



**Orange County  
Board of Commissioners**

**Agenda**

**Virtual Business Meeting**

October 20, 2020

7:00 p.m.

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

Due to current public health concerns, the Board of Commissioners is conducting a Virtual Business meeting on October 20, 2020. Members of the Board of Commissioners will be participating in the meeting remotely. As in prior meetings, members of the public will be able to view and listen to the meeting via live streaming video at [orangecountync.gov/967/Meeting-Videos](http://orangecountync.gov/967/Meeting-Videos) and on Orange County Gov-TV on channels 1301 or 97.6 (Spectrum Cable).

In this new virtual process, there are two methods for public comment.

- Written submittals by email
- Speaking during the virtual meeting

**Detailed public comment instructions for each method are provided at the bottom of this agenda. (Pre-registration is required.)**

**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** – No Arts Moment will be available for this meeting.

**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. Resolution of Recognition for Judicial District 15-B Senior Resident Superior Court Judge Carl R. Fox Upon His Retirement
- b. Resolution Honoring and Remembering Reverend Robert E. Seymour
- c. Resolution Regarding the Hyde Amendment

**5. Public Hearings**

**6. Regular Agenda**

**The public comment period for 6-a closed at 9:00AM on September 24, 2020. The BOCC will not accept any further public comment.**

- a. Zoning Atlas Amendment – Master Plan Development Conditional Zoning District (MPD-CZ) for the Research Triangle Logistics Park (RTLTP)

**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. Fiscal Year 2020-21 Budget Amendment #2
- c. North Carolina Governor’s Highway Safety Program – Orange County Sheriff’s Office Traffic Safety Project and Approval of Budget Amendment # 2-A
- d. North Carolina Housing Finance Agency (NCHFA) Urgent Repair Program (URP20) Award and Updates to ESFRLP20 Assistance Policy
- e. Advisory Boards and Commissions – Appointments
- f. Change in BOCC Meeting Schedule for 2020

**9. County Manager’s Report**

**10. County Attorney’s Report**

**11. \*Appointments**



## 12. Information Items

- October 6, 2020 BOCC Meeting Follow-up Actions List

## 13. Closed Session

## 14. Adjournment

*Note: Access the agenda through the County's web site, [www.orangecountync.gov](http://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](http://orangecountync.gov/967/Meeting-Videos) and Orange County Gov-TV on channels 1301 or 97.6 (Spectrum Cable).

## **Public Comment Instructions**

### **Public Comment – Written**

**(for Items not on the Agenda, Agenda Items and Public Hearings)**

Members of the public may provide written public comment by submitting it to the [ocbocc@orangecountync.gov](mailto:ocbocc@orangecountync.gov) email address by 3:00 PM on the afternoon of the meeting.

When submitting the comment, include the following:

- The date of the meeting
- The agenda item (example: 5-a) you wish to comment on
- Your name, address, email and phone number

The Orange County Board of Commissioners, County Manager, County Attorney and Clerk to the Board, will be copied on all of the emails that are submitted.

### **Public Comment – Verbal**

**(for Items not on the Agenda, Agenda Items and Public Hearings)**

Members of the public will be asked to contact the Clerk to the Board using the email address [ocpubliccomment@orangecountync.gov](mailto:ocpubliccomment@orangecountync.gov) no later than 3:00 PM on the day of the meeting and indicate they wish to speak during the meeting.

When submitting the request to speak, include the following:

- The date of the meeting
- The agenda item (example: 5-a) you wish to speak on
- Your name, address, email and phone number
- The phone number must be the number you plan to call in from if participating by phone



Prior to the meeting, speakers will be emailed a participant link to be able to make comments during the live meeting. Speakers may use a computer (with camera and/or microphone) or phone to make comments. Speakers using the phone for comments must use the provided PIN/Password number.

The public speaker's audio and video will be muted until the BOCC gets to the respective agenda item(s). Individuals who have pre-registered will then be brought into the public portion of the meeting one at a time.

If a member of the public encounters any concerns prior to or during the meeting related to speaking, please contact Greg Wilder at 919-245-2314.

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** October 20, 2020

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

**SUBJECT:** Resolution of Recognition for Judicial District 15-B Senior Resident Superior Court Judge Carl R. Fox Upon His Retirement

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**DEPARTMENT:** Board of Commissioners,  
Criminal Justice Resource

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**ATTACHMENT(S):**

Resolution

**INFORMATION CONTACT:**

David Hunt, 919-245-2126  
Cait Fenhagen, 919-245-2303

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**PURPOSE:** To approve a resolution recognizing Judicial District 15-B Senior Resident Superior Court Judge Carl R. Fox upon his retirement.

**BACKGROUND:** Judge Carl Fox has served as the Senior Resident Superior Judge in 15-B since 2005, when he was first sworn in. He has served with distinction in that role for over fifteen years.

Judge Fox previously served as the District Attorney for Orange and Chatham counties. He was appointed in 1984, elected in 1986, then re-elected four more times before his eventual appointment as a Superior Court Judge.

Judge Fox has served the residents of Orange and Chatham County honorably and tirelessly for over 30 years. He made the decision to retire at the end of September 2020, and he leaves a legacy of judicial integrity, courage in the face of extreme hardship and a career dedicated to ensuring equity and fairness for all. Staff requests that the Board formally adopt the attached resolution recognizing Judge Fox for his service and impact in Orange County.

**FINANCIAL IMPACT:** There is no financial impact associated with approving the resolution.

**SOCIAL JUSTICE IMPACT:** There is no Orange County Social Justice Goal impact associated with the resolution.

**ENVIRONMENTAL IMPACT:** There is no Orange County Environmental Responsibility Goal impact associated with the resolution.

**RECOMMENDATION(S):** The Manager recommends that the Board approve and authorize the Chair to sign the resolution, and express its appreciation to Judge Fox for his distinguished service.

**ORANGE COUNTY BOARD OF COMMISSIONERS****RESOLUTION OF RECOGNITION FOR JUDICIAL DISTRICT 15-B SENIOR RESIDENT SUPERIOR COURT JUDGE CARL R. FOX UPON HIS RETIREMENT**

WHEREAS, Judge Carl R. Fox has served as the Senior Resident Superior Court Judge in Orange and Chatham counties since his appointment in 2005, and following multiple elections since, has served in this role for fifteen years; and

WHEREAS, Judge Fox previously served as the District Attorney for Orange and Chatham counties since being sworn in 1984. He was elected in 1986 and then re-elected in 1990, 1994, 1998 and 2002; and

WHEREAS, Judge Fox was the first African-American District Attorney and first African-American judge in Judicial District 15-B; and

WHEREAS, Judge Fox has served with distinction and honor and has received state and national recognition for his jurisprudence and integrity, including "Citizen of the Year" from the Chapel Hill-Carrboro Chamber of Commerce in 1989, the "Courage Award" in 2016 from the Martin Luther King, Jr. Day University Committee and the Order of the Long Leaf Pine from Governor Roy Cooper in 2020; and

WHEREAS, Judge Fox has provided countless hours to our community through visits to schools, mentoring lawyers and serving on numerous boards including the Governor's Crime Commission, the SECU House Steering Committee, the Ronald McDonald House, the NC Courts Commission and the Criminal Justice Partnership Program; and

WHEREAS, when Judge Fox was diagnosed with a rare and deadly form of bone marrow cancer, he bravely fought and conquered the disease while raising awareness of the critical need for bone marrow and cord blood donors through his Save the Fox campaign, which continues to register thousands of donors; and

WHEREAS, Judge Fox has sought to address issues of racism and inequality in 15B and beyond by raising awareness and ensuring the removal of symbols with racist legacies in our court rooms; and

WHEREAS, Judge Fox has been a beloved member of the local Judicial Bar and the community for many years and his compassion, humor and example have touched the lives of so many individuals that have appeared before him and that have had the opportunity to know or work for him. He has never met a stranger and he will be missed deeply; and

NOW THEREFORE BE IT RESOLVED that the Orange County Board of Commissioners expresses its congratulations upon Judge Fox's retirement and extends its deepest appreciation, gratitude and respect for his leadership, courage and service throughout the court system for the residents of Orange County.

This the 20<sup>th</sup> day of October 2020.

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Penny Rich, Chair  
Orange County Board of Commissioners

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** October 20, 2020

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

**SUBJECT:** Resolution Honoring and Remembering Reverend Robert E. Seymour

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**DEPARTMENT:** BOCC

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**ATTACHMENT(S):**

Resolution Honoring and Remembering  
Reverend Robert E. Seymour

**INFORMATION CONTACT:**

Janice Tyler, Aging Director, 919-245-4255  
Greg Wilder, Clerk to the Orange County  
Board of Commissioners, 919-245-2300

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**PURPOSE:** To adopt a resolution honoring and remembering the life and service of Reverend Robert E. Seymour to the people of Orange County.

**BACKGROUND:** Reverend Robert “Bob” Seymour passed away on Sunday, October 11, 2020. From his dedication to improving the lives of older adults and those less fortunate in the community, to his leadership in advancing social justice and inclusion, to being a champion for racial equity, Reverend Robert “Bob” Seymour was a strong advocate for Orange County and North Carolina.

Robert Seymour was born in Greenwood, South Carolina. He completed his undergraduate degree at Duke University, a Master of Divinity from Yale Divinity School and a Ph.D. from the University of Edinburgh in Scotland. In 1956, while serving as a minister in Mars Hill, NC, Bob met his wife, Pearl. In 1959 the Seymours moved to Chapel Hill for Bob to serve as the first pastor of the Olin T. Binkley Memorial Baptist Church, which under his guidance became a church committed to social justice and inclusion. With Bob as a champion for social justice, Binkley was one of the first interracial congregations in North Carolina that challenged racial segregation. Bob, along with many parishioners including UNC Basketball Coach Dean Smith and former Chapel Hill Mayor Howard Lee, was a driving force behind the civil rights movement in Orange County.

Reverend Seymour was compassionate and an advocate for those less fortunate in the community. From that passion, Bob helped organize the Inter-Faith Council for Social Service in 1963 and served as its first president. He was also an advocate for affordable housing. In 1984 he was instrumental in helping start Orange County Habitat for Humanity. In honor of his service, the first building in the Crescent Magnolia senior community was named the Beloved Community in honor of him and his life’s work of pursuing justice and fairness in Orange County.

After serving as pastor of Binkley Church for 30 years, and as Bob was entering his retirement years, a new interest in aging services arose. In 1990 Reverend Seymour was appointed to the Orange County Advisory Board on Aging, and Bob quickly became an advocate for aging services. Reverend Seymour served on the Orange County Task Force for Senior Needs in Southern Orange County, and became the guiding force in the inception, planning and design of a new senior center. He was instrumental in securing a temporary location for a new Chapel Hill Senior Center on Elliott Road in Chapel Hill.

With Bob doing much of the behind the scenes work, a County bond was proposed and passed to build a state of the art senior center. In 2005 the Orange County Board of County Commissioners voted to name the new senior facility on Homestead Road the "Robert and Pearl Seymour Center" in honor of the Seymours for their dedication and commitment to serving the older adults in Orange County. In 2007 the Seymour Center opened and has served a diverse population for the past 13 years. Until the COVID pandemic, Bob visited the Center at least once a week for exercise class and a weekly massage. He was very proud that the Center was a place that everyone, regardless of socio-economic status or race, was welcomed.

Reverend Seymour will be remembered for loving people; for being compassionate and generous; and for his boldness when needed. Bob was a prolific writer, which became even more of a passion in his later years. He published several books including *Aging Without Apology: Living the Senior Years with Integrity and Faith* and *"Whites Only" A Pastor's Retrospective on Signs of the New South*.

Reverend Robert "Bob" Seymour leaves behind a legacy of service; many friends; and is an example of a life well-lived with meaning and purpose. He is survived by his children, Frances and Rob, their spouses, and several grandchildren.

**FINANCIAL IMPACT:** There is no financial 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 that the Board adopt and authorize the Chair to sign the resolution honoring and remembering Reverend Robert E. Seymour.

## ORANGE COUNTY BOARD OF COMMISSIONERS

### RESOLUTION HONORING AND REMEMBERING REVEREND ROBERT E. SEYMOUR

**WHEREAS**, Reverend Robert “Bob” Seymour, a community leader, activist, pastor, advocate for aging services, servant to those less fortunate and a resident leading the way for diversity, equity and inclusion in our community, passed away on October 11, 2020 at the age of 95; and

**WHEREAS**, Reverend Seymour was known for his life of service to the people of Orange County; and

**WHEREAS**, Reverend Seymour was born in Greenwood, South Carolina, completed his undergraduate degree at Duke University, a Master of Divinity from Yale Divinity School and a Ph.D. from the University of Edinburgh in Scotland; and

**WHEREAS**, Reverend Seymour and his wife, Pearl, came to Chapel Hill in 1959 where he served as the first pastor of the Olin T. Binkley Memorial Baptist Church, which under his guidance became a church committed to social justice and inclusion, and with Bob as a champion for social justice, Binkley Church was one of the first interracial congregations in NC that challenged racial segregation; and

**WHEREAS**, Reverend Seymour was compassionate and an advocate for those less fortunate in our community, and from that passion helped organize the Inter-Faith Council for Social Service in 1963 and served as its first president; and

**WHEREAS**, Reverend Seymour was an advocate for affordable housing, serving an instrumental role in helping start Orange County Habitat for Humanity, and in honor of his service, the first building in the Crescent Magnolia senior community was named the Beloved Community in honor of him and his life’s work of pursuing justice and fairness in Orange County; and

**WHEREAS**, as Reverend Seymour was entering his retirement with 30 years of service at Binkley, he was appointed to the Orange County Advisory Board on Aging, and quickly became an advocate for aging services, serving on the Orange County Task Force for Senior Needs in Southern Orange County and becoming the guiding force in the inception, planning and design of a new senior center; and

**WHEREAS**, in 2005 the Orange County Board of County Commissioners voted to name the new senior facility on Homestead Road in Chapel Hill the “Robert and Pearl Seymour Center” in honor of the Seymours for their dedication and commitment to serving the older adults in Orange County; and

**WHEREAS**, in his retirement years Bob continued to be a prolific writer, including publishing *Aging Without Apology: Living the Senior Years with Integrity and Faith* and *“Whites Only” A Pastor’s Retrospective on Signs of the New South*; and

**WHEREAS**, Bob’s love for people, his boldness, generosity, and compassion for others will be greatly missed;

**NOW, THEREFORE**, we, the Orange County Board of Commissioners, on behalf of the residents of Orange County, express our deep appreciation, gratitude and respect for the services rendered by Reverend Robert E. Seymour to the County and beyond over the course of his lifetime and honor him for his service.

This the 20th day of October, 2020.

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Penny Rich, Chair  
Orange County Board of Commissioners

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** October 20, 2020

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

**SUBJECT:** Resolution Regarding the Hyde Amendment

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**DEPARTMENT:** Board of Commissioners

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**ATTACHMENT(S):**

Draft Resolution

**INFORMATION CONTACT:**

BOCC Chair Penny Rich, (919) 245-2130

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**PURPOSE:** To consider a proposed Resolution Calling For Repeal of the Hyde Amendment and Supporting the Right of All Women To Safe and Comprehensive Health Care.

**BACKGROUND:** BOCC Chair Penny Rich submitted a petition at the Board's October 6, 2020 Business meeting proposing that the Board consider a resolution regarding the repeal of the Hyde Amendment.

Chair Rich has provided the attached draft resolution for Board consideration.

**FINANCIAL IMPACT:** There is no financial impact associated with this item.

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

**RECOMMENDATION(S):** The Manager recommends that the Board consider the proposed resolution, and if approved, authorize the Chair to sign the resolution.

## **ORANGE COUNTY BOARD OF COMMISSIONERS**

### **A RESOLUTION CALLING FOR REPEAL OF THE HYDE AMENDMENT AND SUPPORTING THE RIGHT OF ALL WOMEN TO SAFE AND COMPREHENSIVE HEALTH CARE**

WHEREAS, a person's bodily autonomy and freedom to make reproductive decisions are vital to their safety, well-being, economic opportunity, and ability to participate equally in society; and

WHEREAS, access to safe, affordable, and comprehensive reproductive health care is a basic human right and is important for the overall physical and mental health of women and of transgender and gender-nonconforming individuals who can become pregnant; and

WHEREAS, every person has a right to comprehensive, evidence-based information about the full range of reproductive health care options, and should have access to comprehensive reproductive health care throughout their lives, regardless of income, race/ethnicity, age, sexual orientation, gender identity, ability, immigration status, geographic circumstance, criminal history, and insurance-coverage status; and

WHEREAS, in 1973, the US Supreme Court, in a landmark decision, ruled in *Roe v Wade* that the US Constitution safeguards a woman's ability to make her own personal medical decisions about whether and when to have children; and

WHEREAS, in the *Whole Woman's Health v Hellerstedt* decision in 2016, the US Supreme Court reaffirmed the constitutional right to access abortion; and

WHEREAS, these decisions have saved lives, strengthened families, and enabled women to participate more fully in society, and we must guard against efforts to erode the availability and affordability of abortion and to undermine the protections affirmed by *Roe v Wade*; and

WHEREAS, the Hyde Amendment, passed by Congress on September 30, 1976, has for 42 years impeded access to abortion for low-income women enrolled in Medicaid; and

WHEREAS, North Carolina law imposes limits on insurance coverage of abortion in the state Medicaid program; and

WHEREAS, approximately 400,000 women in North Carolina (including more than 2,000 in Orange County) who qualify for insurance coverage from the federal or state government – including local, school district, state, and federal employees; veterans and military service members; Native Americans who use the Indian Health Service; Peace Corps members; persons incarcerated in federal prisons; and those who purchase insurance through the Affordable Care Act – are subject to bans on insurance coverage of abortion; and

WHEREAS, the impact of health inequities and obstacles to quality health care fall hardest on low-income women, women of color, immigrant and undocumented women, survivors of domestic violence, transgender and gender-nonconforming individuals, and young women; and

WHEREAS, public health insurance programs should cover all of an individual's options when they are facing pregnancy and other reproductive health care decisions, so that they may make real decisions about what is best for them and their family, and so that their economic status and source of insurance coverage do not affect important health care decisions or access;

NOW, THEREFORE, BE IT RESOLVED that the Orange County Board of Commissioners calls for the repeal of the Hyde Amendment in this forty-third year of its enactment; and

BE IT FURTHER RESOLVED that the Board of Commissioners encourages Governor Roy Cooper to support these and other measures to protect the rights of women and transgender and gender-nonconforming individuals everywhere to unhindered access to safe and comprehensive reproductive health care.

This the 20<sup>th</sup> day of October, 2020.

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Penny Rich, Chair  
Orange County Board of Commissioners

**ORANGE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
ACTION AGENDA ITEM ABSTRACT**  
Meeting Date: October 20, 2020

**Action Agenda  
Item No. 6-a**

**SUBJECT:** Zoning Atlas Amendment - Master Plan Development Conditional Zoning District (MPD-CZ) for the Research Triangle Logistics Park (RTLTP)

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**DEPARTMENT:** Planning and Inspections

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**ATTACHMENTS:**

1. Map Denoting Buffers
2. Memorandum from Staff Responding to Environmental Comments
3. Statement of Consistency
4. Final Draft Conditions of Approval

**INFORMATION CONTACT:**

Michael D. Harvey, Planner III (919) 245-2597  
Craig Benedict, Director (919) 245-2592

**UNDER SEPARATE COVER**

5. *Letter from Applicant Concerning Conditions (To be provided prior to or at the meeting)*
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**PURPOSE:** To finalize review and take action on an applicant initiated Zoning Atlas Amendments for 3 parcels west of Old NC Highway 86/south of Interstate 40 to Master Plan Development Conditional Zoning (MPD-CZ) district. Specifically, the Board will be finalizing on an application submitted by Terra Equity Incorporated to rezone parcels within PIN numbers 9863-71-8857, 9863-91-6573, and 9862-99-8894:

**FROM:** MPD-CZ (Settlers Point), Major Transportation Corridor (MTC) Overlay District, Rural Residential (R-1), and Rural Buffer (RB).

**TO:** MPD-CZ (Research Triangle Logistics Park), Major Transportation Corridor (MTC) Overlay District, Rural Buffer (RB).

As indicated at the BOCC's October 6 regular meeting, the public comment period for this item closed at 9:00 a.m. on September 24, 2020. The BOCC will not be accepting any further public comment on this item.

**BACKGROUND:** Review of this item began at the BOCC's September 15, 2020 BOCC regular meeting and concluded with the closure of the public hearing on September 22, 2020. Agenda materials from the public hearing can be accessed at:

<http://server3.co.orange.nc.us:8088/WebLink/Browse.aspx?startid=61357&row=1&dbid=0>.

Video from the September 15 and 22, 2020 meetings can be accessed at:

<https://www.orangecountync.gov/967/Meeting-Videos>.

At its October 6, 2020 meeting, the BOCC received the Planning Board's recommendation(s) and began deliberation on the proposal. Agenda materials can be accessed at:

<http://server3.co.orange.nc.us:8088/WebLink/0/doc/63050/Page1.aspx>.

Video from the meeting can be accessed at: <https://www.orangecountync.gov/967/Meeting-Videos>.

During the meeting, Board members requested the following:

1. Elimination of driveway access onto Davis Road.

STAFF COMMENT: As indicated by the applicant on October 6, the proposed drive access had been eliminated with all traffic utilizing Service Road. The intersection would be improved to handle traffic flow, including installation of a signal light.

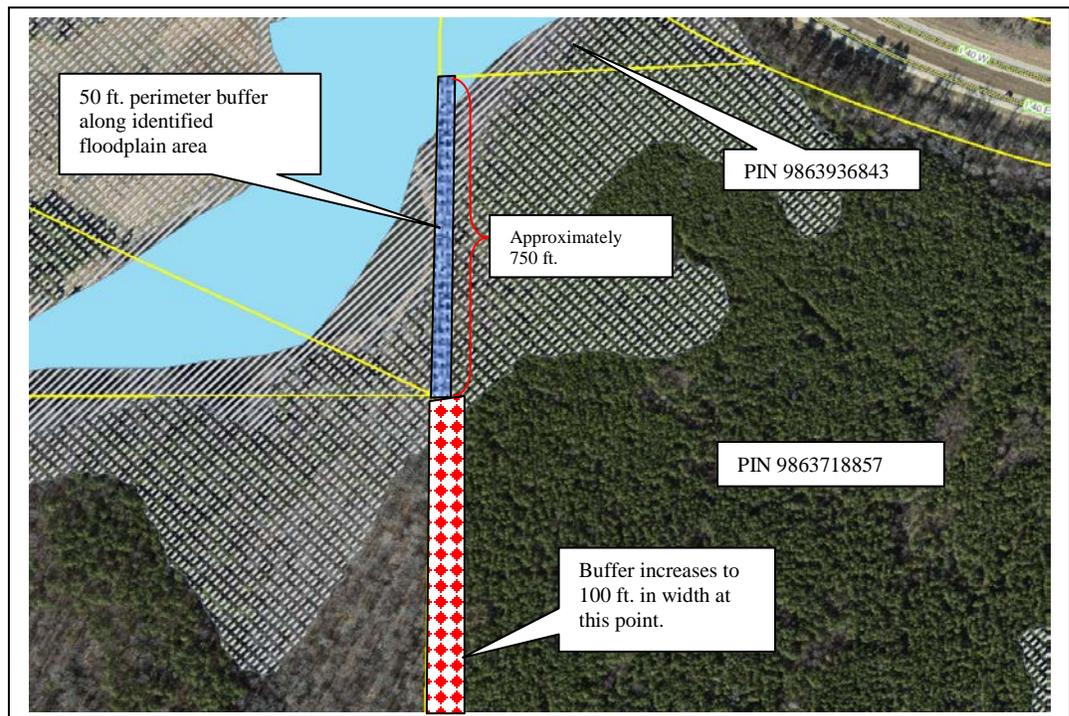
A driveway cut is proposed for Davis Road for emergency/public utility vehicle use only (i.e. no commercial or passenger vehicles).

2. Establish a 100 ft. perimeter land use buffer adjacent to residentially zoned parcels.

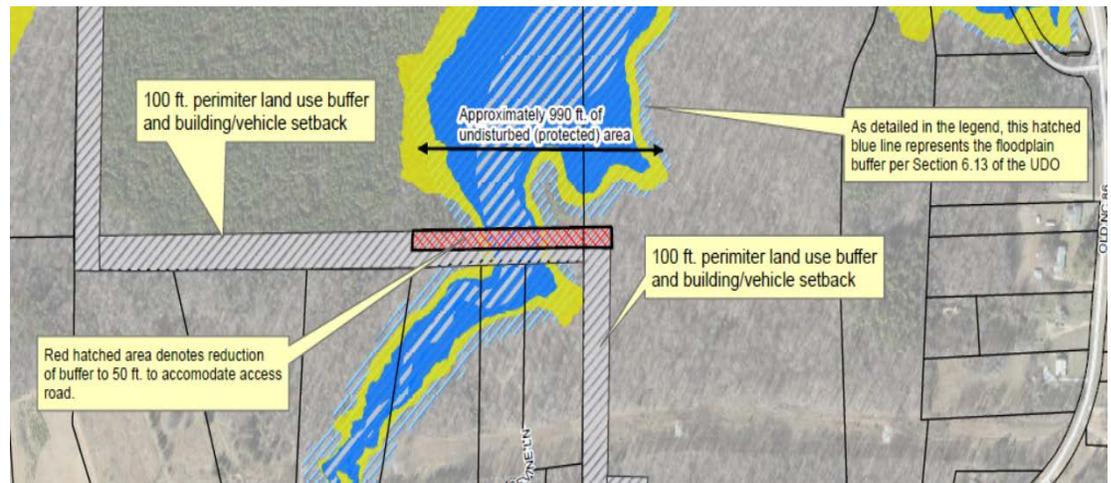
STAFF COMMENT: During Chair/Vice-Chair review of the agenda, staff was requested to provide a map denoting required floodplain buffers and the recommended 100 ft. perimeter buffer. This map is contained in Attachment 1.

The applicant has requested modification of the requested 100 ft. perimeter buffer as follows:

- Reduce the buffer along the western property line to 50 ft. in areas where there is established floodplain. This reduction would extend approximately 750 ft. along the common property line following the established floodplain (map below):



- Reduce the buffer along the southern property line to 50 ft. in order to accommodate a roadway (map taken from [Attachment 1](#)). The reduction would run approximately 750 ft. in length as noted on the aforementioned map:



The Director had indicated his willingness to approve requested modifications.

3. BOCC members wanted additional response(s) from staff addressing public comments on the presence of protected and/or endangered species on the Property.

STAFF COMMENT: Staff's response is contained in [Attachment 2](#).

4. Establish uniform height measurement standards for the Project. As part of this condition, BOCC members wanted to limit building height to 40 ft. for structures built on the Davis Road property.

STAFF COMMENT: As staff has previously indicated, the Project will abide by height requirements as detailed in the UDO. The condition(s) have been revised and agreed to by the applicant, including limiting building height on the Davis Road parcel.

5. Preserve landscaping along Davis Road.

STAFF COMMENT: The applicant voluntarily imposed a 120 ft. setback for structures and a 50 ft. setback for driveways/access roads from Davis Road. No parking will be allowed within 120 ft. from Davis Road.

6. Preserve a minimum of 30% open space for the Project.

STAFF COMMENT: Applicant agreed to this requirement.

7. Clarify language within the condition(s) associated with Energy Star certification and incorporation of LED lighting.

STAFF COMMENT: Requested language has been added clarifying recommended conditions.

8. Several BOCC members asked for condition(s) addressing the idling of vehicles.

STAFF COMMENT: Language has been included within the final draft list of conditions as contained in [Attachment 4](#).

9. Address interior lot line setback requirements.

Staff has recommended the imposition of several conditions designed to address potential impacts of the Project as well as concerns expressed by the general public. As previously indicated, these conditions must mutually be agreed to by the applicant. Attachment 5 contains a letter from the applicant on the proposed conditions.

Planning Director's Recommendation: The Planning Director recommends **approval** of the:

1. Statement of Consistency indicating the zoning atlas amendment(s) are reasonable and in the public interest as contained in Attachment 3.
2. Ordinance amending the Zoning Atlas, as well as imposing development conditions, for the identified parcels as contained in Attachment 4.

Effect of Denial or Withdrawal: In the event the rezoning application is denied or withdrawn, it should be noted that Section 2.2.8 of the UDO states that no application for the same or similar amendment, affecting the same property or portion thereof, may be submitted for a period of one year. The one year period begins on the date of denial or withdrawal.

**FINANCIAL IMPACT**: This request has been reviewed by various County departments who have determined that the approval or denial of the request would not create the need for additional funding for the provision of County services. Costs associated with advertising, including the public hearing notice and mailings, were paid by the applicant in accordance with the adopted Orange County Fee Schedule.

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

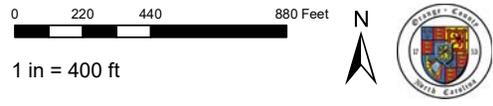
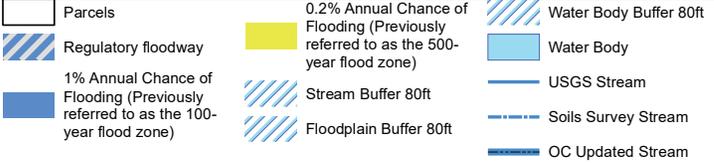
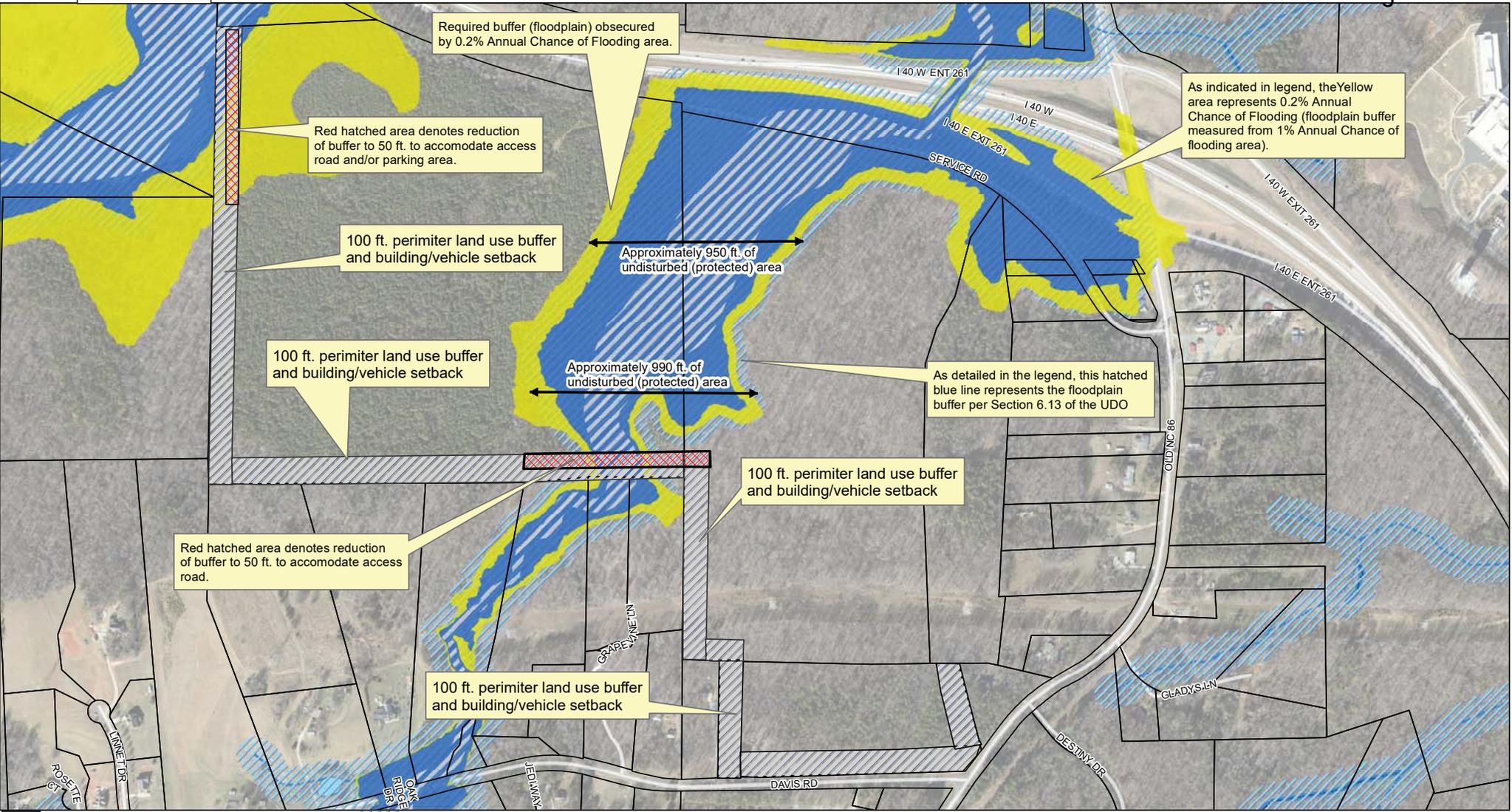
**GOAL: ESTABLISH SUSTAINABLE AND EQUITABLE LAND-USE AND ENVIRONMENTAL POLICIES**

*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 is no Orange County Environmental Responsibility Goal impact associated with this item.

**RECOMMENDATION**: The Manager recommends the Board:

1. Review and discuss the conditions as necessary;
2. Approve the Statement of Consistency (Attachment 3), and
3. The Resolution Amending the Zoning Atlas and imposing conditions (Attachment 4).





## MEMORANDUM

**TO:** Board of County Commissioners  
**CC:** Bonnie Hammersley, County Manager  
Travis Myren, Deputy County Manager  
Steve Brantley, Economic Development Director  
**FROM:** David Stancil, DEAPR Director  
Craig N. Benedict, Planning & Inspections Director  
**DATE:** October 12, 2020  
**SUBJECT:** BOCC Request for Clarification of Environmental Comments  
Including Water Quality Measures and Natural Areas

---

During consideration of the Research Triangle Logistics Park Conditional Zoning (RTLPCZ), both residents and interest organizations have commented on two primary environmental concerns:

- 1) protection of a portion of a Natural Heritage Site located on the proposed RTLPCZ property; and
- 2) protection of water quality in an unnamed tributary to Cates Creek that is also located within the project boundaries.

In response to these concerns, the Board of Commissioners requested that the Planning and Development Department coordinate with the Department of Environment, Agriculture, Parks and Recreation to further examine the extent to which the current project proposal protects these existing natural features.

### **Natural Heritage Site**

Natural Heritage Site E09 (Cates Creek Hardwood Forest) was originally identified in the 1988 Inventory of Natural Areas and Wildlife Habitats. The boundaries of this site were adjusted in 2004 to decrease the size of the Site to a total of 80.3 acres to reflect timber harvesting.

A portion of the Natural Heritage Site (5.6 acres) remains inside the southern and western borders of the proposed RTLPCZ project. Based on feedback from the Board of Commissioners, Planning staff has worked with the developer to preserve a 100-foot vegetated buffer along the southern and western boundaries of the RTLPCZ site adjacent to the Natural Heritage area. This 100 foot, no build buffer will help to mitigate impacts on the Natural Heritage site located on and adjacent to the RTLPCZ site.

The Natural Heritage Program also recently provided notice of a State – listed threatened freshwater mussel, the Notched Rainbow (*Villosa constricta*), to the north of the RTLPCZ property but within the unnamed tributary of Cates Creek that continues off the site. The floodplain and stream buffer requirements contained in the RTLPCZ conditions will provide a layer of protection for the freshwater mussel species.

### **Water Quality in the Unnamed Tributary to Cates Creek**

The RTLPCZ MPD-CZ conditions provide three primary water quality protections onsite as well as within the broader watershed.

- The required floodplain and stream buffers will prevent any disturbance of land in an area that is 200-500 feet from the stream. In total, these buffers represent 30 acres of contiguous preserved space.
- The RTLP MPD-CZ proposal also requires a variety of stormwater control measures to protect water quality, and the applicant has agreed to install additional rain basins to further prevent runoff into the tributary.
- Finally, low-impact design or “green growth” design standards will be required as part of the County’s site plan review process to minimize impact on environmental conditions and natural resources.

Thank you for this opportunity to further analyze the impact this development could have on existing environmental features and to describe the regulatory measures that are in place to mitigate the potential negative impacts.

