932	3,940										
Tischler (2)												3,966	3,991	4,017	4,042	4,068	4,093	4,119	4,144	4,170	4,195
OC Planning												3,959	4,009	4,010	4,008	4,007	4,004	4,001	3,971	3,941	3,936
10 Year Growth												3,981	4,008	4,094	4,143	4,119	4,075	3,919	3,878	3,868	3,859
5 Year Growth												3,998	4,033	4,129	4,182	4,142	4,091	3,930	3,882	3,866	3,847
3 Year Growth												4,022	4,062	4,174	4,242	4,218	4,188	4,038	3,984	3,952	3,914
Average												**3,985**	**4,021**	**4,085**	**4,123**	**4,111**	**4,090**	**4,001**	**3,972**	**3,959**	**3,950**
Annual Change - Increase (Decrease) in Actual & Projected Membership)	**(24)**	**34**	**74**	**82**	**(32)**	**(66)**	**(29)**	**61**	**165**	**5**	**8**	**45**	**35**	**64**	**39**	**(13)**	**(21)**	**(89)**	**(30)**	**(12)**	**(9)**
Capacity - 100% Level of Service	**3,835**	**3,875**	**3,875**	**3,875**	**3,875**	**3,875**	**3,875**	**3,875**	**3,875**	**3,875**	**3,875**	**3,980**	**3,980**	**3,980**	**3,980**	**3,980**	**3,980**	**3,980**	**3,980**	**3,980**	**3,980**
Number of Students, Actual and Projected, Over (Under) 100% LOS	**(229)**	**(235)**	**(161)**	**(79)**	**(111)**	**(145)**	**(174)**	**(113)**	**52**	**57**	**65**	**5**	**41**	**105**	**143**	**131**	**110**	**21**	**(8)**	**(21)**	**(30)**
110% Level of Service	**4,219**	**4,263**	**4,263**	**4,263**	**4,263**	**4,263**	**4,263**	**4,263**	**4,263**	**4,263**	**4,263**	**4,378**	**4,378**	**4,378**	**4,378**	**4,378**	**4,378**	**4,378**	**4,378**	**4,378**	**4,378**
Number of Students, Actual and Projected, Over (Under) 110% LOS	**(613)**	**(623)**	**(549)**	**(467)**	**(499)**	**(533)**	**(562)**	**(501)**	**(336)**	**(331)**	**(323)**	**(393)**	**(357)**	**(293)**	**(255)**	**(267)**	**(288)**	**(377)**	**(406)**	**(419)**	**(428)**
Actual - % Level of Service	94.0%	93.9%	95.8%	98.0%	97.1%	96.3%	95.5%	97.1%	101.3%	101.5%	101.7%										
Average - % Level of Service												100.1%	101.0%	102.6%	103.6%	103.3%	102.8%	100.5%	99.8%	99.5%	99.3%
Annual Student Growth Rate (3)	**-0.66%**	**0.94%**	**2.03%**	**2.21%**	**-0.84%**	**-0.90%**	**-0.78%**	**1.65%**	**4.39%**	**0.13%**	**0.20%**	**1.15%**	**0.89%**	**1.60%**	**0.94%**	**-0.31%**	**-0.50%**	**-2.17%**	**-0.74%**	**-0.31%**	**-0.23%**

Phoenix Academy High School becomes official high school starting 2010-11 school year with 40 student capacity

Chapel Hill High School adding 105 seats.

(1) It is important to note that this reflects the November 15, 2018 date of membership as outlined in by the Schools Adequate Public Facilities Ordinance. It does not include CHCCS students attending th

(2) The Tischler Model provides for the "Linear Method" of projections for both CHCCS and OCS. Original projections used in prior years projection models included the "Linear Extrapolation Method" for C

(3) Annual growth rate calculated using actual membership for years 20010-11 through 2019-20 and average membership for years 2020-21 through 2029-3

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: March 10, 2020

Action Agenda Item No. 8-m

SUBJECT: Advisory Boards and Commissions - Appointments

DEPARTMENT: Board of Commissioners

ATTACHMENT(S):

INFORMATION CONTACT:
Clerk's Office, 919-245-2130

PURPOSE: To approve the Advisory Boards and Commissions appointments as reviewed and discussed during the February 11, 2020 Work Session.

BACKGROUND: The following appointments are for Board approval:

- **Adult Care Home Community Advisory Committee**

POSITION NO.	NAME	SPECIAL REPRESENTATIVE	TYPE OF APPOINTMENT TERM	EXPIRATION DATE
1	Tiketha Collins	At-Large	Partial Term	03/31/2022
3	Alison Brown	At-Large	Partial Term	06/30/2021
6	Shade Little	At-Large	First Full Term	10/31/2022

- **Affordable Housing Advisory Board**

POSITION NO.	NAME	SPECIAL REPRESENTATIVE	TYPE OF APPOINTMENT TERM	EXPIRATION DATE
3	Olivia Fisher	At-Large	Partial Term	06/30/2021

- **Animal Services Advisory Board**

POSITION NO.	NAME	SPECIAL REPRESENTATIVE	TYPE OF APPOINTMENT TERM	EXPIRATION DATE
2	Sunita Driehuys	Veterinarian	First Full Term	06/30/2022
3	Sue Millager	Town of Carrboro	Partial Term	06/30/2021

- **Animal Services Hearing Panel Pool**

POSITION NO.	NAME	SPECIAL REPRESENTATIVE	TYPE OF APPOINTMENT TERM	EXPIRATION DATE
1	Michelle Walker	Town of Carrboro	Second Full Term	03/31/2023
7	Tony Whitaker	Public Health Field	Second Full Term	03/31/2023
10	Matthew Bonds	At-Large	First Full Term	03/31/2023
13	Cathy Munnier	At-Large Unincorporated County	Second Full Term	03/31/2023
15	Dr. Beth Grooms	Veterinarian	Completion Second Full Term (move from current position #17)	03/31/2021
16	Edmund Tiryakian	Animal Services Advisory Board Member	Second Full Term	03/31/2023
17	Casey Ferrell	Animal Services Advisory Board Member	First Full Term (see memo from Animal Servivces)	03/31/2022

- **Board of Equalization and Review**

POSITION NO.	NAME	SPECIAL REPRESENTATIVE	TYPE OF APPOINTMENT TERM	EXPIRATION DATE
7	BOCC Appointment	Alternate	Partial Term	03/31/2021
8	BOCC Appointment	Alternate	Partial Term	03/31/2021
9	BOCC Appointment	Alternate	Partial Term	03/31/2021
10	BOCC Appointment	Alternate	Partial Term	03/31/2021

- Chapel Hill Orange County Visitors Bureau

POSITION NO.	NAME	SPECIAL REPRESENTATIVE	TYPE OF APPOINTMENT TERM	EXPIRATION DATE
6	Kayla Dempsey	NC High School Athletic Association	First Full Term	12/31/2022
7	Mark Bell	Town of Hillsborough Board of Commissioners	Second Full Term	12/31/2022
9	Lydia Lavelle	Carrboro Town Council	Second Full Term	12/31/2022

13	Anita “Spring” Council	Economic Development Staff – Town of Carrboro	First Full Term	12/31/2022

- **Chapel Hill Planning Commission**

POSITION NO.	NAME	SPECIAL REPRESENTATIVE	TYPE OF APPOINTMENT TERM	EXPIRATION DATE
1	James Baxter	ETJ or JPA BOCC Appointee	Partial Term	06/30/2022

- **Commission for the Environment**

POSITION NO.	NAME	SPECIAL REPRESENTATIVE	TYPE OF APPOINTMENT TERM	EXPIRATION DATE
2	Francis Binkowski	Air Quality	First Full Term	12/312/2022
3	Kim Livingston	At-Large	Partial Term	12/31/2020
4	Dr. Bill Ward	Biological Resources	First Full Term	12/31/2022
5	Elizabeth McWhorter	Water Resources	Partial Term	12/31/2021
6	K. Alan Parry	At-Large	Second Full Term	12/31/2022
7	Jaya Nair	At-Large	First Full Term	12/31/2022
8	Carrie Fletcher	At-Large	First Full Term	12/31/2022

- **Nursing Home Community Advisory Committee**

POSITION NO.	NAME	SPECIAL REPRESENTATIVE	TYPE OF APPOINTMENT TERM	EXPIRATION DATE
11	Dr. Carol Kelly	At-Large	Second Full Term	12/31/2022
12	Vibeke Talley	At-Large	Second Full Term	12/31/2022