## Attachment 3

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

An applicant initiated amendment to the Zoning Atlas to rezone 3 parcels as follows:

| Parcel Identification Number (PIN) | Township     | Owner of Record                       | Current Zoning District                                                                                                                                                                                          | Proposed Zoning District                                                                                                                                                                                                            |
|------------------------------------|--------------|---------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 9863-71-8857                       | Hillsborough | Suzanne McGrady                       | Master Plan Development Conditional Zoning (MPD-CZ) Settlers Point;<br>Major Transportation Corridor (MTC) Overlay District                                                                                      | Master Plan Development Conditional Zoning (MPD-CZ) Research Triangle Logistics Park;<br>Major Transportation Corridor (MTC) Overlay District.                                                                                      |
| 9863-91-6573                       | Hillsborough | Christy Bailey – ETAL<br>John Clayton | Master Plan Development Conditional Zoning (MPD-CZ) Settlers Point;<br>Economic Development Hillsborough Limited Office (EDH-2) - north of Interstate 40<br>Major Transportation Corridor (MTC) Overlay District | Master Plan Development Conditional Zoning (MPD-CZ) Research Triangle Logistics Park;<br>Economic Development Hillsborough Limited Office (EDH-2) – north of Interstate 40<br>Major Transportation Corridor (MTC) Overlay District. |
| 9862-99-8894                       | Hillsborough | Facility Care Services Inc.           | Rural Residential (R-1)<br>Rural Buffer (RB) – approximately 26,000 sq.ft. along Davis Road                                                                                                                      | Master Plan Development Conditional Zoning (MPD-CZ) Research Triangle Logistics Park;<br>Rural Buffer (RB) – approximately 26,000 sq.ft. along Davis Road                                                                           |

The BOCC 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 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.

The County and Town of Hillsborough have engaged in numerous studies/joint planning efforts over the last 20 years identifying area viable for the extension of utilities (i.e. water and sewer) in support of high intensity residential and non-residential land uses.

In 2017, these efforts led to the adoption of the *Town of Hillsborough and Orange County Central Orange Coordinated Area (COCA) Land Use Plan*.

This plan indicates the area in question is intended to support 'Employment' and 'Suburban Office Complex' land use categories, specifically areas that are best suited to allow for the development of light industrial/manufacturing, office, research/development, and service/warehousing operations.

The requested rezoning will allow development consistent with the overall spirit and intent of the adopted Comprehensive Plan as well as applicable joint planning efforts completed by the County and the Town.

- Objective LU-1.1: Coordinate the location of higher intensity / high density residential and non-residential development with existing or planned locations of public transportation, commercial and community services, and adequate supporting infrastructure (i.e., water and sewer, high-speed internet access, streets, and sidewalks), while avoiding areas with protected natural and cultural resources. This could be achieved by increasing allowable densities and creating new mixed-use zoning districts where adequate public services are available. (See also Economic Development Objectives ED-2.1, ED-2.3, ED-2.10, and Water and Wastewater Objective WW-2.)

The atlas amendment is consistent with this goal and objective with the approval of a rezoning of property creating a district allowing for the development of high density non-residential land uses in an area of the County designated for the location of adequate supporting infrastructure (i.e. water and sewer).

- c. The amendment is reasonable and in the public interest because it:
1. Expands economic development prospects within the County while continuing to protect adjacent and nearby land uses.

The atlas amendment involves the approval of a master plan establishing a detailed list of allowable non-residential land uses to aid in the marketing on an area designated within the Comprehensive Plan as being suitable for high intensity non-residential development.

The expansion is consistent with County and Town of Hillsborough plans outlining those parcels suitable for service by water/sewer that are prime for high intensity non-residential development.

Further, the approved master plan establishes mandatory land use buffers and setbacks for development within the project to ensure off-site impacts are mitigated.

The Board of County Commissioners hereby adopts this Statement of Consistency and findings expressed herein.

\_\_\_\_\_  
Penny Rich, Chair

\_\_\_\_\_  
Date

Ordinance #: ORD-2020-022

Attachment 4

**AN ORDINANCE AMENDING  
THE ORANGE COUNTY ZONING ATLAS**

WHEREAS, Orange County has received and processed a petition submitted by Terra Equity Incorporated (hereafter 'the Applicant') seeking to amend the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO); and

WHEREAS, This petition seeks to rezone 3 parcels totaling approximately 161 acres of property to Master Plan Development Conditional Zoning District (MPD-CZD) for the purpose of developing the Research Triangle Logistics park (RTLTP) development (hereafter 'the Project'); and

WHEREAS, The properties subject to this rezoning are identified, utilizing Orange County Parcel Identification Numbers (PIN), as:

- i. A 90.37 acre tract of land PIN# 9863-71-8857,
- ii. Approximately 60 acres of land PIN# 9863-91-6573, and
- iii. A 12 acre parcel of land PIN 9862-99-8894,

hereafter 'the Property'; and

WHEREAS, The applicant has voluntarily chosen to establish development and land use limitations on the Project to address potential conflicts with surrounding properties; and

WHEREAS, This petition has been submitted in concert with a formal master plan in accordance with the provisions of Section 2.9.2 (C) of the UDO; and

WHEREAS, the requirements of Section 2.8 and 2.9.2 of the UDO have been deemed complete; and

WHEREAS, the Board has found the proposed zoning atlas amendment to be reasonably necessary to promote the public health, safety, and general welfare.

BE IT ORDAINED by the Board of Commissioners of Orange County that the Orange County Zoning Atlas is hereby amended to rezone aforementioned 3 parcels of property to Master Plan Development Conditional Zoning (MPD-CZ) and allow development of the Project as detailed within the submitted application.

BE IT FURTHER ORDAINED THAT The terms and conditions contained herein shall encumber the Property and bind the owners and lessees thereof, their successors

in title and interest. The development of the Project as well as all necessary site improvements, both internal and external to the Project, shall be reviewed, approved, and developed in accordance with:

- a. The applicable provisions of the Orange County Unified Development Ordinance (UDO),
- b. Any and all applicable Federal, State, and local regulations, and
- c. The application package as submitted/modified by the Applicant and as approved by the Orange County Board of Commissioners on **October 20, 2020**.

This includes the revised/updated traffic impact analysis (TIA) reviewed and approved by the County Planning Department and NC Department of Transportation on October 2, 2020.

BE IT FURTHER ORDAINED THAT in accordance with Section 2.9.2 (F) of the UDO the approval of this Conditional Zoning applicant is subject to the following mutually agreed to conditions:

I. GENERAL:

- a. Approval of the Project does not constitute an explicit guarantee for utility services (i.e. water and sewer) by the Town of Hillsborough. Provision of services shall be consistent with applicable Town utility connection policies and the utility agreement between the Town and Orange County;
- b. The Project shall be composed of 3 individual properties totaling approximately 161 acres of land area further defined as follows:
  - i. PIN 9863-71-8857: An approximately 90 acre parcel currently zoned MPD-CZ (Settlers Point) and Major Transportation Corridor (MTC) Overlay District;

**NOTE:** MTC Overlay district boundaries not impacted by this approval.

- ii. PIN 9863-91-6573: An 80 acre parcel currently zoned:
  1. Approximately 60 acres (south of Interstate 40) zoned MPD-CZ (Settlers Point);
  2. Approximately 20 acres (north of Interstate 40) zoned Economic Development Hillsborough Limited Officer (EDH-2). This portion of the property will remain zoned EDH-2 and shall be developed consistent with that general use zoning designation.
  3. Major Transportation Corridor (MTC) Overlay District.

**NOTE:** MTC Overlay district boundaries not impacted by this approval. EDH-2 zoned portion of property, north of Interstate 40, is not impacted by this approval and will remain zoned EDH-2.

- iii. PIN 9862-99-8894: An approximately 12 acre parcel currently split zoned Rural Residential (R-1) and Rural Buffer (RB).

**NOTE:** The RB zoned portion of property, along Davis Road, is not impacted by this approval and will remain zoned RB. This area shall remain either in undisturbed open space, used to support required utility improvements consistent with Town of Hillsborough or County requirements, or to support external roadway improvement(s) consistent with County and NC Department of Transportation requirement(s).

- c. The Zoning Atlas for Orange County shall be designated MPD-CZ. Development shall be in accordance with the approved application packet, master concept plan, and the conditions detailed herein.
- II. SITE PLAN: In addition to the requirements of Section 2.5 *Site Plan Review* of the UDO, development applications within the Project shall provide the following additional information as part of the site plan application process:
- a. All site plans proposing development within the Project shall be reviewed by Town of Hillsborough staff as part of existing courtesy review agreements;
  - b. All site plans shall provide detail denoting the anticipated daily water and sewer needs for proposed land use(s);
  - c. Consistent with existing inter-local utility agreements between Orange County and the Town of Hillsborough, the Project has a utility allotment of 108,000 gallons a day of water/sewer service. Site plans proposing development/land uses exceeding this daily allotment shall be required to provide documentation from the Town of Hillsborough indicating there is sufficient water and sewer capacity to serve the proposed development.  
A lack of water and/or sewer capacity shall result in the denial of the site plan;
  - d. Prior to the approval of a site plan allowing development within the Project, the County shall require documentation from the Town of Hillsborough indicating there is sufficient water and sewer capacity to serve the project.  
A lack of water and/or sewer capacity for a proposed use shall result in the denial of the site plan;
  - e. The Orange County and Town of Hillsborough Fire Marshal(s), in consultation with the Town of Hillsborough Utility Director, shall review and approve location(s) of proposed water and sewer lines prior to the initiation of land disturbing activity;
  - f. The Orange County and Town of Hillsborough Fire Marshal(s) shall review and offer comment on:
    - i. Road layout and construction methodology,

- ii. Location of fire lanes,
- iii. Location of fire hydrants, and
- iv. Location of the proposed stand-pipe(s).

as part of all site plan review.

- g. Each site plan shall be required to demonstrate compliance with Section 6.16 *Environmental Assessment* of the UDO as well as the approved master plan and environmental assessment completed for the Project. In those cases where development exceeds established thresholds, a formal Environmental Impact Statement (EIS) may be required allowing for site plan approval;
- h. Each site plan shall be required to demonstrate compliance with required traffic improvements detailed within the approved application, traffic impact analysis, and the condition(s) detailed herein.  
  
Lack of compliance or consistency with required internal/external traffic improvement(s) shall result in the denial of the site plan;
- i. In addition to the standards detailed in Section 2.5 of the UDO, all landscaping plans shall include information denoting the proposed method of care (i.e. underground sprinklers, maintenance personnel, etc.) for the development;
- j. For all site plans submitted for the Project the Orange Rural Volunteer Fire Department shall be considered a member of the County Development Advisory Committee (DAC) as outlined in Section 1.9 of the UDO to review a projects compliance with applicable development standards including, but not necessarily limited to: land use regulations, conditions of MPD-CZ approval, applicable State fire/building codes.
- k. Site plans shall contain documentation outlining proposed and/or existing cumulative impervious surface area as well as building/open space ratios within the Project.

### III. DIMENSIONAL STANDARDS:

- a. The Project shall observe a building square footage limit of 2,400,000 sq.ft. consistent with the submitted and approved application and Traffic Impact Analysis (TIA) as approved by the NC Department of Transportation on October 2, 2020.

Additional floor area may be developed with the submittal of a revised, updated, master plan development conditional zoning district application and TIA processed and reviewed in accordance with the provisions of the UDO.<sup>1</sup>

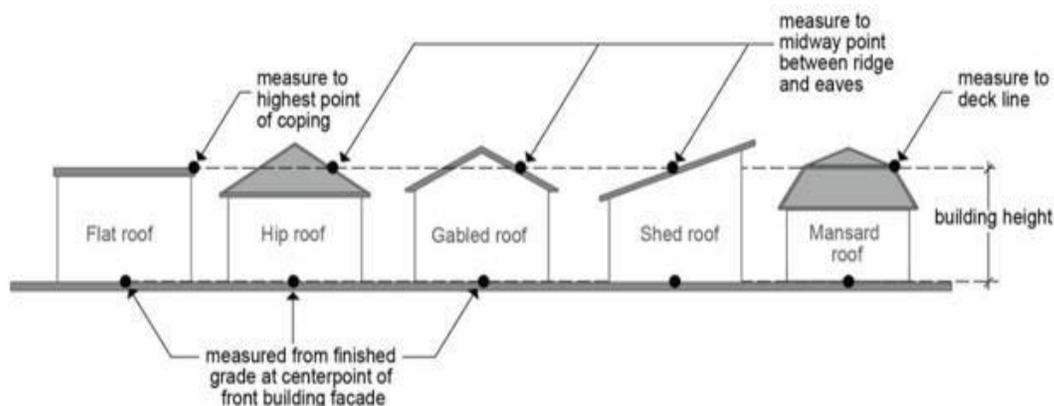
<sup>1</sup> Yellow highlight denotes modification to proposed condition(s) consistent with the applicant's presentation at the September 15 and 22, 2020 public hearing and the October 6, 2020 BOCC regular meeting limiting the allowable building square footage for the Project.

b. Height: Consistent with the definition of *building height* in Article 10 *Definitions*<sup>2</sup> and Section(s) 6.2.2 and 6.5<sup>3</sup> of the UDO, the following height limitations shall be observed within the Project:

i. Principal structures:

1. PINs 9863-71-8857 and 9863-91-6573 shall abide by a height limit of 60 ft.

2. PIN 9862-99-8894 shall abide by a height limit of 40 ft. This height limit shall not include architectural features utilized to screen rooftop equipment, consistent with the provisions of the UDO.<sup>4</sup>



5

No structure shall be erected fronting on the Davis Road parcel which exceeds 40 ft. in height above the highest elevation of the adjoining portion of Davis Road exceeding 40 ft. in height, as measured from the highest elevation of the adjoining portion of Davis Road to the roof deck of the building from the highest elevation of Davis Road where said building has frontage.<sup>6</sup>

<sup>2</sup> As was discussed at the October 6, 2020 BOCC meeting, existing regulation(s) establish building height as being measured from: *the mean elevation of the proposed or completed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck lines of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.* Staff has included example(s) illustrating how various roof types are measured to address BOCC concerns.

<sup>3</sup> As a reminder, per Section 6.5.1 (C) (8) of the UDO, rooftop mechanical equipment is required to be screened.

<sup>4</sup> New language to address BOCC comment(s) from the October 6, 2020 meeting. Staff is attempting to address BOCC interest in limiting development on the Davis Road property to a 40 ft. height limit while address applicant requests for use of architectural features to screen rooftop equipment (i.e. HVAC, vents, ducts, telcom equipment, etc.). Staff has added language referencing allowable screening limit(s) within the UDO.

<sup>5</sup> Staff has added a visual aid to detail how building height shall be calculated consistent with existing definitions.

<sup>6</sup> **Yellow highlight** denotes a suggested modification to proposed conditions made by the applicant and discussed at the October 6, 2020 BOCC meeting. Staff has attempted to address comment(s) in a revised condition detailed herein.

**ii. Accessory Structures:** Water tower shall not exceed 90 ft.<sup>7</sup>

c. Setbacks:

i. Structures shall observe:

1. 100 ft. setback from exterior property lines abutting residentially zoned property;
- ~~1.2.~~ and the 120 ft. setback from Davis Road right-of-way;<sup>8</sup>
- ~~2.3.~~ 50 ft. setback from property exterior lines abutting non-residentially zoned property and the Service Road right-of-way.

ii. Vehicular use areas shall observe:

1. 50–ft100 ft. setback from exterior property lines abutting residentially zoned property except as defined below;
  - a. Access road/parking area along the western boundary line, adjacent to PIN 9863-53-9059, shall be permitted observing a 50 ft. setback; and
  - ~~1.b.~~ An access road along the southern property line, affording interior access from the Project to PIN 9862-99-8894, shall be permitted observing a 50 ft. setback.<sup>9</sup>
2. 50 ft. setback for access roads/drives running parallel with Davis Road;<sup>10</sup>
- ~~2.3.~~ 25 ft. setback from property lines abutting non-residentially zoned property and the Service Road right-of-way.

**iii. Interior lot line setbacks:**<sup>11</sup>

- 1. Structures: 20 ft. from all interior property lines;**

<sup>7</sup> Staff is recommended a 90 ft. height limit for proposed water towers. The application submittal makes no reference to any additional use that would need to exceed established height limits.

<sup>8</sup> Language suggested/recommended by the applicant to address setbacks for structures erected on the Davis Road property.

<sup>9</sup> The applicant has requested modification of vehicular use setbacks as detailed herein. In the first instance, the area adjacent to the Project on PIN 9863-53-9059 is heavily encumbered by floodplain and required buffers. The applicant suggests allowing for an access road/parking in this area will not impact development on the adjacent parcel as same is already limited due to the presence of mapped floodplain. In the second instance, the applicant is seeking to reduce the required land use buffer to allow for the location of an access road in an area that will have the least impact on existing floodplain. If the applicant is required to observe a 100 ft. buffer in this area, the required roadway crossing could have more environmental impact on the floodplain and floodplain buffers in the area.

<sup>10</sup> Language suggested/recommended by the applicant to address access management issues along Davis Road. While no parking is intended within this area, driveway access will be necessary.

<sup>11</sup> A new condition designed to address BOCC comments from the October 6, 2020 meeting seeking clarification on internal setback requirements.

**2. Vehicular use areas: 10 ft. from all interior property lines.**

- d. Open Space: ~~41 acres (25%)~~ 48.3 acres (30%)<sup>12</sup> of land within the Project shall be preserved as open space area.

IV. ACCESS AND TRANSPORTATION: In addition to the requirements of Section 6.10 *Roadway Improvements and Multi-modal Transportation* of the UDO the following standards shall apply:

- a. Internal roadways shall be developed in accordance with Section 6.10 (A) of the UDO and shall be privately maintained;
- b. External roadway construction/improvements shall be completed or appropriately bonded prior to the issuance of a Certificate of Compliance (C of C) allowing the occupancy of a structure triggering completion of same;
- c. External roadway improvements shall be constructed in accordance with NC Department of Transportation requirements and guidelines, approved Traffic Impact Analysis (TIA), and the standards outlined herein;
- d. The right-of-way for Service Road shall be extended to the western edge of the PIN 9863-71-8857 to serve as a future access point for adjacent land area to the west.

Applicant and/or their successors shall not bear financial responsibility for the construction of additional roadway in this extended portion of the Service Road right-of-way nor shall they bear any financial responsibility for any required roadway improvements at the intersection of Service Road and Old NC Highway 86 necessary to accommodate additional traffic resulting from development external to the Project;

- e. Consistent with the approved traffic impact analysis for the Project, all passenger and commercial vehicle traffic shall utilize Service Road for ingress/egress;

- f. Vehicular ingress/egress to the Project from Davis Road shall be limited to:

- i. Life safety vehicles;
- ii. Fire, ambulance, rescue and emergency vehicles;
- iii. Municipal and law enforcement vehicles; and
- iv. Public utility vehicles.

No other traffic (i.e. passenger vehicles, commercial vehicles, etc.) shall be permitted to utilize this access, which will be blocked by a gate or bollards to prevent unrestricted access;<sup>13</sup>

<sup>12</sup> Consistent with applicant statements to the BOCC on October 6, 2020, the Project will preserve approximately 30% of the property as open space.

<sup>13</sup> Consistent with the discussion that occurred at the October 6, 2020 BOCC meeting, access from/to the Project using Davis Road will be limited to emergency and utility vehicles. Staff is also recommending the access be blocked to prohibit use inconsistent with suggested condition(s).

- ~~d.g.~~ Final roadway layout, including pavement widths and driveways, shall be approved by the Town of Hillsborough and Orange County Fire Marshal's office as part of the final site plan review process;
- ~~e.~~ ~~Signage shall be placed directing vehicles to turn left onto Davis Road in order to access Interstate 40/85;~~<sup>14</sup>
- ~~f.h.~~ Site plan submittals shall be required to demonstrate internal/external traffic improvements necessary to address development impacts consistent with the submitted Transportation Impact Analysis (TIA);
- ~~g.i.~~ Any and all internal streets, sidewalks, bicycle lanes, etc. shall be designated for public access/use **for employees/customers/visitors to the site;**<sup>15</sup>
- ~~h.j.~~ Driveway permits, when required, shall be applied for and issued by the North Carolina Department of Transportation;
- ~~i.k.~~ Orange County and North Carolina Department of Transportation shall approve the location of all proposed external utility poles housing street signals prior to installation. All street signals shall be erected on metal poles;
- ~~j.l.~~ Segregated entrances and exists for pedestrian, construction vehicle, and non-construction vehicular traffic shall be developed to avoid conflict during construction activities;
- ~~k.m.~~ Any required or requested bus pullouts and/or transit shelters shall be constructed to serve the Project consistent with transit plans adopted by Orange County and shall be developed in accordance with the following:
- i. Each transit stop shall be a covered and enclosed on 3 sides to shield users from the elements,
  - ii. Kiosks shall be developed to provide transit information, including schedule and route information, and shall be illuminated to five (5) average maintained foot-candles.
- ~~l.n.~~ In addition to the standards contained within Section 6.10 (A) (2) of the UDO, the following additional requirements shall apply to the development of crosswalks:
- i. Signals shall be installed, where stoplights are located, providing assistance to deaf and visually impaired individuals announcing when it is safe to cross roadways

<sup>14</sup> Condition is no longer necessary as vehicle access onto Davis Road is limited to emergency and public utility vehicles.

<sup>15</sup> **Yellow highlighted text** denotes a modification, suggested by the applicant, approved by the BOCC at its October 6, 2020 meeting.

~~m.o.~~ Traffic directional signage shall be required for all internal and external roadway as directed by Orange County and the North Carolina Department of Transportation including but not limited to:

- i. Stop signs,
- ii. Yield signs,
- iii. Bus parking and unloading informational signs
- iv. Lane ends,
- v. Merge signs,
- vi. Caution Pedestrian Traffic – Yield Signs,
- vii. Traffic safety signs designed to direct construction traffic throughout the site,
- viii. Traffic warning signs indicating the location of private driveways and forbidding public access to the various properties, and
- ix. Through traffic signs.

~~n.p.~~

~~Heavy Trucks, as hereinafter defined, shall be prohibited from exiting the Project on to Davis Road. Heavy Trucks are defined as those vehicles that:~~

- ~~i. Have a gross vehicle weight rating of 33,001 pounds or more;~~
- ~~ii. Are required under North Carolina law to be registered;~~
- ~~iii. Are designed to operate on public highways; and~~
- ~~iv. Are powered by a diesel engine.<sup>16</sup>~~

~~q. Driveway access onto Davis Road shall be designed to limit traffic exiting the project to only a left turn thereby directing traffic towards Old NC Highway 86 excluding local traffic and emergency vehicles.<sup>17</sup>~~

~~e.f. Entry into the Project from Davis Road shall be designed and restricted to the following:~~

- ~~i. Life safety vehicles;~~
- ~~ii. Fire, ambulance, rescue and emergency vehicles;~~
- ~~iii. Municipal and law enforcement vehicles;~~
- ~~iv. Public utility vehicles; and~~

<sup>16</sup> Text was proposed as part of the conditions reviewed by the BOCC at its October 6, 2020 meeting. Condition was revised to capture applicant suggested condition(s) and moved to subsection(s) e and f above. Consistent with the applicant's suggested condition(s), all passenger and commercial vehicle traffic shall be required to utilize Service Road. Driveway access onto Davis Road shall be reserved for emergency and public utility vehicles only.

<sup>17</sup> Ibid.

v. Vehicles under 33,001 pounds. <sup>18</sup>

s. At the time development within the Project exceeds allowable traffic trips for the preservation of the left turn movement from Service Road onto Old NC Highway 86, as detailed in the Projects traffic impact analysis and/or as determined by the NC Department of Transportation consistent with external roadway improvements, an alternative traffic alignment/improvement shall be required to serve the Project allowing for both left and right turn access onto Old NC Highway 86.

This alternative shall be reviewed and approved by Orange County and the NC Department of Transportation and shall be installed in conjunction with the proposed development project generating the need for said alternative traffic alignment/improvement.

This shall be reviewed as a modification to the Project requiring the public hearing approval process detailed within the County Unified Development Ordinance (UDO). <sup>19</sup>

V. PERFORMANCE STANDARDS:

- a. The Project shall comply with Section(s) 6.4.2 through 6.4.7 of the UDO inclusive;
- b. **Solid Waste Management:** The following specific standards shall apply:
  - i. External space for collection of solid waste and recyclable materials. Materials collected shall be consistent with the County's Solid Waste Management ordinance.
  - ii. Waste collection areas shall be located in such a manner as to provide convenient access for users of the facility and safe passage for service vehicles.
  - iii. The following additional notes shall be provided on any submitted site plan:
    1. Gate design will include gate retainers.
    2. Parking shall be prohibited from blocking access to waste receptacles. <sup>20</sup>
    3. Orange County will not be responsible for any pavement damage that may result from service vehicles.

<sup>18</sup> Ibid.

<sup>19</sup> Text was proposed as part of the conditions reviewed by the BOCC at its October 6, 2020 meeting. Condition was eliminated consistent with a revised/updated traffic impact analysis submitted by the applicant and approved by staff and NC DOT on October 2, 2020. Further, language under Dimensional standards, specifically Section III (a) of this document, makes the condition as originally recommended by staff moot.

<sup>20</sup> Yellow highlighted condition modified to address BOCC approval of staff recommendation made at the October 6, 2020 regular meeting.

4. In cases where waste collection areas are located across property lines or district lines for shared areas, the developer shall prepare and record a joint access agreement (and a shared dumpster agreement) to assure that (both parties may use) the proposed trash/recycling area and that it can be serviced across property lines.
  5. The developer shall reserve space within all solid waste collection areas for segregated grease rendering/recycling collection facilities and shall provide space for segregated food waste collection near the delivery entrance for any building that houses, proposes to include, or may at some future date incorporate a restaurant, cafeteria, bar, or other food service facility at any time.
  6. All solid waste containers, dumpsters, recycling bins, etc. shall be located within an enclosure, buffered in accordance with the standards contained herein, and meeting the following criteria:
    - a. Loading areas shall be designed and situated not to negatively affect adjacent properties.
    - b. Solid waste enclosures shall be so located as to not impact internal traffic flow,
    - c. Loading zones shall not be located within areas designated as housing for solid waste facilities.
- c. **Architectural Design:** In addition to the standards detailed in Section 6.5 of the UDO, The the following specific standards shall apply to the Project:
- i. Finished building materials shall be applied to all sides of a building;
  - ii. Exterior wall materials shall include, but not be limited to:
    1. Stucco,
    2. Concrete,
    3. Textured concrete,
    4. Wood,
    5. Glass,
    6. Steel,
    7. Brick,
    8. Stone, and
    9. Masonry.

Examples of allowable exterior materials are contained in the approved application narrative and denoted on the approved master plan.

- iii. Prohibited design elements include:
1. Highly reflective surfaces,
  2. Exposed, untreated precision block walls;
  3. **Barbed wire** ~~No barbed wire products shall be installed on the 12-acre parcel along Davis Road;~~<sup>21</sup>
  4. “Stuck on” mansard roofs;
  5. Materials with high maintenance such as stained wood shingles.
- iv. An internal architectural review committee shall be established to ensure ~~proposed building colors strive to be harmonious and compatible with the natural surroundings and the general overall palette shall be earth tones; consistent consistency with the UDO and with the standards detailed within the approved application herein. A representative of the Planning Department shall sit on the committee and be involved in reviewing development proposals/modifications;~~<sup>22</sup>
- v. Consistent with the approved narrative and master plan, Ssingle, dominant, monolithic building mass is not acceptable for the Project. Visual breaks shall be used to provide ‘visual relief’ for long building facades. Acceptable techniques to provide visual breaks include, but are not limited to:
1. Changes in height and the horizontal plane,
  2. Changes in Materials,
  3. Changes in Textures,
  4. Changes in Color,
  5. Reveals and/or Jogs,
  6. Utilization of other architectural enhancements.<sup>23</sup>
- vi. Primary building entries shall be readily identifiable and well defined through the use of projections, recesses, columns, roof structures, or other design elements.

<sup>21</sup> **Bold Green Text** denoted suggested amendments provided by the applicant on October 1, 2020. At the October 6, 2020 BOCC meeting, the applicant agreed to ban the use/incorporation of barbed wire for the Project as a whole.

<sup>22</sup> Language modified to address staff and BOCC comment(s) from the October 6, 2020 meeting.

<sup>23</sup> Revisions to address staff and BOCC comment(s) from the October 6, 2020 meeting. With staff now sitting on the architectural review committee, there will be additional oversight on development proposals to ensure compliance with applicable standards.

- vii. Expansions to an existing buildings shall provide for continuity between the existing building and the proposed addition. The addition need not strictly match the existing building, but shall include prominent design elements of the old building to provide architectural compatibility between old and new.

STAFF COMMENT: It is unclear how this condition will be enforced. Staff is concerned over the lack of measurable standard.

- viii. Building design/construction shall not preclude incorporation of alternative energy systems such as solar panels.<sup>24</sup>

- ix. Equipment (i.e. HVAC, elevator overrides, etc.) shall be screened utilizing 1 of the following methods:

1. Clad in exterior materials that are non-reflective or illuminated, OR
2. Designed as an architectural feature of the proposed structure, OR
3. Screened through some vegetative buffer or fencing.<sup>25</sup>

- x. All buildings constructed within the Project shall—utilize equipment/appliances/etc. be energy star rated shall be Energy Star certified at the time of construction (or in the discontinuance of such certification, substantially in compliance with the former certification requirements) and, after issuance of a certificate of compliance (CoC), all installed systems shall receive proper maintenance in the ordinance course of businesses;<sup>26</sup>

- xi. Development within the Project shall substantially utilize LED lighting for interior and exterior lights, or future successor technology, except in areas where use of same could typically be prohibited (i.e. lab space, etc.);<sup>27</sup>

- xii. Development within the Project shall utilize rain reclamation devices collecting rainwater for irrigation purposes;<sup>28</sup>

<sup>24</sup> Condition added to address Planning Board concern(s) identified during the August 5 and 19, 2020 regular meeting. The applicant agreed during the meeting to the proposed language.

<sup>25</sup> Yellow highlighted text denotes a modification, suggested by staff, approved by the BOCC at its October 6, 2020 meeting

<sup>26</sup> Bold Green Text denotes suggested amendments provided by the applicant with a staff modification.

<sup>27</sup> Bold Green Text denotes suggested amendments provided by the applicant on October 1, 2020 after the agenda packet had been distributed. Staff has added language addressing these instances where LED lights may not be required as a means of eliminating the word 'substantially'.

<sup>28</sup> Yellow highlighted text denotes a condition recommended by the applicant, and approved by the BOCC at its October 6, 2020 regular meeting.

~~xiii.~~ Buildings within the Project shall incorporate 'cool roof' systems into their design. The cool roof system is designed to deliver higher solar reflectance (i.e. the ability to reflect the visible, infrared and ultraviolet wavelengths of the sun, reducing heat transfer to the building, etc.) and higher thermal emittance (the ability to radiate absorbed, or non-reflected solar energy) than standard designed roofing products.<sup>29</sup>

xiv. Motion control activated lighting shall be, where safety and internal operations permit, used for all internal building lighting to prevent internal lights being left on indefinitely;<sup>30</sup>

xv. Bio retention basins (i.e. rain gardens) shall be incorporated into the Project to capture and treat runoff from truck wells within proposed loading docks;<sup>31</sup>

xvi. Low flow toilets and water fixtures shall be used within the Project for all restroom or general use facilities and where not associated with a manufacturing or research process.<sup>32</sup>

d. **Landscaping/Buffering:** In addition to the standards contained in Section 6.8 of the UDO, the following specific standards shall apply to the Project:

- i. All required landscaping shall be installed and maintained by the developer or their successor in perpetuity;
- ii. Existing vegetation shall be preserved in identified buffer areas as indicated on the approved master concept plan, including a 100 ft. perimeter buffer around external parcels zoned to an Orange County residential general use zoning designation. In those instances where foliage is disturbed or non-existent, landscaping shall be installed consistent with the following schematic:

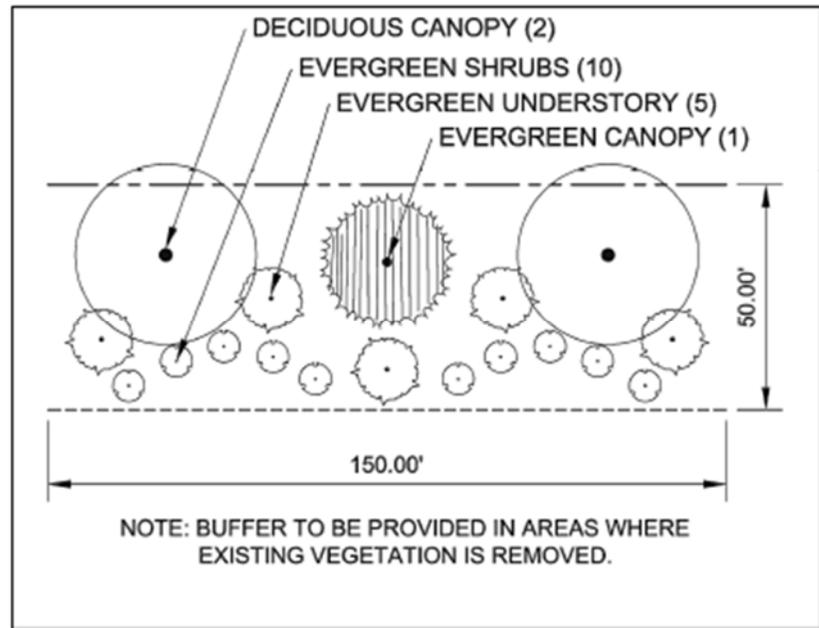
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<sup>29</sup> Ibid.

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

<sup>32</sup> Ibid.



STAFF COMMENT: Staff recommends the minimum linear foot of planting be reduced to 100 ft. (i.e. the number of trees for every 100 ft. of required buffer area versus 150 ft. as proposed by the applicant) consistent with Section 6.8.6 (F) of the UDO.<sup>33</sup>

Permitted breaks within this required 100 ft. perimeter buffer are detailed within this document, specifically Section III (c) establishing setback standards for structures and vehicular use areas, and on the approved master plan.<sup>34</sup>

iii. Interior landscaping shall be consistent with the following:

1. Parking lot:

a. A ten-foot vegetated buffer shall be provided between vehicular use areas and internal access roads. Consistent with Section 6.8.7 (D) of the UDO, this buffer shall be composed of shrubs and flowering plants forming a continuous opaque landscape barrier reducing glare and visual distractions to passing motorists.<sup>35</sup>

<sup>33</sup> This issue is still being discussed, based on staff's notes. Staff had recommended minimum planting requirement as follows: 7 canopy trees, 1 evergreen tree, 5 deciduous understory, 12 evergreen understory, 85 shrub trees to form the recommended opaque buffer along external property lines consistent with the UDO and desire of the BOCC.

<sup>34</sup> The applicant has agreed to a 100 ft. perimeter buffer, with the exception of an area near the southern boundary line to accommodate an access road to the Davis Road property. Staff has no objection(s) to the reduction allowing for the proposed roadway.

<sup>35</sup> Language added to address comments from the BOCC's October 6, 2020 regular meeting.

- b. Shade trees shall be provided at a ratio of one (1), one and one half-inch (1.5") minimum caliper tree for every ten (10) car parking spaces; Caliper size is measured at the time of planting.
  - c. All site plans shall demonstrate a minimum of sixty percent (60%) of passenger parking spaces are within seventy-five (75) feet of the center of a shade tree. If not, additional landscaping shall be required.
  - d. The minimum tree planting area shall be 200 square feet except where tree grates are provided.
  - e. Where trees are planted within tree grates, and surface paving encroaches into the planting area, then the minimum planting area shall be sixteen (16) square feet in area by two (2) feet in depth.
  - f. Screening of parking areas along the perimeter boundary of the project shall maintain a minimum tree spacing of sixty (60) feet.
2. Building foundation:
- a. Twenty percent (20%) of a building's perimeter shall be landscaped while maintaining the necessary sidewalk area.
  - b. These areas may consist of lawn, planters, or shrub areas so long as the shrub areas, that have to be twenty-four inches (24") minimum in width, comprise a minimum of twenty percent (20%) of the total linear dimension along the building's perimeter
3. With respect to internal street landscaping, there shall be one (1) tree at a one-inch (1") caliper provided every one hundred (100) feet;
4. All ground level HVAC, mechanical equipment cabinets, solid waste containers, dumpsters, recycling bins, etc. shall be screened from view through the use of landscaping, walls, and or fencing in accordance with Section 6.8.9 of the UDO.
- iv. The Project shall comply with the provisions of Section 6.6.4 of the UDO related to preservation of required buffers within the Major Transportation Corridor (MTC) overlay district. This includes the ability to create visual breaks in the buffer in accordance with Section 6.6.4 (A) (5).
- e. **Parking:** In addition to the standards contained in Section 6.9 of the UDO, the following specific standards shall apply to the Project:

~~i. Parking lot design and layout shall be in accordance with Section 6.9 of the UDO;~~<sup>36</sup>

~~ii.i.~~ 1 space shall be required for every 750 sq.ft. of office space;

~~iii.ii.~~ 1 space per 3,000 sq.ft. of additional indoor area (exclusive of office area).<sup>37</sup>

f. **Signage:** In addition to the standards contained in Section 6.12 of the UDO, the following specific standards shall apply to the Project:

- i. Signs shall be permitted consistent with the approved sign master plan for the project;
- ii. Final location/size shall be reviewed/approved by staff as part of a site plan submitted in accordance with Section 2.5 of the UDO and the conditions contained herein.

g. **Lighting:** In addition to the standards contained in Section 6.11 of the UDO, the following specific standards shall apply to the Project:

- i. ~~Lighting plans shall be prepared in accordance with Section 6.11 of the UDO;~~<sup>38</sup>
- ii. All lighting shall be full-cut off fixtures;
- iii. Lighting in parking areas shall observe a height limit of 45 ft.;
- iv. All lighting shall comply with maximum foot-candle limits at property lines as noted in Section 6.11.6.A of the UDO;
- v. ~~Lighting within the Project shall abide by the standards detailed in Section 6.11.8 of the UDO.~~<sup>39</sup>

h. **Stream Buffers:** The Project shall comply with the provisions of Section 6.13 of the UDO.

i. **Stormwater regulations:** The Project shall comply with the provisions of Section 6.14 of the UDO.

j. **Erosion Control regulations.** The Project shall comply with the provisions of Section 6.15 of the UDO.

k. **Flood regulations:** The Project shall comply with the provisions of Section 6.21 of the UDO.

## VI. PERMITTED AND PROHIBITED LAND USES:

<sup>36</sup> Yellow highlighted language makes this condition unnecessary.

<sup>37</sup> Staff had identified concern(s) proposed parking was insufficient to address the overall parking needs for the project. At its October 6, 2020 regular meeting, the BOCC agreed to impose the condition recommended by the applicant and denoted with yellow highlighting.

<sup>38</sup> Yellow highlighted language makes this condition unnecessary.

<sup>39</sup> Ibid.

- a. **Manufacturing:** Land uses category associated with assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site.

Permitted uses, by way of example and not limitation, include the following:

- i. Bottling.
- ii. Brewery, winery, distillery, cidery with tasting/sampling facilities and associated retail sales.
- iii. Bus or rail transit vehicle maintenance or storage facility.
- iv. Contractors storage including janitorial and building maintenance service, exterminator, or other maintenance yard or facility, building, heating, plumbing, landscaping or electrical contractor and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site.
- v. Food and beverage products.
- vi. Lawn, tree or garden service.
- vii. Laundry, dry-cleaning, and carpet cleaning plants.
- viii. Leather and leather products except tanning.
- ix. Sheet metal, welding, machine, tool repair shop or studio.
- x. Stone, clay, glass, and concrete products.
- xi. Woodworking, including cabinet makers and furniture manufacturing.
- xii. Fabricated metal products and machinery.
- xiii. Industrial sign-making.
- xiv. Manufactured or modular housing sales.
- xv. Primary metal manufacturing.

- b. **Light Manufacturing:** Land use category associated with facilities conducting light manufacturing operations within a fully-enclosed building.

Permitted uses include by way of example and no limitation, the following:

- i. Clothing, textile apparel manufacturing.
- ii. Facilities engaged in the assembly, design, repair or testing of: analyzing or scientific measuring instruments; semiconductor and related solid state devices, including but not limited to clocks, integrated microcircuits; jewelry, medical, musical instruments, photographic or optical instruments; and timing instruments.
- iii. Office showroom/warehouse.

- iv. Printing, publishing, and lithography.
  - v. Production of artwork and toys, graphic design sign-making, movie production facility, photofinishing laboratory.
  - vi. Repair of scientific or professional instruments and electric motors.
- c. **Research and Development:** Land use category associated with facilities focused primarily on the research and development of new products. This includes associated manufacturing operation(s) for said products.

Permitted uses include by way of example and not limitation the following:

- i. Laboratories, offices and other facilities used for research and development by or for any individual, organization or concern, whether public or private.
  - ii. Prototype production facilities that manufacture a limited amount of a product in order to fully investigate the merits of such a product.
  - iii. Pilot plants used to test manufacturing processes planned for use in production elsewhere.
- d. **Warehousing/Storage:** Land use category associated with facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property.

Permitted uses include by way of example and not limitation the following:

- i. Warehouse, self-service.
  - ii. Fully enclosed indoor multi-story storage.
  - iii. Mini-warehouse.
- e. **Warehousing/Distribution Services:** Land use category associated with facilities involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers.

Permitted uses include by way of example and not limitation the following:

- i. Bulk storage, including nonflammable liquids, cold storage plants, including frozen food lockers, household moving and general freight storage, separate warehouse used by retail store such as furniture or appliance store.
- ii. Commercial packing for fruits and vegetables.
- iii. Distribution facility, central postal facility.
- iv. Freight, service facility.
- v. Parcel services.
- vi. Transfer and storage business where there are no individual storage areas or where employees or automation are the primary movers of the goods to be stored or transferred.

- vii. Trailer storage, drop off lot.
  - viii. Truck or motor freight terminal, cross-docking or service facility.
  - ix. Trucking operation.
  - x. Warehouse.
- f. **Wholesale Trade:** Land use category associated with facilities involved in the sale, lease, or rent of products to industrial, institutional or commercial businesses. The use emphasizes on-site sales or order-taking and often includes display areas. Businesses may or may not be open to the general public. Products may be picked up on-site or delivered to the customer.

Permitted uses include by way of example and not limitation the following:

- i. Mail-order house.
  - ii. Sale or rental of machinery, equipment, heavy equipment, building materials, special trade tools, welding supplies, machine parts, electrical supplies, plumbing supplies, janitorial supplies, restaurant equipment and store fixtures.
  - iii. Wholesale sales of food, clothing, auto parts, building hardware and similar products.
- g. **Other Facilities:** including by way of example and not limitation, the following:
- i. Customary Accessory Uses to Principal land uses developed on-site
  - ii. Government Facilities and Office Buildings
  - iii. Government Protective Services
  - iv. Bus Passenger Shelter,
  - v. Surface and structure parking as principal use
  - vi. Mail kiosks for central mail pick-up,
  - vii. Elevated Water Storage Tanks.
  - viii. Public open space for use of on-site businesses, employees of same, and customers rather than the general public.
  - ix. Natural and man-made pedestrian/bicycle paths
- h. **Prohibited Land Uses:** The following land use categories and/or specific land uses are expressly prohibited from developing within the Project:
- i. Animal Slaughtering and Processing;
  - ii. Vegetable Fats/Oil Manufacturing and Processing;
  - iii. Concrete Batching Plant;
  - iv. Leather and Hide Tanning;

- v. Petroleum and Coal Processing, Preparation, and Distribution including but not limited to Asphalt Plants;
- vi. Pulp, Paper, and Paperboard Mills;
- vii. Sawmills;
- viii. Mining;
- ix. Landfills;
- x. Body alteration (i.e. tattoo artist, body piercing, etc.);
- xi. Cemetery;
- xii. Crematoria;
- xiii. Funeral Home;
- xiv. Pawnshop/Payday Loan.
- xv. Junk/Salvage yard;
- xvi. Massage Business; and
- xvii. Sexually Oriented Business.

VII. **UTILITIES:** In addition to the requirements of Section 6.20 *Public Sewer Connection* of the UDO, required utility extensions and/or connections shall abide by the following:

- a. Development within the Project shall be served by public water and sewer services as provided and maintained by the Town of Hillsborough; additional and/or alternative water and/or wastewater systems shall not be permitted.
- b. A written, signed agreement between a developer, Orange County, and the Town of Hillsborough shall be executed describing the timing, phasing, design, and financing of public water distribution and public sanitary sewer collection mains;
- c. Water systems and water pressure shall comply with all applicable Town of Hillsborough utility standards, building, and fire codes based on the proposed land use;
- d. Sizing/looping of utility lines shall be based on the proposed development, including water flow test data and shall be reviewed and approved by County staff, Town of Hillsborough Planning Director, and the Town of Hillsborough Utility Director;
- e. Fire-flow test(s) of all installed hydrants shall be conducted, in coordination with the Town of Hillsborough and Orange County Emergency Services, to ensure compliance with applicable State Fire Code standards;

- f. The Orange County and Town of Hillsborough Fire Marshal, in consultation with the Town of Hillsborough Utility Director, shall review and approve location(s) of proposed water lines prior to the initiation of land disturbing activity. Sizing of said lines shall be based on the proposed development, including water flow test data.

#### VIII OTHER: <sup>40</sup>

- a. No permanent fuel or chemical storage shall occur within 30 ft. of a floodplain/stream buffer established consistent with the provisions of Section 6.13 of the County UDO.
- b. A minimum of 2 electrical vehicle charging stations shall be installed for every building constructed on-site. Additional stations may be proposed as part of the site plan review process.
- c. Vehicles within the Project shall be prohibited from idling for more than five (5) consecutive minutes. This shall include any device or combination of devices meeting all of the following criteria:
- i. Designed with a gross vehicle weight rating of more than 14,000 pounds; and
  - ii. Required under North Carolina law to be registered; and
  - iii. Designed to operate on public highways; and
  - b-iv. Powered by a diesel engine. <sup>41</sup>

This restriction shall not apply when:

1. A vehicle is forced to remain motionless because of traffic or adverse weather conditions affecting the safe operation of the vehicle;
2. A vehicle is being operated for emergency or law enforcement purposes;
3. The primary propulsion engine of a vehicle meets all of the following criteria:
  - a. Is providing a power source necessary for mechanical operations other than propulsion; and;

<sup>40</sup> These 2 conditions were added to address Planning Board comments from the August 5 and 19, 2020 meeting. The applicant agreed to the imposition of these conditions.

<sup>41</sup> Idling condition as recommended by the applicant. Staff would recommend prohibiting any/all vehicles from idling for more than 1 consecutive minute.

- b. Involves a power take off (PTO) mechanism, or other mechanical device performing the same function as a PTO; and
- c. Is powered by the engine for:
  - i. Loading and unloading cargo, or
  - ii. Mixing or processing cargo, or
  - iii. Controlling cargo temperature, or
  - iv. Providing a mechanical extension to perform work functions.
- 4. The primary propulsion engine of a vehicle is being operated at idle to conform to manufacturer's warm up and cool down specifications, for maintenance or diagnostic purposes, or by manufacturers engaging the engines in testing for research and development.
- 5. The primary propulsion engine of a vehicle is being operated to supply heat or air conditioning necessary for passenger comfort/safety in those vehicles operating for commercial passenger transportation or school purposes up to a maximum of 30 minutes/hour. If ambient temperatures exceed 75 degrees Fahrenheit, passenger buses are allowed to idle up to a maximum of 60 minutes in any 90-minute time period.

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, Greg Wilder, Interim 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

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** October 20, 2020

**Action Agenda  
Item No. 8-a**

**SUBJECT:** Minutes

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**DEPARTMENT:** Board of County  
Commissioners

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

**INFORMATION CONTACT:**  
Greg Wilder, Interim Clerk to the Board,  
919-245-2130

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**PURPOSE:** To correct and/or approve the draft minutes as submitted by the Interim 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.

|                     |                                              |
|---------------------|----------------------------------------------|
| September 10, 2020  | Virtual Work Session                         |
| September 15, 2020* | Virtual Business Meeting                     |
| September 22, 2020* | Continued 9/15/2020 Virtual Business Meeting |

\*The September 15, 2020 Virtual Business Meeting was recessed and reconvened on September 22, 2020 thus resulting in one set of meeting minutes.

**FINANCIAL IMPACT:** There is no financial 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.

**MINUTES  
BOARD OF COMMISSIONERS  
VIRTUAL WORK SESSION  
SEPTEMBER 10, 2020  
7:00 p.m.**

The Orange County Board of Commissioners met for a Virtual Work Session on Thursday, September 10, 2020 at 7:00 p.m.

**COUNTY COMMISSIONERS PRESENT:** Chair Penny Rich, Vice Chair Renee Price, and Commissioners Jamezetta Bedford, Mark Dorosin, Sally Greene, Mark Marcoplos, and Earl McKee

**COUNTY COMMISSIONERS ABSENT:** NONE

**COUNTY ATTORNEYS PRESENT:** John Roberts

**COUNTY STAFF PRESENT:** County Manager Bonnie Hammersley, Deputy County Manager Travis Myren, Deputy Clerk to the Board David Hunt, and Assistant Deputy Clerk II Allen Coleman (All other staff members will be identified appropriately below.)

Chair Rich called the meeting to order at 7:00 p.m.

Due to current public health concerns, the Board of Commissioners is conducting a Virtual Work Session on Thursday, September 10, 2020. Members of the Board of Commissioners participated in the meeting remotely. As in prior meetings, members of the public were able to view and listen to the meeting via live streaming video at <http://www.orangecountync.gov/967/Meeting-Videos> and on Orange County Gov-TV on channels 1301 or 97.6 (Spectrum Cable).

**1. Additional Discussion on Potential Regulation of the Discharge of Firearms in Areas of the County with High Residential Unit Density**

**PURPOSE:** To discuss options related to the regulation of firearms discharge in limited urbanized areas of the County.

**BACKGROUND:**

This topic was briefly discussed by the 2016 Firearms Safety Committee at its meetings, but did not result in any substantive recommendations to the Board of Commissioners in that Committee's final recommendation. The proposed recommendations from the Committee included a recommendation that the Code of Ordinances be amended to prohibit the discharge of firearms while an individual is impaired, required discharged projectiles remain on the property on which they are discharged, and individuals discharging firearms maintain adequate backstops. These recommendations were adopted as shown in Attachment E.

The Board of Commissioners revisited this issue in September 2019 and directed the County Attorney to bring back additional information at a 2020 work session including a map showing more roads, a map showing subdivisions, the current Orange County ordinance, maps of the extra-territorial jurisdiction (ETJ) areas including subdivisions, and Geographic Information System enlarged maps of larger subdivisions. North Carolina General Statute 153A-129 specifically authorizes counties to regulate the discharge of firearms (Attachment B). Other

1 statutes limit the extent to which counties may regulate firearms in general and the discharge of  
2 firearms, particularly with respect to the discharge of firearms on “sport shooting ranges.”  
3

4 Ordinances of this type are generally prospective only. In response to a question from  
5 Commissioner Jamezetta Bedford about retroactive applicability at the September 2019 work  
6 session, the County Attorney indicated that an ordinance adopted to promote gun safety in  
7 urbanized areas could retroactively apply to shooting ranges. This response was overly broad  
8 and did not specify the strict limitations of retroactive enforcement. Retroactive enforcement  
9 would only apply to shooting ranges constructed or developed without appropriate approvals  
10 since the County’s firearms discharge ordinance was adopted in 2016.  
11

12 To show where such regulations could be imposed, Planning staff developed multiple County  
13 maps showing areas of the County with various residential housing densities. These maps are  
14 for illustrative purposes only and show where an ordinance of this type could be applicable.  
15 According to Planning staff, Map 1 in Attachment A shows a suburban equivalent density – that  
16 being one or more dwelling units per 1/3 acre. It is clear from the map that there are very few  
17 areas with this residential density within Orange County’s jurisdiction. Map 2 shows a density of  
18 one or more dwelling units per one acre. Map 3 shows an intermediate rural density of one or  
19 more dwelling units per 1.25 acres. Map 4 shows a substantially less dense arrangement of one  
20 or more dwelling units per 2 acres. According to the Planning staff, Map 5 shows all  
21 subdivisions within the County’s jurisdiction that contain 10 lots or more, including such  
22 subdivisions within town ETJ areas. Map 6 is an aerial map showing lots and buildings within  
23 the Churton Grove subdivision, a subdivision having lots of approximately ½ acre on average.  
24 Map 7 is an aerial map showing lots and buildings within the Hunt’s Preserve subdivision, a  
25 subdivision having lots of approximately 2.4 acres on average with a range of 1.2 to 5.8 acres.  
26

27 Regulated areas could be established within designated subdivisions with enforcement focused  
28 on discharges occurring within the subdivision. As is apparent from the map, focusing only on  
29 areas with suburban like density would create small islands of enforcement near municipal  
30 boundaries.  
31

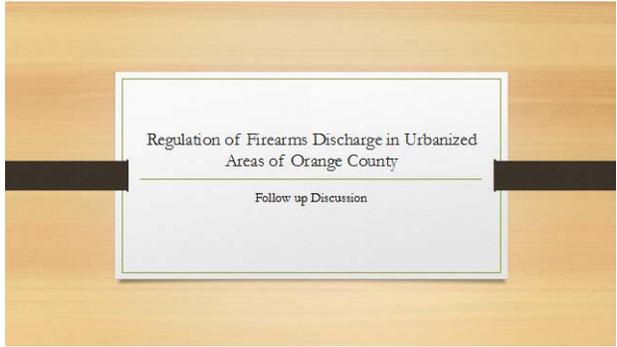
32 Durham County previously had a similar ordinance in which the ordinance only applied to  
33 discharge of firearms within 600 feet of a residence within one of many designated high density  
34 areas. Durham also had a permit process for shooting ranges that existed in the regulated areas  
35 prior to the adoption of the ordinance (Attachment C). According to the Durham County  
36 Attorney, enforcement proved exceptionally difficult and in December 2018 Durham County  
37 amended its ordinance to remove the references to high density areas and now restricts  
38 firearms discharge throughout the county if it occurs within 900 feet of the property lines of  
39 properties containing houses, schools, and churches (Attachment D). This level of restriction  
40 may not be appropriate for Orange County, which is substantially more rural than Durham.  
41

42 The County Attorney consulted the Orange County Sheriff’s Office on this issue and, as in prior  
43 discussions of this topic, and as Durham County experienced with a similar ordinance, the  
44 Sheriff’s office indicates enforcement of an ordinance similar to Durham’s prior or current  
45 ordinance would be difficult due to the nature of the regulated activities, that being generally  
46 short in duration and, unless visually observed by a deputy, difficult to precisely locate. Pursuant  
47 to North Carolina law any regulation such as that discussed would apply to all discharges of  
48 firearms in Orange County’s jurisdiction including discharges on shooting ranges constructed  
49 after any amendment adopted by the Board and on existing ranges as noted above. Any  
50 ordinance adopted would not apply to the discharge of firearms for lawful hunting activities,

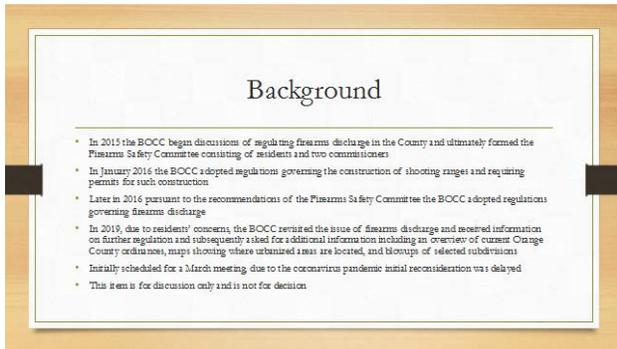
1 discharges occurring in the defense of person or property, or discharges pursuant to the lawful  
2 directions of law enforcement officers.

3  
4 **RECOMMENDATION(S):** The Manager recommends the Board discuss this issue and provide  
5 direction to staff.

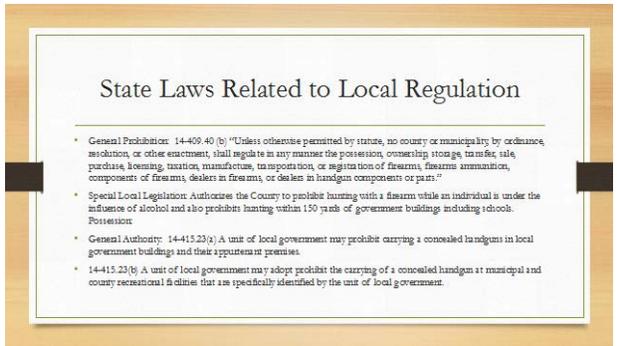
6  
7 John Roberts made the following PowerPoint presentation:  
8



9  
10



11  
12  
13



14  
15

## State Laws Related to Local Regulation

- 14-409.40(f) Counties may "prohibit the possession of firearms in public-owned buildings, on the grounds or parking areas of those buildings, or in public parks or recreation areas." This applies to open carry.
- Public Display and Discharge: 153A-129. (Effective October 1, 2017) Firearms.
  - (a) Except as provided in this section, a county may by ordinance regulate, restrict, or prohibit the discharge of firearms at any time or place except in any of the following instances: (1) When used to take birds or animals pursuant to Chapter 113, Subchapter IV. (2) When used in defense of person or property. (3) When used pursuant to lawful directions of law-enforcement officers.
  - (b) A county may by ordinance prohibit hunting on Sunday as allowed under G.S. 103-2...
  - (c) A county may regulate the display of firearms on the public roads, sidewalks, alleys, or other public property.

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## State Laws Related to Local Regulation

- Sport Shooting Range Protection Act
- Sport shooting range defined as "An area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting"
- Owners of sport shooting ranges not subject to private nuisance cases
- Owners of sport shooting ranges not subject to civil or criminal liability if shooting range is in compliance with existing law at the time a new ordinance is passed
- Local governments cannot regulate firearms discharge at sport shooting ranges that predate the regulating ordinance so long as they were in compliance with existing law
  - No subsequently adopted noise or nuisance regulation
  - No subsequently adopted land use regulation

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### Orange County Ordinances

#### General Code

- Firearms discharge excluded from noise ordinance
- Prohibits most discharge except into water or constructed building
- Prohibits negligent discharge
- Prohibits discharge in which the projectile leaves the property on which the firearm is discharged
- Prohibits the discharge of firearms while the shooter is impaired and also prohibits hunting within 150 yards of government buildings
- Doesn't apply to hunting (except while impaired), self-defense, etc.
- Also prohibits possession of firearms in county buildings and on certain county properties
- Adopted December 2016

#### UDO

- Regulates the construction of shooting ranges and requires permits for same
- Not allowed within 300 feet of property lines or 1000 feet of occupied dwelling units
- 15 foot high 30 foot deep backdrop required
- Shooting only allowed 10 a.m. to 6 p.m. daily
- Maintain a buffer around the range
- Also regulates indoor shooting ranges
- Adopted January 2016

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### Durham County Ordinances

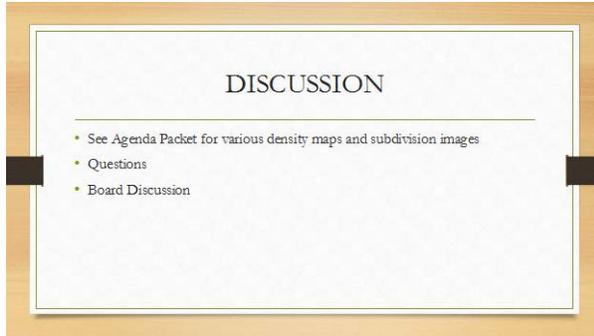
#### Old

- Prohibited discharge within 600 feet of a residence located in a predominantly residential area
- Prohibited discharge of a firearm by a minor within 600 feet of a residence located in a predominantly residential area
- Prohibited negligent discharge in all other unincorporated areas of the County
- Doesn't apply to hunting, self-defense, etc.

#### New

- Prohibits discharge on all county property and in all unincorporated areas of the County.
  - Within 500 feet of domestic premises on the property line of a dwelling, school, church, occupied building, park, other public gathering place
- Prohibits discharge over roads, sidewalks, or public vehicular areas
- Prohibits the discharge of weapons by minors under 12
- Doesn't apply to hunting, self-defense, etc.

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3 John Roberts referred to attachment A, map 1, and said the Planning Department  
4 classifies this housing density as suburban in nature within all of Orange County that is not  
5 within an incorporated area. He said the only large area is Churton Grove, northeast of  
6 Hillsborough. He said suburban density is one dwelling unit per 1/3 acre. He said the next map  
7 is one more housing unit per one acre, using 10-acre grids. He said these are mostly around  
8 Hillsborough and Efland/Mebane, with a few in other areas of the County.

9 John Roberts referred to map 3, which has one or more units per 1.25 acres, and a final  
10 map shows one or more dwelling units per 2 acres.

11 John Roberts said the next map is every subdivision in the County and extraterritorial  
12 jurisdiction (ETJ) areas with at least 10 lots in the subdivision. He said staff also looked at 3-lot  
13 subdivisions, which lead to most areas of the County being covered in yellow.

14 John Roberts said map 6 is the Churton Grove area in Hillsborough, which shows the  
15 largest suburban type density. He said there are several hundred houses; with the north side of  
16 the development surrounded by farms, any of which could potentially host hunting.

17 John Roberts said map 7 is the Hunts Preserve subdivision south of Chapel Hill, which is  
18 not considered suburban density.

19 Commissioner Price asked if the information about Durham pertained to Durham City,  
20 County, or both.

21 John Roberts said that was Durham County's ordinance.

22 Commissioner Price asked if the ordinance has any jurisdiction in the City of Durham.

23 John Roberts said no.

24 Chair Rich said one cannot fire a gun in the city of Durham.

25 John Roberts said cities have additional legislative authority that counties do not.

26 Commissioner Dorosin asked if municipalities have the same authority in their ETJs.

27 John Roberts said no. He said the municipalities can enforce land ordinances in the  
28 ETJ, but any police power would have to come from the County.

29 Commissioner Dorosin referred to map number 2 and compared it to map number 5, and  
30 asked if the difference between the two could be clarified.

31 John Roberts said the subdivision map has lots that are not developed, and many of  
32 them will have lots that are larger than the 1/3-1 acre. He said map 2 has more densely packed  
33 subdivisions, but also may be roads along a street and not an actual subdivision.

34 Commissioner Dorosin said the yellow subdivisions have 10 or more lots, and the lots  
35 per acre are between zero and 1. He asked if this is different than one house per acre.

36 John Roberts said some of the lots will not be developed.

37 Commissioner Marcoplos referred to one of the subdivisions, which is where he lives.  
38 He said they are 10.01-acre lots, and a lot of the yellow ones are one house per 10 acres like  
39 where he lives.

40 John Roberts said that suggests the key is not accurate.

41 Commissioner Dorosin said the map says if it is yellow, there is zero to one lot per acre.

1 Commissioner Marcoplos said zero lots per acre would mean there are no lots at all, and  
2 with 10-acre lots, there are 0.1 lots per acre. He said the key is accurate, but a bit obtuse.

3 Commissioner Dorosin asked if the County was able to regulate firearms in public parks.

4 John Roberts said no, that right was taken away about 5 or 6 years ago. He said people  
5 can carry firearms onto playgrounds.

6 Commissioner Dorosin asked if cities could regulate firearms in their parks.

7 Commissioner Greene said no county or municipality can regulate firearms.

8 Commissioner Marcoplos said he thinks the Durham ordinance may work well in Orange  
9 County. He said even on a 10-acre lot, if people are shooting it is really loud and if one is not  
10 aware of who it is, it can be a problem. He asked if there is a reason why the Board is tiptoeing  
11 around this distancing. He said 450 feet of no hunting from public buildings is still very close.  
12 He said it does not make a lot of sense. He said it just seems there is a lot of room to put some  
13 serious distances in, and still not violate people's rights.

14 Chair Rich asked if the Board of County Commissioners (BOCC) takes Commissioner  
15 Marcoplos' recommendation to impose a 900 feet boundary, would shooting ranges built prior to  
16 2016 be exempt?

17 John Roberts said anything in existence today would not be subject to this amendment.

18 Commissioner McKee asked if the Commissioners can create something that is not  
19 burdensome to the Sheriff's Office. He said he served on the shooting committee.

20 John Roberts said he does not know. He said the Sheriff would be responsible for  
21 enforcing any laws passed by the BOCC. He said the Sherriff advised it would be extremely  
22 hard to monitor 900-foot distance, unless a deputy is present at the time of shooting.

23 Commissioner McKee said that almost never happens.

24 John Roberts said yes. He said the Sheriff is not in favor of the distance ordinance, due  
25 to the difficulty of enforcement.

26 Commissioner Marcoplos said it may still be helpful.

27 John Roberts said the Board has the authority to make this amendment. He said the  
28 State says the County can regulate firearms, and it does come down to whether it is  
29 enforceable.

30 John Roberts asked for direction, or if additional exploration is needed.

31 Commissioner Price referred to the noise, and asked if the BOCC can regulate noise if it  
32 is not a shooting range.

33 John Roberts said the County currently regulates the negligent and dangerous discharge  
34 of firearms. He said putting it into the noise ordinance as well would not apply to proper  
35 shooting ranges, but could apply to people shooting off dangerously in their backyard

36 Commissioner Dorosin said he supported Commissioner Marcoplos' recommendation.  
37 He referred to Churton Grove, and asked if there is any restrictions to one shooting in such a  
38 densely populated area

39 John Roberts said there is, and the current ordinance says one cannot recklessly or  
40 negligently discharge a firearm. He said discharging a firearm in a neighborhood like Churton  
41 Grove is inherently dangerous.

42 Commissioner Dorosin said the current ordinance does not apply specifically to that  
43 neighborhood, but to everyone.

44 John Roberts said correct. He said the Board cannot regulate professional sporting  
45 ranges, but none currently exist in the County.

46 Commissioner Dorosin asked if there is a formal permitting process to establish a  
47 shooting range.

48 John Roberts said there are no professional quality ranges in the County, and all are  
49 privately owned for private use, so the total number is not known. He said it can be a naturally  
50 occurring barrier, but if it is a barrier that was constructed prior to the County's standards, it  
51 probably satisfies the statutory definition.

1 Commissioner Dorosin asked if one was constructed after the 2016 regulation change,  
2 would the berm be inspected to determine its adequacy.

3 John Roberts said if it was constructed after 2016, it is subject to regulation, and  
4 Planning Staff could go out to inspect. He said the resident is supposed to go through staff, but  
5 may not always do so. He said the Planning Department operates on a complaint driven  
6 system, and investigate concerns if complaints are raised.

7 Commissioner Dorosin said if there was a regulatory system, and one built a range  
8 without going through the proper process, the complaint would be not that it was built, but that it  
9 did not follow protocol.

10 John Roberts said staff would have to be able to prove that the structure was built after  
11 the ordinance was changed.

12 Commissioner McKee said the firearms committee spent a lot of time trying to define  
13 noise, but was unable to do so other than by decibel levels. He referred to Churton Grove, and  
14 whether regulations apply to Churton Grove, and said it does apply to any and all tight  
15 subdivisions because one cannot discharge a firearm and keep the projectile on the property.  
16 He said there is not enough room on the lots to build berms.

17 Commissioner Greene said she is more concerned about the land neighboring these  
18 types of subdivisions, and she is unsure what she thinks about all of this. She said just because  
19 a regulation is difficult to enforce does not mean it should not be on the books. She said she  
20 thinks most people want to follow the law, and having laws on the books can be a deterrent.

21 Chair Rich said she is hearing some support for the 900 feet distance requirement.

22 Commissioner McKee said he needed to be convinced that a 900-foot requirement  
23 would not eliminate 70 percent of homes in Orange County. He said he does not know how it  
24 would work. He said he knows there are difficult situations, and he has a neighbor that shoots  
25 excessively, in his opinion. He agrees with Commissioner Greene that most residents are able  
26 to cease, when asked, but those are not the residents who are causing problems. He said  
27 those who are causing problems are not going to be accommodating to neighbors.

28 Chair Rich said she is having a hard time picturing 900 feet.

29 Commissioner McKee said it is a long distance.

30 Commissioner Greene said 900 feet is three football fields.

31 John Roberts said Planning Staff can map every residence, in the non-incorporated  
32 areas, and put a 900 foot circle around each one. He said it would cover a substantial portion of  
33 the County.

34 Commissioner McKee said he would like to see that map.

35 John Roberts said staff would work on it.

36 Commissioner Marcoplos said the Board has to decide what is important: saying one  
37 must be able to shoot on one's own property no matter what, or does one go to another friend's  
38 land to shoot. He said he has given people permission to shoot on his land, and this new  
39 recommendation does not take away anyone's rights. He said the noise will still be loud even at  
40 900 feet.

41 Commissioner Greene asked if 900 feet blankets the County, would it be wise to  
42 consider 600 feet. She said it may be helpful to have both options mapped out.

43 Chair Rich said the BOCC is considering having a regulation, and Commissioner  
44 Dorosin indicated a desire to have a process to regulate the building of berms.

45 John Roberts asked if the BOCC would like this back at a regular work session or a  
46 business meeting.

47 Chair Rich said the public will need to be able to weigh in.

48 Commissioner McKee agreed, and thinks this item would need to be done when the  
49 BOCC is meeting in public, not virtually.

1 Commissioner Bedford said she agrees with the aforementioned comments, and said  
2 she would like to know how far bullets can travel for certain types of guns, and the potential for  
3 bodily harm.

4 Commissioner McKee said a small caliber gun (like a 22 rifle) will travel less than a mile,  
5 but a large caliber gun (AR-15, etc.) can travel several miles, unless one is shooting into a stop.

6 Commissioner Bedford said the permitting idea has more value to her.

7 Commissioner Rich said the Sheriff indicated the last time a stray bullet hit a person in  
8 Orange County was in 1967.

9 Commissioner Bedford said it has happened more recently in the municipalities.

10 Commissioner Dorosin said a woman was killed in Durham from a stray bullet.

11 Chair Rich said it sounds like this item would need to come before a work session before  
12 coming before a public hearing.

## 14 2. Follow-up Discussion on County Capital Investment Plan (CIP) Years 2 through 5

15  
16 **PURPOSE:** To facilitate a discussion on the outstanding amendments to the Capital Investment  
17 Plan following the Intent to Adopt work session on June 9, 2020.

18  
19 **BACKGROUND:** During the Intent to Adopt Budget work session on June 9, 2020, the Board  
20 approved amendments to the Capital Investment Plan that advanced the expansion of the  
21 Durham Technical Community College and amended several projects in Year 1 intended to  
22 offset the cost of advancing that project. The approved amendments are in **bold** in *Attachment*  
23 *A – Updated List of CIP Amendments*. An excerpt of the draft minutes from the work session is  
24 also included as *Attachment B – Draft Minutes from June 9, 2020 Work Session*.

25  
26 The Board chose to postpone making decisions on proposed project deferrals in Years 2  
27 through 5 that are intended to more fully offset the cost of advancing the Durham Tech  
28 Expansion project into Years 1 – 3. The remaining proposed amendments are also included in  
29 Attachment A, and the CIP project pages that would be amended by the proposal are attached  
30 in *Attachment C – Relevant CIP Project Pages*.

31  
32 Finally, the impact of the proposed amendments on the County's debt affordability metrics is also  
33 modeled in *Attachment D – Debt Metric Models*.

34 The goal of the work session is to provide sufficient direction to staff to finalize the FY2021-2025  
35 Capital Investment Plan for final adoption.