- **Orange County Planning Board**

POSITION NO.	NAME	SPECIAL REPRESENTATIVE	TYPE OF APPOINTMENT TERM	EXPIRATION DATE
5	David Blankfard	Hillsborough Township	Second Full Term	03/31/2023
9	BOCC Appointment	At-Large	First Full Term	03/31/2023
11	Susan Hunter	Chapel Hill Township	First Full Term	03/31/2023
12	Julian (Randy) Marshall, Jr.	At-Large	Second Full Term	03/31/2023

- **Orange Unified Transportation Board**

POSITION NO.	NAME	SPECIAL REPRESENTATIVE	TYPE OF APPOINTMENT TERM	EXPIRATION DATE
2	David Laudicina	At-Large	Second Full Term (re-appointment)	09/30/2022
4	To Be Determined BOCC Appointment	Chapel Hill Township	Partial Term	09/30/2021
5	To Be Determined BOCC Appointment	Eno Township (no applicants from Eno Township)	First Full Term	09/30/2022
13	To Be Determined BOCC Appointment	At-Large	First Full Term	09/30/2022
14	Erik Broo	At-Large	First Full Term (re-appointment)	09/30/2022

FINANCIAL IMPACT: There is no financial impact associated with this item.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goal is applicable to this item:

- **GOAL: ENABLE FULL CIVIC PARTICIPATION**
  Ensure that Orange County residents are able to engage government through voting and volunteering by eliminating disparities in participation and barriers to participation.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

RECOMMENDATION(S): The Manager recommends that the Board approve the recommended appointments as reviewed and discussed during the February 11, 2020 Work Session.

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: March 10, 2020

Action Agenda Item No. 8-n

SUBJECT: Approval of System Safety Program Plan and Title VI Plan for Orange County Public Transportation

DEPARTMENT: Transportation Services

ATTACHMENT(S):

UNDER SEPARATE COVER

Draft System Safety Program Plan

Only Available Electronically at:
https://www.orangecountync.gov/DocumentCenter/View/9902/Orange-County-Public-Transportaiton-SSP_130--DRAFT

Draft Title VI Plan

Only Available Electronically at:
https://www.orangecountync.gov/DocumentCenter/View/9903/Title_VI_Plan_Orange_County_Public_Transportation_Signatures-DRAFT

INFORMATION CONTACT:
Theo Letman, Transit Director, 245-2007

PURPOSE: To approve an updated System Safety Program Plan and Title VI Plan for Orange County Public Transportation (OCPT) based on a North Carolina Department of Transportation requirement that all transit agencies have an updated safety security program plan and Title VI plan approved by the governing board.

BACKGROUND: The North Carolina Department of Transportation has conducted a compliance review for Orange County Public Transportation. The review noted that OCPT did not have an updated System Safety Program Plan and that the plan was not approved by the Board of Commissioners as the governing board for OCPT. This review also noted that OCPT did not have a Title VI Plan approved the governing board.

The draft updated System Safety Program Plan (108 pages) and draft Title VI Plan (52 pages) for OCPT are available for Board review and approval at:

https://www.orangecountync.gov/DocumentCenter/View/9902/Orange-County-Public-Transportaiton-SSP_130--DRAFT

https://www.orangecountync.gov/DocumentCenter/View/9903/Title_VI_Plan_Orange_County_Public_Transportation_Signatures-DRAFT

Approval of the Plans will allow OCPT to be prepared for the next compliance review.

FINANCIAL IMPACT: There is no financial impact associated with consideration of the draft updated System Safety Program Plan and draft Title VI Plan updated Plan.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goals are applicable to this item:

- **GOAL: FOSTER A COMMUNITY CULTURE THAT REJECTS OPPRESSION ANDINEQUITY**
  The fair treatment and meaningful involvement of all people regardless of race or color; religious or philosophical beliefs; sex, gender or sexual orientation; national origin or ethnic background; age; military service; disability; and familial, residential or economic status.

- **GOAL: CREATE A SAFE COMMUNITY**
  The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence

- **GOAL: ESTABLISH SUSTAINABLE AND EQUITABLE LAND-USE AND ENVIRONMENTAL POLICIES**
  The fair treatment and meaningful involvement of people of all races, cultures, incomes and educational levels with respect to the development and enforcement of environmental laws, regulations, policies, and decisions. Fair treatment means that no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

RECOMMENDATION(S): The Manager recommends that the Board approve the updated System Safety Program Plan and Title VI Plan for Orange County Public Transportation.

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: March 10, 2020

Action Agenda
Item No. 8-o

SUBJECT: Greater Triangle Commuter Rail Study – Next Steps

DEPARTMENT: County Manager,
Transportation, Planning

ATTACHMENT(S):

1. Resolution
2. PowerPoint

INFORMATION CONTACT:
Travis Myren, Deputy County Manager, 919-245-2130
Craig Benedict, Planning & Inspections Director, 919- 245-2575
Theo Letman, OCT Transit Director, 919-245-2007

PURPOSE: To adopt a resolution receiving the results of the Greater Triangle Commuter Rail (GTCR) study and deferring additional study for Orange county sections.

BACKGROUND: The Board of Orange County Commissioners approved $75,000 in the FY2019-20 transit work plan to participate in the initial feasibility phase of the GTCR study. The attached PowerPoint illustrates the extent of the GTCR along with other transit initiatives. The PowerPoint also projects the ranking of certain service scenarios, capital and operating cost, and range of ridership as federal funding would likely be scored.

Page 5 of the PowerPoint illustrates, at the bottom, the cost and ridership to extend to Hillsborough – $200-300 million capital with $7 million annual operating with projected ridership of 150-250 people. From a cost benefit analysis and limitations in the Article 43 Transit Tax financial plan (in the short- and mid-term), this extension into Orange County is not warranted or feasible at this time.

A Memorandum of Understanding (MOU) between Durham County, Wake County, GoTriangle, the North Carolina Railroad, the North Carolina Department of Transportation (NCDOT), and Metropolitan Planning Organizations is being considered by these parties to outline the next steps in project development of the GTCR segment from Durham to Garner. Based on the findings of the initial feasibility study, this abstract approves a resolution to suspend Orange County's participation in future project development at this time.

The initial feasibility study and transit model was valuable in accenting the continued need to develop transit corridors with other modes of transit and to continue to concentrate growth through Transit Oriented Development (TOD) where possible. Orange County will continue to participate in other regional projects that improve transit mobility in the region, including

programmed funding for the Hillsborough Amtrak station which could have dual use in the future. These investments will be included in the update to the Orange County Transit Plan which is currently underway.

FINANCIAL IMPACT: Orange County contributed $75,000 towards the initial feasibility study from Article 43 transit funds. This item does not include any future financial commitments.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goals are applicable to this item:

- **GOAL: ENSURE ECONOMIC SELF SUFFICIENCY**
  The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.

- **GOAL: CREATE A SAFE COMMUNITY**
  The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence

ENVIRONMENTAL IMPACT: The following Orange County Environmental Responsibility Goal impact is applicable to this item:

- **CLEAN OR AVOIDED TRANSPORTATION**
  Implement programs that monitor and improve local and regional air quality by: 1) promoting public transportation options; 2) decreasing dependence on single-occupancy vehicles, and 3) otherwise minimizing the need for travel.

RECOMMENDATION(S): The Manager recommends that the Board adopt a resolution (Attachment 1) receiving the results of the Greater Triangle Commuter Rail (GTCR) study and deferring additional study for Orange county sections until later phases.

RES-2020-015

Attachment 1

RESOLUTION RECEIVING THE RESULTS OF THE GREATER TRIANGLE COMMUTER RAIL STUDY AND DEFERRING ADDITIONAL STUDY OF SCENARIOS EXTENDING SERVICE TO HILLSBOROUGH AND POINTS WEST TO A FUTURE STUDY EFFORT FOR A POTENTIAL LATER PHASE OF COMMUTER RAIL

March 10, 2020

A motion was made by Commissioner _____and seconded by Commissioner _____ _____for the adoption of the following resolution, and upon being put to a vote, was duly adopted.