36  
37 Travis Myren made the following PowerPoint Presentation:

### 38 39 **Review of Outstanding Proposed Amendments to the FY2020-25 Capital Investment Plan** 40 **September 10, 2020** 41 **Work Session**

#### 42 43 **Capital Investment Plan Amendments** 44 **Amendments Adopted 6/9 – page 2**

| 45 Project                       | 46 Amendment                                                 | 47 Total Expenditure Amount | 48 Adopted Amendments |
|----------------------------------|--------------------------------------------------------------|-----------------------------|-----------------------|
| 49 Durham Tech Expansion Project | Move the Durham Tech Expansion Project Planning up to Year 1 | \$ 1,000,000                | \$ 1,000,000          |
| 50 Durham Tech Expansion Project | Move the Durham Tech Expansion Project Phase 2 up to Year 2  | \$ 14,000,000               | \$ 14,000,000         |
| Durham Tech Expansion Project    | Move the Durham Tech Expansion Project Phase 3 up to Year 3  | \$ 11,547,911               | \$ 11,547,911         |
|                                  | <b>Total</b>                                                 | <b>\$ 26,547,911</b>        | <b>\$ 26,547,911</b>  |

**Capital Investment Plan Amendments  
Amendments Adopted 6/9 – page 3**

| Amendment                                                                    | Total Expenditure Amount | Adopted Amendments | Notes                                        |
|------------------------------------------------------------------------------|--------------------------|--------------------|----------------------------------------------|
| <b>Delay the following CIP projects from Year 1 (FY 20-21) to Years 6-10</b> |                          |                    |                                              |
| Roofing Projects - Library Design                                            | \$ (25,000)              | \$ (25,000)        | <i>Project Withdrawn by Staff</i>            |
| EMS Substation - Morgue Project                                              | \$ (675,000)             | \$ (675,000)       | <i>Project Budget Reduced to \$525,000</i>   |
| Blackwood Farm Park                                                          | \$ (350,000)             | \$ (350,000)       | <i>Remediate and Rehabilitate Farm House</i> |
| IT - Infrastructure, Laptop/Desktop Replacements, Connectivity               | \$ (900,000)             | \$ (500,000)       | <i>\$934,500 Total Budget</i>                |
| Vehicle Replacements                                                         | \$ (250,000)             | \$ (250,000)       | <i>Financed Replacements</i>                 |
| • Why are the future years important?                                        | \$ (2,200,000)           | \$ (1,800,000)     |                                              |

**Purpose of Future Years – page 4**

Board approves Year 1 as the Capital Budget for that fiscal year

– Future years remain flexible to adapt to changing needs, circumstances, and Board priorities

- Long Range Financial Planning
  - Debt to General Fund Revenue Policy
  - Implications for Debt Service requirements and the overall expenditure and revenue plan
- Project Management
  - Resolve project contingencies prior to appropriation
  - Create staffing plan to manage future projects

**Capital Investment Plan Amendments – page 5**

| <b>Debt Service to General Fund Revenue Analysis<br/>15% Policy Target</b> |                 |                         |                         |  |
|----------------------------------------------------------------------------|-----------------|-------------------------|-------------------------|--|
| Year                                                                       | Recommended CIP | 6/9 Approved Amendments | All Proposed Amendments |  |
| 2021                                                                       | 14.12%          | 14.12%                  | 14.12%                  |  |
| 2022                                                                       | 16.43%          | 16.40%                  | 16.41%                  |  |
| 2023                                                                       | 16.19%          | 16.25%                  | 16.15%                  |  |
| 2024                                                                       | 16.22%          | 16.69%                  | 16.29%                  |  |
| 2025                                                                       | 15.18%          | 15.90%                  | 15.20%                  |  |
| 2026                                                                       | 14.44%          | 15.13%                  | 14.31%                  |  |

**Capital Investment Plan Amendments – page 6**

| Tax Equivalent Debt Service Analysis<br>in Cents per \$100 Valuation |                                         |                                         |                                         |
|----------------------------------------------------------------------|-----------------------------------------|-----------------------------------------|-----------------------------------------|
| Year                                                                 | Recommended CIP                         | Approved 6/9<br>Amendments              | All Proposed<br>Amendments              |
| 2021                                                                 | 1.37<br>Delayed with Emergency Measures | 1.37<br>Delayed with Emergency Measures | 1.37<br>Delayed with Emergency Measures |
| 2022                                                                 | 3.48                                    | 3.44                                    | 3.44                                    |
| 2023                                                                 | -                                       | 0.11                                    | -                                       |
| 2024                                                                 | 0.36                                    | 1.01                                    | 0.48                                    |
| 2025                                                                 | -                                       | -                                       | -                                       |
| <b>TOTAL</b>                                                         | <b>5.21</b>                             | <b>5.93</b>                             | <b>5.29</b>                             |

**Capital Investment Plan Amendments – page 7**

| Amendment                                                                   | Total<br>Expenditure Amount | Proposed<br>Amendment | Amendment Impact                                                                                                                                                                                                                                                                                                                                         |
|-----------------------------------------------------------------------------|-----------------------------|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Delay the following CIP project from Year 2 (FY 21-22) to Years 6-10</b> |                             |                       |                                                                                                                                                                                                                                                                                                                                                          |
| Soccer.com                                                                  | \$ (4,589,000)              | \$ (4,589,000)        | <ul style="list-style-type: none"> <li>• Delays field expansion, parking improvements, and restrooms</li> <li>• Reduces ability to attract large scale tournaments</li> <li>• Due to schedule, project would be delayed to year 3</li> </ul>                                                                                                             |
| Some IT Infrastructure -<br>Infrastructure, County Fiber                    | \$ (1,500,000)              | \$ (1,500,000)        | <ul style="list-style-type: none"> <li>• \$1.16 million proposed to extend County owned fiber to Southern OC Facilities</li> <li>• Remaining \$340,000 from Laptop/Desktop Replacements</li> <li>• Aging Report indicates 279 devices (25%) 7-9 years old; 370 devices (33%) 5-6 years old.</li> <li>• Devices age out of warranty at year 4.</li> </ul> |

**Capital Investment Plan Amendments – page 8**

| Amendment                                                                   | Total<br>Expenditure<br>Amount | Proposed<br>Amendment | Amendment Impact                                                                                                                                                                      |
|-----------------------------------------------------------------------------|--------------------------------|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Delay the following CIP project from Year 2 (FY 21-22) to Years 6-10</b> |                                |                       |                                                                                                                                                                                       |
| Lands Legacy                                                                | \$ (500,000)                   | \$ (250,000)          | <ul style="list-style-type: none"> <li>• County financing \$250,000</li> <li>• \$1.83 million project balance</li> <li>• \$1.5 million expected to be used in FY2020-21 as</li> </ul> |

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**Capital Investment Plan Amendments – page 9**

| Amendment                                                                   | Total Expenditure Amount | Proposed Amendment    | Amendment Impact                                                                                                                                                                                                                                                                                                                                                                                  |
|-----------------------------------------------------------------------------|--------------------------|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Delay the following CIP project from Year 2 (FY 21-22) to Years 6-10</b> |                          |                       |                                                                                                                                                                                                                                                                                                                                                                                                   |
| Twin Creeks Park                                                            | \$ (220,000)             | \$ (220,000)          | <ul style="list-style-type: none"> <li>• <i>Engineering and pre-construction drawings</i></li> <li>• <i>Southern roadway may be advancing but no current timeline</i></li> </ul>                                                                                                                                                                                                                  |
| Old Courthouse Square - Exterior Restoration                                | \$ (220,000)             | \$ (200,000)          | <ul style="list-style-type: none"> <li>• <i>Amendment preserves \$20,000 for Architect/Structural Engineer</i></li> <li>• <i>Delays removal of plantings, brick restoration, drainage improvements, portico brick restoration, roof system work on SE corner</i></li> <li>• <i>Restoration work has no impact on building integrity; \$50,000 roof correction would be prioritized</i></li> </ul> |
| Vehicle Replacements                                                        | \$ (250,000)             | \$ (250,000)          | <ul style="list-style-type: none"> <li>• <i>\$1.1 million total budget</i></li> <li>• <i>23% reduction in Sheriff vehicles and Emergency Services vehicles</i></li> </ul>                                                                                                                                                                                                                         |
| <b>Total</b>                                                                | <b>\$ (8,079,526)</b>    | <b>\$ (7,559,526)</b> |                                                                                                                                                                                                                                                                                                                                                                                                   |

**Capital Investment Plan Amendments – page 10**

| Amendment                                                                     | Total Expenditure Amount | Proposed Amendment | Amendment Impact                                                                                                                                                                                                           |
|-------------------------------------------------------------------------------|--------------------------|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Delay the following CIP projects from Year 3 (FY 22-23) to Years 6-10:</b> |                          |                    |                                                                                                                                                                                                                            |
| Millhouse Road Park                                                           | \$ (6,400,000)           | \$ (3,200,000)     | <ul style="list-style-type: none"> <li>• <i>Joint project with Town of Chapel Hill</i></li> <li>• <i>No current Master Plan</i></li> <li>• <i>Chapel Hill staff has acknowledged the proposed project delay</i></li> </ul> |

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Commissioner McKee asked if clarification could be provided regarding the wording of “Chapel Hill staff has acknowledged”.

Travis Myren said the County chose those words carefully. He said staff does not know what the Town Council may think, but this project is included in year 3 of the Town’s CIP. He said the County has informed the Town that this may be a possibility, but that is all he can say about that.

Commissioner Price referred to the Conversation Easements, and asked if this is just in year one.

Travis Myren said this would be the year 3 amount.

Commissioner Price said it would not be in year 1 or 2, even though the County gets this money every year.

Bonnie Hammersley said the County has been putting money in every other year.

Travis Myren said, based on that cadence, the next opportunity would be year 5. He resumed the presentation:

**Capital Investment Plan Amendments – page 11**

| Amendment                                                                     | Total Expenditure Amount | Proposed Amendment    | Amendment Impact                                                                                                                                                                                                                                                                                                          |
|-------------------------------------------------------------------------------|--------------------------|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Delay the following CIP projects from Year 3 (FY 22-23) to Years 6-10:</b> |                          |                       |                                                                                                                                                                                                                                                                                                                           |
| Old Courthouse Square                                                         | \$ (390,000)             | \$ (390,000)          | <ul style="list-style-type: none"> <li>• Delays finish carpentry and storm windows, landscaping and plantings</li> <li>• Stone sidewalk repair/ADA improvements (\$40,000)</li> </ul>                                                                                                                                     |
| IT - Infrastructure, Laptop/Desktop Replacements, Cyber Security              | \$ (748,385)             | \$ (748,385)          | <ul style="list-style-type: none"> <li>• Delays Cybersecurity (\$100,000), infrastructure (\$254,616), Laptop Replacements (\$393,769)</li> <li>• Aging report indicates 12 devices (1%) 10-14 years old, 546 devices (48%) 7-9 years old, 348 devices (31%) 5-6 years old assuming Year 2 funding is reduced.</li> </ul> |
| Vehicle Replacements                                                          | \$ (250,000)             | \$ (250,000)          | <ul style="list-style-type: none"> <li>• \$933,592 total budget</li> <li>• 27% reduction in Sheriff vehicles and Emergency Services vehicles</li> </ul>                                                                                                                                                                   |
| <b>Total</b>                                                                  | <b>\$ (12,868,385)</b>   | <b>\$ (9,168,385)</b> |                                                                                                                                                                                                                                                                                                                           |

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6 Commissioner Marcoplos asked if there are implications for delaying the cyber security  
7 investment.

8 Travis Myren said that item is a high priority item, and if not funded in the CIP, staff  
9 would probably seek to find operating budget funds instead. He resumed the presentation:  
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19 **Capital Investment Plan Amendments – page 12**

| Amendment                                                                     | Total Expenditure Amount | Proposed Amendment     | Amendment Impact                                                                |
|-------------------------------------------------------------------------------|--------------------------|------------------------|---------------------------------------------------------------------------------|
| <b>Delay the following CIP projects from Year 4 (FY 23-24) to Years 6-10:</b> |                          |                        |                                                                                 |
| EMS Substation - New Standalone Facility in Northern Corridor                 | \$ (4,000,000)           | \$ (4,000,000)         | • <i>No current site identified</i>                                             |
| <b>Total</b>                                                                  | <b>\$ (4,000,000)</b>    | <b>\$ (4,000,000)</b>  |                                                                                 |
| <b>Delay the following CIP projects from Year 5 (FY 24-25) to Years 6-10:</b> |                          |                        |                                                                                 |
| Facility Safety and Accessibility Projects - Fire Alarm System Upgrades       | \$ (1,095,980)           | \$ (1,095,980)         | • <i>Delays 16 fire alarm system upgrades in various facilities by one year</i> |
| Lake Orange Dam - Intake Tower and De-mucking                                 | \$ (1,900,000)           | \$ (1,900,000)         | • <i>Delays Intake Tower De-mucking one year</i>                                |
| HVAC Projects - New Courthouse HVAC Replacement                               | \$ (124,020)             | \$ (124,020)           | • <i>Delays HVAC replacement one year</i>                                       |
| <b>Total</b>                                                                  | <b>\$ (3,120,000)</b>    | <b>\$ (3,120,000)</b>  |                                                                                 |
| <b>Grand Total CIP Projects Delayed</b>                                       | <b>\$ (30,267,911)</b>   | <b>\$ (25,647,911)</b> |                                                                                 |

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Travis Myren said Commissioner Marcoplos asked about the impact of improving response times in the northern corridor, and he said the new EMS substation would improve efficiency by 3 minutes. He resumed the presentation:

**Capital Investment Plan Amendments – page 13**

| <b>Debt Service to General Fund Revenue Analysis</b> |                        |                                |                                |
|------------------------------------------------------|------------------------|--------------------------------|--------------------------------|
| <b>15% Policy Target</b>                             |                        |                                |                                |
| <b>Year</b>                                          | <b>Recommended CIP</b> | <b>6/9 Approved Amendments</b> | <b>All Proposed Amendments</b> |
| 2021                                                 | 14.12%                 | 14.12%                         | 14.12%                         |
| 2022                                                 | 16.43%                 | 16.40%                         | 16.41%                         |
| 2023                                                 | 16.19%                 | 16.25%                         | 16.15%                         |
| 2024                                                 | 16.22%                 | 16.69%                         | 16.29%                         |
| 2025                                                 | 15.18%                 | 15.90%                         | 15.20%                         |
| 2026                                                 | 14.44%                 | 15.13%                         | 14.31%                         |

#### Capital Investment Plan Amendments – page 14

| <b>Tax Equivalent Debt Service Analysis</b> |                                         |                                         |                                         |
|---------------------------------------------|-----------------------------------------|-----------------------------------------|-----------------------------------------|
| <b>in Cents per \$100 Valuation</b>         |                                         |                                         |                                         |
| <b>Year</b>                                 | <b>Recommended CIP</b>                  | <b>Approved 6/9 Amendments</b>          | <b>All Proposed Amendments</b>          |
| 2021                                        | 1.37<br>Delayed with Emergency Measures | 1.37<br>Delayed with Emergency Measures | 1.37<br>Delayed with Emergency Measures |
| 2022                                        | 3.48                                    | 3.44                                    | 3.44                                    |
| 2023                                        | -                                       | 0.11                                    | -                                       |
| 2024                                        | 0.36                                    | 1.01                                    | 0.48                                    |
| 2025                                        | -                                       | -                                       | -                                       |
| <b>TOTAL</b>                                | <b>5.21</b>                             | <b>5.93</b>                             | <b>5.29</b>                             |

**RECOMMENDATION(S):** The Manager recommends that the Board continue its discussion of the FY2020-2025 Capital Investment Plan and provide direction to staff to finalize the Plan.

Commissioner Marcoplos asked if a channel repair could be defined.

Travis Myren said he is not a dam expert, but he would assume it improves flow through the channel.

Commissioner Marcoplos said it is his understanding that without the repair there could be flooding and property damage, and he wondered if this is accurate.

Travis Myren said he would get that information.

Commissioner McKee said it is an undermining of the spillway.

1 Commissioner Greene asked if she could have some clarification on the conservation  
2 easements. She clarified that in year 2, \$250,000 can be financed by the County, but she is  
3 unclear about year 3.

4 Travis Myren said the County is currently funding conversation easements every other  
5 year, and the next year in the sequence would be year 3. He said the County would fund them  
6 this year, not next year, and then again in year 3, etc.

7 Commissioner Greene said there is \$250,000 specified in year 2.

8 Bonnie Hammersley said that funding is for Lands Legacy.

9 Commissioner Dorosin said it might be good to zoom out, and be reminded why this  
10 came back. He said at the end of the budget season, the Board voted to move up the Durham  
11 Tech project. He said there would be offsetting delays in the CIP to make it revenue neutral,  
12 and not raise taxes. He said the year one amount was \$1 million added, and the Board voted to  
13 find the savings for year 1. He said the issue before the Board currently is figuring out savings  
14 for years 2 and 3. He said the slideshow indicates proposals from him and Commissioner Price,  
15 some of which they agreed on and others they did not.

16 Commissioner Dorosin said the intent of moving forward with Durham Tech is to have no  
17 additional costs moving forward. He said the other thing to remember is the Board will have to  
18 do this every spring, and all projects will be funded based on actuals revenues and costs. He  
19 said he hopes the Board can support this Durham Tech item, which is consistent with the  
20 Board's critical mission focus on education in this County.

21 Commissioner McKee said he would like to hear other comments before he proceeds  
22 with making his comments or recommendation to the Board.

23 Commissioner Price echoed Commissioner Dorosin's comments, and sees this as an  
24 investment opportunity. She asked if the impact of delaying the replacement of older vehicles,  
25 and if employees will still be safe. She said she is feeling nervous about putting off the  
26 technology needs.

27 Commissioner Marcoplos said a lot of these items would spark public interest, and he  
28 asked if the BOCC is able to inform/receive input from the public. He said it is important to  
29 engage the public.

30 Chair Rich said this would have to come back during a regular meeting, and the public  
31 would have a chance to weigh in then.

32 Chair Rich asked if the Board could go back through the slideshow, item by item.

33 Commissioner Dorosin said the goal is to make things balance, and staff has identified  
34 projects that were included erroneously, or projects that can be delayed. He asked if there are  
35 items that are not on this list that should be considered.

36 Bonnie Hammersley said staff went back through the CIP, and this is everything in the  
37 CIP.

### 38 39 **Soccer.com**

40 Commissioner McKee asked if the Board votes to delay this, the project will be moved  
41 from year 2 to the out years in order to accommodate the Durham Tech project.

42 Bonnie Hammersely said yes.

43 Commissioner Dorosin said soccer.com is already being delayed to year 3.

44 Commissioner McKee said he has no issue with moving this project out.

45 Commissioner Marcoplos said he would like more information. He said this is a wildly  
46 popular resource and delaying it could have economic and recreational impact. He said he is  
47 60% in favor of delaying soccer.com.

48 Commissioner Bedford said she is still not convinced that Durham Tech should be  
49 moved up to years 1, 2 and 3, and she will vote no to delaying soccer.com. She said the  
50 County is beginning a facilities study and does not know what resources will come available,  
51 and higher education is in flux, due to Covid, and it would be wise to just wait. She said the

1 Durham Tech project is not worth putting the County in a financial bind. She said the prior Board  
 2 set aside \$2 million for land banking for mobile home residents, with \$300,000 having been  
 3 used. She said she would be open to identifying some of the remaining \$1.7 million to move  
 4 forward with Durham Tech.

5 Commissioner Price asked if staff has an understanding from soccer.com as to the  
 6 impact of delaying this project.

7 Bonnie Hammersley said the County will not be able to attract the larger soccer  
 8 tournaments. She said soccer.com has naming rights to the facility, but the County does all the  
 9 day-to-day management, and does not go through soccer.com for anything.

10 David Stancil, Environment, Agriculture, Parks and Recreation (DEAPR) Director, said  
 11 the current soccer fields are very active, and maxed out in every way. He said the expansion  
 12 would allow the facility to go to the next level. He said the delay would move the expansion out  
 13 to year 6 to 10.

14 Chair Rich asked if a public private partnership would be possible.

15 David Stancil said it is a possible on a limited scale. He said the amount of funding  
 16 would not be large.

## 21 IT Infrastructure

22 Commissioner McKee said the Board should not delay the infrastructure project. He  
 23 said this directly affects the petition he made last week about expanding broadband, and the  
 24 County does not want to get behind on software.

25 Commissioner Price said she was concerned about the replacement schedule being  
 26 delayed, and good equipment is needed for County employees. She said she is willing to delay  
 27 the fiber, but would want to keep current with aging equipment.

28 Commissioner Dorosin echoed those comments, and recommending keeping the \$1.6  
 29 million cut, and split the computer replacements between two years.

30 Commissioner Greene said she agreed with Commissioner Dorosin and Commissioner  
 31 Price.

## 33 Lands Legacy

34 Commissioner Marcoplos said he would not be able to support delaying lands legacy.

35 Commissioner Greene asked if \$250,000 is restored through County financing.

36 Bonnie Hammersley said everything in the CIP is financed, and the chart is just saying  
 37 that of the \$500,000, the County is responsible for \$250,000, which would be financed.

38 Commissioner Greene said she would oppose the delay.

39 Commissioner Dorosin said this item has a \$1.8 million balance, and the delay is not  
 40 tantamount to abandoning the program. He said the County will continue to be committed to  
 41 this project, and a one-time delay is not significant.

42 Commissioner Price said there is a balance, but it is her understanding that that balance  
 43 is going to be used this fiscal year.

44 Travis Myren said it all depends on the Board moving forward with the property  
 45 acquisition. He said if the Board does so, then there would be \$300,000 remaining.

46 Commissioner Price asked if there is an update on this project.

47 Travis Myren said the grant has been awarded, and now the County would need to  
 48 follow through with the land acquisition.

49 Commissioner Price asked if the County has identified properties to acquire.

50 Travis Myren said yes.

1 Commissioner Price said she would want to keep this in, as it is directly related to  
2 climate change issues.

3 Commissioner McKee said this project is of high value, and should not be delayed.

4 Commissioner Greene said she appreciates Commissioners Dorosin's point. She said it  
5 is only \$250,000, and she thinks there has to be a work around. She said the members of the  
6 public think the BOCC wants to kill the Lands Legacy, which is not accurate

7 Chair Rich said she would like to find the \$250,000 somewhere else. She said Lands  
8 Legacy was on a bond way back when, and when residents vote on a bond, she feels the  
9 BOCC should spend the money as it said it would. She said perhaps the Board can use some  
10 of the \$1.7 million referenced by Commissioner Bedford.

11 Commissioner Dorosin said for the record that this is no longer bond money.

12 Bonnie Hammersley said that is correct.

13 Chair Rich apologized, and asked how the County adds money to Lands Legacy.

14 Travis Myren said this would be the first time the County has added money, and would  
15 be a multiyear effort to replenish this fund.

16 Bonnie Hammersley said when staff brings this back, it will present 2 options for further  
17 discussion, based on objections heard tonight.

18 Commissioner Price clarified that there are not enough BOCC members wanting to take  
19 this off.

20 Chair Rich said yes, and staff will bring back options.

21 Commissioner Price said she wants to save Lands Legacy.

22 Bonnie Hammersley said that is what staff is hearing as the majority opinion at this time.

#### 23 24 **Lake Orange Dam**

25 Travis Myren said this is a painting job and has nothing to do with the structural integrity.

26 Chair Rich said to move on.

#### 27 28 **Little River Park – Phase 2**

29 Bonnie Hammersley said this park is in Durham and Orange counties, but Orange  
30 County manages all operations. She said staff informed Durham County that Orange County  
31 would be delaying this project, and Durham County understood.

32 Travis Myren said staff would want to move forward with \$50,000 in road repairs.

33 David Stancil said the actual total is \$100,000 with the costs being split between to the  
34 two counties.

#### 35 36 **Twin Creeks**

37 Commissioner Marcoplos said Twins Creek has been promised for a long, long time,  
38 and he has a hard time telling the public it will be delayed even further.

39 Commissioner Price said she was on the committee for this park way back when, but  
40 she does not know where it stands at this point. She expressed she does not have a problem  
41 delaying this project, and would suggest staff get an update on this project.

42 David Stancil said there is an adopted master plan, but it is 10-15 years old. He said  
43 there has been conversations with Carrboro about the road at the southern end of the property.  
44 He said these particular funds are design and engineering funds for year 3 of the project. He  
45 said this project has been delayed, but it also has other obstacles to overcome.

#### 46 47 **Old Courthouse Square**

48 Travis Myren said this is repair funding, and staff would prioritize the roof.

49 There were no comments.

#### 50 51 **Vehicle Replacements**

1 Commissioner Price said she would like to know how old the vehicles that would be  
2 replaced.

3 Travis Myren said he would get more information.  
4

### 5 **Millhouse Road Park**

6 Chair Rich said this land is owned by the County, and is not within the Town of Chapel  
7 Hill City limits.

8 There were no Board comments.  
9

### 10 **Twin Creeks**

11 Travis Myren said this is construction money that was tied to engineering cost in the  
12 previous slide.

13 Commissioner Marcoplos said delaying this item would push the start of construction to  
14 20 years after the original plan was thought up. He said this item has been pushed too many  
15 times.  
16

### 17 **Conservation Easements**

18 Commissioner Greene said she is clear on this issue now, but does not want to see  
19 them go.

20 Commissioner Marcoplos agreed.

21 Commissioner Price asked if there are projects in the queue where this money would be  
22 needed.

23 David Stencil said there are about 12 farms that are interested in pursuing easements,  
24 and this project has always moved at the speed of funds available, which has been faster at  
25 some times than others. He said there is \$500,000 approved in the current year, and this would  
26 be the next installment in year 3.

27 Commissioner Price said the County gets a match from the state, and has properties  
28 interested in the program. She asked if all those interested can be executed this year, or would  
29 they have to carry over.

30 David Stencil said there is never enough money to meet the interest, and so they carry  
31 over from year to year and move forward as funds are available.

32 Commissioner Greene said the Board has not heard from her recently about her  
33 participation in the Upper Neuse River Basin Authority (UNRBA), but she will have an update  
34 shortly. She said the County will be faced with a decision on how to go forward with a realistic  
35 plan to fulfill the County's obligation of improving the water quality of Falls Lake. She said  
36 hopefully the State authority will buy off on it, and allow the County to count the conservation of  
37 land as credit towards debt that is owed. She said that is an additional reason why she was not  
38 in favor of losing this money in this fiscal year.

39 Travis Myren said he is hearing a mixed bag of votes.

40 Commissioner Dorosin said the Board funds this program every other year, and will  
41 continue to do so moving forward. He said it is a question of balancing priorities, and making  
42 tough decisions.

43 Chair Rich said she agrees with Commissioner Dorosin, and feels a great deal has been  
44 accomplished. She said she would not mind delaying this item, but is hearing mixed opinions  
45 from the Board.

46 Commissioner McKee said this is an example of every \$2 spent costs the County \$1.  
47 He said these conservation easements started off very sketchy and slowly, as there was  
48 concern about the entire program, but it has increased in popularity over the years, and has  
49 conserved as much, if not more, land than Lands Legacy.

50 Chair Rich echoed Commissioner Dorosin's comments about being able to bring this  
51 back in year 3.

1 Commissioner McKee said he cannot argue with that, but feels the County must be  
2 careful about delaying items where full blown partners are picking up half the cost, and a  
3 program that has become well respected and trusted.

4 Commissioner Price said this is a really important program, and a great deal of effort has  
5 been put into it. She said losing the momentum now would be a shame. She said Durham  
6 Tech would help people, but the County needs to continue helping the farming community.

7 Commissioner Greene thanked Commissioner McKee for his perspective.  
8

### 9 **Blackwood Farm Park**

10 David Stancil said the nature center is part of the park master plan, but it is not part of  
11 the construction project that has already been approved. He said staff is still working with  
12 several organizations to help fund at least 50% of the nature center, but there are no  
13 commitments as yet.

14 Chair Rich said it sounds like a good one to delay.  
15

### 16 **Old Courthouse**

17 Travis Myren said if staff were to prioritize one part, it would be the stone sidewalk  
18 repair.

19 Commissioner Greene asked if the Old Courthouse is ADA accessible.

20 Travis Myren said it is compliant, but someone with mobility issues would have a difficult  
21 time navigating this portion of the sidewalk.

22 Commissioner Greene said there are other ways to access the building.  
23

### 24 **IT – infrastructure**

25 Commissioner McKee said he does not support a delay, and wants to avoid a crisis.

26 Commissioner Marcoplos said he liked Commissioner Dorosin's comments before about  
27 delaying a portion of the amendment. He said some of these funds could be available. He said  
28 delaying the cyber security could be a problem, and he would like more details.

29 Commissioner Dorosin said the numbers on this slide presumed there are no  
30 replacements in the earlier years. He said the numbers would change if the Board replaced the  
31 oldest ones in year 2.

32 Commissioner Greene said she is also concerned about the cyber security, and would  
33 prefer not to delay that portion.

34 Commissioner Price said she would not want to delay the cyber security either.

35 Travis Myren said these issues walk hand in hand. He said if the Board moves forward  
36 with cyber security, then the \$254,000 would follow.

37 Commissioner McKee said he is favor of this.

38 Chair Rich said it is \$354,000 by keeping the items together.

39 Commissioner Price said if the County is attacked, it will be far more expensive in the  
40 long run. She said the previous attack took weeks to mitigate.

41 Travis Myren said the last attack led to a few days of total shut down, but took months to  
42 fully clean up.

43 Commissioner McKee said, for better or worse, everyone is wholly dependent on  
44 devices, and the County cannot delay. He said it is important to remain on an IT schedule.

45 Commissioner Marcoplos said he is reticent to delay, but he is open to persuasion. He  
46 said he is just scratching the surface on his knowledge level, and he reserves the right to hear  
47 more information and possibly be persuaded.

48 Chair Rich said this looks divided at this time, and staff will bring back more information.  
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### 50 **Vehicle Replacement**

51 Travis Myren said he would bring more information back.

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## EMS Substation

Commissioner McKee said he is fine with delaying this project, and there is a successful colocation movement underfoot, and he is hesitant to build new stand-alone stations. He said the 3-minute savings may not be worth it.

Commissioner Marcoplos said he would like to learn more, and 3 minutes can make a huge difference. He said he would like to see pros and cons.

Commissioner Dorosin echoed Commissioner McKee,  
Chair Rich echoed Commissioner McKee.

Commissioner Price said she would like more information before making a decision.

Chair Rich said staff can bring back more information.

Bonnie Hammersley said this is a very uncertain item, as no site has been identified, and there will be a leadership change.

Chair Rich said it seems the Board is leaning towards a delay.

Chair Rich asked if this entire item needs to come back to another work session, or it is ready for a regular Business Meeting.

Travis Myren said staff will look at it and see where it best fits.

Commissioner McKee said the BOCC moved Durham Tech to years 1, 2 and 3, and asked if the original years for this item could be identified.

Travis Myren said years 6-10.

Bonnie Hammersley said her recommendation was years 6-10, because it might have become part of a bond.

Commissioner McKee asked for the Board's indulgence in his comments. He said Durham Tech is an integral part of the education system in Orange County. He said he has supported it for 10 years. He said the County is facing a full-blown crisis, which could affect a generation of students, and despite the very best efforts of the school systems and teachers, the most vulnerable of students are not currently receiving a good education. He said the children with parents who can afford a tutor, or have a parent who can stay home, will be fine; but the students whose parents who are working two jobs, lack the technical ability to help their children, and those children with special needs are going to fall behind drastically. He said the BOCC must address this discrepancy. He recommended returning Durham Tech to years 6-10, and taking the funding associated with it and reallocating it to any necessary infrastructure to ensure that every house has broadband. He said there are students who have to do their work in a car in a school parking lot, which is unforgivable.

Commissioner McKee asked if Durham Tech could be repositioned to its original years of 6-10, and use the funds to ensure broadband availability in Orange County.

Commissioner Bedford said she agreed with Commissioner McKee that broadband for all is a greater need, but does not know if the County can be involved in such activity.

Commissioner McKee said as he understands the County can build towers, can lay fiber, and then present the infrastructure to a carrier, as the County cannot operate it. He asked if the Attorney could verify this information.

John Roberts said he is hearing a recommendation to build infrastructure, at the County's expense, and then to give it a provider to operate. He said he does not think there is legal authority to do this. He said the Fiber Act did not pass, which would have allowed for counties and cities to build infrastructure and lease it to service providers. He said without the authority to do so, the County can only give grants to service providers and hope they will build. He said grants could be an option.

Commissioner Price said Durham Tech was pushed out to year 6, and the Board started looking for another building for the Orange County campus years ago. She said this is not a new project.

1 Commissioner Dorosin said he is the current commissioner on Durham Tech (DT)  
2 Board. He said the new DT president has made a commitment to focus on Orange County,  
3 which makes the project all the more urgent.

4 Commissioner Dorosin referred to Commissioner McKee's proposal, and the troubles  
5 with accessing online learning. He agreed with the assessment about students being hurt by  
6 the current situation, but he has a lot of concerns with the County building this infrastructure and  
7 then giving it away with the hope that companies would provide services to residents. He said  
8 there is renewed focus at the Governor's office on expansion of broadband. He said the  
9 Durham Tech project is critical. He said he would be interested in learning more about  
10 Commissioner McKee's idea, but there is not enough information to push such a project forward  
11 without more information.

12 Chair Rich said she has been working with the Legislature and Jim Northrup, Chief  
13 Information Officer, and it continues to get harder and harder to make progress. She said the  
14 Governor has put money on the table for immediate Internet access, but there is a bigger issue  
15 as Commissioner McKee said. She said the red tape is ridiculous, but she feels uncomfortable  
16 building infrastructure and then giving it away. She said broadband should be a utility.

17 Chair Rich referenced a study that Katie Loois did for a study skills center, which is in  
18 need of a building space. She said providing the DT space seems important and timely, and  
19 she would like to find a way to work out the budget.

20 Commissioner McKee said he is well aware that this is a long-term problem. He said he  
21 is old enough to remember separate but equal, and regardless of the issue, he never wants to  
22 return to that way of practicing education. He said everyone is essentially held hostage to the  
23 screens, and it is wrong to prioritize building a building when students are sitting outside trying  
24 to access schoolwork. He said he understands the importance getting Durham Tech up to  
25 speed, but students are losing a full year of education because they do not have Internet.

26 Commissioner Marcoplos said Commissioner McKee made a very ambitious proposal,  
27 and raised many questions. He said he would like to let the election happen, and see if there is  
28 a Democrat majority in the legislature that will allow municipalities to control the internet. He  
29 said that is the end goal, and by next spring there should be more information.

30 Chair Rich said Durham Tech still has the Boards' support of keeping it in years 1-3.

31 Commissioner McKee said he just wants to start the discussion. He said his short-term  
32 solution is to fund hotspots for students. He said he would like to find \$150,000-\$200,000 to  
33 purchase additional hotspots.

34 Chair Rich said Commissioner McKee's numbers are not matching up with what the  
35 schools have reported. She said 400 hot spots have been received, and staff can follow up.  
36  
37

### 38 **3. Discussion Regarding the Membership Composition of the Planned Committee to** 39 **Examine the Election Method for Members of the Orange County Board of** 40 **Commissioners**

41  
42 **PURPOSE:** To discuss the membership composition of the planned committee to be appointed  
43 to make recommendations on the election method for members of the Orange County Board of  
44 Commissioners.  
45

46 **BACKGROUND:** At the Board of Commissioners' April 7, 2020 Virtual Business meeting, a  
47 petition was voiced that the Board discuss and potentially change a portion of the process under  
48 which some or all Board members are elected.  
49

50 The Board subsequently discussed the issue at its May 5, 2020 Virtual Business meeting and  
51 voted to:

- 1 1) Establish a committee to study alternative methods of election;
- 2 2) Select members for the committee no later than January 31, 2021;
- 3 3) Have the committee review options and report back by July 31, 2021; and
- 4 4) For the Board to review the recommendations, and if necessary conduct public hearings
- 5 and make a decision in time for the March 2022 primary election.

### 7 **CURRENT CONSIDERATION**

8 This item is presented for the Board to discuss the membership composition of the proposed  
 9 committee. During the May 5th meeting, there was discussion that the group should consist of  
 10 experts, residents, nonprofits, etc., but there was not consensus. There was, however,  
 11 consensus that the Board of Commissioners, as constituted after December 7, 2020 should  
 12 decide on the ultimate individual appointees to the committee.

13  
 14 Staff seeks direction from the Board on:

- 15 • the total number of members the committee should include;
- 16 • whether the committee should consist entirely of residents;
- 17 • whether election or other experts will be considered/appointed;
- 18 • whether there should be representation from nonprofit entities;
- 19 • whether there will be a formal application process; and
- 20 • any other details regarding the establishment of the committee.

21  
 22 Assuming there is an application process, a formal determination now of the general  
 23 consistency and number of members of the committee will allow the Clerk's office to begin  
 24 soliciting membership applications and should allow for a sizeable pool of candidates for the  
 25 Board to review by December 7, 2020, with appointments made by the January 31, 2021  
 26 deadline.

27  
 28 **RECOMMENDATION(S):** The Manager recommends the Board discuss the nature of the  
 29 committee to be established based on the considerations noted above and provide direction to  
 30 staff.

31  
 32 John Roberts said this committee will be appointed by the new Board in December. He  
 33 said the goal this evening is to determine the number of committee members, the type of  
 34 qualifications, residency, etc.

35 Commissioner Dorosin said he would like to see a committee of approximately 12-15  
 36 residents, with an application process that strives for demographic and geographic diversity. He  
 37 would like the committee members to determine the need for experts.

38 Chair Rich restated the committee dates in the abstract.

39 Commissioner Greene said she likes Commissioner Dorosin's comments, and likes an  
 40 application. She said there are a lot of educated people in this community.

41 Commissioner Bedford said the Board may want to have a member of the County  
 42 Attorney's Office on the committee. She said a Board of Elections staff member may be a  
 43 conflict of interest, but it might be wise to suggest resources for appropriate input such as the  
 44 School of Government.

45 David Hunt asked if these committee members will be at-large positions, with the BOCC  
 46 seeking to secure diversity.