WHEREAS, the Metropolitan Transportation Plan, the long range, fiscally constrained transportation plan, for portions of Orange County located within the Durham – Chapel Hill census-defined urbanized area was adopted on March 14, 2018 by the Board of the Durham – Chapel Hill – Carrboro Metropolitan Planning Organization; and

WHEREAS, commuter rail between Durham and Garner is included in the 2045 Metropolitan Transportation Plan with a horizon period of 2025-2035; and

WHEREAS, commuter rail between Hillsborough and Durham, is included in the 2045 Metropolitan Transportation Plan with a horizon period of 2035-2045; and

WHEREAS, the Greater Triangle Commuter Rail Study evaluated the feasibility and potential eligibility for federal funding of scenarios that include service to Hillsborough and points west; and

WHEREAS, the commuter rail project management partners have drafted a Memorandum of Understanding in support of continued project development of the first phase of the Greater Triangle Commuter Rail Project, a commuter rail project with service originating in West Durham and continuing east to Raleigh and points east;

BE IT THEREFORE RESOLVED that the Orange Board of County Commissioners hereby receives the results of the Greater Triangle Commuter Rail Study and defers participation in additional study of scenarios extending service to Hillsborough and points west to a future study effort for a potential later phase of commuter rail, consistent with the adopted 2045 Metropolitan Transportation Plan on this, the 10th Day of March, 2020.

_____

Penny Rich, Chair

Orange County Board of Commissioners

Orange County, North Carolina

I certify that Penny Rich personally appeared before me this day acknowledging to me that she signed the forgoing document.

Date: March 10, 2020

_____

, Notary Public
My commission expires:

COMMUTER RAIL UPDATE

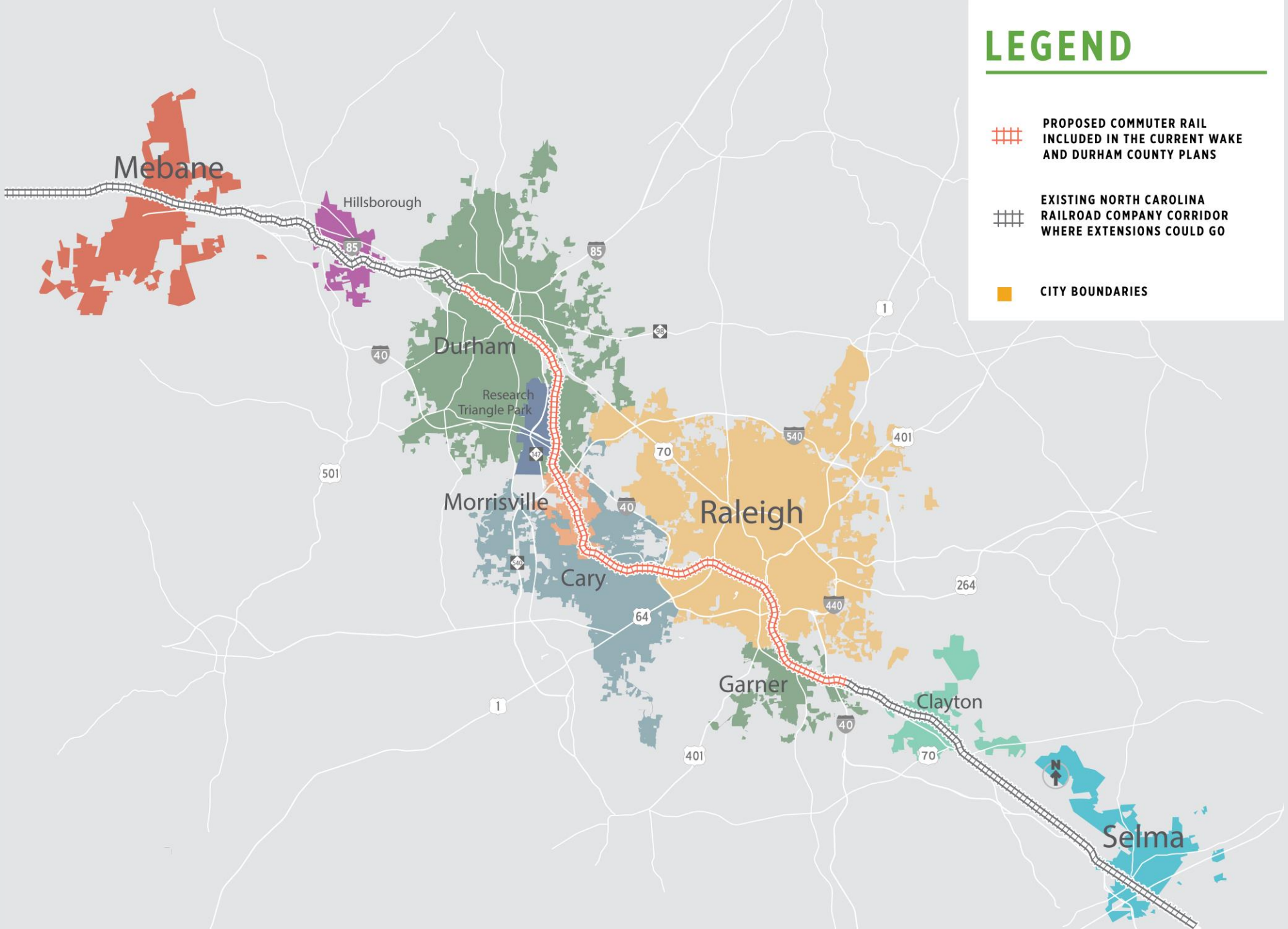
Orange Board of County Commissioners

March 18

GO FORWARD

A COMMUNITY INVESTMENT IN TRANSIT


Mebane
Hillsborough
Durham Tech (Orange Co.)
Duke University, Duke Medical Center, VA Medical Center
N. Durham
Durham
Carrboro
Chapel Hill
UNC, UNC Hospitals
NCCU, Durham Tech
RTP
Wake Tech (RTP)
RDU
International Airport
Wake Forest
Rolesville
Triangle Town Center, Wake Tech (N. Wake)
Raleigh
Meredith College, NCSU, Shaw University, St. Augustine's University, UNC Rex Hospital, William Peace University
Morrisville
Cary
Wake Tech (W. Wake)
WakeMed
Knightdale
Zebulon
Wendell
Apex
Garner
Clayton
Holly Springs
Wake Tech
Fuquay-Varina
NOTE:
This map highlights major regional transit investments, including bus rapid transit, commuter rail and key regional bus connections. Not shown are substantial increases in bus coverage and route frequency within Raleigh, Durham, Chapel Hill and Cary.
Bus
Bus rapid transit
Commuter rail
Proposed commuter rail extension
* Future airport connector


LEGEND
PROPOSED COMMUTER RAIL INCLUDED IN THE CURRENT WAKE AND DURHAM COUNTY PLANS
EXISTING NORTH CAROLINA RAILROAD COMPANY CORRIDOR WHERE EXTENSIONS COULD GO
CITY BOUNDARIES
Mebane
Hillsborough
Durham
Research Triangle Park
Morrisville
Cary
Raleigh
Garner
Clayton
Selma
85
40
501
147
540
70
401
64
440
264
1
98
N

STUDY FINDINGS

END POINTS	WEEKDAY ROUND TRIPS	EXPECTED FEDERAL SCORE	RANGE OF CAP. COST* [YOE$]	O&M COST [2019$]	RANGE OF RIDERSHIP**
Durham-Garner	20	MEDIUM	$1.4B – $1.8B	$29M	7.5K – 10K
Durham-Garner	12	WEAK MEDIUM***	$1.4B – $1.8B	$20M	5K – 7.5K
Durham-Garner	7	WEAK MEDIUM***	$1.4B – $1.7B	$13M	4.5K – 6K
Mebane-Selma	20	MEDIUM-LOW	$2.5B – $3.2B	$57M	8K – 11.5K
Mebane-Selma	12	MEDIUM-LOW	$2.5B – $3.2B	$40M	6K – 9K
Mebane-Selma	7	MEDIUM-LOW	$2.3B – $3.1B	$26M	5K – 7.5K
Hillsb.-Clayton	20	WEAK MEDIUM***	$1.8B – $2.4B	$44M	8K – 11.5K
Durham-Clayton	20	MEDIUM	$1.6B – $2.1B	$37M	7.5K – 10K

TO BE ELIGIBLE FOR FEDERAL FUNDING, PROJECT MUST SCORE A MEDIUM RATING

*Cost: Year-of-Expenditure Dollars (YOE$)

**Daily Ridership: Average of Base Year (2018) and Horizon Year Forecast (2040)

***Scenarios rated as “Weak Medium” are projected to score at the bottom of the medium range, meaning that a drop in any single sub-score could cause the project to be ineligible for funding

STUDY FINDINGS

END POINTS	WEEKDAY ROUND TRIPS	EXPECTED FEDERAL SCORE	RANGE OF CAP. COST* [YOE$]	O&M COST [2019$]	RANGE OF RIDERSHIP**
Durham-Garner	20	MEDIUM	$1.4B – $1.8B	$29M	7.5K – 10K
Durham-Garner	12	WEAK MEDIUM***	$1.4B – $1.8B	$20M	5K – 7.5K
Durham-Garner	7	WEAK MEDIUM***	$1.4B – $1.7B	$13M	4.5K – 6K
Mebane-Selma	20	MEDIUM-LOW	$2.5B – $3.2B	$57M	8K – 11.5K
Mebane-Selma	12	MEDIUM-LOW	$2.5B – $3.2B	$40M	6K – 9K
Mebane-Selma	7	MEDIUM-LOW	$2.3B – $3.1B	$26M	5K – 7.5K
Hillsb.-Clayton	20	WEAK MEDIUM***	$1.8B – $2.4B	$44M	8K – 11.5K
Durham-Clayton	20	MEDIUM	$1.6B – $2.1B	$37M	7.5K – 10K

Hillsborough - West Durham	**20**	**NA**	**$200M - $300M**	**$7M**	**150 - 250**

RECOMMENDATION



Adopt a Resolution receiving the results of the Greater Triangle Commuter Rail Study and deferring additional study of scenarios extending service to Hillsborough and points west to a future study effort for a potential later phase of commuter rail, consistent with the adopted 2045 Metropolitan Transportation Plan

GO FORWARD
A COMMUNITY INVESTMENT IN TRANSIT

Questions and Comments

DRAFT **INFORMATION ITEM** Date Prepared: 02/06/20
Date Revised: 03/05/20

BOCC Meeting Follow-up Actions

(Individuals with a * by their name are the lead facilitators for the group of individuals responsible for an item)

Meeting Date	Task	Target Date	Person(s) Responsible	Status
2/4/20	Review and consider request by Commissioner Dorosin, echoed by Commissioner Rich, that staff provide a 1-page document outlining the budget process as it relates to schools, along with the Board's and School Board's respective authority, and the monitoring that occurs after budget approval	3/1/2020	Travis Myren Gary Donaldson	**DONE**
2/4/20	Review and consider request by Commissioner Price, echoed by Commissioner Rich, that the Board recognize David Caldwell on his retirement from the Sheriff's Office	3/24/2020	Donna Baker	Information to be developed
2/4/20	Review and consider request by Commissioner McKee that the Board schedule a discussion on the beginning meetings with the Pledge of Allegiance	4/23/2020	John Roberts	Item proposed for April 23, 2020 work session
2/4/20	Provide the Board with information from the Sheriff's Department, Emergency Services and Information Technologies on the infrastructure, status, needs, and urgency of specific projects for potential discussion at a work session	10/1/2020	Jim Northrup Travis Myren	Staff to pursue providing information for potential Board work session discussion
2/4/20	Follow-up on and provide information to the Board on school solar panel concerns related to the climate action tax projects, including info on roof replacements schedule, roof warranties concerns, etc.	4/7/2020	Brennan Bouma	To be followed up
2/4/20	Provide copies of reports to the Board in the future on the school projects that are being closed out and funds re-purposed, and provide more explanation for the Board	4/1/2020	Gary Donaldson Paul Laughton	Reports to be provided

INFORMATION ITEM

Tax Collector's Report - Numerical Analysis

Property Tax Collection - Tax Effective Date of Report: February 11, 2020						
Tax Year 2019	**Amount Charged in FY 19-20**	**Amount Collected**	**Accounts Receivable**	**Amount Budgeted in FY 19-20**	**Remaining Budget**	**% of Budget Collected**
Real and Personal Current Year Taxes	$ 152,142,471.00	$ 149,784,427.77	$ 4,190,083.60	$ 152,142,471.00	$ 2,358,043.23	98.45%
Real and Personal Prior Year Taxes	$ 3,378,823.17	$ 637,943.73	$ 2,533,340.31	$ 1,100,000.00	$ 462,056.27	57.99%
Total	$ 155,521,294.17	$ 150,422,371.50	$ 6,723,423.91	$ 153,242,471.00	$ 2,820,099.50	**98.16%**
Registered Motor Vehicle Taxes		$6,755,261.32	$7,773.95	$ 10,770,627.00	$ 4,015,365.68	**62.72%**
Tax Year 2018	**Amount Charged in FY 18-19**	**Amount Collected**	**Accounts Receivable**	**Amount Budgeted in FY 18-19**	**Remaining Budget**	**% of Budget Collected**
Real and Personal Current Year Taxes	$ 146,099,548.00	$ 143,926,468.23	$ 4,834,937.19	$ 146,099,548.00	$ 2,173,079.77	98.51%
Real and Personal Prior Year Taxes	$ 3,097,551.91	$ 698,402.90	$ 2,527,064.40	$ 1,100,000.00	$ 401,597.10	63.49%
Total	$ 149,197,099.91	$ 144,624,871.13	$ 7,362,001.59	$ 147,199,548.00	$ 2,574,676.87	**98.25%**
Registered Motor Vehicle Taxes		$6,308,337.79	$10,555.22	$ 10,221,001.00	$ 3,912,663.21	**61.72%**

2019 Current Year Overall Collection Percentage - Real & Personal	**97.28%**
2019 Current Year Overall Collection Percentage - with Registered Motor Vehicles	97.39%
2018 Current Year Overall Collection Percentage - Real & Personal	**96.75%**
2018 Current Year Overall Collection Percentage - with Registered Motor Vehicles	96.88%

This report has been updated as of March 2019 to include registered motor vehicle collections.

INFORMATION ITEM

Tax Collector's Report - Measures of Enforced Collections

-

Fiscal Year 2019-2020

Effective Date of Report: JANUARY 31, 2020

	July	August	September	October	November	December	January	February	March	April	May	June	YTD
Wage garnishments	80	20	5	72	35	3	126						
Bank attachments	32	11	1	13	2	-	24						
Certifications	-	-	-	-	-	-	-						
Rent attachments	-	-	-	-	-	-	4						
Housing/Escheats/Monies	25	-	-	1	16	1	21						
Levies	-	-	-	-	-	-	-						
Foreclosures initiated	-	-	-	1	3	-	-						
NC Debt Setoff collections	$ 2,873.28	$ 3,120.65	$ 1,228.45	$ 1,206.04	$ 1,723.52	$ 164.92	$ 1,578.24						

This report shows the Tax Collector's efforts to encourage and enforce payment of taxes for the fiscal year 2019-2020. It gives a breakdown of enforced collection actions by category, and it provides a year-to-date total.

The Tax Collector will update these figures once each month, after each month's reconciliation process.