47 Chair Rich said she would not even say at large, but just seek those interested in being  
 48 on the committee. She said the Commissioners would review applications and make sure the  
 49 appropriate balance is present. She said the BOCC does need to determine what is included  
 50 on the application.

1 Commissioner Price asked if there is a timeline for the application being created.  
 2 Chair Rich said the Clerk's Office could pull together an application that solicits basic  
 3 information.

4 Commissioner Bedford asked if the basic advisory board application could be tweaked  
 5 for this use.

6 Thom Freeman-Stuart, Assistant Deputy Clerk I, asked if the current application could be  
 7 used.

8 Chair Rich said she expects so.

9 Commissioner Marcoplos asked if the BOCC could look back at how prior committees  
 10 were formed to do this work.

11 Chair Rich said staff will follow up on this process.

12

#### 13 **4. Discussion of Travel Policies and Procedures for the Board of County** 14 **Commissioners**

15

16 **PURPOSE:** To discuss appropriate guidelines for travel and transportation required of elected  
 17 officials conducting business for Orange County.

18

19 **BACKGROUND:** The County has established policy and procedures for the purposes of  
 20 authorizing and providing funds for County employees to travel for County business. These  
 21 policy and procedures are approved by the Chief Financial Officer (CFO), administered by the  
 22 Finance and Administrative Services department, and reviewed regularly. The policy and  
 23 procedures apply to all Orange County departments and employees, except departments of  
 24 elected officials. Elected officials may choose to follow the County's policy and procedures or  
 25 develop an alternate policy.

26

27 The School of Government (SOG) at University of North Carolina at Chapel Hill encourages  
 28 local governments to establish a County Commissioner/Elected Official travel policy as a best  
 29 practice and for accountability.

30

31 Over the years, the Clerk to the Board's Office has included travel guidelines as part of the new  
 32 Commissioners' orientation guide and revised those guidelines as appropriate.

33

34 Each County Commissioner receives a monthly car allowance of \$200 for in-state travel.

35

36 Note: The current annual operating budget does not include funding for travel and/or training  
 37 items outside of the monthly car allowance.

38

39 Chair Rich presented the following County Commissioner Travel Policy:

40

#### 41 **Draft County Commissioner Travel Policy** 42 **(Excerpt from BOCC Orientation Guide)**

43

44 Purpose: This policy establishes appropriate guidelines for travel and transportation required of  
 45 elected officials conducting business for Orange County.

46

47 All travel and training for the Orange County Board of Commissioners (BOCC) will be budgeted  
 48 as part of the Clerk to the Board's departmental budget. Please contact the Clerk to the Board  
 49 and/or the Office Manager by phone or email if you have any questions or need assistance.

50

1 All county incurred expenses should be paid for by using your assigned County procurement  
2 card (p-card). Please remember, all financial transactions are considered Public Record and are  
3 subject to be requested and viewed.

#### 4 **Monthly Car Allowance**

5 Covers the following items in relation to business of Orange County:

- 6 • Use of personal vehicle/gas/miles driven within North Carolina

#### 7 **Transportation (Outside of Orange County)**

8 Detailed receipts must be submitted to the Office Manager.

9 *Please indicate on the receipt the date and purpose.*

- 10 • A County vehicle may be available, and can be reserved upon request utilizing the  
11 County's CarShare  
12 program: <https://intranet.orangecountync.gov/Transportation/CarShare.asp>
- 13 • Other modes of transportation - travel by airplane, rental vehicle, taxi, etc. will be paid at  
14 actual cost using your p-card.
- 15 • Other travel related costs such as gas, parking fees and tolls will be paid at actual cost  
16 using your p-card.

#### 17 **Meals**

18 Detailed receipts must be submitted to the Office Manager.

19 *Please indicate on the receipt the date(s), meal selection (Breakfast, Lunch, or Dinner), event  
20 name, and purpose.*

- 21 • Outside of Orange County – expenses related to meals and non-alcoholic beverages  
22 should be purchased using your County assigned p-card.
- 23 • Meals within Orange County - only meals related to serving the public at "official  
24 functions" are eligible for reimbursement (Examples of "official functions" may include  
25 but not limited to: Mayors and Commissioner Meetings, Peer Elected Official/Staff  
26 Meetings). Meals other than those for "official functions" that are purchased within  
27 Orange County solely for the convenience of the traveler are not eligible for  
28 reimbursement.
- 29 • Tips related to eligible meals as outlined above should be paid for by using your County  
30 assigned p-card.
- 31 • Tips for hospitality services (maid service, bellhop, etc.) should be paid for by using your  
32 County assigned p-card.

#### 33 **Hotel & Lodging (Outside of Orange County)**

34 Detailed receipts must be submitted to the Office Manager.

35 *Please indicate on the receipt the date(s), event name, and purpose.*

- 36 • Payment will be made for actual costs (including deposits and taxes) using your County  
37 assigned p-card.
- 38 • Reimbursement will not be made for hotel & lodging within Orange County.

#### 39 **Other Costs**

40 The Clerk's Office will handle transactions related to travel and/or training such as event  
41 registrations, conference materials, educational literature, etc. Please contact the Office  
42 Manager to coordinate any anticipated travel or training/registration requests. A detailed receipt  
43 must be submitted to the Office Manager if you chose to purchase materials, event registrations,  
44 etc. on your own.

1 **Travel Advance**

- 2 • Travel advances and stipends are not permitted. Please use your County assigned p-  
3 card for travel related purchases.  
4

5 **Budget**

- 6 • The Clerk's Office will budget for County Commissioners' travel and training each fiscal  
7 year.  
8 • For accountability purposes, a detailed financial report will be provided to the Board of  
9 County Commissioners quarterly regarding travel/training expenses incurred by each  
10 Commissioner  
11 • Please contact the Clerk to the Board and/or the Assistant Deputy Clerk I – Office  
12 Manager to confirm the availability of travel and/or training budgets.  
13

14 **RECOMMENDATION(S):** The Manager recommends that the Board review and discuss the  
15 proposed County Commissioner Travel Policy and provide direction to staff, as appropriate.  
16

17 Chair Rich reminded the Board that Donna Baker worked on this draft over the summer,  
18 reaching out to other clerks around the state, and seeking to gather best practices.

19 Commissioner Marcoplos referred to the monthly car allowance, which covers usage in  
20 North Carolina, for travel outside of Orange County, and said one of those needs to change. He  
21 said it makes sense for the allowance to go to travel within Orange and immediately surrounding  
22 counties.

23 Chair Rich said the intent behind the monthly allowance is to cover anything within North  
24 Carolina, and if one goes out of State, then one can ask to use a County vehicle, or using your  
25 procurement card for gas.

26 Commissioner Marcoplos said it should state outside of North Carolina. He said North  
27 Carolina is fairly wide, and not very tall, and a trip to Asheville is quite far. He said \$200 can get  
28 used up pretty quickly, and suggested the Board look at this again to insure financial  
29 consistency.

30 Commissioner Price said the Board should establish a radius from one's home, or  
31 certain counties for travel. She said distances vary depending from where one starts. She said  
32 Virginia is much closer than certain parts of North Carolina, and she would favor a mileage  
33 radius from one's home for travel calculations.

34 Commissioner Greene said she felt Commissioner Price's suggestion might be hard to  
35 to administer. She said it could be limited to the seven Triangle J counties, as parts of the State  
36 are far away. She said it may be more trouble than it is worth for the Clerk's Office to track.

37 Commissioner Price said the Commissioners would be responsible for keeping track.

38 Chair Rich said the School of Government did not advise tracking mileage. She said all  
39 records are available to the public, and County Commissioners can always use a County car.

40 Commissioner Dorosin said \$200 a month is generous, and he doubts anyone uses that  
41 much every year, and it likely offsets over the 12-month period. He said he has never had a job  
42 with such a monthly allowance, and thinks it will all balance out in the end keeping the policy as  
43 it is.

44 Commissioner Bedford said it is a generous policy, and agreed with Commissioner  
45 Dorosin. She said it is easy for an auditor to audit, as well as the Finance Department, and the  
46 Commissioners themselves.

47 Commissioner Bedford said there needs to be a budget amendment to cover the cost of  
48 the new commissioners training at the School of Government.

49 Chair Rich said to change the wording under transportation that states "Outside of North  
50 Carolina". She said all travel should be organized through the Clerk's Office.

1 Chair Rich said meals and other costs are the next section, and all purchases must be  
 2 made through one's procurement card, so that there is a record of all purchases. She said she  
 3 takes photos of her receipts, notes the purpose on the top, and sends it immediately to the  
 4 Clerk's Office.

5 Chair Rich referred to a page 5 change, and said there was a wording error, and travel  
 6 advances or stipends should not be given to any elected official.

7 Chair Rich said the new travel policy will be added to the New Commissioner Orientation  
 8 Guide.

## 9 **Appointments**

10 The current appointment process would be to move these agreed upon appointments to  
 11 the next BOCC Business Meeting and they would be listed under the Consent Agenda. The  
 12 next BOCC Business Meeting is scheduled for Tuesday, October 6, 2020.

13  
 14  
 15 Advisory Board members who are to be re-appointed may continue to serve in their  
 16 same capacity. Individuals who are new appointments may attend meetings, but will officially  
 17 assume their participation on October 7, 2020.

## 18 **5. Adult Care Home Community Advisory Committee – Appointment Discussion**

19  
 20  
 21 A motion was made by Commissioner Dorosin, seconded by Commissioner Bedford to  
 22 appoint the following people:

23  
 24 Position #9 – Olivia Fisher

25 Position #11 – Marylou Gelblum

26 Position #12 – Karen Green-McElveen

27  
 28 The Board agreed by consensus.

29 John Roberts said an official roll call can be done at the next business meeting.

30  
 31 Commissioner Dorosin said no other applicants were selected for the training, and asked  
 32 if the BOCC is responsible for selecting people for training.

33 Thom Freeman-Stuart said no, it is done in a separate process.

## 34 **6. Advisory Board on Aging – Appointment Discussion**

35  
 36  
 37 A motion was made by Commissioner Greene, seconded by Commissioner Price to  
 38 appoint the following people:

39  
 40 Position #1 – Rachel Bearman

41 Position #2 – Colin Austin

42  
 43 The Board agreed by consensus.

## 44 **7. Affordable Housing Advisory Board – Appointment Discussion**

45  
 46  
 47 A motion was made by Commissioner Bedford, seconded by Commissioner Greene to  
 48 appoint the following people:

49  
 50 Position #2 – Andy Hoang

51 Position #5 – Mae McLendon

- 1 Position #8 – Allison Mahaley
- 2 Position #13 – Holly Meschko
- 3 Position #14 – Jenn Sykes

4  
5 The Board agreed by consensus.

6  
7  
8 **8. Agricultural Preservation Board – Appointment Discussion**

9  
10 A motion was made by Commissioner McKee, seconded by Commissioner Bedford to  
11 appoint the following people:

- 12  
13 Position #3 – Cecilia Redding

14  
15 The Board agreed by consensus.

16  
17  
18 **9. Animal Services Advisory Board – Appointment Discussion**

19  
20 A motion was made by Commissioner Bedford, seconded by Commissioner Price to  
21 appoint the following people:

- 22  
23 Position #1 – Dr. Lee Pickett  
24 Position #10 – Lori Gershon  
25 Position #12 – Allan Polak  
26 Position #13 – Susan Spinks

27  
28 The Board agreed by consensus.

29  
30 Commissioner Dorosin asked if the requirement for the animal welfare position could be  
31 identified. He said he would move Meggy Romic for either of the remaining positions.

32 Thom Freeman-Stuart said someone who volunteers, and is in the business of rescue  
33 service.

34 Commissioner Price recommended Kim Odom, who is a Cedar Grove applicant  
35 interested in the advocacy slot.

36 Commissioner Dorosin said she would also meet the non-municipal slot.

37 Commissioner Marcoplos said Dawn Roberts also meets the animal welfare slot.

38  
39 Chair Rich asked to get these votes moved forward and reminded the Board of the  
40 pending closed session item.

41  
42 A motion was made by Commissioner Dorosin to recommended Meggy Romic as  
43 Animal Advocacy. Position #11.

44  
45 The Board agreed by consensus.

46  
47 A motion was made by Commissioner Marcoplos, seconded by Commissioner Bedford  
48 to appoint Dawn Roberts to position #8

49  
50 The Board agreed by consensus.

51

1  
2 **10. Animal Services Hearing Panel Pool – Appointment Discussion**  
3

4 Position #4 – to be determined by the BOCC  
5

6 Chair Rich asked for input from Thom Freeman-Stuart.

7 Thom Freeman Stuart said this was a Town of Chapel Hill jurisdictional vacancy but the  
8 Town of Chapel Hill does not make any recommendations regarding this appointment.

9 Chair Rich asked if there was a candidate available from the Town of Chapel Hill  
10 jurisdiction.

11 Commissioner Price said she would recommend Mark Solomon.

12 Chair Rich said he was from Hillsborough.

13 Thom Freeman Stuart said Stacy Shinkle would be Chapel Hill, but not the Town of  
14 Chapel Hill.

15 Commissioner Rich said move this item to the next meeting since they have no  
16 applicants.  
17  
18

19 **11. Arts Commission – Appointment Discussion**  
20

21 A motion was made by Commissioner Price, seconded by Commissioner Dorosin to  
22 appoint the following people:  
23

24 Position #3 – Matthew Keith

25 Position #7 – Sean T. Bailey  
26

27 The Board agreed by consensus.  
28

29 **12. Board of Health – Appointment Discussion**  
30

31 A motion was made by Commissioner McKee, seconded by Commissioner Dorosin to  
32 appoint the following people:  
33

34 Position #2 – Dr. Brian Crandell  
35

36 The Board agreed by consensus.  
37

38 **13. Board of Social Services – Appointment Discussion**  
39

40 A motion was made by Commissioner Bedford, seconded by Commissioner Marcoplos  
41 to appoint the following people:  
42

43 Position #4 – Jane Garrett  
44

45 The Board agreed by consensus.  
46

47 **14. Chapel Hill Orange County Visitors Bureau – Appointment Discussion**  
48

49 A motion was made by Commissioner Bedford, seconded by Commissioner McKee to  
50 appoint the following people:  
51

- 1 Position #10 – Beverly Payne
- 2 Position #14 – Jon Hartman-Brown
- 3 Position #15 – Matt Gladdek

4  
5 The Board agreed by consensus.

6  
7 **15. Economic Development Advisory Board – Appointment Discussion**

8  
9 A motion was made by Commissioner McKee, seconded by Commissioner Bedford to  
10 appoint the following people:

- 11
- 12
- 13 Position #4 – Sharon Hill
- 14 Position #6 – Paige Zinn
- 15 Position #9 – Jonna Hunt
- 16 Position #10 – Tom Proctor

17  
18 Commissioner Price asked if there is a reason why Paige Zinn is being amended for  
19 extension.

20 Thom Freeman-Stuart said Economic Development Director Steve Brantley provided an  
21 explanation.

22 Commissioner McKee said it is important to have members with experience.

23 Commissioner Price asked if someone could read the addendum.

24 Commissioner Bedford read the request from Steve Brantley.

25  
26 The Board agreed by consensus.

27  
28 **16. Hillsborough Board of Adjustment – Appointment Discussion**

29  
30 A motion was made by Commissioner Bedford, seconded by Commissioner McKee to  
31 appoint the following people:

- 32
- 33 Position #1 – Rob Bray
- 34 Position #3 – Raul Herrera

35  
36 The Board agreed by consensus.

37  
38 **17. Hillsborough Planning Board – Appointment Discussion**

39  
40 A motion was made by Commissioner Marcoplos, seconded by Commissioner McKee to  
41 appoint the following people:

- 42
- 43 Position #1 – Chris Johnston

44  
45 The Board agreed by consensus.

46  
47 **18. Historic Preservation Commission – Appointment Discussion**

48  
49 A motion was made by Commissioner Price, seconded by Commissioner Bedford to  
50 appoint the following people:

51

1 Position #2 – Thomas Loter

2  
3 The Board agreed by consensus.

4  
5  
6 **19. Nursing Home Community Advisory Committee – Appointment Discussion**

7  
8 A motion was made by Commissioner Dorosin, seconded by Commissioner McKee to  
9 appoint the following people:

10  
11 Position #4 – Stephanie Boswell

12  
13 Chair Rich said positions are open but they require training.

14 Thom Freeman-Stuart said these boards are having a really hard time finding folks to  
15 serve in this role.

16 Commissioner Dorosin said this board has twelve slots, with 5 vacancies, some of which  
17 have been vacant for 2-3 years.

18 Thom Freeman-Stuart said this board cannot do what it was designed to do currently,  
19 due to Covid.

20 Chair Rich asked if this is a state statutory board.

21 Thom Freeman-Stuart said yes, and there has not yet been success at combining the  
22 two aging boards.

23 Commissioner Dorosin said the Board may want to add this request to its list for the  
24 legislature.

25 John Roberts said it is not up to the legislature to combine these two boards, but rather  
26 the County Commissioners can do so.

27 Chair Rich asked if staff would make this an agenda item.

28 Commissioner Dorosin said he would be delighted to not go before the legislature.

29 Commissioner Greene said nursing homes are regulated by the state, and she would  
30 like to know what authority these committees have to make any difference. She said these  
31 boards raise a lot of concerns, but seem to have no authority to fix anything.

32 John Roberts said he would have to look at the statute.

33 Chair Rich said she does not think these boards have much authority.

34  
35 The Board agreed by consensus.

36  
37 **20. Orange County Board of Adjustment – Appointment Discussion**

38  
39 Position #2 – TBD (BOCC Appointment)

40 Position #3 – Samantha Cabe

41 Position #4 – TBD (BOCC Appointment)

42 Position #6 – TBD (BOCC Appointment)

43 Position #7 – TBD (BOCC Appointment)

44  
45 Commissioner Bedford asked if there is a conflict of interest for Judge Cabe.

46 Commissioner Price said she thinks it is more a question of her having enough time.

47 Commissioner Dorosin agreed with Commissioner Bedford, and said having the chief  
48 district court judge creates undue influence on other board members.

49 Commissioner Price asked if a resolution was passed stating other elected officials  
50 would not be eligible to serve on advisory boards.

51

1 A motion was made by Commissioner Price, seconded by Commissioner Bedford to  
 2 appoint Nathan Boucher (#2), Kent Candle (#4), Jeff Scott (#6) and Scott Taylor (#7)  
 3

4 Commissioner Price asked if there are any age limits for these positions.

5 Thom Freeman-Stuart said no.

6 Chair Rich said she does not want to vote to Nathan Boucher because he wants to run  
 7 for Town Council in Chapel Hill, and she does not want these boards to be used as a spring  
 8 board.

9 Commissioner McKee said he served on the planning board as a spring board to the  
 10 BOCC.

11 Commissioner Greene said those boards are good training grounds within the same  
 12 municipality.  
 13

14 **Position #2**

15 **Votes: Ayes, 3 (Commissioner Bedford, Commissioner Price, and Commissioner McKee);**

16 **Nays, 4 (Chair Rich, Commissioner Dorosin, Commissioner Greene, Commissioner**

17 **Macroplos)**

18 **MOTION FAILS**  
 19

20 **Positions #4, 6 and 7**

21 The Board agreed by consensus  
 22

23 **21. Closed Session**  
 24

25 "Pursuant to G.S. § 143-318.11(a)(3) "to consult with an attorney retained by the Board in order  
 26 to preserve the attorney-client privilege between the attorney and the Board" and  
 27

28 "Pursuant to G.S. § 143-318.11(a)(6) "to consider qualifications, competence, performance,  
 29 character fitness, condition of appointment, or conditions of initial employment of an individual  
 30 public officer or employer or prospective public officer or employee."  
 31

32 A motion was made by Commissioner Dorosin, seconded by Commissioner Greene to  
 33 go into closed session at 10:44 p.m.  
 34

35 **VOTE: UNANIMOUS**  
 36

37 **RECONVENE INTO REGULAR SESSION**  
 38

39 A motion was made by Commissioner McKee, seconded by Commissioner Greene to  
 40 return to open session at 11:12 p.m.  
 41

42 **VOTE: UNANIMOUS**  
 43

44 **Adjournment**  
 45

46 A motion was made by Commissioner McKee, seconded by Commissioner Greene to  
 47 adjourn the meeting at 11:12 p.m.  
 48

49 **VOTE: UNANIMOUS**  
 50  
 51

Penny Rich, Chair

- 1
- 2
- 3
- 4
- 5
- 6

Allen Coleman  
Assistant Deputy Clerk II

Submitted for approval by Gregory A. Wilder, Interim Clerk to the Board.

**MINUTES  
ORANGE COUNTY  
BOARD OF COMMISSIONERS  
VIRTUAL BUSINESS MEETING  
SEPTEMBER 15, 2020  
7:00 p.m.**

The Orange County Board of Commissioners met for a Virtual Business Meeting on Tuesday, September 15, 2020 at 7:00 p.m.

**COUNTY COMMISSIONERS PRESENT:** Chair Penny Rich and Commissioners Jamezetta Bedford, Mark Dorosin, Sally Greene, Mark Marcoplos, Earl McKee, and Renee Price

**COUNTY COMMISSIONERS ABSENT:** NONE

**COUNTY ATTORNEYS PRESENT:** John Roberts

**COUNTY STAFF PRESENT:** County Manager Bonnie Hammersley, Deputy County Manager Travis Myren, Deputy Clerk to the Board David Hunt, and Assistant Deputy Clerk Allen Coleman (All other staff members will be identified appropriately below)

Chair Rich called the meeting to order at 7:00 p.m.

Due to current public health concerns, the Board of Commissioners conducted a Virtual Business Meeting on September 15, 2020. Members of the Board of Commissioners participated in the meeting remotely. As in prior meetings, members of the public were able to view and listen to the meeting via live streaming video at [orangecountync.gov/967/Meeting-Videos](http://orangecountync.gov/967/Meeting-Videos) and on Orange County Gov-TV on channels 1301 or 97.6 (Spectrum Cable).

In this new virtual process, there are two methods for public comment.

- Written submittals by email
- Speaking during the virtual meeting

**Detailed public comment instructions for each method are provided at the bottom of this agenda. (Pre-registration is required.)**

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

Chair Rich requested that the Consent Agenda, item 8, be moved after item 4 and before item 5.

The Board agreed by consensus.

Chair Rich read the public charge.

Chair Rich acknowledged the 3-minute timer for public comments, and said there are 90 people signed up to speak.

**Arts Moment** – No Arts Moment will be available for this meeting.

**2. Public Comments**

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

NONE

1       **b.           Matters on the Printed Agenda**

2           (These matters will be considered when the Board addresses that item on the agenda  
3 below.)

4  
5       **3.           Announcements, Petitions and Comments by Board Members**

6           Commissioner Price expressed congratulations to Julia Drazhal Orange County's  
7 Governor's Medallion Award winner for volunteer service, as well as all other nominees from  
8 Orange County.

9           Commissioner Price referred to the Andrea Harris Social, Economic, Environmental  
10 Health and Equity Task Force, which is focusing currently on communities of color and the  
11 disproportionate impact of Covid-19 on these communities. She said this group is seeking  
12 public input, via 2-minute time slots on 9/22 and 9/29, related to its 5 focus areas.

13           Commissioner Price said that on Sunday, September 27 at 3pm there will be a Zoom  
14 event called, "Breaking Barriers: women of color and the right to vote", with Valerie Johnson of  
15 Shaw University. She said the Human Relations Commission is sponsoring this event.

16           Commission Bedford had no comments.

17           Commissioner Greene said she attended the Family Success Alliance (FSA) meeting,  
18 and was interested to learn about the scholastic support center at the YMCA. She said this  
19 provides K-8 grade socially distanced spaces to complete schoolwork. She said this is a great  
20 program for parents of lower income children.

21           Commissioner Marcoplos said he has been thinking about the amount of idling, due to  
22 increased use of drive-thrus. He said local students did such wonderful work last year promoting  
23 an anti-idling campaign. He said he would like to ask the Commission for the Environment to  
24 explore how to work with all local businesses, banks, restaurants, etc. to look into the issue of  
25 idling.

26           Commissioner Marcoplos said the Board has discussed the possibility of a new EMS  
27 substation. He said he spoke with David Silvan, part time EMS worker, and asked what he  
28 thought about response times and if a 3 minute reduction would really have an impact in  
29 northern Orange County. He said there was a plan proposed by Nick Waters to have  
30 paramedics with "fly cars", which have response times of 8 minutes, as opposed to 12-15  
31 minutes instead of ambulances. He asked to explore this possibility, as paramedics are highly  
32 trained and can handle so much in the field.

33           Commissioner Marcoplos said the Orange County Climate Council is having a public  
34 outreach event on Thursday, October 22<sup>nd</sup>, 2020 at 7p.m., to celebrate the first year of work. He  
35 said this will be via Zoom, and invited everyone to tune in.

36  
37           *Commissioner McKee joined the meeting at 7:07 p.m.*

38  
39           Commissioner Dorosin said 90 people plan to speak this evening, and asked if the plan  
40 was to meet until 1:00 a.m.

41           Chair Rich said because it is a Public Hearing the Board of County Commissioners  
42 (BOCC) cannot limit the amount of speakers, and it is likely there will be approximately 4 hours  
43 of public comment.

44           Commissioner Dorosin asked if other agenda items could be continued, or the public  
45 hearing be spread out over two meetings. He said he wants to be conscientious of the  
46 speakers, and be most fair and effective.

47           Commissioner McKee said he spoke about broadband last week, and Orange County  
48 Schools (OCS) purchased and distributed 900 units, but still has a 400-person waiting list for  
49 hotspots. He said he would like to move expeditiously to help address this problem. He  
50 petitioned the Board to ask the Manager to contact Orange County Schools Superintendent and  
51 Board of Education Chair to determine how and in what manner Orange County could aid in

1 procuring the 400 units for hotspots. He said OCS is pursuing grant funding to acquire the  
 2 hotspots, but that is too slow. He said Chapel Hill Carrboro City Schools (CHCCS) may need  
 3 some help too.

4 Chair Rich acknowledged Ralph Karpinos, Town of Chapel Hill Attorney's Office, who is  
 5 the longest serving municipal attorney in the State and is retiring. She applauded his service.

6 Chair Rich and Commissioner Price met with the joint school boards in anticipation of  
 7 the joint meeting next week. She said CHCCS does not need any more hotspots. She said  
 8 both school districts are opening learning centers with the YMCA and churches to help students  
 9 and families. She said the schools are also discussing various re-opening plans for January,  
 10 and it is currently unclear how things will proceed.

11 Chair Rich provided a COVID update: Orange County is under 4% of test positive rate,  
 12 and needs to stay under 5% for at least 2 weeks to get the gathering limits back up.

13 Chair Rich said flu season starts in October and goes through May. She urged  
 14 everyone to get flu shots.

15 Chair Rich said the Health Department will be able to swab twice, testing for Flu and  
 16 COVID tests at the same time.

17 Chair Rich said the peak hurricane season is here, and there are 5 hurricanes in the  
 18 ocean currently, with hurricane Sally possibly headed for North Carolina.

19 Chair Rich said emergency services said Hurricane Sally will be a mostly rain event.  
 20

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

##### 22 **a. Resolution Supporting the Decriminalization of Marijuana**

23 The Board considered voting to adopt a Resolution Supporting the Decriminalization of  
 24 Marijuana.  
 25

##### 26 **BACKGROUND:**

27 BOCC Chair Penny Rich submitted a petition at the Board's September 1, 2020 Business  
 28 meeting proposing that the Board consider a resolution supporting the decriminalization of  
 29 marijuana.  
 30

##### 31 **Public Comment:**

32 Riley Ruske said tobacco is not allowed to be smoked in public places in Orange  
 33 County, and he wonders if Orange County would add marijuana to this list, thus re-criminalizing  
 34 its use after decriminalizing it. He said there are other health risks with marijuana, and it is often  
 35 seen as a gateway drug to other more dangerous drugs. He encouraged the BOCC not to pass  
 36 this resolution.  
 37

38 Chair Rich read the resolution:  
 39

40 RES-2020-052  
 41

#### 42 **ORANGE COUNTY BOARD OF COMMISSIONERS** 43 **A RESOLUTION SUPPORTING THE DECRIMINALIZATION OF MARIJUANA** 44

45 WHEREAS, The current prohibition of marijuana in North Carolina has caused the needless  
 46 arrest and incarceration of thousands of individuals, predominantly people of color, for  
 47 nonviolent crimes, at great social and economic cost despite the fact that people of color and  
 48 whites use marijuana at the same rates, and  
 49

1 WHEREAS, According to an American Civil Liberties Union study, as a result of disparate  
2 enforcement, Black North Carolinians are over three times more likely to be arrested for  
3 marijuana possession, and  
4

5 WHEREAS, an arrest for possession of marijuana can have an impact on housing, student  
6 loans, future employment, child custody determinations and many other circumstances; and  
7

8 WHEREAS, Studies also show that criminalization has not protected public health, in terms of  
9 adverse effects of marijuana itself or in deterring substance abuse and addiction; and  
10

11 WHEREAS, Marijuana legalization is sound public policy, necessary to address the health and  
12 societal impacts of marijuana criminalization and the inequitable implementation of  
13 incarceration-based policies, and  
14

15 WHEREAS, the most recent Public Policy Polling results show North Carolinians support  
16 marijuana legalization by a margin of 48% to 42%;  
17

18 NOW THEREFORE BE IT RESOLVED THAT the Orange County Board of Commissioners  
19 supports the decriminalization of marijuana in North Carolina and state legislation to legalize the  
20 distribution, sale, and use of marijuana products pursuant to regulatory and taxation frameworks  
21 designed to ensure appropriate use (including through age and other evidence-based  
22 restrictions) for recreational and medical purposes while providing treatment for substance  
23 abuse;  
24

25 BE IT FURTHERMORE RESOLVED that the Board believes such legislation should also  
26 provide for the expungement of records for individuals previously convicted of crimes of  
27 distribution, possession, or use of marijuana products;  
28

29 BE IT FURTHER RESOLVED that the Board believes funds from the taxation of marijuana  
30 sales should be used for the benefit of the communities most impacted by the incarceration of  
31 people for behavior that society is legalizing, including the investment of marijuana sales tax  
32 revenues for job training, reentry services, diversion programs, legal aid, literacy programs,  
33 youth mentoring and substance use treatment;  
34

35 AND BE IT FURTHER RESOLVED THAT the Orange County Board of Commissioners  
36 requests that the North Carolina General Assembly advocate for federal legislation to end the  
37 prohibition of marijuana at the federal level, with its removal from the Controlled Substance Act,  
38 and the expungement of records for those previously convicted of federal crimes for the  
39 distribution, possession, or use of marijuana, as well as authorize state legalization policies and  
40 enabling the use of marijuana for medical purposes, including in federally funded programs.  
41

42 This the 15<sup>th</sup> day of September, 2020.  
43

44 \_\_\_\_\_  
45 Penny Rich, Chair  
46 Orange County Board of Commissioners  
47

48 A motion was made by Commissioner Dorosin, seconded by Commissioner Marcoplos  
49 to adopt the Resolution, and authorize the Board Chair to sign the Resolution.  
50

1 Commissioner McKee said he will not vote in favor of this. He said the title of the  
2 resolution mentions decriminalization, but the points within the resolution mention legalization of  
3 marijuana, taxes to be collected from marijuana, etc., which seems in conflict to the title.

4  
5 **Roll call ensued**

6  
7 **VOTE: Ayes (6); Nays (1) Commissioner McKee**

8  
9 Chair Rich asked if staff would send the resolution to Orange County's local legislators,  
10 and all other counties across the State.

11  
12 **CONSENT AGENDA MOVED UP**

13  
14 **8. Consent Agenda**

- 15
- 16 • Removal of Any Items from Consent Agenda
- 17 **None**
- 18
- 19 • Approval of Remaining Consent Agenda
- 20

21 A motion was made by Commissioner McKee, seconded by Commissioner Price to  
22 approve the consent agenda.

23  
24 **Roll call ensued**

25  
26 **VOTE: UNANIMOUS**

27  
28 **a. Minutes – None**

29 **b. Submission of 2021 Reappraisal Schedules of Values**

30 The Board received the proposed 2021 Reappraisal Schedules of Values (SOV); review a  
31 statutory-compliant timeline of the proposed adoption process; and schedule a public hearing on  
32 October 6, 2020 concerning adoption.

33 **c. Amendment to and Renewal of Health Services Agreement with Southern Health**  
34 **Partners for Medical Services at the Orange County Detention Center**

35 The Board approved an amendment to and renewal of the Health Services Agreement with  
36 Southern Health Partners for medical services at the Orange County Detention Center.

37 **d. Designation of Orange County Agent for FEMA Public Assistance**

38 The Board approved a resolution, which is incorporated by reference, designating an agent for  
39 Orange County's application for the Federal Emergency Management Agency's (FEMA) Public  
40 Assistance for the recovery related to COVID-19, affecting Orange County's entire community  
41 since March 2020 with expected impacts to continue for years out and authorize the Chair to  
42 sign.

43 **e. Approval of Driveway Easement Extending from Jacobs Trail**

44 The Board granted a driveway easement in an unused, undeveloped dedicated right of way  
45 extending from the end of Jacobs Trail and authorize the Chair to execute the documents.

46 **f. City of Durham's Teer Quarry Reservoir – Resolution of Support from Orange County**  
47 **for Reclassifying a Segment of the Eno River for Water Supply in Durham County**

48 The Board approve the signature by the Board Chair of a Resolution of Support from Orange  
49 County related to the City of Durham's (City's) proposed initiative to make the Teer Quarry  
50 Reservoir a new public water supply and reclassifying a segment of the Eno River within  
51 Durham County as Water Supply, in conformance with the State's Water Supply Watershed

1 Protection Program. The City has formally requested Orange County's support for this effort  
 2 which would require the County to take the necessary steps to provide public notice and initiate  
 3 the associated public hearing(s), Planning Board meeting(s) and Board of County  
 4 Commissioners (BOCC) meeting(s) to amend land use restrictions imposed by water supply  
 5 watershed protection rules for the affected areas within Orange County.

6 **g. Appointment of Interim Clerk**

7 The Board appointed an Interim Clerk to the Board of Commissioners during the search for a  
 8 permanent Clerk and authorized the Chair to sign.

9 **h. Citizen Participation Plan for Federal Housing/Community Development Funds**

10 The Board approved the Citizen Participation Plan for use in the implementation of Federal  
 11 housing programs and funds and authorized the Chair to sign.

12  
 13 **5. Public Hearings**

14 Chair Rich asked if John Roberts could help the Board of County Commissioners  
 15 (BOCC) determine the best course of action for the large public hearing.

16 John Roberts said the Board can establish reasonable rules, and holding the public  
 17 hearing over multiple evenings is permissible. He said there is a new law in place pertaining to  
 18 remote meetings, and there is argument on both sides as to whether a vote can be taken on the  
 19 same night as a meeting. He recommended the Board conduct the public hearing, and vote at  
 20 a subsequent meeting, as the new law does require a 24-hour written comment period after any  
 21 remote public hearing. He said he would favor holding the entire public hearing on the same  
 22 night.

23 Commissioner Dorosin said the Board wants to hear all comments, and his goal is to  
 24 making the public hearing most effective and efficient as possible. He said a 5 or 6 hour  
 25 meeting is not effective or efficient. He said not everyone has that much time to wait. He said  
 26 the most accommodating and most transparent method would be to break the hearing into 2 or  
 27 3 sessions. He said allowing for written comments is good, and he wants to have the most  
 28 meaningful opportunity for all. He recommended breaking up the public hearing into 2 or 3  
 29 nights, and revisit the remaining agenda and vote to delay items to another meeting.

30 Commissioner McKee agreed with Commissioner Dorosin. He said the Board will not be  
 31 fresh and attentive after 5 hours.

32 Commissioner McKee asked the County Attorney if a 2 week notice would still be  
 33 required if the Board were to spread the public hearing over 2 evenings.

34 John Roberts said the Board can continue to the public hearing to a date certain, and  
 35 does not have to give further public notice.

36 Commissioner McKee recommended continuing the public hearing to Thursday or next  
 37 Tuesday evening, so that it remains fresh on everyone's minds and allows everyone the chance  
 38 to speak.

39 Chair Rich said the BOCC does not currently have a meeting scheduled for 9/17 or 9/22,  
 40 and asked if continuing the public hearing would require a special meeting.

41 John Roberts said it would be a continued public hearing, and the announcement this  
 42 evening would satisfy the notice requirement.

43 Commissioner Price asked if the second half of the meeting must be held immediately or  
 44 if it could wait until the next business meeting.