Delegation of Authority per NCGS 105-381
To Finance Officer

INFORMATION ITEM - RELEASES AND REFUNDS UNDER $100
March 10, 2020

NAME	ACCOUNT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	TAX	FEE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT	TAX CLASSIFICATION	ACTION	Approved by CFO	Additional Explanation
Agattas, Evan	46216291	2019	7,080	5,310	(29.54)		(29.54)	Damage (appraisal appeal)	RMV-VTS	Approve	1/30/2020	Branded title, salvage / rebuilt
Ammons, Melena Alexiou	46364787	2018	10,180	10,180	(75.02)	(30.00)	(105.02)	*Situs error (illegal tax)	RMV-VTS	Approve	10/23/2019	
Barrows, Pixie Susan	1073546	2019	4,873	500	(41.95)		(41.95)	Value adjustment (appraisal appeal)	Personal	Approve	11/26/2019	Value adjusted per Bill of Sale
Bell, Alexandra Rose	50869138	2019	4,450	3,337	(17.97)		(17.97)	Damage (appraisal appeal)	RMV-VTS	Approve	12/20/2019	Vehicle has a Branded Title
Bellsouth Tel Co.	980198	2019	502	476	(0.39)		(0.39)	Value adjustment (appraisal appeal)	Personal	Approve	11/7/2019	Value adjustment submitted by NCDOR 10/31/2019
Bellsouth Tel Co.	68802	2019	55,273	53,565	(16.66)		(16.66)	Value adjustment (appraisal appeal)	Personal	Approve	11/7/2019	Value adjustment submitted by NCDOR 10/31/2019
Bellsouth Tel Co.	35706	2019	2,995	2,970	(0.23)		(0.23)	Value adjustment (appraisal appeal)	Personal	Approve	11/7/2019	Value adjustment submitted by NCDOR 10/31/2019
Bellsouth Tel Co.	35707	2019	5,758	5,700	(0.55)		(0.55)	Value adjustment (appraisal appeal)	Personal	Approve	11/7/2019	Value adjustment submitted by NCDOR 10/31/2019
Bellsouth Tel Co.	35708	2019	633,323	629,587	(34.97)		(34.97)	Value adjustment (appraisal appeal)	Personal	Approve	11/7/2019	Value adjustment submitted by NCDOR 10/31/2019
Bellsouth Tel Co.	294833	2019	793,144	790,434	(26.14)		(26.14)	Value adjustment (appraisal appeal)	Personal	Approve	11/7/2019	Value adjustment submitted by NCDOR 10/31/2019
Boycher, Kenneth	44661945	2018	1,280	1,280	(39.02)		(39.02)	*Situs error (illegal tax)	RMV-VTS	Approve	1/30/2020	
Bratcher, Rodney Shelton	1064589	2018	3,180	-	(30.12)		(30.12)	Assessed in error (illegal tax)	Personal	Approve	11/7/2019	Vehicle salvaged in 2017
Bratcher, Rodney Shelton	1064589	2019	2,750	-	(26.53)		(26.53)	Assessed in error (illegal tax)	Personal	Approve	11/7/2019	Vehicle salvaged in 2017
Busy Bee Apiaries	1061305	2019	3,770	-	(60.84)		(60.84)	County changed to Durham (illegal tax)	Personal	Approve	11/26/2019	Unlicensed vehicle registered in Durham County prior to January 2019
Caskey, James Newton III	50391917	2019	3,000	500	(24.79)		(24.79)	Antique plate (property classification)	RMV-VTS	Approve	11/7/2019	
Cates, Robert	50021061	2019	6,470	3,200	(37.21)		(37.21)	Purchase price (appraisal appeal)	RMV-VTS	Approve	10/23/2019	
Coe, Donald Wayne	50409915	2019	5,000	500	(43.18)		(43.18)	Antique plate (property classification)	RMV-VTS	Approve	11/7/2019	
Coleman, Betty S.	277531	2014	2,200	-	(20.94)		(20.94)	Assessed in error (illegal tax)	Personal	Approve	10/23/2019	Taxpayer deceased in 2013
Coleman, Betty S.	277531	2015	2,200	-	(21.16)		(21.16)	Assessed in error (illegal tax)	Personal	Approve	10/23/2019	Taxpayer deceased in 2013
Coleman, Betty S.	277531	2016	2,200	-	(21.16)		(21.16)	Assessed in error (illegal tax)	Personal	Approve	10/23/2019	Taxpayer deceased in 2013
Coleman, Betty S.	277531	2017	2,200	-	(20.44)		(20.44)	Assessed in error (illegal tax)	Personal	Approve	10/23/2019	Taxpayer deceased in 2013
Coleman, Betty S.	277531	2018	2,200	-	(20.72)		(20.72)	Assessed in error (illegal tax)	Personal	Approve	10/23/2019	Taxpayer deceased in 2013
Coleman, Betty S.	277531	2019	2,200	-	(21.10)		(21.10)	Assessed in error (illegal tax)	Personal	Approve	10/23/2019	Taxpayer deceased in 2013
Crawford John	120120	2019	872	-	(8.65)		(8.65)	Incorrect value (clerical error)	Personal	Approve	10/23/2019	Should have been voided per 2019 listing form
Crews, Carrie	49423562	2018	2,390	2,390	(17.41)	(30.00)	(47.41)	*Situs error (illegal tax)	RMV-VTS	Approve	2/26/2020	
Crews, Rex	51510216	2019	3,910	500	(32.71)		(32.71)	Antique plate (property classification)	RMV-VTS	Approve	1/30/2020	
Crews, Rex	51510361	2019	5,000	500	(43.18)		(43.18)	Antique plate (property classification)	RMV-VTS	Approve	1/30/2020	
Crews, Rex	51510331	2019	1,620	500	(10.74)		(10.74)	Antique plate (property classification)	RMV-VTS	Approve	1/30/2020	
Crews, Rex	51510295	2019	2,996	500	(23.89)		(23.89)	Antique plate (property classification)	RMV-VTS	Approve	1/30/2020	
Crews, Rex	51510401	2019	5,000	500	(43.18)		(43.18)	Antique plate (property classification)	RMV-VTS	Approve	1/30/2020	
Crews, Rex	51510425	2019	5,000	500	(43.18)		(43.18)	Antique plate (property classification)	RMV-VTS	Approve	1/30/2020	
Crews, Rex	51510472	2019	1,760	500	(12.09)		(12.09)	Antique plate (property classification)	RMV-VTS	Approve	1/30/2020	
Crews, Rex	51510513	2019	1,510	500	(9.69)		(9.69)	Antique plate (property classification)	RMV-VTS	Approve	1/30/2020	
Crews, Rex	51510550	2019	5,000	500	(43.18)		(43.18)	Antique plate (property classification)	RMV-VTS	Approve	1/30/2020	
Crews, Rex	51510578	2019	5,000	500	(43.18)		(43.18)	Antique plate (property classification)	RMV-VTS	Approve	1/30/2020	
Crews, Rex	51510653	2019	5,000	500	(43.18)		(43.18)	Antique plate (property classification)	RMV-VTS	Approve	1/30/2020	
Crews, Rex	51510708	2019	5,000	500	(43.18)		(43.18)	Antique plate (property classification)	RMV-VTS	Approve	1/30/2020	
Crews, Rex	51510797	2019	5,000	500	(43.18)		(43.18)	Antique plate (property classification)	RMV-VTS	Approve	1/30/2020	
Crews, Rex	51510944	2019	1,230	500	(7.01)		(7.01)	Antique plate (property classification)	RMV-VTS	Approve	1/30/2020	
Davis, James Wilson	1066137	2019	5,440	4,340	(10.19)		(10.19)	Assessed in error (illegal tax)	Personal	Approve	1/30/2020	Also billed on account 1066280
Dejesus, Aurelio	5737430	2019	5,070	2,839	(20.88)		(20.88)	High mileage (appraisal appeal)	RMV-VTS	Approve	11/7/2019	
Edwards, Cedonia	1066164	2018	5,980	-	(66.99)		(66.99)	Assessed in error (illegal tax)	Personal	Approve	2/26/2020	Vehicle was licensed, listed as unlicensed in error
Edwards, Cedonia	1066164	2019	5,300	-	(60.31)		(60.31)	Assessed in error (illegal tax)	Personal	Approve	2/26/2020	Vehicle was licensed, listed as unlicensed in error
Edwards, Cedonia	115115	2016	269,530	261,900	(88.23)		(88.23)	Assessed in error (illegal tax)	Personal	Approve	2/26/2020	Vehicle was licensed, listed as unlicensed in error
Ellis,Rebecca	259899	2019	4,050	-	(37.72)		(37.72)	Double billed (illegal tax)	Personal	Approve	10/23/2019	Also billed on account 267762
Franco-Miranda, Marcos Tulio Kenis	1069151	2019	1,750	-	(16.93)		(16.93)	Double billed (illegal tax)	Personal	Approve	2/26/2020	Also billed on account 3184345
Freeland, James Landon	1065964	2019	7,560		(77.10)		(77.10)	Double billed (illegal tax)	Personal	Approve	10/23/2019	Also billed on account 311020
Gonzales-Giron, Jose Luis	169172	2019	5,200	-	(60.79)		(60.79)	Assessed in error (illegal tax)	Real	Approve	11/26/2019	Application received timely, additional information requested was received after billing
Green, Allan Kinsley	47763198	2018	10,750	6,960	(36.55)		(36.55)	High mileage/damage (appraisal appeal)	RMV-VTS	Approve	10/23/2019	
Green, Timothy	45941237	2019	4,800	500	(71.77)		(71.77)	Antique plate (property classification)	RMV-VTS	Approve	2/26/2020	
Greene Law PLLC	968835	2019	724	-	(8.64)		(8.64)	Assessed in error (illegal tax)	Personal	Approve	11/7/2019	Business closed 12/31/2018
Groundworks Inc	51780704	2019	1,600	1,600	(7.86)	(30.00)	(37.86)	*Situs error (illegal tax)	RMV-VTS	Approve	2/26/2020	

Delegation of Authority per NCGS 105-381
To Finance Officer

INFORMATION ITEM - RELEASES AND REFUNDS UNDER $100
March 10, 2020

NAME	ACCOUNT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	TAX	FEE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT	TAX CLASSIFICATION	ACTION	Approved by CFO	Additional Explanation
Hall, Mandy Kaye	50075640	2019	6,050	5,445	(5.74)		(5.74)	High mileage (appraisal appeal)	RMV-VTS	Approve	1/30/2020	
Harper, Amanda	50575224	2019	11,110	11,110	(78.26)	(30.00)	(108.26)	*Situs error (illegal tax)	RMV-VTS	Approve	11/7/2019	
Herring, Ronald	48915930	2019	6,470	3,235	(52.20)		(52.20)	Damage (appraisal appeal)	RMV-VTS	Approve	11/26/2019	
Hill, Gale	1067002	2019	1,000	-	(10.62)		(10.62)	Assessed in error (illegal tax)	Personal	Approve	1/30/2020	Properties sold
Hoffman, Benson Mark	45069659	2019	9,710	8,351	(22.67)		(22.67)	High mileage (appraisal appeal)	RMV-VTS	Approve	11/26/2019	
Howard, John	5742099	2019	4,035	1,070	(27.75)		(27.75)	Value adjustment (appraisal appeal)	RMV-VTS	Approve	11/26/2019	
Hudson, Clayton	1058710	019-2016	8,229	-	(78.01)		(78.01)	Double billed (illegal tax)	Real	Approve	11/26/2019	Deferred tax bill created twice in error
Hudson, Clayton	1058710	019-2017	8,560	-	(77.54)		(77.54)	Double billed (illegal tax)	Real	Approve	11/26/2019	Deferred tax bill created twice in error
Hudson, Clayton	1058710	019-2018	8,560	-	(78.62)		(78.62)	Double billed (illegal tax)	Real	Approve	11/26/2019	Deferred tax bill created twice in error
Ingold, James Edwards	33847845	2019	9,200	500	(85.52)		(85.52)	Antique plate (property classification)	RMV-VTS	Approve	12/20/2019	
Jones, Erma	1062102	2019	2,540	-	(24.36)		(24.36)	Assessed in error (illegal tax)	Personal	Approve	1/30/2020	Also billed on account 195401
Jones, Erma	1062102	2018	3,080	-	(31.91)		(31.91)	Assessed in error (illegal tax)	Personal	Approve	1/30/2020	Also billed on account 195401
Jones, Erma	1062102	2017	3,080	-	(28.62)		(28.62)	Assessed in error (illegal tax)	Personal	Approve	1/30/2020	Also billed on account 195401
Jones, Paul Edward	49924430	2019	11,980	8,241	(35.00)		(35.00)	Purchase price (appraisal appeal)	RMV-VTS	Approve	10/23/2019	
Jubelirer Results Group	1055220	2019	911	911	(5.92)		(5.92)	*Situs error (illegal tax)	Personal	Approve	10/23/2019	
Karr, Jonathan	42429127	2018	9,660	-	(23.39)		(23.39)	High mileage (appraisal appeal)	RMV-VTS	Approve	11/26/2019	
Kashefsky, Howard Evan	50360938	2019	3,350	500	(45.98)		(45.98)	Antique plate (property classification)	RMV-VTS	Approve	11/7/2019	
Kirk, Arthur	271329	2019	1,570	-	(14.90)		(14.90)	*Situs error (illegal tax)	Personal	Approve	2/26/2020	Relocated to South Carolina in 2008 per doucments
Kirk, Arthur	271329	2018	1,570	-	(14.62)		(14.62)	*Situs error (illegal tax)	Personal	Approve	2/26/2020	Relocated to South Carolina in 2008 per doucments
Kirk, Arthur	271329	2017	1,570	-	(14.42)		(14.42)	*Situs error (illegal tax)	Personal	Approve	2/26/2020	Relocated to South Carolina in 2008 per doucments
Kirk, Arthur	271329	2016	1,040	-	(9.90)		(9.90)	*Situs error (illegal tax)	Personal	Approve	2/26/2020	Relocated to South Carolina in 2008 per doucments
Kirk, Arthur	271329	2015	1,010	-	(9.61)		(9.61)	*Situs error (illegal tax)	Personal	Approve	2/26/2020	Relocated to South Carolina in 2008 per doucments
Kirk, Arthur	271329	2014	1,210	-	(11.51)		(11.51)	*Situs error (illegal tax)	Personal	Approve	2/26/2020	Relocated to South Carolina in 2008 per doucments
Kirk, Arthur	271329	2013	1,030	-	(9.60)		(9.60)	*Situs error (illegal tax)	Personal	Approve	2/26/2020	Relocated to South Carolina in 2008 per doucments
Kirk, Arthur	271329	2012	1,909	-	(17.79)		(17.79)	*Situs error (illegal tax)	Personal	Approve	2/26/2020	Relocated to South Carolina in 2008 per doucments
Kirk, Arthur	271329	2011	4,018	-	(37.43)		(37.43)	*Situs error (illegal tax)	Personal	Approve	2/26/2020	Relocated to South Carolina in 2008 per doucments
Kirk, Arthur	271329	2010	2,009	-	(18.72)		(18.72)	*Situs error (illegal tax)	Personal	Approve	2/26/2020	Relocated to South Carolina in 2008 per doucments
Kirk, Arthur	271329	2009	2,232	-	(20.57)		(20.57)	*Situs error (illegal tax)	Personal	Approve	2/26/2020	Relocated to South Carolina in 2008 per doucments
Laidlaw, Gillian Jasmine Rose	3180388	2019	1,250	-	(29.55)		(29.55)	Assessed in error (illegal tax)	Personal	Approve	11/26/2019	Gap bill: Vehicle registered in Maine during gap period
Laidlaw, Gillian Jasmine Rose	3180487	2019	4,300	-	(95.70)		(95.70)	Assessed in error (illegal tax)	Personal	Approve	11/26/2019	Gap bill: Vehicle registered in Maine during gap period
Lamchin, Gloria Siqueiros	1073576	2019	950	-	(9.43)		(9.43)	Assessed in error (illegal tax)	Personal	Approve	11/26/2019	Also billed on account 1077008
Lloyd, Wendy	1073122	2019	6,670	-	(61.84)		(61.84)	Assessed in error (illegal tax)	Personal	Approve	2/26/2020	Billed in Carteret County
Long, William Henry	51604678	2019	1,820	1,820	(13.50)	(30)	(43.50)	*Situs error (illegal tax)	RMV-VTS	Approve	1/30/2020	
Matyas, Ronald	1073804	2019	1,460	-	(13.53)		(13.53)	Assessed in error (illegal tax)	Personal	Approve	1/30/2020	Also billed on account 311230
McCrimmon, Willie Frank Jr.	46274360	2018	3,920	3,920	(28.03)	(30.00)	(58.03)	*Situs error (illegal tax)	RMV-VTS	Approve	2/26/2020	
McCrimmon, Willie Frank Jr.	39535309	2017	800	800	(5.68)	(30.00)	(35.68)	*Situs error (illegal tax)	RMV-VTS	Approve	2/26/2020	
McCrimmon, Willie Frank Jr.	46274379	2018	1,400	1,400	(10.02)	(30.00)	(40.02)	*Situs error (illegal tax)	RMV-VTS	Approve	2/26/2020	
McCrimmon, Willie Frank Jr.	37477600	2016	880	880	(6.37)	(30.00)	(36.37)	*Situs error (illegal tax)	RMV-VTS	Approve	2/26/2020	
McKinley, Erika	46792613	2018	6,400	6,400	(11.28)		(11.28)	*Situs error (illegal tax)	RMV-VTS	Approve	2/26/2020	
Miranda, Jose A.	1073136	2019	5,650	-	(53.62)		(53.62)	Double billed (illegal tax)	Personal	Approve	11/7/2019	Also billed on account 291545
Muniz, Eduvina	1073142	2019	950	-	(11.11)		(11.11)	Assessed in error (illegal tax)	Personal	Approve	2/26/2020	Billed on account #995046
Newman, Branden	3181666	2019	67,570	60,905	(67.96)		(67.96)	Value adjustment (appraisal appeal)	Personal	Approve	11/26/2019	Value information submitted by taxpayer
Nordan. Mary Samantha	50844056	2019	4,730	4,730	(34.69)	(30.00)	(64.69)	*Situs error (illegal tax)	RMV-VTS	Approve	12/20/2019	
Omland, Gregory	50162719	2019	11,160	8,309	(46.01)		(46.01)	Purchase price (appraisal appeal)	RMV-VTS	Approve	11/26/2019	
Pace, Victoria	50223548	2018	18,120	18,120	(34.25)		(34.25)	*Situs error (illegal tax)	RMV-VTS	Approve	10/23/2019	
Palacios, Carlos Ulices	1073149	2019	4,780	-	(45.86)		(45.86)	Double billed (illegal tax)	Personal	Approve	11/7/2019	Also billed on account 303162
Potter, John	9654877	2019	6,000	3,360	(24.71)		(24.71)	High mileage (appraisal appeal)	RMV-VTS	Approve	11/7/2019	
Powers, Andrew	50186278	2019	1,040	1,040	(7.32)	(30.00)	(37.32)	*Situs error (illegal tax)	RMV-VTS	Approve	10/23/2019	
Purepong, Wichit	46415799	2019	6,820	5,115	(27.51)		(27.51)	Damage (appraisal appeal)	RMV-VTS	Approve	1/30/2020	Branded title, total loss / rebuilt
Rich, Luanne	51086503	2019	5,530	4,147	(13.34)		(13.34)	Damage (appraisal appeal)	RMV-VTS	Approve	12/20/2019	Vehicle has a Branded Title
Rigsbee, Peggy	228971	2018	201,900	200,100	(18.19)		(18.19)	Assessed in error (illegal tax)	Personal	Approve	1/30/2020	Also billed on account 228970
Rigsbee, Peggy	228971	2019	201,900	200,100	(17.36)		(17.36)	Assessed in error (illegal tax)	Personal	Approve	1/30/2020	Also billed on account 228970
Ross, Brian	3178809	2019	9,100	-	(97.89)		(97.89)	Assessed in error (illegal tax)	Personal	Approve	2/26/2020	Gap bill: vehicle registered in Indiana during gap period
Sainz, Manuel	1066179	2018	500	-	(8.23)		(8.23)	Double billed (illegal tax)	Personal	Approve	10/23/2019	Also billed on account 237312