45 Chair Rich said the next business meeting was 3 weeks away.

46 John Roberts said the Board could continue the meeting until the next business meeting  
 47 on 10/6.

48 Commissioner Price asked if staff could identify easily how to break up the public  
 49 speakers into two groups now, so that people are not waiting to speak.

50 Chair Rich said yes, the names are on a list, and she can identify the last speaker.

1 Commissioner Marcoplos suggested continuing the public hearing to the October 6<sup>th</sup>  
2 business meeting and voting at the October 20<sup>th</sup> meeting.

3 Commissioner Greene agreed with splitting the meeting up, and said she is not available  
4 this Thursday, due to speaking at other forums.

5 Commission McKee said he is worried about dragging out the Public Hearing, and  
6 October seems a bit far. He said this item is very important to many people.

7 Commissioner Bedford asked if the October 6<sup>th</sup> agenda is already full, and, if so, she  
8 would support adding another meeting.

9 Bonnie Hammersley said the big item for October 6<sup>th</sup> is this item, as staff expected the  
10 Board to complete the public hearing tonight and need October 6<sup>th</sup> for discussion and voting.  
11 She said if the Board wants to cut items from tonight's agenda, she would remind the Board that  
12 the legislative agenda has a deadline of 9/30 to be sent to North Carolina Association of County  
13 Commissioners (NCACC).

14 Chair Rich said she does not want to wait until October 6<sup>th</sup>, and she recommend  
15 continuing the public hearing to September 22, 2020.

16 Commissioner McKee asked if any Board members have a conflict September 22, 2020.

17 There was no apparent conflict.

18 Commissioner Dorosin said staff should identify the halfway mark of those signed up for  
19 public comment, so those people will know they will not get to speak tonight.

20 Chair Rich asked if this suggestion was acceptable to staff.

21 Bonnie Hammersley asked if new people will be allowed to speak at the continued  
22 hearing, and if people will be allowed to speak a second time, etc.

23 John Roberts said no new or repeat speakers will be allowed. He said anyone can  
24 submit written comment within 24 hours after the public hearing closes.

25  
26 A motion was made by Commissioner McKee, seconded by Commissioner Bedford  
27 continue the public hearing to date certain September 22<sup>nd</sup>, 2020 at 7:00 p.m.

28  
29 Commissioner Dorosin made a friendly amendment to continue the public hearing to  
30 September 29, 2020, as the Board does not have any other meetings that week.

31 Commissioner McKee said he would accept that friendly amendment if the seconder  
32 does so as well.

33 Commissioner Bedford said she would accept.

34 Commissioner Price said she cannot attend on September 29<sup>th</sup>.

35  
36 Chair Rich called for a vote on the original motion for the 22<sup>nd</sup>.

37  
38 **Roll call ensued**

39  
40 **VOTE: Ayes, 4 (Greene, Bedford, Rich, McKee); Nays, 3 (Dorosin, Marcoplos, Price)**

41  
42 **MOTION PASSES**

43  
44 A motion was made by Commissioner McKee, seconded by Commissioner Greene to  
45 read off the names of those who will make public comment at this meeting.

46  
47 Commissioner Marcoplos requested a follow-up email be sent those who will make  
48 public comment on September 22, 2020.

49 The Board agreed by consensus.

50  
51 **Roll call ensued**

1  
2 **VOTE: UNANIMOUS**

3  
4 Chair Rich read the names of those that will make public comment at this meeting (45  
5 names).

6  
7 **a. Zoning Atlas Amendment – Master Plan Development Conditional Zoning District**  
8 **(MPD-CZ) for the Research Triangle Logistics Park (RTLP)**  
9

10 The Board held a public hearing to receive the Planning Board/staff recommendation  
11 and public comment, and scheduled an action for a specific future date on applicant initiated  
12 Zoning Atlas Amendments for parcels within the Hillsborough Township of Orange County.

13 Specifically, Terra Equity, Incorporated is seeking to rezone 3 parcels west of Old NC  
14 Highway 86/south of Interstate 40 to Master Plan Development Conditional Zoning (MPD-CZ)  
15 district.

16 A copy of the application is contained in Attachment 1. Attachment 2 contains a vicinity  
17 map of the subject parcels. The complete application package, including full size maps, is  
18 available on the County website at: [https://www.orangecountync.gov/1722/Current-Interest-  
19 Projects](https://www.orangecountync.gov/1722/Current-Interest-Projects).

20  
21  
22 **BACKGROUND:**

23 On January 23, 2018 the Orange County Board of Commissioners (BOCC) approved a zoning  
24 atlas amendment creating a Master Plan Development Conditional Zoning (MPD-CZ) district  
25 referred to as Settlers Point (materials from that meeting are available at:  
26 <http://server3.co.orange.nc.us:8088/weblink/0/doc/49647/Page1.aspx>). The approved MPD-CZ  
27 involved property on both sides of Old NC Highway 86 allowing for the development of a mixed  
28 use commercial/industrial park. Since approval, no development activity has occurred.

29  
30 Staff has received an application proposing a new MPD-CZ, including 2 parcels from this  
31 previously approved project. If this application is approved, the existing MPD-CZ (Settlers Point)  
32 will cease to exist. Development of subject parcels would be consistent with this new MPD-CZ  
33 district designation.

34  
35 **STAFF COMMENT:** A separate process is underway to rezone the eight parcels of  
36 property east of Old NC Highway 86, part of what was referred to as District 2 of the  
37 Settlers Point MPD-CZ, to an appropriate County economic development general use  
38 zoning designation. This item is also being reviewed at the BOCC's September 15, 2020  
39 public hearing.

40  
41 The basic facts concerning this application are as follows:

42  
43 Applicant(s): Terra Equity, Incorporated  
44 Attn. Frank Csapo  
45 3810 Springhurst Blvd  
46 Suite 120  
47 Louisville, KY 40241  
48

49 Agent(s): **Michael Birch**  
50 Longleaf Law Partners  
51 4509 Creedmoor Rd.

Suite 302  
Raleigh, NC 27612

**Kimley-Horn**  
421 Fayetteville St.  
Suite 600  
Raleigh, NC 27601

**Santec Consulting**  
(Traffic Engineers)  
801 Jones Franklin Rd.  
Suite 300  
Raleigh, NC 27606

Parcel Information: A. **Parcels and Current Zoning:** Subject parcels, identified utilizing Orange County Parcel Identification Numbers (PIN), are:  
1. PIN 9863-71-8857: An approximately 90 acre parcel zoned MPD-CZ (Settlers Point) and Major Transportation Corridor (MTC) Overlay District;  
2. PIN 9863-91-6573: An 80 acre parcel zoned:  
• Approximately 60 acres (south of Interstate 40) zoned MPD-CZ (Settlers Point);  
• Approximately 20 acres (north of Interstate 40) zoned Economic Development Hillsborough Limited Officer (EDH-2).  
Major Transportation Corridor (MTC) Overlay District.  
3. PIN 9862-99-8894: An approximately 12 acre parcel split zoned Rural Residential (R-1) and Rural Buffer (RB).  
NOTE: The small portion of this parcel zoned RB, approximately 26,000 sq.ft. in area along Davis Road, is not proposed to be rezoned. It will remain zoned RB.

None of the subject properties are located within a Watershed Protection Overlay District.

B. **Size:** If approved, the new MPD-CZ district would be approximately 161 acres in area.

C. **Township:** Hillsborough

**D. Future Land Use Map (FLUM) Designation:**

- PIN(s) 9863-71-8857 and 9863-91-6573 - Economic Development Transition Activity Node
- PIN 9862-99-8894 – Rural Residential

STAFF COMMENT: A separate process is underway to change the FLUM designation of this property. This proposal will be reviewed at the BOCC’s September 15, 2020 public hearing.

For more information please refer to the FLUM map contained in Attachment 3.

**E. Growth Management System Designation:**

- PINs 9863-71-8857 and 9863-91-6573 – Urban Designated;
- PIN 9862-99-8894 – Residential Designated.

STAFF COMMENT: A separate process is underway to change the designation of this property.

1 For more information please refer to the Growth Management  
2 Systems map contained in Attachment 3.

3 **F. Existing Conditions/Physical Features:** Varying topography with significant wooded  
4 areas and water features (i.e. ponds, streams, and floodplain).

5 **G. Roads:** Project proposes 2 access points off of Service Road (south of Interstate 40)  
6 and Davis Road (south of PIN 9862-99- 8894). Both of these roads are maintained by  
7 the NC Department of Transportation.

8 **H. Water and Sewer:** Utility lines, to be maintained by the Town of Hillsborough, will be  
9 extended under Interstate 40 to serve the project.

10  
11 Surrounding Land Uses:

12 • **NORTH:** Interstate 40; agricultural operation and single-family residential property  
13 zoned Economic Development Hillsborough Limited Office (EDH-2) and Rural  
14 Residential (R-1) approximately 110 acres in area.

15 • **SOUTH:** Davis Road; Hillsborough United Methodist Church; Undeveloped property;  
16 Single-family residential property zoned Rural Residential (R-1) ranging in size from 2 to  
17 12 acres.

18 • **EAST:** Single-family residential and undeveloped property zoned Economic  
19 Development Hillsborough Limited Office (EDH-2) ranging in size from 1 to 12 acres; Old  
20 NC Highway 86.

21 • **WEST:** Single-family residential and undeveloped property zoned Rural Residential (R-  
22 1) ranging in size from 1-½ to 50 acres.

23  
24 **MPD Conditional Zoning (CZ) Process:** Involves approval of a rezoning petition and a master  
25 development plan allowing for the development of a specific land use categories. Applications  
26 are processed in a legislative manner (i.e. does not require sworn testimony or evidence) and  
27 decisions are based on the BOCC's determination that the project is consistent with the purpose  
28 and intent of the Comprehensive Plan.

29  
30 As this is a MPD-CZ proposal, a formal site plan is not required to be submitted as part of the  
31 rezoning approval. Applicants are required to produce a master concept plan consistent with the  
32 provisions of Section 6.7 of the UDO.

33  
34 The application package was posted to Planning's website on or about June 19, 2020 and can  
35 be accessed at: <https://www.orangecountync.gov/1722/Current-Interest-Projects>.

36  
37 **Development Process, Schedule, and Action:** The typical cadence for the review of a CZ  
38 application is:

39 • **First Action** – Planning staff schedules a Neighborhood Information Meeting (NIM).

40 **Staff Comment – DONE.** This meeting was held in an on-line format on July 15,  
41 2020. Notes from this meeting are contained within Attachment 7.

42 • **Second Action** – The Planning Board reviews the application at a regular meeting and  
43 makes a recommendation to the BOCC.

44 **Staff Comment - DONE.** The Planning Board began review of the project at its  
45 regular August 5, 2020 meeting, which was adjourned to a special meeting on  
46 August 19, 2020 to allow for continued discussion. Excerpts of minutes from both  
47 meetings are contained in Attachment 8.

48 • **Third Action** – The BOCC receives the Planning Board recommendation and makes a  
49 decision at an advertised public hearing.

50 **Staff Comment** – Being held on September 15, 2020.

51 **NOTE:** As the public hearing is being held remotely, there is a 24-hour waiting

1 period required before the BOCC can make a decision, per State legislation. The  
 2 purpose of the 24-hour waiting period is to allow for submission of written  
 3 comments.  
 4

5 Per Section 2.9.2 (F) (3) of the UDO, mutually agreed upon conditions can be imposed as part  
 6 this process only if they address:

- 7 1. The compatibility of the proposed development with surrounding property,
- 8 2. Proposed support facilities (i.e. roadways and access points, parking, pedestrian and  
 9 vehicular circulation systems, screening and buffer areas, etc.) and/or
- 10 3. All other matters the County may find appropriate or the petitioner may propose.

11  
 12 If approved, the Zoning Atlas will be amended and the zoning designation of the property shall  
 13 be changed to MPD-CZ. Development, including permitted land uses, would be in accordance  
 14 with the approved development proposal and all conditions imposed as part of the zoning atlas  
 15 amendment process.  
 16

17 Development of the various parcel(s) shall only be permitted through the review and approval of  
 18 site plan application(s) in accordance within Section 2.5 of the UDO. Staff is responsible for  
 19 verifying all imposed conditions are adhered to and allow for final peer review by members of  
 20 the Development Advisory Committee (DAC) as detailed within Section 1.9 of the UDO.  
 21

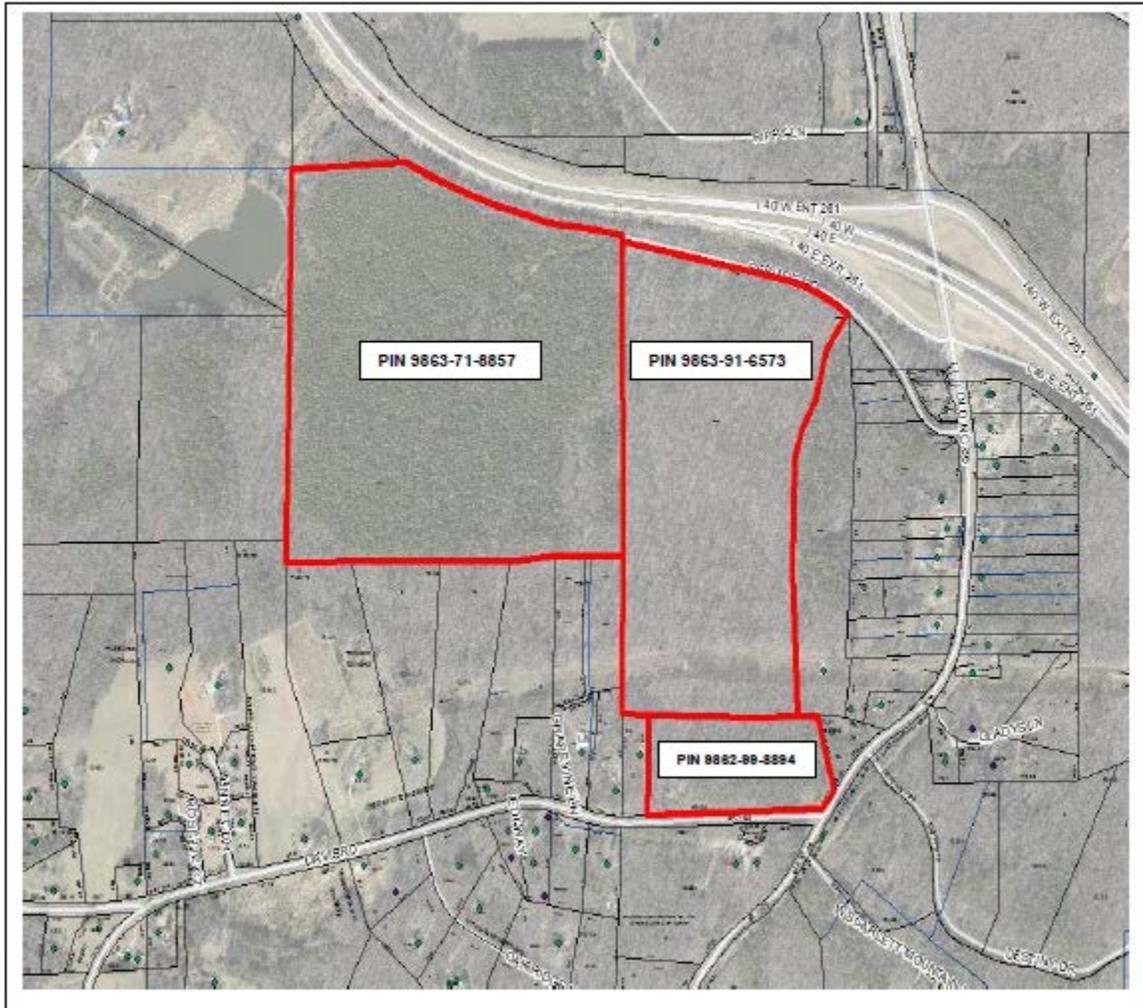
22 Proposal: The applicant is proposing to rezone the 3 identified parcels to a new MPD-CZ district  
 23 allowing for the development of a new master planned project, referred to as the Research  
 24 Triangle Logistics Park (RTLTP) summarized as follows:

- 25 1. Construction of approximately 2,250,000 sq.ft. of building area supporting  
 26 nonresidential development;
- 27 2. Preservation of approximately 41 acres (25%) of land as open space.
- 28 3. Permitted land uses within the new MPD-CZ district would include:
  - 29 a. Health technology,
  - 30 b. Information sciences and engineering,
  - 31 c. Advanced and light manufacturing,
  - 32 d. Scientific research and laboratories,
  - 33 e. Logistics/supply operations,
  - 34 f. Warehousing and supply chain fulfillment services.

35 The applicant has also provided a list of land uses that would be strictly  
 36 prohibited within the new district;

- 37 4. Vehicular access would be through Service Road, running parallel with Interstate 40,  
 38 and Davis Road;
- 39 5. Buildings would observe a 6 story height limit consistent with County regulations.  
 40 Accessory structures (i.e. water tower, telecommunication tower, etc.) may be higher.
- 41 6. The applicant is proposing imposition of development and design standards (i.e.  
 42 architectural design, signage, internal and external setback limits, height limits,  
 43 landscaping/buffer standards, outdoor lighting standards, erosion control/stormwater,  
 44 etc.) governing overall development of the project if the MPD-CZ district is approved by  
 45 the County.  
 46  
 47  
 48  
 49  
 50  
 51

1  
2  
3 **Map of Subject Parcels**  
4  
5



36 Staff has included a Frequently Asked Questions (FAQ) document outlining various aspects of  
37 the project in Attachment 12.

38 **STAFF COMMENT:** As previous indicated herein, 2 of the subject parcels are already  
39 located within the Economic Development Transition Activity Node. Staff is proposing to  
40 change the designation of the 12 acre parcel off Davis Road from Rural Residential to  
41 Economic Development Transition as well. This change is consistent with previous  
42 recommendations made by staff concerning the expansion of the County's economic  
43 development area south of Interstate 40.  
44

45 **Access:** As previously indicated herein, access for the project would be off of Service Road  
46 (south of Interstate 40) and Davis Road (south of PIN 9862-99-8894). An internal road network  
47 system, privately maintained, would provide access to individual land uses. The applicant is  
48 proposing pedestrian paths/walkways allowing access between the anticipated land uses.  
49 The submitted Transportation Impact Analysis (TIA) identifies internal and external roadway  
50 improvements that will be required. This includes the signalization of existing and proposed  
51 intersections.

1  
2 STAFF COMMENT: Both Planning and NC Department of Transportation (NC DOT)  
3 staff have reviewed the proposal. Comments from County staff are contained in  
4 Attachment 6.

5 The TIA indicates a secondary access point serving the project shall be necessary  
6 given the anticipated intensity of the project, which NCDOT staff have determined  
7 Service Road is unable to support. At this time the applicant is proposing to use Davis  
8 Road to address this need.

9 Staff has expressed concern over anticipated access onto Davis Road. The TIA for the  
10 project identified upgrades intended to ameliorate potential impacts to adjacent property  
11 owners. This includes installation of a traffic light at the intersection of Davis Road and  
12 Old NC Highway 86.

13  
14 Staff has recommended the imposition of various condition(s) to address access management  
15 issues as contained in Attachment 11.

16  
17 Land Uses: As previously indicated herein, the applicant is proposing various land uses  
18 focusing on warehousing/supply chain fulfillment services, research/development, and  
19 manufacturing activities. The proposal also includes a list of prohibited land uses. As part of the  
20 MPD-CZ process, only those approved land use categories can be developed within the project  
21 consistent with applicable development standards.

22  
23 STAFF COMMENT: Proposed uses are consistent with:

- 24 • The existing MPD-CZ for Settlers Point;
- 25 • Previous general use zoning district designation(s) for the parcels south of
- 26 Interstate 40, specifically Economic Development Hillsborough (EDH-5);
- 27 • Section 5.2 *Table of Permitted Uses* of the UDO; and
- 28 • Anticipated land uses for the area as reflected within the adopted Orange
- 29 County Comprehensive Plan and the Town of Hillsborough/Orange County
- 30 Central Orange Coordinated Area (COCA) Land Use Plan

31  
32 Several comment(s) have been made insinuating the applicant is not providing  
33 sufficient/specific information on the actual 'tenants' for the project. It has been  
34 suggested the County should deny the project unless/until specific tenants can be  
35 identified for public scrutiny and approval.

36  
37 Land use and zoning processes do not allow/require the level of scrutiny sought by the  
38 general public (i.e. veto power on specific tenants). The applicant is obligated to identify  
39 those land use categories it is seeking approval from the County to develop but are not  
40 obligated/required to provide a site specific development plan identifying actual 'tenants'  
41 for approval.

42  
43 Through this process, the County is essentially creating a new zoning district with  
44 mandatory development standards/criteria governing actual development activities. The  
45 County does have the ability to comment/make conditions on proposed land use  
46 categories (i.e. manufacturing land uses, research land uses, professional office land  
47 uses, etc.) but does not have the ability to compel the applicant's identify specific clients  
48 or reject same.

49  
50 If there is a concern over a particular activity, the BOCC can impose conditions  
51 addressing same.

1  
2 As an example: an applicant may propose to develop land uses falling into the  
3 *Manufacturing, Assembly, Processing of Food Items* land use category. The BOCC has  
4 the ability to take the position that these are acceptable land uses for a project, but  
5 impose a condition prohibiting certain sub-category food manufacturing land uses such  
6 as slaughter operations and/or seafood processing facilities, due to anticipated impacts.  
7

8 Utilities: The project is proposed to be served by public water and sewer systems owned by the  
9 Town of Hillsborough. Orange County is continuing to work with the Town to install a new sewer  
10 line under Interstate 40. This work is consistent with a recently approved inter-local utility  
11 agreement between Orange County and the Town of Hillsborough. Consistent with this  
12 agreement, the project will be allotted approximately 108,000 gallons of water/wastewater  
13 disposal daily.  
14

15 Erosion Control/Stormwater Regulations: The applicant has indicated the project will abide by  
16 existing stormwater, Section 6.14, and erosion control, Section 6.15, regulations of the UDO.  
17

18 Land Use Buffers/External Setbacks: The applicant is proposing:

19 • PIN 9863-71-8857:

- 20 • 25 ft. buffer along Service Road;  
21 STAFF COMMENT: Staff has recommended a 30 ft. Type A buffer along Service Road.
- 22 • 100 ft. building setback with a 50 ft. perimeter undisturbed buffer along the  
23 western/southern property line. Parking/loading area/drive-aisles would observe a 50 ft.  
24 setback from the property line;

25 STAFF COMMENT: Section 6.8.12 of the UDO would typically require a 100 ft.  
26 perimeter, undisturbed, land use buffer along the western property line.

27 • PIN 9863-91-6573:

- 28 • 25 ft. buffer along Service Road;  
29 STAFF COMMENT: Staff has recommended a 30 ft. Type A buffer along Service Road.
- 30 • 50 ft. perimeter buffer along the eastern property line. Parking/loading area/drive-aisles  
31 would be located within this area.  
32

33 STAFF COMMENT: Per Section 6.8.12 (C) of the UDO, land use buffers are based on  
34 proposed development as well as existing land use(s) on the adjacent parcel. Along the  
35 eastern property line the required land use buffer, presuming development on the  
36 subject parcel is manufacturing/warehouse space, would range from 20 to 40 ft. in width.  
37

38 Further, Section 6.8.7 (D) (1) (a) of the UDO requires parking areas to observe a:  
39 *landscape area at least ten feet in width, exclusive of drainage and/or utility easements,*  
40 *shall be provided between the vehicular use areas and the right of way or adjacent*  
41 *property line.*  
42

43 • PIN 9862-99-8894:

- 44 • 100 ft. perimeter structure buffer. Parking/loading area/drive-aisles would be allowed as  
45 shown on the concept plat;

- 46 • 30 ft. Type A land use buffer along Davis Road.

47 STAFF COMMENT: Staff recommended a 100 ft. perimeter, undisturbed, land use buffer  
48 with no development activity permitted. The portion of this property zoned RB would  
49 remain as undisturbed open space.  
50

1 • Floodplain buffers shall be in accordance with the provisions of Section 6.13 of the UDO (i.e.  
 2 buffer would be measured from the edge of the 1% area of annual inundation (i.e. the historic  
 3 100-year flood zone) and range from 65 to 80 ft. based on slope;  
 4 STAFF COMMENT: There has been discussion about reducing the required  
 5 floodplain buffer to 50 ft. as a means of securing the 100 ft. undisturbed perimeter buffer  
 6 suggested by staff.

7  
 8 • MTC Buffer: The applicant is proposing to abide by the standards contained in Section 6.6.4 of  
 9 the UDO including development of 'visual breaks' within the buffer (Section 6.6.4 (A) (5) of the  
 10 UDO would allow for eliminating 50% of the MTC buffer to create visual breaks).  
 11 STAFF COMMENT: The applicant's proposed disturbance would be consistent with  
 12 existing allowances within the UDO.

13  
 14 Staff has recommended the imposition of various condition(s) to address land use  
 15 buffers/external setback issues as contained in Attachment 11.

16  
 17 Solid Waste: The applicant has indicated development within the project shall abide by the  
 18 Orange County Solid Waste Management Ordinance.

19  
 20 Environmental Assessment (EA): The applicant completed the EA for this project as required  
 21 under Section 6.16 of the UDO. The EA indicates:

- 22 • Project will not impact any environmentally sensitive areas;
- 23 • Preservation of existing hardwoods would occur outside of proposed development
- 24 areas;
- 25 • No grading activities would occur within the floodplain other than utility/road crossings
- 26 as permitted within the UDO;
- 27 • No historically significant or archeologically significant areas have been denoted on the
- 28 properties.

29  
 30 Staff has recommended the imposition of various condition(s) to address environmental issues  
 31 as contained in Attachment 11.

32  
 33 Other pertinent information concerning the proposed MPD-CZ are as follows:

- 34 • Future Land Use Map (FLUM) Designation: PIN(s) 9863-71-8857 and 9863-91-6573
- 35 are located within an Economic Development Transition Activity Node.
- 36 PIN 9862-99-8894 (Davis Road) is located within the Rural Residential land use
- 37 category. A separate process is underway to change the FLUM designation of this
- 38 property to Economic Development Transition Activity Node.

39  
 40 The FLUM can be accessed utilizing the following link:

41 <http://www.orangecountync.gov/DocumentCenter/View/4054/Future-Land-Use-Map-PDF>.

42 • Comprehensive Plan: Per Appendix F, "*Relationships Between Land Use Categories*  
 43 *and Zoning Districts Matrix*" of the adopted Orange County Comprehensive Plan, the MPD-CZ  
 44 district is a permissible zoning designation for property located within an  
 45 Economic Development Transition Activity Node.

46  
 47 For more information on the definition of activity node, and to review the allowed zoning  
 48 designations permitted within same, the Comprehensive Plan can be accessed utilizing  
 49 the following link:

50 <http://www.orangecountync.gov/1242/2030-Comprehensive-Plan>.

51

1 Growth Management System Map Designation: PIN(s) 9863-71-8857 and 9863-91-6573 are  
 2 located within an Urban designated area while the parcel on Davis Road is located within a  
 3 Rural Designated area. If the FLUM amendments (above) are approved, the designation of the  
 4 12 acre parcel will automatically change to "Urban".

5 STAFF COMMENT: The Growth Management System Map is a tool utilized by staff to  
 6 identify permit review thresholds for residential (i.e. subdivision) projects.  
 7

8 • Water and Sewer Management, Planning and Boundary Agreement (WASMPBA): The parcels  
 9 are located within the Hillsborough Primary Service Area meaning public utilities (i.e. water and  
 10 sewer) could be extended. Public utility service would be provided by the Town of Hillsborough.  
 11 The document can be accessed utilizing the following  
 12 link: [http://www.orangecountync.gov/DocumentCenter/View/4190/Water-and-Sewer-  
 13 Management-Planning-and-Boundary-Agreement-PDF](http://www.orangecountync.gov/DocumentCenter/View/4190/Water-and-Sewer-Management-Planning-and-Boundary-Agreement-PDF)  
 14

15 • Town of Hillsborough/Orange County Central Orange Coordinated Area (COCA) Land  
 16 Use Plan: These parcels are designated as being located within the following COCA land use  
 17 categories:

- 18  PINs: 9863-71-8857 and 9863-91-6573: Employment  
 19  PIN 9862-99-6573 – Recommended to be Suburban Office.  
 20

21 The recommended zoning designation/proposed land uses would allow development  
 22 consistent with the intent of COCA. For more information on the COCA land use  
 23 categories, please refer to Attachment 4.  
 24

25 Analysis: As required under Section 2.9.2 (E) of the UDO, the Planning Director is required to:  
 26 'cause an analysis to be made of the application' and pass that analysis on to the reviewing  
 27 body. In analyzing this request, the Planning Director offers the following:

28 1. The application is complete in accordance with the requirements of Section 2.9.2 (C)  
 29 of the UDO;

30 2. The proposal appears consistent with the various goals outlined within the  
 31 Comprehensive Plan concerning development, including:

32 a. Land Use Overarching Goal: *Coordination of the amount, location, pattern,  
 33 and designation of future land uses, with availability of County services and  
 34 facilities sufficient to meet the needs of Orange County's population and  
 35 economy consistent with other Comprehensive Plan element goals and  
 36 objectives.*

37 b. Land Use Goal 2: *Land uses that are appropriate to on-site environmental  
 38 conditions and features and that protect natural resources, cultural resources,  
 39 and community character.*

40 c. Land Use Goal 3: *A variety of land uses that are coordinated within a program  
 41 and pattern that limits sprawl, preserves community and rural character,  
 42 minimizes land use conflicts, supported by an efficient and balanced  
 43 transportation system.*

44 d. Objective LU-1.1: *Coordinate the location of higher intensity / high density  
 45 residential and non-residential development with existing or planned locations of  
 46 public transportation, commercial and community services, and adequate  
 47 supporting infrastructure (i.e., water and sewer, high-speed internet access,  
 48 streets, and sidewalks), while avoiding areas with protected natural and cultural  
 49 resources. This could be achieved by increasing allowable densities and creating  
 50 new mixed-use zoning districts where adequate public services are available.*

1 e. Economic Development Objective ED-2.1: *Encourage compact and higher*  
 2 *density development in areas served by water and sewer.*

3 f. Economic Development Objective ED-2.10: *Extend public water and sewer into*  
 4 *all three Economic Development Districts.*

5  
 6 3. The applicant has provided a basic environmental assessment as part of this  
 7 submittal.

8 Staff has reviewed and determined there ought to be no significant environmental impact from  
 9 this project based on existing conditions;

10 4. Staff has determined that the proposed development is consistent with existing and  
 11 anticipated development within the area and the various land uses associated with the  
 12 project are compatible.

13  
 14 Neighborhood Information Meeting: An on-line neighborhood information meeting for the project  
 15 was held by the applicant on July 15, 2020 in accordance with Section 2.9.2 (D) of the UDO. A  
 16 synopsis of comments made at the meeting can be found within Attachment 7.

17  
 18 Public Notifications: In accordance with Section 2.8.7 of the UDO:

- 19 • Notices were mailed via first class mail to property owners within 1,000 ft. of the subject  
 20 parcels providing the date/time of the public hearing where the proposal is to be  
 21 reviewed. These notices were mailed on August 28, 2020, 18 days before the meeting.
- 22 • Staff posted the subject parcels with signs indicating the date/time of the public hearing  
 23 on September 4, 2020, 11 days before the meeting;
- 24 • Staff caused a legal ad advertising the date, time, location, and purpose of the BOCC  
 25 public hearing to run in the *News of Orange* and the Durham *Herald-Sun* on September  
 26 2 and 9, 2020.

27  
 28 For more information, please refer to Attachment 9.

29  
 30 Courtesy Review: This request was submitted to the Town of Hillsborough as part of the  
 31 courtesy review program. To date, no comments have been received other than there are no  
 32 concerns over the proposed zoning atlas amendment.

33  
 34 Planning Board Recommendation: The Planning Board began its review of the zoning atlas  
 35 amendment at its August 5, 2020 regular meeting, which was adjourned to August 19 to  
 36 continue discussion. At this meeting the Board voted 6 to 4 to recommend **approval** of the  
 37 Statement of Consistency (Attachment 10) and the proposed Zoning Atlas Amendment  
 38 (Attachment 11) as proposed by staff. Those voting against the project cited the following  
 39 concerns:

- 40  
 41 a. The Board wanted the applicant to provide the specific tenants (i.e. names,  
 42 operational characteristics, etc.) within the project for 'review and approval' prior  
 43 to action being taken on the zoning atlas amendment request;
- 44 b. Board members expressed concern over anticipated traffic impacts on Davis  
 45 Road;
- 46 c. The project was deemed to be too intensive for the area.

47  
 48 Excerpts of the minutes from these meetings, as well as the Board's signed Statement of  
 49 Consistency, are included in Attachment 8. Agenda materials from the meetings can be viewed  
 50 at: <https://www.co.orange.nc.us/AgendaCenter/Planning-Board-26>

51

1  
2 Planning Director's Recommendation: The Planning Director recommends **approval** of the:  
3 1. Statement of Consistency indicating the zoning atlas amendment(s) are reasonable  
4 and in the public interest as contained in Attachment 10.

5 STAFF COMMENT: This presumes the land use designation of the 12 acre  
6 parcel (PIN 9862-99-8894) is changed from Rural Residential to Economic  
7 Development Transition Activity Node as detailed herein. If the aforementioned  
8 FLUM is not approved, the staff recommendation will have to be revised.

9 2. Ordinance amending the Zoning Atlas, as well as imposing development conditions,  
10 for the identified parcels as contained in Attachment 11.

11  
12 Michael Harvey, Current Planning and Zoning Supervisor, gave the following PowerPoint  
13 presentation:

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15 Slide #1



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34 Slide #2

35 **BACKGROUND:** Page 2  
36  
37 • January 23, 2018: BOCC approved zoning atlas  
38 amendment creating a Master Plan Development  
39 Conditional Zoning (MPD-CZ) district;  
40 – Referred to as Settlers Point project  
41  
42 • Involved 10 parcels / 195 acres of land area;  
43 • Created 2 development districts (i.e. District 1 west  
44 of Old NC Highway 86 and District 2 to the east )  
45 • Each district allowed for different land  
46 uses/development intensities;  
47 • Since 2018, no development activity has occurred  
48 consistent with the approved MPD-CZ.  
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Slide #3

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**PROPOSAL:** Page 3

Rezone 3 parcels:

- **FROM:** MPD-CZ (Settlers Point) ; Major Transportation Corridor (MTC) Overlay District ; Rural Residential (R-1) ; Rural Buffer (RB)
  - 2 Parcels (PINs 9863-71-8857 and 9863-91-6573) District 1 of Settlers Point MPD-CZ.
- **TO:** MPD-CZ (RTLTP) ; Major Transportation Corridor (MTC) Overlay District ; Rural Buffer (RB)
  - **STAFF COMMENT:** Parcel along Davis Road (PIN 9862-99-8894) has approximately 26,000 sq.ft. of land area zoned RB. This portion of the property will remain zoned RB and left in open space.



Slide #4

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Page 4




Slide #5

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**CONDITIONAL ZONING PROCESS:** Page 5

- Approval of rezoning petition and a master concept plan allowing development of specific land use(s);
  - **STAFF COMMENT:** Action does not involve approval of site specific development plan(s) or approval of specific land uses/tenants. Formal site plan submittal is not required per Section(s) 2.9.2 and 6.7 of the UDO.
- Processed in a legislative manner (i.e. does not require sworn testimony or competent material evidence);
- Decisions based on determination Project is consistent with the purpose/intent of Comprehensive Plan and UDO standards.
  - **STAFF COMMENT:** If alternative design standards are proposed, County determines if they meet spirit/intent of existing regulations.



Slide #6

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**CONDITIONAL ZONING PROCESS:** Page 6

- Schedule, and Action:
  - First Action – Applicant schedules a Neighborhood Information Meeting (NIM).
    - **DONE. Meeting held on-line on July 15, 2020.**
  - Second Action – The Planning Board reviews the application and makes a recommendation to the BOCC.
    - **DONE. Board voted 6 to 4 recommending approval at its August 19, 2020 meeting.**
  - Third Action –BOCC receives Planning Board/staff recommendation, holds public hearing, makes decision to approve/deny.
    - **OCCURRING - NOTE: Per State law County has to accept written comments for 24 hours.**



Slide #7

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**CONDITIONAL ZONING PROCESS:** Page 7

- Section 2.9.2 (F) (3): Mutually agreed upon conditions can be imposed **only** if they address:
  - Compatibility of the development with surrounding property,
  - Proposed support facilities (i.e. roadways and access points, parking, pedestrian and vehicular circulation systems, screening and buffer areas, etc.) and/or
  - Other matters the County may find appropriate or petitioner proposes.
- If approved, Zoning Atlas amended (property designated MPD-CZ). Development consistent with approved master concept plan and imposed conditions;
- Development permitted through the review/approval of site plan in accordance with UDO.
  - **STAFF COMMENT:** No additional BOCC or advisory board review of site plans.



Slide #8

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**ROLES:** Page 8

- Staff:
  - Determine application completeness and consistency with Comprehensive Plan;
  - Determine compliance with applicable standards or viability of proposed 'design alternatives';
  - Recommend imposition of conditions/action on request.
- Planning Board:
  - Hear from applicant, staff, and the general public;
  - Review/discuss analysis and recommendation(s);
  - Discuss/recommend imposition of conditions;
  - Recommend approval or denial to the BOCC.



Slide #9

ROLES (continued):

Page 9

- BOCC:
  - Schedule/hold public hearing to receive application;
  - Hear from applicant, staff, and the general public;
  - Review/discuss staff and Planning Board's analysis and recommendation(s);
  - Review, discuss, and recommend imposition of conditions;
  - Close the public hearing;
  - Approve or deny the request to approve Zoning Atlas Amendment application with the imposition of mutually agreed to conditions.



Slide #10

RTLTP Project:

Page 10

- 3 parcels of property / 161 acres of land;
- Involve development of approximately 2,250,000 sq.ft. of building area;
- Preserve 41 acres (25%) of land as open space;
- Vehicular access from Service Road and Davis Road;
- As submitted, allowable land uses would include: health/technology services, information sciences and engineering, manufacturing, logistic/supply operations, warehousing/supply chain fulfillment services;
- 6-story height limit.



Slide #11

RTLTP Project - Applicant:

Page 11

- Applicant: Terra Equity Incorporation  
Frank Csapo  
3810 Springhurst Blvd  
Suite 120  
Louisville, KY 40241

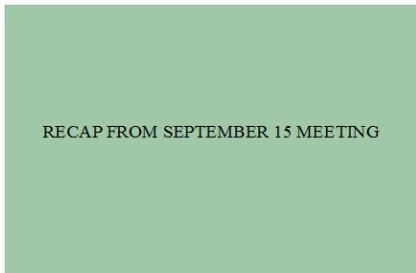
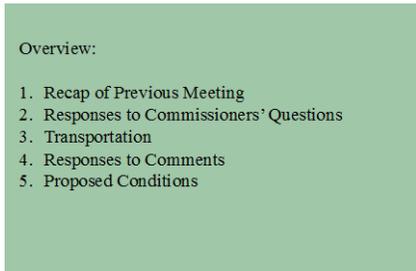
• Agents:

|                                                                                                |                                                                       |                                                                                                      |
|------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
| Michael Birch<br>Longleaf Law Partners<br>4509 Creedmoor Rd.<br>Suite 302<br>Raleigh, NC 27612 | Kimley-Horn<br>421 Fayetteville St.<br>Suite 600<br>Raleigh, NC 27601 | Santec Consulting<br>(Traffic Engineers)<br>801 Jones Franklin Rd.<br>Suite 300<br>Raleigh, NC 27606 |
|------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|



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Michael Birch, Longleaf Law Partners; Christa Greene, Stantec; and Chris Bostic, Kimley Horn, made the following PowerPoint presentation:



**RESEARCH TRIANGLE LOGISTICS PARK**

**PROHIBITED USES**

- Animal slaughtering/processing
- Concrete batching plant
- Pulp, paper and paperboard mills
- Sewer fills
- Land fills
- Cemetery
- Funeral home
- Junk / salvage yard
- Petroleum and coal processing, preparation and distribution (including asphalt sales)
- Vegetable detrital manufacturing and processing
- Leather and hide tanning
- Sexually oriented business
- Uranium mining
- Body alteration (tattoo artist, body piercing, etc.)
- Crematoria
- Pawnshop / payday loan
- Massage business

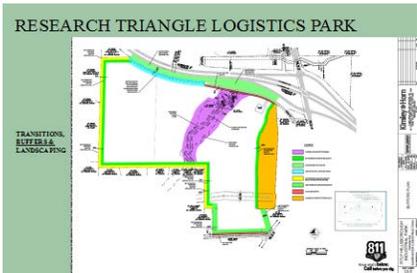
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**RESEARCH TRIANGLE LOGISTICS PARK**

**TRANSITION & BUFFERS & LANDSCAPING**

- 100-foot building setback area along western property line
- 50-foot vegetated buffer along western property line undisturbed or replanted
- 30-foot buffer along Davis Road
- 25-foot buffer along Service Road
- Parking lot screening and parking lot landscape landscaping
- 2.5% of open space landscaped area for entire project
- Maximum building height of 60 feet

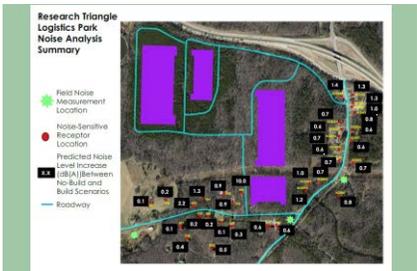
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**RESPONSES TO COMMISSIONERS' QUESTIONS**

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**RTLP IDLING RESTRICTION\***

The Research Triangle Logistics Park (RTLPL) restriction prohibits idling for more than five (5) consecutive minutes, any device or combination of devices that meets all of the following criteria: 1. designed with a gross vehicle weight rating of more than 14,000 pounds; and 2. required under North Carolina law to be registered; and 3. designed to operate on public highways; and 4. powered by a diesel engine. (\*Subject to Conditions and Exemptions)

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**TRANSPORTATION QUESTIONS**

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**RESPONSES TO COMMENTS**

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**Environmental**

- Cates Creek does not run through the site. An unnamed tributary is on the property.
- Cates Creek does not have a "high quality water" designation.
- Cates Creek and the tributary is not in a protected or critical watershed. 72% of Orange County are subject to these designations, but not this property.
- Cates Creek is designated as a nutrient sensitive waterway, but this is due to other projects downstream where Cates Creek flows through Hillsborough.
- Stormwater runoff from the project does not flow toward Davis Road, and will not affect flooding conditions on Davis Road.
- No development within floodplain or County's floodplain buffer.

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### Environmental

- No Natural Heritage Natural Area is located on the property.
- No known occurrences of any federally protected species in or within 1 mile of the property.
- No known occurrences of dwarf wedgemussel or smooth cone-flower within 1 mile of site.
- No known occurrences of federally protected plant or animal species.
- 25% of property set aside as open space/landscaped area.
- FAR of 0.32, which is half of what is allowed.

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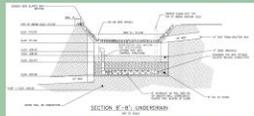
### Sustainability

- Irrigation of Native Plants to Reduce Water Consumption
- Rainwater and Surface Water Management through Bioretention
- Rainwater Collection for Irrigation Use
- LED Lighting with Motion & Occupancy Sensors to Reduce Power Consumption
- Clerestory Windows to Supplement with Natural Daylight
- Light Pollution Mitigation
- Recycled On-Site Construction Material
- Energy Star Rated Structures
- Electric Car Charging Stations
- Transit and Carpool-Friendly Site

3  
4

### Stormwater Control Measure (SCM) Pollutant Removal Efficiencies

| SCM Type               | % Total Nitrogen Removal | % Total Phosphorus Removal |
|------------------------|--------------------------|----------------------------|
| Bioretention           | 40                       | 45                         |
| Wet Pond               | 30                       | 20                         |
| Bioretention in Series | 65                       | 65                         |



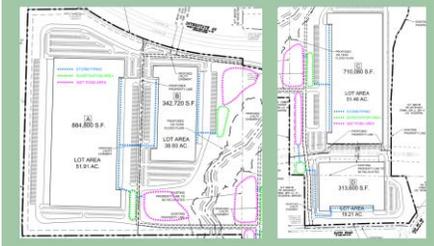
Example Bioretention Area Cross Section



Bioretention Area in the Field - Raleigh, NC

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6

### SCM Treatment Trains



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### PROPOSED CONDITIONS

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PROPOSED DAVIS ROAD HEIGHT CONDITION

Any building or buildings in RTLP fronting on Davis Road shall be limited in height to 40' (measured from the finished floor elevation to the roof deck) above the highest elevation of Davis Road along the frontage of the property currently known as Orange County PIN #9862998894

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PROPOSED DAVIS ROAD CONDITION

DAVIS ROAD ACCESS RESTRICTION

The Applicant shall agree to not connect regular vehicular access from Research Triangle Logistics Park (a.k.a. RTLP) to Davis Road (except for restriction emergency vehicular access) if a minimum of sixty (60) days prior to Applicant's initial application for a Certificate of Occupancy (temporary or otherwise) for the first building constructed in RTLP, Orange County and/or NCDOT accomplish the following:

1. The Service Road is modified so as to provide a fully functional signalized intersection at Old NC 86 satisfactory to Orange County, NCDOT and Applicant and Applicant's engineers
2. Applicant's engineers approve the design and location of the new Service Road extension to the south and east to Old NC 86 and the function of the signalized intersection
3. NCDOT approve the Service Road design and/or the design and location of Service Road extension and, in either case a fully functional signalized intersection and accepts the same for maintenance as NCDOT right-of-way.

In the event all of the above conditions are not satisfied within the deadline set forth herein, Applicant is authorized to connect to Davis Road and proceed in accordance with the plans previously approved by NCDOT.

However, even if the above conditions are not satisfied within the deadline set forth herein, and a connection to Davis Road is made, and subsequently items 1-3 are satisfied, then Applicant will close the Davis Road connection, except for emergency access.

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Christa Greene, Stantec, made a PowerPoint presentation regarding anticipated traffic patterns.



9  
10

The Stantec Team



Christa Greene, PE  
BSCE NCSU 1990  
MCE NCSU 1998  
Project Manager



Matt Peach, PE, PTOE  
BSCE Penn State 2007  
MCE NCSU 2011  
Engineer of Record



Maggie Rogers  
BSCE NCSU 2018  
Transportation Designer

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Research  
Strategic Logistics  
Park Traffic  
Impact Summary

### Build Scenarios

- Full Movement At Service Road (Unsignalized)
  - 70% of the Traffic Utilizes Service Road
  - 30% of the Traffic Utilizes Davis Road
- Full Movement at Service Road (Signalized)
  - 70% of the Traffic Utilizes Service Road
  - 30% of the Traffic Utilizes Davis Road
- Restricted Access at Service Road
  - 40% of the Traffic Utilizes Service Road
  - 60% of the Traffic Utilizes Davis Road



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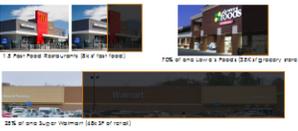
Research  
Strategic Logistics  
Park Traffic  
Impact Summary

### Trip Generation

- ITE Trip Generation Manual, Version 10

| Category | Area            | Trips/Day | Trips/Hour | Trips/Minute | Trips/Second |
|----------|-----------------|-----------|------------|--------------|--------------|
| Office   | 100,000 sq ft   | 100       | 4.2        | 0.7          | 0.12         |
| Office   | 200,000 sq ft   | 200       | 8.3        | 1.4          | 0.24         |
| Office   | 300,000 sq ft   | 300       | 12.5       | 2.1          | 0.35         |
| Office   | 400,000 sq ft   | 400       | 16.7       | 2.8          | 0.47         |
| Office   | 500,000 sq ft   | 500       | 20.8       | 3.5          | 0.58         |
| Office   | 600,000 sq ft   | 600       | 25.0       | 4.2          | 0.70         |
| Office   | 700,000 sq ft   | 700       | 29.2       | 4.9          | 0.82         |
| Office   | 800,000 sq ft   | 800       | 33.3       | 5.6          | 0.93         |
| Office   | 900,000 sq ft   | 900       | 37.5       | 6.3          | 1.05         |
| Office   | 1,000,000 sq ft | 1,000     | 41.7       | 7.0          | 1.17         |

Equivalent Land Uses:

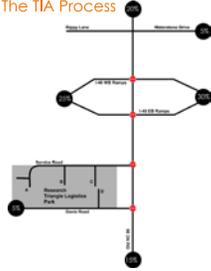


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Research  
Strategic Logistics  
Park Traffic  
Impact Summary

### The TIA Process

- Trip Distribution



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Research  
Strategic Logistics  
Park Traffic  
Impact Summary

### Traffic Volumes

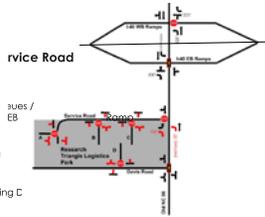


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Research Triangle Logistics Park Traffic Impact Summary



- Long Delays exiting Service Road
- Minimal Traffic Utilizing EB

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Research Triangle Logistics Park Traffic Impact Summary

### Full access at Service Road (Unsignalized)

Long queues from signal extend beyond Service Road in Peak Hours

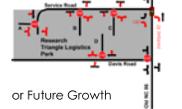


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Research Triangle Logistics Park Traffic Impact Summary

### Scenarios

Service Road (signalized)



for Future Growth

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Research Triangle Logistics Park Traffic Impact Summary

### Full access at Service Road (Signalized)



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Reason  
Throng Logistics  
Park Traffic  
Impact Summary

Right of Way Constraints  
and Property Impacts



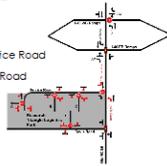
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Reason  
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Park Traffic  
Impact Summary

Build Out Scenarios

Limited Access at Service Road

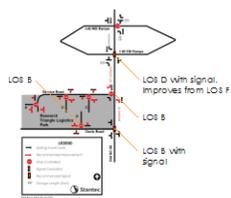
- No Left Exit at Service Road
- Entering Traffic Primarily Utilizes Service Road
- Exiting Traffic Primarily Utilizes Davis Road
- New Signal at I-40 EB Ramps
- New Signal at Davis Road
- Additional Turn Lanes



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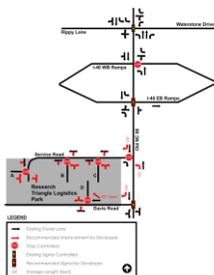
Reason  
Throng Logistics  
Park Traffic  
Impact Summary

Level of Service



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Requirements



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Reason  
Traffic Logistics  
Park Traffic  
Impact Summary

### Land Use Options From ITE Trip Generation Manual

**Land Use 182  
Warehousing**  
A warehouse is primarily designed to store large quantities of materials, but it may also include office and maintenance areas.

**Land Use 184  
High-Cube Retail and Short-Term Storage Warehouse**  
A high-cube warehouse (HCW) is a building that typically has an open steel frame structure for roof truss. The eave height is 20 feet or more, and it uses columns for structural support. It is used primarily for the storage and distribution of manufactured goods (e.g., a steel fabricator) or materials and finished products to retail locations or other warehouses. A typical HCW has a high level of automation and requires sophisticated equipment for loading and unloading.

**Land Use 110  
General Light Industrial**  
A light industrial facility is a manufacturing facility located in a high-density urban or suburban area. It is used for manufacturing and assembly. The facility may include office space, parking, and other amenities. It is typically located in a high-density urban or suburban area.

**Land Use 185  
High-Cube Full-Flex Container Warehouse**  
A high-cube warehouse (HCW) is a building that typically has an open steel frame structure for roof truss. The eave height is 20 feet or more, and it uses columns for structural support. It is used primarily for the storage and distribution of manufactured goods (e.g., a steel fabricator) or materials and finished products to retail locations or other warehouses. A typical HCW has a high level of automation and requires sophisticated equipment for loading and unloading.

Reason  
Traffic Logistics  
Park Traffic  
Impact Summary

### Trip Generation Estimates From ITE Trip Generation Manual

| Land Use          | SQ FT     | Daily Trips | Peak Hour Trips |     |      | Peak Hour Trips |     |      |
|-------------------|-----------|-------------|-----------------|-----|------|-----------------|-----|------|
|                   |           |             | AM              | PM  | Even | AM              | PM  | Even |
| Warehousing (HCW) | 1,000,000 | 1,000       | 100             | 100 | 100  | 100             | 100 | 100  |

| Land Use                                          | SQ FT     | Daily Trips | Peak Hour Trips |     |      | Peak Hour Trips |     |      |
|---------------------------------------------------|-----------|-------------|-----------------|-----|------|-----------------|-----|------|
|                                                   |           |             | AM              | PM  | Even | AM              | PM  | Even |
| High-Cube Retail and Short-Term Storage Warehouse | 1,000,000 | 1,000       | 100             | 100 | 100  | 100             | 100 | 100  |

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Reason  
Traffic Logistics  
Park Traffic  
Impact Summary

### Hourly Trip Estimates From ITE Trip Generation Manual

**Warehousing (HCW 182)**

| Hour        | Trips |
|-------------|-------|
| 12-1 AM     | 0.100 |
| 1-2 AM      | 0.100 |
| 2-3 AM      | 0.100 |
| 3-4 AM      | 0.100 |
| 4-5 AM      | 0.100 |
| 5-6 AM      | 0.100 |
| 6-7 AM      | 0.100 |
| 7-8 AM      | 0.100 |
| 8-9 AM      | 0.100 |
| 9-10 AM     | 0.100 |
| 10-11 AM    | 0.100 |
| 11 AM-12 PM | 0.100 |
| 12-1 PM     | 0.100 |
| 1-2 PM      | 0.100 |
| 2-3 PM      | 0.100 |
| 3-4 PM      | 0.100 |
| 4-5 PM      | 0.100 |
| 5-6 PM      | 0.100 |
| 6-7 PM      | 0.100 |
| 7-8 PM      | 0.100 |

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Reason  
Traffic Logistics  
Park Traffic  
Impact Summary

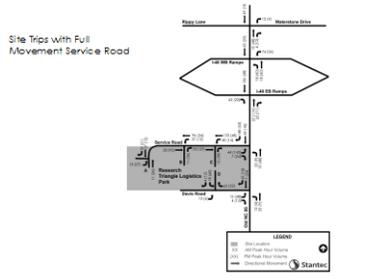


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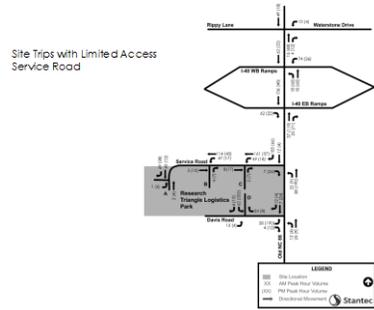
2023 No Build traffic volumes  
With Approved Developments



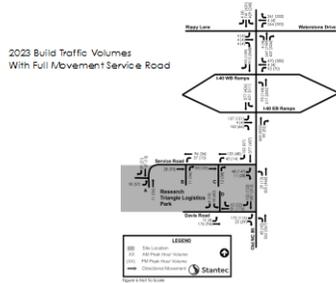
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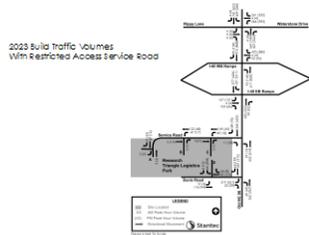
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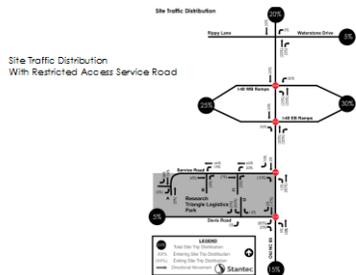
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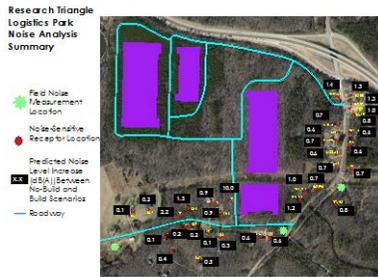
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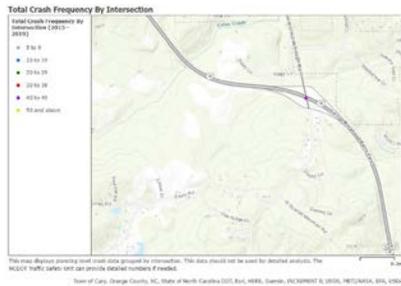
### Noise Study

- FHWA Traffic Noise Model (TNM) v2.5
- Modeled Existing, Future No Build, and Future Build
- Used PM peak hour traffic (worst case)
- Field Measurements to determine existing conditions and validate model
- Modeled receptors at properties along Old NC 86 and Davis Road
- According to FHWA noise abatement criteria, a level that is considered impacted is 66 decibels (dB(A)) or more
- NCDOT considers a substantial increase impact between no build and build of 10 dB(A) or more
- A sound level of 3 dB(A) or less is not perceptible to human hearing.
- According to the results, no receptors were over 66 dB(A) in the build scenario and only one met the criteria of a substantial increase.
- All other properties indicate an increase of 2.2 dB(A) or less, which is in the imperceptible range

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| Receptor | Existing | No-Build | Build | dB(A) Increase |
|----------|----------|----------|-------|----------------|
| 1        | 55.2     | 55.2     | 55.2  | 0.0            |
| 2        | 55.2     | 55.2     | 55.2  | 0.0            |
| 3        | 55.2     | 55.2     | 55.2  | 0.0            |
| 4        | 55.2     | 55.2     | 55.2  | 0.0            |
| 5        | 55.2     | 55.2     | 55.2  | 0.0            |
| 6        | 55.2     | 55.2     | 55.2  | 0.0            |
| 7        | 55.2     | 55.2     | 55.2  | 0.0            |
| 8        | 55.2     | 55.2     | 55.2  | 0.0            |
| 9        | 55.2     | 55.2     | 55.2  | 0.0            |
| 10       | 55.2     | 55.2     | 55.2  | 0.0            |
| 11       | 55.2     | 55.2     | 55.2  | 0.0            |
| 12       | 55.2     | 55.2     | 55.2  | 0.0            |
| 13       | 55.2     | 55.2     | 55.2  | 0.0            |
| 14       | 55.2     | 55.2     | 55.2  | 0.0            |
| 15       | 55.2     | 55.2     | 55.2  | 0.0            |
| 16       | 55.2     | 55.2     | 55.2  | 0.0            |
| 17       | 55.2     | 55.2     | 55.2  | 0.0            |
| 18       | 55.2     | 55.2     | 55.2  | 0.0            |
| 19       | 55.2     | 55.2     | 55.2  | 0.0            |
| 20       | 55.2     | 55.2     | 55.2  | 0.0            |
| 21       | 55.2     | 55.2     | 55.2  | 0.0            |
| 22       | 55.2     | 55.2     | 55.2  | 0.0            |
| 23       | 55.2     | 55.2     | 55.2  | 0.0            |
| 24       | 55.2     | 55.2     | 55.2  | 0.0            |
| 25       | 55.2     | 55.2     | 55.2  | 0.0            |
| 26       | 55.2     | 55.2     | 55.2  | 0.0            |
| 27       | 55.2     | 55.2     | 55.2  | 0.0            |
| 28       | 55.2     | 55.2     | 55.2  | 0.0            |
| 29       | 55.2     | 55.2     | 55.2  | 0.0            |
| 30       | 55.2     | 55.2     | 55.2  | 0.0            |
| 31       | 55.2     | 55.2     | 55.2  | 0.0            |
| 32       | 55.2     | 55.2     | 55.2  | 0.0            |
| 33       | 55.2     | 55.2     | 55.2  | 0.0            |
| 34       | 55.2     | 55.2     | 55.2  | 0.0            |
| 35       | 55.2     | 55.2     | 55.2  | 0.0            |
| 36       | 55.2     | 55.2     | 55.2  | 0.0            |
| 37       | 55.2     | 55.2     | 55.2  | 0.0            |
| 38       | 55.2     | 55.2     | 55.2  | 0.0            |
| 39       | 55.2     | 55.2     | 55.2  | 0.0            |
| 40       | 55.2     | 55.2     | 55.2  | 0.0            |
| 41       | 55.2     | 55.2     | 55.2  | 0.0            |
| 42       | 55.2     | 55.2     | 55.2  | 0.0            |
| 43       | 55.2     | 55.2     | 55.2  | 0.0            |
| 44       | 55.2     | 55.2     | 55.2  | 0.0            |
| 45       | 55.2     | 55.2     | 55.2  | 0.0            |
| 46       | 55.2     | 55.2     | 55.2  | 0.0            |
| 47       | 55.2     | 55.2     | 55.2  | 0.0            |
| 48       | 55.2     | 55.2     | 55.2  | 0.0            |
| 49       | 55.2     | 55.2     | 55.2  | 0.0            |
| 50       | 55.2     | 55.2     | 55.2  | 0.0            |
| 51       | 55.2     | 55.2     | 55.2  | 0.0            |
| 52       | 55.2     | 55.2     | 55.2  | 0.0            |
| 53       | 55.2     | 55.2     | 55.2  | 0.0            |
| 54       | 55.2     | 55.2     | 55.2  | 0.0            |
| 55       | 55.2     | 55.2     | 55.2  | 0.0            |
| 56       | 55.2     | 55.2     | 55.2  | 0.0            |
| 57       | 55.2     | 55.2     | 55.2  | 0.0            |
| 58       | 55.2     | 55.2     | 55.2  | 0.0            |
| 59       | 55.2     | 55.2     | 55.2  | 0.0            |
| 60       | 55.2     | 55.2     | 55.2  | 0.0            |
| 61       | 55.2     | 55.2     | 55.2  | 0.0            |
| 62       | 55.2     | 55.2     | 55.2  | 0.0            |
| 63       | 55.2     | 55.2     | 55.2  | 0.0            |
| 64       | 55.2     | 55.2     | 55.2  | 0.0            |
| 65       | 55.2     | 55.2     | 55.2  | 0.0            |
| 66       | 55.2     | 55.2     | 55.2  | 0.0            |
| 67       | 55.2     | 55.2     | 55.2  | 0.0            |
| 68       | 55.2     | 55.2     | 55.2  | 0.0            |
| 69       | 55.2     | 55.2     | 55.2  | 0.0            |
| 70       | 55.2     | 55.2     | 55.2  | 0.0            |
| 71       | 55.2     | 55.2     | 55.2  | 0.0            |
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| 73       | 55.2     | 55.2     | 55.2  | 0.0            |
| 74       | 55.2     | 55.2     | 55.2  | 0.0            |
| 75       | 55.2     | 55.2     | 55.2  | 0.0            |
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| 78       | 55.2     | 55.2     | 55.2  | 0.0            |
| 79       | 55.2     | 55.2     | 55.2  | 0.0            |
| 80       | 55.2     | 55.2     | 55.2  | 0.0            |
| 81       | 55.2     | 55.2     | 55.2  | 0.0            |
| 82       | 55.2     | 55.2     | 55.2  | 0.0            |
| 83       | 55.2     | 55.2     | 55.2  | 0.0            |
| 84       | 55.2     | 55.2     | 55.2  | 0.0            |
| 85       | 55.2     | 55.2     | 55.2  | 0.0            |
| 86       | 55.2     | 55.2     | 55.2  | 0.0            |
| 87       | 55.2     | 55.2     | 55.2  | 0.0            |
| 88       | 55.2     | 55.2     | 55.2  | 0.0            |
| 89       | 55.2     | 55.2     | 55.2  | 0.0            |
| 90       | 55.2     | 55.2     | 55.2  | 0.0            |
| 91       | 55.2     | 55.2     | 55.2  | 0.0            |
| 92       | 55.2     | 55.2     | 55.2  | 0.0            |
| 93       | 55.2     | 55.2     | 55.2  | 0.0            |
| 94       | 55.2     | 55.2     | 55.2  | 0.0            |
| 95       | 55.2     | 55.2     | 55.2  | 0.0            |
| 96       | 55.2     | 55.2     | 55.2  | 0.0            |
| 97       | 55.2     | 55.2     | 55.2  | 0.0            |
| 98       | 55.2     | 55.2     | 55.2  | 0.0            |
| 99       | 55.2     | 55.2     | 55.2  | 0.0            |
| 100      | 55.2     | 55.2     | 55.2  | 0.0            |

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1 signalized options are of more concern. He asked if the percentages of personal vehicle traffic  
2 and commercial truck traffic could be identified.

3 Christa Greene said until the land user is known, the exact percentages will not be  
4 known. She said different times of the day will bring varying traffic, but the study looked at the  
5 heaviest possible traffic options.

6 Commissioner McKee said his concern is the number of trucks that will be on Davis  
7 Road. He asked what amount of the 52% will be large trucks. He said he disagrees with the  
8 noise assessment, and thinks it will be louder.

9 Christa Greene said she does not have the exact percentage, but it is only a portion of  
10 Davis Road, not the entire length.

11 Commissioner McKee said he wants to know how many heavy trucks there will be, and  
12 why those trucks cannot be sent out exclusively on the signalized service roads.

13 Christa Greene said the service road is too close to the interchange to have the  
14 stacking.

15 Commissioner McKee said it is tricky, but the signals can be timed.

16 Christa Greene said if it was a four-lane road, and the service road was further down, it  
17 would be sufficient, but these is the results of the traffic analysis. She said the study did  
18 consider the alternatives.

19 Commissioner McKee said the issue is truck traffic on Davis Road.

20 Christa Greene said the signal will make it safe for trucks to get in and out.

21 Commissioner Price asked what other improvements will be made to Davis Road.

22 Christa Greene said per NCDOT requirements, there will be signalization; a taper into  
23 the site; turn lanes; and a signal at the ramp will be completed. She said there will also be  
24 several improvements along 86.

25 Commissioner Price said she is concerned about how narrow Davis Road is.

26 Commissioner Price said the uses may not be known, but it is reported to be less trip  
27 generations than 2 fast food restaurants or a Walmart. She asked how this conclusion was  
28 reached.

29 Christa Greene said there is a standardized trip generation manual, which allows the  
30 calculations to be made.

31 Commissioner Price asked if there was a reason that the project was compared against  
32 fast food. She asked if it is unknown what will be on the site, how were these comparisons  
33 chosen.

34 Michael Birch said the trip generation that was used was associated with the  
35 warehousing use, which has a particular trip generation associated with it. He said this was  
36 done as part of the scoping process. He said every use may not be a warehousing use, but it  
37 was taken into account that if there were other uses, with different trip generation rate, the  
38 recommended improvements would still accommodate the other allowable uses.

39 Commissioner Price said she understands the formulas, but wondered how the  
40 comparisons were chosen given that the nature of the site is not yet specified. She said the  
41 concept plans to not mean the buildings will be as they are described.

42 Christa Greene said comparison sites from around the country were used through the  
43 trip generating formula.

44 Commissioner Price referred to the environmental assessment, and asked if their staff  
45 conferred with local staff in Orange County. She said there is 161 acres of wooded area, and  
46 she has to believe that this will have some impact, as it is a heritage area.

47 Chris Bostic said they did confer with County Staff about the Cates Creek property,  
48 specifically. He said the majority of that natural area is located completely off of the property in  
49 question, and a large portion of this property was clear-cut previously. He said the data on this  
50 land was out of date, so his staff biologist went out last week and re-evaluated the land. He  
51 said the area of their property is an upland area, and the soils are acidic soils.

1 Commissioner Price asked if the conclusion is that there is nothing on the land in  
2 question that would trigger an environmental impact statement.

3 Chris Bostic said he was required to provide an environmental impact statement as a  
4 part of their packet, and they did so. He said it states that there is nothing of concern.

5 Commissioner Price said the Applicant completed an assessment, and an environmental  
6 impact statement is different.

7 Chris Bostic agreed.

8 Commissioner Dorosin said the biggest concern is around traffic. He clarified that there  
9 is an estimated 3650 trips a day, with peak times at 300-326 trips. He asked if the peak a.m.  
10 time is referring to a specific hour, and noted that this amount does not seem like much of a  
11 peak in comparison to the total number of trips.

12 Christa Greene said the a.m. and p.m. peak hours are one individual hour each. She  
13 said a site like this will have coming and going throughout the day. She said the peak numbers  
14 represents about 10% of people going during the day, and were predicted to be the highest  
15 hours in conjunction with the highest measured traffic in the area.

16 Commissioner Dorosin asked if there is an average of the number of trips over the  
17 course of the day. He said he would like to know how much of a peak will the peak hours  
18 contain.

19 Christa Greene said peak is about 10%, so other times there would be less trips. She  
20 said there will be highs and lows during shift changes, lunch hours, beginning and end of day,  
21 etc.

22 Commissioner Dorosin asked if the proposal is to have the service road be a right turn  
23 only, with no left turn.

24 Christa Greene said a right in, a right out, and a left turn into the service road. She said  
25 there will be no left turn out due to the queuing.

26 Commissioner Dorosin asked if the imagined traffic pattern could be described.

27 Christa Greene said most trucks will use David Road.

28 Commissioner Dorosin asked how this will be operationalized. He said the advantage of  
29 this property is its location right next to the highway, and trucks will have to turn right. He asked  
30 if there is plan to get the trucks back to the highway.

31 Christa Greene said presumably the trucks would cut through the site, and take a left on  
32 Davis Road to get to the highway.

33 Commissioner Dorosin said local concern is to avoid the trucks going on David Road.

34 Christa Greene said right now that is the way DOT says things must proceed. She said  
35 it is possible to safely accommodate the traffic coming out on Davis Road with the signal.

36 Commissioner Dorosin said this is problematic.

37 Commissioner Greene referred to a Planning Board member, who is the Vice President  
38 of a supply chain and logistics company, and he said the traffic study used the code 150, which  
39 is just warehouse, and not code 140 (manufacturing) or 130 (industrial park). She said if this  
40 land may be used for some of these other things, she wonders why the traffic study did not  
41 include those codes.

42 Michael Birch said the warehouse use was agreed to as part of the scoping process. He  
43 said the results of the TIA are a list of recommended improvements. He said the recommended  
44 improvements that have come out of the traffic impact study would not change if the other use  
45 codes were used.

46 Commissioner Greene asked if the manufacturing and/or industrial park use more or  
47 less per day.

48 Christa Greene said based on the scoping meeting, and that this would be a logistics  
49 park, this was the agreed upon land use. She said the recommendations being made do allow  
50 for additional capacity.

1 Commissioner Greene read the proposal from the Planning Board member's comments.  
2 She said the potential uses seem to be changing. She said everyone wants to understand the  
3 maximum number of trips per day, and how does the County prepare. She asked if the other  
4 code uses would be more or less trips per day.

5 Michael Birch said he can provide additional information. He said each use has slightly  
6 different characteristics with daily trips, peak hours etc. He said the recommended  
7 improvements are based on trip generation with a certain use, but those improvements will  
8 accommodate additional trips. He said the infrastructure could handle additional trips.

9 Commissioner Bedford said a traffic noise study was done on old 86 and Davis road,  
10 and the noise increase would be 2.2 decibels for all but one parcel, and it would need to be 3  
11 decibels to be perceived. She asked if more details could be provided about this, and if the  
12 Applicant would be willing to give the BOCC a full copy of the study.

13 Michael Birch said one property, with the higher decibel increase, was parcel #3 that  
14 fronts along Davis Road. He said this is the Barlow property. He said he will follow-up on the  
15 exact details.

16 Commissioner Bedford referenced pages 402, 406 and 450, which included  
17 communications regarding traffic, and she tried to compare DOT's initial findings with that which  
18 they resolved and agreed to. She said everything was fine at Waterstone, as well as the  
19 conservative estimate that was used for 86/I-40 westbound ramps. She said DOT required  
20 three things with old 86 and the service road: a north bound left turn lane with 125 feet of full  
21 staging/storage; south bound right lane with 100 feet of staging/storage; and an east bound right  
22 turn lane, with 200 feet of full staging/storage. She said the Applicant offered up the option of  
23 right turn only out of the service road, and DOT responded by keeping the first two conditions,  
24 but deleting the third. She said Davis road originally required a traffic signal, a southbound right  
25 lane with 100 feet of full staging/storage, and a northbound left turn lane with 100 feet exclusive.  
26 She said at some point the northbound left turn was removed, and it became a right turn only  
27 onto the service road, in order to avoid building the number 3 right eastbound lane with 200 full  
28 storage. She asked if the Applicant were to build that road, would it still be possible to have left  
29 turns out of the service road, and meet the requirements for DOT.

30 Christa Greene said no. She referred to the July 31<sup>st</sup> memo from DOT, which said the  
31 queue spillbacks from the adjacent eastbound ramps will need to be mitigated, or restrictions of  
32 left turns. She said that is basically where NCDOT recommended right lane.