INFORMATION ITEM - RELEASES AND REFUNDS UNDER $100
March 10, 2020

NAME	ACCOUNT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	TAX	FEE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT	TAX CLASSIFICATION	ACTION	Approved by CFO	Additional Explanation
Serovich, Justin	50424491	2019	11,260	7,560	(59.70)		(59.70)	Value adjustment (appraisal appeal)	RMV-VTS	Approve	12/20/2019	
Smith, Steven W.	1058506	2019	1,045,830	-	(45.71)		(45.71)	Assessed in error (illegal tax)	Real	Approve	2/26/2020	Reversal of deferred tax billed in error
Smith, Steven W.	1058506	2018	1,045,830	-	(48.79)		(48.79)	Assessed in error (illegal tax)	Real	Approve	2/26/2020	Reversal of deferred tax billed in error
Tarrant, Christopher	1014971	2019	3,229	-	(30.22)		(30.22)	Assessed in error (illegal tax)	Personal	Approve	10/23/2019	Property located in Durham County
Teator, Aaron J.	35683741	2016	15,470	15,470	(75.01)	(30.00)	(105.01)	*Situs error (illegal tax)	RMV-VTS	Approve	2/26/2020	
Thomas, Donald Kenneth	50524479	2019	2,000	2,000	(14.20)	(30.00)	(44.20)	*Situs error (illegal tax)	RMV-VTS	Approve	11/26/2019	
Thomas, Donald Kenneth	50524479	2019	2,000	500	(14.39)		(14.39)	Antique plate (property classification)	RMV-VTS	Approve	11/26/2019	
Tilley, Gregory Todd	29263764	2015	1,900	1,900	(13.07)	(30.00)	(43.07)	*Situs error (illegal tax)	RMV-VTS	Approve	11/7/2019	
Tilley, Gregory Todd	28909139	2015	6,703	6,703	(46.11)	(30.00)	(76.11)	*Situs error (illegal tax)	RMV-VTS	Approve	11/7/2019	
Tilley, Gregory Todd	24578745	2014	800	800	(5.51)	(30.00)	(35.51)	*Situs error (illegal tax)	RMV-VTS	Approve	11/7/2019	
Tilley, Gregory Todd	23351402	2014	800	800	(5.51)	(30.00)	(35.51)	*Situs error (illegal tax)	RMV-VTS	Approve	11/7/2019	
Tilley, Patricia Condie	43963541	2018	6,250	6,250	(42.65)	(30.00)	(72.65)	*Situs error (illegal tax)	RMV-VTS	Approve	11/7/2019	
Tilley, Patricia Condie	25491449	2014	10,530	10,530	(72.42)	(30.00)	(102.42)	*Situs error (illegal tax)	RMV-VTS	Approve	11/7/2019	
Wehmann, Warren	36855589	2018	6,460	500	(94.19)		(94.19)	Antique plate (property classification)	RMV-VTS	Approve	10/23/2019	
Wesley, Michael Allen	51751471	2019	3,980	382	(41.96)		(41.96)	Incorrect value (clerical error)	RMV-VTS	Approve	1/30/2020	
Williams, Daryl	1061345	2019	6,140	-	(57.47)		(57.47)	Assessed in error (illegal tax)	Personal	Approve	2/26/2020	Mobile Home was demolished in 2017
Williams, Daryl	1061345	2018	6,540	-	(60.07)		(60.07)	Assessed in error (illegal tax)	Personal	Approve	2/26/2020	Mobile Home was demolished in 2017
Yap, Edward	3184143	2019	2,970	-	(74.35)		(74.35)	Assessed in error (illegal tax)	Personal	Approve	2/26/2020	Gap Bill: vehicle registered in Georgia during gap period
Zachary, Carol	1064526	2019	1,000	-	(10.91)		(10.91)	Assessed in error (illegal tax)	Personal	Approve	1/30/2020	Also billed on account 1073414
Zhou, Liying	45025647	2018	28,130	28,130	(18.67)		(18.67)	*Situs error (illegal tax)	RMV-VTS	Approve	11/26/2019	
							(4,747.29)	**Total**				

*Situs error: An incorrect rate code was used to calculate bill. Value remains constant but bill amount changes due to the change in specific tax rates applied to that physical location.

Gap Bill: A property tax bill that covers the months between the expiration of a vehicle's registration and the renewal of that registration or the issuance of a new registration.

The spreadsheet represents the financial impact that approval of the requested release or refund would have on the principal amount of taxes. Approval of the release or refund of the principal tax amount also constitutes approval of the release or refund of all associated interest, penalties, fees, and costs appurtenant to the released or refunded principal tax amount.

ORANGE COUNTY
NORTH CAROLINA
FINANCE *and* ADMINISTRATIVE SERVICES

Gary Donaldson, CTP, Chief Financial Officer | gdonaldson@orangecountync.gov | 200 S. Cameron Street, Hillsborough, NC 27278 | 919.245.2453

To: Board of County Commissioners

From: Gary Donaldson, Chief Financial Officer

Date: February 18, 2020

Re: **Financial Report for Second Quarter of FY 2019-20**

OVERVIEW

The County financial report for the second quarter of fiscal year 2019-20 provides information on the economy, revenues, expenditures, cash balances through December 31, 2019. The summary tables below covers the General Fund, Enterprise Funds, and Special Revenue Funds. The notes at the end of each table provide variance explanations which compares the current fiscal year year-to-date with the prior fiscal year. Based on six-months of fiscal year activity and updates to our long-term financial model, the General Fund is projected to end FY 2019-20 with no use of fund balance. Further General Fund detail is included for additional review. The Enterprise Funds and Special Revenue Funds are projected to end the fiscal year consistent with the FY 2019-20 operating budget as well.

Economy

The economic research centers at both UNC-Charlotte and NC State University indicate moderate economic growth as measured by U.S. Gross Domestic Product and Gross State Product growth rates are at 2% through FY 2019-20. The County's financial model and forecast assumptions are predicated on continued economic growth. Economic data from the NC economist views can be found at the following links:
UNC- Charlotte NC State University

Revenues- General Fund

General Fund revenues represent 64.2% of total revenues as compared with the prior fiscal year of 62.6%. The property tax base which is growing by 2% and projected collection rate are forecasted to meet the budgeted amount. Sales tax has experienced solid growth primarily attributed to the NC Department of Revenue enforcement of online sales tax transactions and has indicated by the historical sales tax trends.

Expenditures- General Fund

General Fund expenditures represent 45.3% of total expenditure as compared with the prior fiscal year of 45.5%. Expenditures are projected to be within budget primarily attributed to personnel savings and prudent management of non-personnel expenditures. There are no major expenditure variances among the Functional Leadership Teams that warrant additional attention at this juncture.

Other County Funds

There are no major variances among the other County Funds and these operating funds are expected to perform within budget as indicated by the enclosed table.

cc: Bonnie Hammersley, County Manager

Enclosures

ORANGE COUNTY
NORTH CAROLINA

Finance and Administrative Services
FY 2019-20 Second Quarter

	GENERAL FUND	FY 2020 Original Budget	FY 2020 Revised Budget	FY 2020 YTD Actual*	FY 2020 Percentage	FY 2019 YTD Actual*	FY 2019 Percentage	FYs 2020 vs 2019 YTD	FYs 2020 vs 2019 % Variance +	
Revenue	Property Tax	$165,153,931	$165,153,931	$135,702,146	82.2%	$125,016,481	78.8%	$10,685,665	3.3%	
	Sales & Use Tax	$25,372,861	$25,372,861	$7,081,317	27.9%	$6,296,944	26.1%	$784,373	1.8%	
	Licenses and Permits	$313,260	$313,260	$65,299	20.8%	$71,599	22.9%	-$6,300	-2.0%	
	Charges for Services	$12,704,833	$12,731,515	$6,034,138	47.4%	$4,658,463	37.4%	$1,375,675	10.0%	1
	Intergovernmental	$18,278,612	$18,874,594	$5,226,123	27.7%	$5,501,396	30.8%	-$275,273	-3.2%	
	Transfers In	$4,034,600	$4,034,600	$0	0.0%	$0	0.0%	$0	0.0%	
	Investment Earnings	$415,000	$415,000	$336,883	81.2%	$165,355	39.8%	$171,528	41.3%	2
	Miscellaneous	$3,040,769	$3,250,663	$548,974	16.9%	$657,031	20.7%	-$108,057	-3.8%	
	Appropriated Fund Balance	$7,808,006	$9,327,952	$0	0.0%	$0	0.0%	$0	0.0%	
	Total	**$237,121,872**	**$239,474,376**	**$153,691,283**	**64.2%**	**$142,367,270**	**62.6%**	**$11,324,013**	**1.6%**	
Expenditure	Community Services	$14,421,090	$14,850,152	$6,703,250	45.1%	$5,951,317	44.2%	$751,933	1.0%	
	General Government	$10,556,767	$10,839,786	$5,581,438	51.5%	$5,627,469	56.0%	-$46,031	-4.5%	
	Public Safety	$26,643,096	$27,442,780	$12,519,973	45.6%	$12,057,161	46.9%	$462,812	-1.2%	
	Human Services	$40,822,906	$42,024,436	$18,470,470	44.0%	$19,482,725	48.7%	-$1,012,255	-4.7%	
	Education	$93,508,573	$93,508,573	$45,026,694	48.2%	$43,719,891	47.4%	$1,306,803	0.8%	
	Support Services	$12,465,362	$11,971,571	$6,668,694	55.7%	$7,099,828	52.3%	-$431,134	3.4%	3
	Debt Service	$30,754,428	$30,754,428	$13,478,282	43.8%	$10,346,219	34.5%	$3,132,063	9.3%	4
	Transfers Out	$7,949,650	$8,082,650	$0	0.0%	$0	0.0%	$0	0.0%	
	Total	**$237,121,872**	**$239,474,376**	**$108,448,801**	**45.3%**	**$104,284,611**	**45.5%**	**$4,164,190**	**-0.2%**	

Notes:
* - Actual amounts include Encumbrances.
+ - Based on percentage.
1 - Higher fee collections at Register of Deeds, Health Department, Planning and Inspections, Sheriff, and Emergency Services compared to FY 2018-19.
2 - Investment earnings reflect the timing of interest allocations.
3 - Finance Department is reviewing material variances with affected departments.
4 - Based on increased Debt Service payments in FY 2019-20.

ORANGE COUNTY
NORTH CAROLINA

Finance and Administrative Services
FY 2019-20 Second Quarter

	OTHER FUNDS	FY 2020 Original Budget	FY 2020 Revised Budget	FY 2020 YTD Actual*	FY 2020 Percentage	FY 2019 YTD Actual*	FY 2019 Percentage	FYs 2020 vs 2019 YTD	FYs 2020 vs 2019 % Variance +	
Revenue	29 - Annual Grants Project Fund	$141,464	$143,155	$22,360	15.6%	$49,722	35.3%	-$27,362	-19.6%	5
	30 - Multi-Year Grant Projects Fund	$129,765	$538,821	$211,587	39.3%	$235,740	7.0%	-$24,153	32.3%	5
	32 - Multi-Year Community Development Fund	$1,724,544	$1,804,547	$224,512	12.4%	$100,830	2.8%	$123,682	9.6%	6
	33 - Housing Fund	$4,422,324	$4,433,976	$2,157,088	48.6%	$2,376,666	52.9%	-$219,578	-4.3%	6
	35 - Emergency Telephone Fund	$768,078	$782,023	$238,844	30.5%	$262,115	28.5%	-$23,271	2.0%	5
	37 - Visitor's Bureau Fund	$1,924,380	$1,931,018	$949,872	49.2%	$1,002,204	53.1%	-$52,332	-3.9%	
	38 - Spay/Neuter Fund	$71,726	$96,851	$19,208	19.8%	$22,908	24.5%	-$3,700	-4.7%	
	50 - Solid Waste Enterprise Fund	$11,884,383	$12,576,403	$8,765,964	69.7%	$7,883,783	75.2%	$882,181	-5.5%	
	51 - Efland Sewer Operating Fund	$480	$480	$2,233	465.2%	$92,865	38.4%	-$90,632	426.8%	7
	53 - Sportsplex Fund	$4,025,654	$4,579,481	$1,818,196	39.7%	$1,692,962	43.6%	$125,234	-3.9%	
	70 - Employee Health & Dental Fund	$17,114,072	$17,114,072	$5,766,730	33.7%	$5,718,895	32.0%	$47,835	1.7%	
Expenditure	29 - Annual Grants Project Fund	$141,464	$143,155	$85,841	60.0%	$95,981	65.3%	-$10,140	-5.3%	
	30 - Multi-Year Grant Projects Fund	$129,765	$538,821	$363,178	67.4%	$253,977	6.0%	$109,201	61.4%	6
	32 - Multi-Year Community Development Fund	$1,724,544	$1,804,547	$669,340	37.1%	$348,718	8.6%	$320,622	28.5%	6
	33 - Housing Fund	$4,422,324	$4,433,976	$2,149,541	48.5%	$2,219,198	49.4%	-$69,657	-0.9%	
	35 - Emergency Telephone Fund	$768,078	$782,023	$433,793	55.5%	$448,861	47.7%	-$15,068	7.8%	8
	37 - Visitor's Bureau Fund	$1,924,380	$1,931,018	$1,233,357	63.9%	$985,503	52.2%	$247,854	11.6%	9
	38 - Spay/Neuter Fund	$71,726	$96,851	$27,589	28.5%	$28,218	29.1%	-$629	-0.7%	
	50 - Solid Waste Enterprise Fund	$11,884,383	$12,576,403	$5,509,920	43.8%	$6,547,600	55.0%	-$1,037,680	-11.2%	
	51 - Efland Sewer Operating Fund	$480	$480	$285	59.4%	$159,058	65.8%	-$158,773	-6.4%	7
	53 - Sportsplex Fund	$4,025,654	$4,579,481	$1,618,692	35.3%	$3,940,357	63.8%	-$2,321,665	-28.4%	10
	70 - Employee Health & Dental Fund	$17,114,072	$17,114,072	$7,344,800	42.9%	$7,887,971	44.1%	-$543,171	-1.2%	11

Notes:
* - Actual amounts include Encumbrances.
+ - Based on percentage.
5 - Based on timing of receipt of funds.
6 - Multi Year Fund budgets only reflect budget authority authorized in current fiscal year.
7 - Efland Sewer System operations transferred over the the City of Mebane starting in FY 2019-20.
8 - Finance Department is reviewing material variances with affected department.
9 - Reflects higher encumbrances for advertising in FY 2019-20.
10 - Reflects higher encumbrances for Field House in FY 2018-19.
11 - FY 2018-19 included Run Out Claims during the transition from United Health Care to Blue Cross Blue Shield.