33 Commissioner Bedford asked if there is any other way to mitigate the queue spill back.

34 Christa Greene said the Applicant could not determine any other way to mitigate the  
35 queue spillback.

36 Commissioner Marcoplos said these types of issues have arisen before in discussions of  
37 widening I-40, when the only option seemed to be to run a road through a neighborhood, but  
38 another solution was found due to community pressure and pushback. He wonders if there are  
39 other ideas that just have not been fully pursued.

40 Michael Birch said one additional option was to condemn private property, in order to  
41 shift the service road intersection with 86 farther away from the I-40 ramp.

42 Commissioner Marcoplos asked if this is the Dodson property.

43 Michael Birch said no, it is more the area between the Applicant's land and 86. He said  
44 it would involve shifting the service road further south. He said that is the only other option.  
45 He said there are some fixed points in the ramp and the bridge. He said design standards  
46 require things to stay fairly straight. He said shifting things is not a feasible solution. He said  
47 the Applicant did consider this, but it would require action from someone else to condemn  
48 property.

49 Michael Harvey shared his screen to display the actual property line in question. He  
50 said there are many complicating factors such as utility easements, private property, Economic

1 Development zones, etc. He said the Applicant does not have the ability to compel anyone to  
2 sell.

3 Michael Birch said the Applicant could not utilize the road in question because of an  
4 easement, and would have to go further north.

5 Commissioner Price asked if the location for the parking could be identified. She said  
6 logistic parks often have trucks stay over night, and the peak traffic hour might be 7 a.m. as they  
7 all leave. She said she would like to have more information about the peak hours, and will  
8 patterns occur 24/7.

9 Michael Birch said he would gather more information.

10 Chair Rich asked if Michael Harvey would resume his presentation:

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12 Slide #12

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Page 12

**CONDITIONS:**

- General:
  - Only involve the 3 identified properties;
  - Rural Buffer (RB) zoned portion of property (PIN 9862-99-8894) remain zoned RB and be 'open space'.
- Access/transportation:
  - Internal roadways (i.e. private) developed consistent with UDO;
  - Development consistent with TIA and NC DOT standards;
  - Town of Hillsborough/County Fire Marshal involved with road layout approval;
  - Limits on turn movements onto Davis Road;
  - Bus pullouts/shelters consistent with County plans.

ORANGE COUNTY  
NORTH CAROLINA

27 Slide #13

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Page 13

**CONDITIONS (continued):**

- Dimensional Standards:
  - Building sq.ft. limit of 2,400,000 sq.ft. based on current TIA;
  - Height limit – 60 ft.
    - ❖ **NOTE: Accessory structures (i.e. water tower) may exceed this limit.**
  - Setbacks – Structures:
    - ❑ 100 ft. from property lines abutting residentially zoned property and Davis Road right-of-way;
    - ❑ 50 ft. from property lines abutting non-residentially zoned property and Service Road right-of-way
  - Setbacks – Vehicular Use Areas (i.e. parking, drive isle):
    - ❑ 50 ft. from property lines abutting residentially zoned property and Davis Road right-of-way;
    - ❑ 25 ft. from other property/road rights-of-way

ORANGE COUNTY  
NORTH CAROLINA

43 Slide #14

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Page 14

**CONDITIONS (continued):**

- Open Space/Land Use Buffers:
  - 41 acres (25%) of land area in open space (includes floodplain and floodplain buffers);
  - 50 ft. land use buffer along western property lines and around Davis Road property – 25 ft. along property zoned for non-residential development;
  - 10 ft. vegetative buffer separating parking from drive-isles;
  - 1 shade tree for every 10 car parking spaces;
    - ❑ **Standard consistent with UDO.**
  - 20% of a building's perimeter shall be landscaped;
  - HVAC, mechanical equipment, dumpsters, etc. screened consistent with Section 6.8.9 of the UDO;
  - Project shall comply with Section 6.6.4 of the UDO – Major Transportation Corridor (MTC) overlay. This includes allowable breaks in buffer(s).

ORANGE COUNTY  
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## Slide #15

## CONDITIONS (continued):

Page 15

- Parking:
  - Design/layout to comply with Section 6.9 of the UDO;
  - 1 space for every 750 sq.ft. of office space;
  - 1 space per 3,000 sq.ft. of additional indoor area (exclusive of office space);
- Lighting – consistent with UDO;
- Comply with provisions of Section(s) 6.4.2 through 6.4.7 of the UDO (i.e. noise, air pollution, disposal of liquid waste, hazardous materials, vibration);
- Master sign plan determined to be acceptable by staff.



## Slide #16

## CONDITIONS (continued):

Page 16

- Architectural Design:
  - Applicant has supplied list of acceptable/prohibited exterior wall materials;
- Utilities: Extended/managed consistent with agreement between the County and the Town of Hillsborough;
- Land Uses:
  - Consistent with table of permitted uses and the existing MPD-CZ for Settlers Point;
  - Includes:
    - Manufacturing;
    - Research and Development;
    - Warehousing/Storage;
    - Distribution Services;
    - Wholesale Trade;
  - Application package includes list of prohibited land uses.



## Slide #17

## CONDITIONS (continued):

Page 17

- Applicant agreed to incorporation of conditions recommended by Planning Board at its August 5, 2020 meeting:
  - No permanent fuel or chemical storage shall occur within 30 ft. of a floodplain/stream buffer established consistent with the provisions of Section 6.13 of the County UDO;
  - A minimum of 2 electrical vehicle charging stations shall be installed for every building constructed on-site. Additional stations may be proposed as part of the site plan review process;
  - Building design/construction shall not preclude incorporation of alternative energy systems such as solar panels.



Slide #18

Page 18

### Planning Board Action:

- Board met on August 5, 2020. Meeting adjourned to August 19, 2020 for additional review;
- Board voted:
  - 6 to 4 recommending approval of Statement of Consistency
  - 6 to 4 recommending approval of the Zoning Atlas Amendment changing the designation of the new MPD-CZ

**STAFF COMMENT:** This recommendation included imposition of several condition(s) governing the development of the Project.



Slide #19

Page 19

### Management Recommendation:

1. Receive the request;
2. Conduct the public hearing and accept comment;
3. Close the public hearing;
4. Authorize acceptance of written comment(s) via e-mail to the Board at [pcboc@orangecountync.gov](mailto:pcboc@orangecountync.gov) or by delivery to the Planning Department's office at 131 West Margaret Lane, Hillsborough, North Carolina 27278, until 9:00 a.m. on Thursday September 17, 2020;
5. Schedule a vote to approve Statement of Consistency (Attachment 10), and Zoning Atlas Amendment (Attachment 11) at the Board's October 6, 2020 meeting

**No additional public comments shall be received at October 6 meeting if hearing closed.**

For more information of questions on this proposal:  
Michael Harvey, Current Planning Supervisor  
[mharvey@orangecountync.gov](mailto:mharvey@orangecountync.gov) or (919) 245-2297



Commissioner Price asked if the table of permitted uses is updated and current.

Michael Harvey said everything is within permissible uses per the County's updates.

Commissioner Price said the Applicant says there is no environmental impact, but the staff descriptions say there are significant woodlands and ponds and a flood plain. She said she would like to see these statements reconciled somehow.

Michael Harvey said the Applicant has agreed to have no development in the flood plain, and there will be protection of the flood plain buffer.

Chair Rich asked if Michael Harvey if it would be appropriate to hear from the public at this time.

Michael Harvey said yes, and the Applicant is eager to hear all feedback.

A motion was made by Commissioner Price, seconded by Commissioner Bedford to open the public hearing.

**Roll call ensued.**

**VOTE: UNANIMOUS**

**PUBLIC COMMENT:**

Erik Reavely said he is a business/home owner and taxpayer, and he is opposed to the rezoning of this land. He said such radical rezoning does not match the existing land. He said heavy industrialized traffic will greatly affect the local residents and the existing rural buffer landscape. He said there is a church, preschool, and historical African American cemetery

1 nearby, and the traffic noise will be a disruption all day long. He voiced concern for negative  
2 environmental impacts, as well as minimal meaningful job creation.

3 Emily Buehler said she has been a resident for 13 years, and she and her neighbors are  
4 concerned about rising property taxes. She said development is crucial to avoid homeowners  
5 bearing the financial burden. She said she supports the development.

6 Robb Levinsky said he is a new comer in the area, and feels this is the wrong  
7 development for this land and this time. He said the proposed structures will be very tall, and  
8 are not within permitted uses for the current zoning, thus requiring a major change in the zoning  
9 for the land. He said it is a rural residential area, and he doubts there will not be meaningful  
10 economic benefit, and the traffic is a huge problem. He said he is opposed to this development.

11 Hayley Pickard said she has been a Hillsborough resident since 2001, and she had the  
12 benefit of growing up in this community. She said she is opposed to this development, as it will  
13 have negative environmental impacts.

14 Jay Kennett said he is the Pastor of Hillsborough United Church of Christ. He said the  
15 1000 feet on Davis Road is the entire frontage of his church's property, which is a place of  
16 worship, community picnics, home to three 12-step groups, a daycare, an historic cemetery, etc.  
17 He said if this plan moves forward the church will be shaken by trucks and pollution. He said  
18 this is a living community and he is opposed to this development. He said he understands  
19 development may occur, but this industrial growth was not at all what he expected.

20 Luke Farley said he is a lawyer who has been retained by Hillsborough homeowners to  
21 oppose the development of the 12-acre residential parcel. He said his clients would be willing to  
22 oppose the development in court, if necessary, based on two grounds: 1) rezoning the parcel is  
23 inconsistent with the County's comprehensive plan. This land has never been in an EDD, and  
24 had no part in Settler's Point; and 2.) This zoning is illegal spot zoning, when a relatively small  
25 parcel is rezoned, when it is surrounded by zoning of a different type. He said the court will  
26 consider detrimental effects to neighbors, which are ample here. He said reasonable requests  
27 should be imposed upon the Applicant to mitigate the negative impacts.

28 Janet Marks said she lives off of Davis Road, which supplies access to the nearby  
29 hospital. She said the truck traffic would likely interfere with people accessing the hospital, and  
30 would lead to increase automobile accidents. She said she is in favor of development, but not  
31 this particularly project. She said there needs to be smart development with clear plans to  
32 address traffic. She asked the BOCC to vote no on this project.

33 Scott Carbonara questioned the developer, just as much as the project itself. He said  
34 the developer has never developed a project to this magnitude, and it would be wise to use a  
35 more seasoned developer. He said the developer's own building in Kentucky has many areas  
36 up for lease, and he questions whether the developer could find tenants locally in NC. He said  
37 this land begs for development, but this one is not the right kind.

38 Jocelyn Carbonara said she lives off Davis Road, and she is opposed to this  
39 development. She said the plan has too many holes, and is the wrong project for this land as  
40 negative impacts are too numerous.

41 Sascha Godfrey said she is a high school student who lives on Davis Road, and is a part  
42 of Save Hillsborough. She said she is opposed to this development, and is in full support of  
43 sustainable development. She said Hillsborough is full of talented people who can work  
44 together to do better to protect the Town and its environment.

45 Kaila Mitchell said she lives 600 feet from the proposed access road, with several family  
46 members living around her. She said she is opposed to the development due to the many  
47 harmful environmental and health impacts. She urged the BOCC to vote no to rezoning this  
48 land.

49 Matt Mitchell said he lives off of Davis Road within 1000 feet of the proposed  
50 development. He said he is one of the organizers of Save Hillsborough, a group that is strongly  
51 against this development. He said he and many others are not opposed to development in the

1 area, but want it to be environmentally sound, and good for the local residents and community  
2 at large. He said the members of the community have no interest in proposing every  
3 development in this economic development district, and want to work with the BOCC.

4 Ashley Trahan said she is a Hillsborough resident on Davis Road, and is opposed to this  
5 development. She asked the BOCC to bring change that is good for everyone, and to vote no  
6 to rezoning.

7 Daniel Arneman said 100s of citizens have spoken out against this project. He said it is  
8 clear that the BOCC has been listening. He said he is opposed to this development, and if it  
9 must proceed, the BOCC should impose strict standards upon the developer. He would rather  
10 see a different project altogether.

11 Jon Lorusso read from the County noise ordinance. He said he is opposed to this  
12 development, and said the noise pollution would impact all residents in the area. He said the  
13 noise ordinance does not include vehicular noise, and the trucks in this development would not  
14 be subject to the ordinance.

15 Chip Thrasher said he is a 17-year-old resident, and has concerns regarding potential  
16 traffic problems with this development. He also voiced concern for the wildlife and plants in this  
17 area, and their protection. He said he is opposed to this development.

18 Hunter Spitzer said he is an at large member of the Planning Board, and he encouraged  
19 the BOCC to work harder on access to solar energy and said this proposed site is one example  
20 of where it can do so. He said the developer should be required to install solar. He said he  
21 voted against this site in August, and hopes the BOCC will do the same.

22 Jeremy Edmondson said he holds a commercial drivers license, and has driven many  
23 large trucks over many years, in many places. He said truck drivers are in demand, and as  
24 such, many of the drivers are not experienced. He said Orange County is not prepared for the  
25 impacts of having such truck traffic as will come with this development. He said drivers will  
26 come from all over the country, and will have no ties to the community, and will not be invested  
27 in its welfare. He said trucks are not the same as cars. He said a distribution center is not akin  
28 to a McDonalds. He said he is opposed to the development.

29 Sarah Shore said she lives at the corner of old 86 and Davis Road, and thanked the  
30 BOCC for its careful consideration of this development. She echoed previous comments, and  
31 said she is not against all development, but is against this development.

32 Joseph Shore said he lives on old 86, near Davis Road. He said the developer  
33 continually shows his land as vacant, and he said it is not, and there are several houses on this  
34 land. He said he opposed to the rezoning of this land, and this development in particular. He  
35 said he supports development that is harmonious with the neighborhood: restaurants, health  
36 care, schools, small businesses, etc. He said this development will surround his house on three  
37 sides, and will negatively affect his property value. He said the developer should compensate  
38 local property owners if the property values do drop. He said \$2 million should be put in a trust  
39 for this purpose, and if the money has not been used in 10 years, it can go back to the  
40 developer.

41 Steven Kaufmann said he lives on Davis Road. He echoed comments of previous  
42 speakers and is opposed to this development. He said he is a teacher, and also owns a martial  
43 arts studio. He said he is highly invested in Hillsborough and Orange County, and his entire life  
44 will be negatively impacted by this development.

45 Jesse Kaufmann spoke about a neighboring truffle farm, and its importance to the area  
46 as one example of fighting climate change. She said the environment must be preserved, and  
47 the diesel trucks at this proposed project would be very damaging. She said if the development  
48 proceeds, the County must demand electric vehicles only. She said she is opposed to this  
49 development, and encouraged the Board to support more friendly development.

1 Rena Mitchell said she lives on Davis Road, and is opposed to this development. She  
2 said she grew up in a town similar to Hillsborough that is now overrun with development and  
3 environmental pollution. She urged the Board to vote against rezoning.

4 William Mitchell said he lives 350 feet from the proposed RTLTP exit, and he is very  
5 concerned about the impacts it would have on his neighborhood and the Town of Hillsborough.  
6 He said the increase in traffic and potential for vehicular accidents would be a great risk. He  
7 said development will bring more tax funds, but it is not worth it to risk the lives of residents. He  
8 said he is opposed to this development.

9 Bob Bundschuh echoed all the concerns about traffic, and said the traffic signals will not  
10 help, and will actually create delays. He said he is opposed to the project.

11 Matthew Kostura said the BOCC asked great questions of the Applicant, and it is clear it  
12 understands the potential problems with this project. He said the traffic impact cannot be  
13 underestimated. He said he is opposed to this project.

14 Myra Gwin-Summers said she lives very close to the proposed project, and is blindsided  
15 by this proposal. She said she and her neighbors are worried about their well-being. She said  
16 she supports growing the tax base, but not with this project. She said she is concerned that this  
17 process has not followed proper procedures. She said she opposes this project, and urged the  
18 BOCC to do the same. She said this land should remain part of the rural buffer, and zoned  
19 residential.

20 Dave Laudicina said all the previous public comments are valid, and his greatest  
21 concern is with the traffic entering and exiting the property. He said any proposed mitigation  
22 efforts are insufficient, and the various environmental impacts will be very damaging. He said  
23 he is opposed to this development, and urged the BOCC to find a better economic development  
24 project.

25 James Watts said he has lived and worked here for 20 years, and lives within 2 miles of  
26 this proposed project. He said he serves on the Economic Development Board, and is  
27 supportive of RTLTP proposal. He said the project offers positive improvements to the County,  
28 and offers minimal impact to the water supply. He said the project offers employment  
29 opportunities of many levels. He said it is important to have facilities like these, so that  
30 businesses that start in Orange County will stay in Orange County, as there is room for them to  
31 grow. He said the proposed location is a logical one, and despite inconveniences it may  
32 present, the project should be supported.

33 Catharine Vaughan said she lives close to UNC Hospital – Hillsborough, and is opposed  
34 to this development and the detrimental effects it will have on this beautiful area. She said she  
35 has not heard of any plans that will mitigate the negative impacts of this project. She said the  
36 project would adversely interfere with the functions of the hospital, putting the lives of those  
37 needing to access it, at risk. She said the Board should vote against this project.

38 John Dempsey said development that benefits the community is welcome, and he feels  
39 this project is not such a development. He said the negative environmental impacts would be  
40 severe, and would lead to more inappropriate development in the future. He said he is opposed  
41 to this project in order to protect residents and the Town of Hillsborough.

42 Margo Lakin said she has researched the developer, and has not found successful  
43 results. She said she found past projects in Kentucky made by this developer, and highlighted  
44 how all had significant failures. She said she opposed to this project and urged the BOCC to  
45 vote no on the rezoning.

46 Angela Sneed said she a native of Orange County and lives near the proposed  
47 development. She highlighted pros and cons that she sees in the project, but said the cons  
48 outweighed any pros she could identify. She said she is particularly concerned about the  
49 impact of the water supply; the quality of jobs that will be generated when tenants are unknown;  
50 significant traffic concerns; and the outdated EDD plan. She said she is opposed to the project.

1 Jo Massey thanked the BOCC for its thoughtful approach to this item. She said she is  
2 opposed to the project, as it is not appropriate for the space, the culture or the environment.

3 Brandon Sneed echoed formerly mentioned concerns, and questioned the validity of the  
4 information presented by the Applicant. He said he is opposed to the project.

5 Kate Carroll thanked the BOCC for listening to the public comments. She said she  
6 would like to see much greater compromise between the Applicant and the County in order to  
7 have a project that is better suited to the community. She said the tax dollars and jobs the  
8 project will provide to the County are legitimately needed. She said she would like to see the  
9 Davis Road parcel removed from the plan, and have the County work with the Applicant to find  
10 a way forward.

11 Robin Brown-Farrin said she lives in Hillsborough, but not too close to the proposed  
12 project. She said she is opposed to the project due to all the potential negative impacts  
13 mentioned by previous speakers.

14  
15 A motion was made by Commissioner Greene, seconded by Commissioner Bedford  
16 to reconvene the public hearing on September 22, 2020

17  
18 **Roll call ensued**

19  
20 **VOTE: UNANIMOUS**

21  
22 **b. Zoning Atlas Amendment – Parcels off Old NC Highway 86 (District 2 of Settlers  
23 Point MPD-CZ)**

24  
25 The Board held a public hearing, receive the Planning Board recommendation and public  
26 comment, close the public hearing, and schedule action for a specific future date on Planning  
27 Director initiated Zoning Atlas Amendments for parcels east of Old NC Highway 86, south of  
28 Interstate 40, within the Hillsborough Township of Orange County.

29  
30 Specifically, staff is proposing to rezone eight parcels, totaling approximately 46 acres, originally  
31 part of the Master Plan Development Conditional Zoning (MPD-CZ) district known as Settlers  
32 Point. A map of the subject parcels is contained in Attachment 1.

33  
34 **BACKGROUND:**

35 On January 23, 2018 the Orange County Board of Commissioners (BOCC) approved a zoning  
36 atlas amendment creating a MPD-CZ district referred to as Settlers Point.

37  
38 Materials from this meeting are available at:

39 <http://server3.co.orange.nc.us:8088/weblink/0/doc/49647/Page1.aspx>.

40  
41 The approved MPD-CZ, composed of 10 parcels and totaling 195 acres of land, created a  
42 master planned mixed use project with two distinct development areas, specifically:

- 43 • District 1: Parcel Identification Number(s) 9863-71-8857 and 9863-91-6573 supporting  
44 development of Industrial/manufacturing/research land uses:

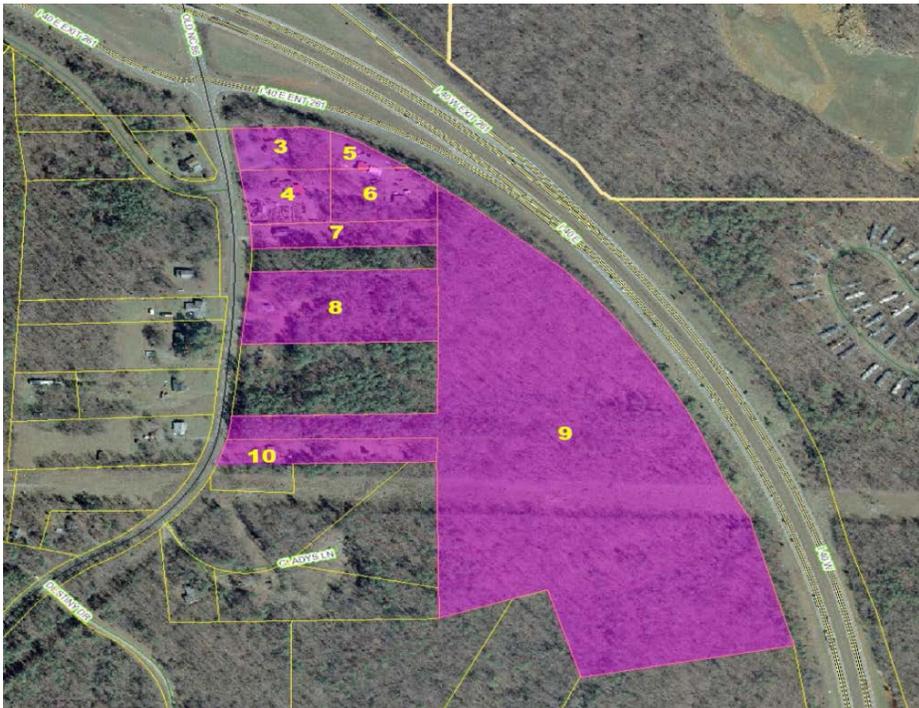
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And

- District 2: Parcel Identification Number(s) 9873-11-4636, 9873-11-5415, 9873-11-7506, 9873-11-9450, 9873-11-7247, 9873-10-7937, 9873-20-2388, and 9873-10-4310 supporting development of Office/retail/commercial land uses:



1 Development on these properties is required to comply with a master set of conditions (i.e.  
 2 access management standards, building setback/size limits, open space requirements, site plan  
 3 submittal and review requirements, etc.). These conditions are designed to complement one  
 4 another, allowing for development of the 10 parcels consistent with the approved MPD-CZ.  
 5 Since approval, no development activity has occurred.

6  
 7 **ISSUE:** The County has been approached by a developer proposing a new MPD-CZ district  
 8 involving the two parcels within 'District 1' as well as a 12 acre parcel with frontage on Davis  
 9 Road. Staff has determined the eight parcels in 'District 2' will have great difficulty complying  
 10 with the MPD-CZ development standards with the elimination of the two parcels in District 1. In  
 11 order to ensure the eight parcels have development potential, staff has determined rezoning is  
 12 necessary and is proposing the following:

- 13  
 14 1. Rezone parcels (PINs: 9873-11-4636, 9873-11-7506, 9873-11-5415, 9873-11-9450,  
 15 9873-11-7247, and 9873-10-7937), labeled as number(s) 3, 4, 5, 6, 7 and 8 on the map  
 16 above:  
 17 **FROM:** Master Plan Development Conditional Zoning (MPD-CZ) Settlers Point and  
 18 Major Transportation Corridor (MTC) Overlay District.  
 19 **TO:** Economic Development Hillsborough Limited Office (EDH-2) and Major  
 20 Transportation Corridor (MTC) Overlay District.  
 21  
 22 2. Rezone parcel (PIN 9873-10-4310), labeled as number 10 on the map above:  
 23 **FROM:** Master Plan Development Conditional Zoning (MPD-CZ) Settlers Point, Major  
 24 Transportation Corridor (MTC) Overlay District, Rural Residential (R-1).  
 25 **TO:** Economic Development Hillsborough Limited Office (EDH-2), Major  
 26 Transportation Corridor (MTC) Overlay District, Rural Residential (R-1).  
 27  
 28 3. Rezone parcel (PIN 9873-20-2388), labeled as number 9 on the map above:  
 29 **FROM:** Master Plan Development Conditional Zoning (MPD-CZ) Settlers Point and  
 30 Major Transportation Corridor (MTC) Overlay District.  
 31 **TO:** Economic Development Hillsborough Office/Retail (EDH-4) and Major  
 32 Transportation Corridor (MTC) Overlay District.  
 33

34 Staff's proposal will return these eight properties back to their original zoning designation in  
 35 place prior to the approval of the MPD-CZ. If approved, development of these properties will be  
 36 regulated consistent with the provisions of the Unified Development Ordinance (UDO) rather  
 37 than the various conditions associated with the approval of the MPD-CZ for Settlers Point.  
 38

39 **Development Process, Schedule, and Action:** The typical cadence for the review of a General  
 40 Use Rezoning and Zoning Atlas amendment is:

- 41  
 42 • **FIRST ACTION** – Submission of a General Rezoning application with required  
 43 supporting documents by the property owner.  
 44 *STAFF COMMENT:* This is a staff initiated request. As a result, application  
 45 components were created internally by staff consistent with established  
 46 requirements.  
 47 • **SECOND ACTION** – The Planning Board receives the application and staff prepares  
 48 materials and makes a recommendation on the rezoning request.  
 49 *STAFF COMMENT:* Staff presented this request and the Planning Board made a  
 50 unanimous recommendation to approve the request at its August 5, 2020 regular  
 51 meeting.

1 • **THIRD ACTION** – The BOCC holds a public hearing on the request, receives the  
2 application materials and recommendations, and takes action on the request.

3 *STAFF COMMENT:* Staff is presenting these materials and facilitating the public  
4 hearing at this September 15, 2020 Business meeting.

5  
6 Other pertinent information concerning the eight parcels associated with this request are as  
7 follows:

8 • Future Land Use Map (FLUM) Designation: The property is located within an area of  
9 the County designated as Economic Development Transition Activity Node. The FLUM  
10 can be accessed utilizing the following link:

11 [http://www.orangecountync.gov/DocumentCenter/View/4054/Future-Land-Use-Map-](http://www.orangecountync.gov/DocumentCenter/View/4054/Future-Land-Use-Map-PDF)  
12 [PDF](http://www.orangecountync.gov/DocumentCenter/View/4054/Future-Land-Use-Map-PDF).

13 • Comprehensive Plan: Per Appendix F, “*Relationships Between Land Use Categories*  
14 *and Zoning Districts Matrix*” of the adopted Orange County Comprehensive Plan, EDH2  
15 and EDH-4 are allowable general use zoning category for property located within an  
16 Economic Development Transition Activity Node.

17 For more information on the definition of activity node, and to review the allowed zoning  
18 designations permitted within same, the Comprehensive Plan can be accessed utilizing  
19 the following link: <http://www.orangecountync.gov/1242/2030-Comprehensive-Plan>.

20 • Growth Management System Map Designation: The eight parcels are Urban  
21 Designated.

22 *STAFF COMMENT:* The Growth Management System Map is a tool utilized by  
23 staff to identify permit review thresholds for residential (i.e. subdivision) projects.

24 • Water and Sewer Management, Planning and Boundary Agreement (WASMPBA): The  
25 parcels are located within the Orange County Primary Service Area meaning public  
26 utilities (i.e. water and sewer) could be extended to the property. Public utility service  
27 would be provided by the Town of Hillsborough, who will likely require voluntary  
28 annexation to allow services to be extended to serve proposed land uses. The  
29 document can be accessed utilizing the following link:

30 [http://www.orangecountync.gov/DocumentCenter/View/4190/Water-and-Sewer-](http://www.orangecountync.gov/DocumentCenter/View/4190/Water-and-Sewer-Management-Planning-and-Boundary-Agreement-PDF)  
31 [Management-Planning-and-Boundary-Agreement-PDF](http://www.orangecountync.gov/DocumentCenter/View/4190/Water-and-Sewer-Management-Planning-and-Boundary-Agreement-PDF).

32 • Town of Hillsborough/Orange County Central Orange Coordinated Area (COCA) Land  
33 Use Plan: These parcels are designated as being located within the following COCA  
34 land use categories:

- 35 ○ PINs: 9873-11-4636, 9873-11-7506, 9873-11-5415, 9873-11-9450, 9873- 11-  
36 7247, 9873-10-7937, and 9873-10-4310 - labeled as number(s) 3, 4, 5, 6, 7, 8,  
37 and 10 on the map above: Neighborhood Mixed Use
- 38 ○ PIN 9873-20-2388 - labeled as number 9 on the map above: Suburban Office.

39  
40 The recommended general use zoning designations would allow development consistent with  
41 the intent of COCA. For more information on the COCA land use categories, please refer to  
42 Attachment 4.

43  
44 Analysis: As required under Section 2.8.5 of the UDO, the Planning Director is required to:  
45 ‘*cause an analysis to be made of the application*’ and pass that analysis on to the reviewing  
46 body. In analyzing this proposal, the Planning Director offers the following:

47 1. The proposal is consistent with goals/policies outlined within the Comprehensive Plan  
48 concerning development, including:

49 a. Land Use Overarching Goal: *Coordination of the amount, location, pattern,*  
50 *and designation of future land uses, with availability of County services and*  
51 *facilities sufficient to meet the needs of Orange County’s population and*

1 *economy consistent with other Comprehensive Plan element goals and*  
 2 *objectives.*

3 b. Land Use Goal 2: *Land uses that are appropriate to on-site environmental*  
 4 *conditions and features and that protect natural resources, cultural resources,*  
 5 *and community character.*

6 c. Land Use Goal 3: *A variety of land uses that are coordinated within a program*  
 7 *and pattern that limits sprawl, preserves community and rural character,*  
 8 *minimizes land use conflicts, supported by an efficient and balanced*  
 9 *transportation system.*

10 2. The rezoning request is consistent with the Town of Hillsborough/Orange County  
 11 Central Orange Coordinated Area (COCA) Land Use Plan;

12 3. The rezoning provides the property owners with a viable path forward to make  
 13 reasonable use of their properties.

14  
 15 Staff held a public information session reviewing the proposed amendments in an on-line  
 16 meeting on July 21, 2020. No comment(s) were received on the proposed atlas amendment.

17 Public Notifications: In accordance with Section 2.8.7 of the UDO:

- 18 • Notices were mailed via first class mail to property owners within 1,000 feet of the  
 19 subject parcels providing the date/time of the BOCC public hearing meeting where the  
 20 proposal is to be reviewed. These notices were mailed on August 28, 2020, 18 days  
 21 before the meeting;
- 22 • Staff posted the subject parcels with signs indicating the date/time of the BOCC's  
 23 review of the rezoning request on September 3, 2020, 12 days before the public hearing;
- 24 • Staff caused a legal ad advertising the date, time, location, and purpose of the BOCC  
 25 public hearing to run in the *News of Orange* and the *Durham Herald-Sun* on September  
 26 2 and 9, 2020.

27  
 28 For more information, please refer to Attachment 3.

29  
 30 Courtesy Review: This request was submitted to the Town of Hillsborough as part of the  
 31 courtesy review program. To date, no comments have been received.

32  
 33 Planning Board Recommendation: At its August 5, 2020 regular meeting, the Planning Board  
 34 voted unanimously to recommend **approval** of the Statement of Consistency (Attachment 5)  
 35 and the proposed Zoning Atlas Amendment (Attachment 6) as proposed by staff. Excerpts of  
 36 the minutes from this meeting, as well as the Board's signed Statement of Consistency, are  
 37 included in Attachment 2. Agenda materials from the meeting can be viewed  
 38 at: <https://www.co.orange.nc.us/AgendaCenter/Planning-Board-26>.

39  
 40 Planning Director's Recommendation: As required under Section 2.8.5 of the Unified  
 41 Development Ordinance (UDO) the Planning Director shall: '*... cause an analysis to be made of*  
 42 *the application and, based upon that analysis, prepare a recommendation for consideration*'.  
 43 The Director has determined the proposed atlas amendments are necessary to ensure each  
 44 parcel has development option(s) and that rezoning said parcels back to their original zoning  
 45 designation is consistent with the goals and policies of the adopted Comprehensive Plan. As a  
 46 result, the Director recommends **approval** of the Statement of Consistency, indicating the  
 47 amendments are reasonable and in the public interest, contained in Attachment 5 and the  
 48 proposed zoning atlas amendment ordinance contained in Attachment 6.

49  
 50 A motion was made by Commissioner McKee, seconded by Commissioner Price to open  
 51 the public hearing.

1  
2 **Roll call ensued**

3  
4 **VOTE: UNANIMOUS**

5  
6 **PUBLIC COMMENT:**  
7 **NONE**

8  
9 A motion was made by Commissioner McKee, seconded by Commissioner Price to  
10 continue the public hearing on September 22, 2020.

11  
12 **Roll call ensued.**

13  
14 **VOTE: UNANIMOUS**

15  
16 **c. Proposed Amendments to the Town of Hillsborough/Orange County Central**  
17 **Orange Coordinated Area (COCA) Land Use Plan and to the Orange County**  
18 **Comprehensive Plan Future Land Use Map (FLUM)**

19  
20 The Board held a public hearing, receive the Planning Board recommendation and public  
21 comment, close the public hearing, and schedule action for a specific future date on a County  
22 initiated request to amend the:

- 23  
24 • Town of Hillsborough/Orange County Central Orange Coordinated Area (COCA) Land  
25 Use Plan, and  
26 • Orange County Comprehensive Plan Future Land Use Map (FLUM). The amendments  
27 to these long-range plans work together to expand the southern boundary of the  
28 Hillsborough Economic Development area.  
29

30 **BACKGROUND:**

31 Orange County and the Town of Hillsborough have been discussing potential expansion of the  
32 Hillsborough Economic Development area for several years as the County continued work  
33 towards investing in a sewer “trunk line”, south of Interstate 40 and west of Old Highway 86, in  
34 accordance with its Capital Improvement Plan developed in 2012. With an eye towards  
35 maximizing the use of the sewer line, there is interest in designating additional lands that could  
36 be served via a “gravity sewer line” for non-residential purposes. In addition, Orange County  
37 evaluates the amount of land available for economic development, and due to lands being  
38 developed as the UNC Hospital and Durham Technical Community College over the last few  
39 years, the limited supply in this area was considered for expansion.  
40

41 At its June 6, 2017 meeting, the BOCC approved amendments to the Water and Sewer  
42 Management, Planning, and Boundary Agreement (WASMPBA) to expand the Hillsborough  
43 Primary Service Area. All parties have since approved the WASMPBA amendment, with the  
44 Town of Hillsborough Board as the last party to approve it in October 2017. Because of  
45 language included in the approval resolutions, the WASMPBA amendment is to become  
46 effective when the joint land use plan is amended to reflect the expanded Urban Service Area  
47 and assigned a future land use classification. Some of these background details, including  
48 notice to the Board when the land use plan amendments would be forthcoming, were included  
49 as an Information Item on the Board’s June 16, 2020 agenda. The link to that Information Item  
50 is: <http://server3.co.orange.nc.us:8088/WebLink/0/doc/62679/Page1.aspx>  
51

1 In accordance with the provisions of Section 2.3 *Comprehensive Plan Amendments* of the  
 2 Unified Development Ordinance, the Planning Director has initiated amendments to the Central  
 3 Orange Coordinated Area (COCA) Land Use Plan and to the Orange County Comprehensive  
 4 Plan Future Land Use Map (FLUM) in the vicinity of the southern portion of the Hillsborough  
 5 Area Economic Development District. The amendments related to COCA affect 17 parcels (in  
 6 whole or part) encompassing 84 acres (Attachment 1). The amendments related to the FLUM  
 7 affect 20 parcels (in whole or part) encompassing 89 acres (Attachment 2). The COCA  
 8 proposed land use category is Suburban Office and the FLUM proposed category is Economic  
 9 Development. These related amendments are being proposed to prescribe the land uses that  
 10 will be allowed in the expanded area for Economic Development.

11  
 12 1. The *Town of Hillsborough/Orange County Central Orange Coordinated Area (COCA)*  
 13 *Land Use Plan* is a joint land use document that defines the locations of future land use  
 14 categories to help achieve a desired and coordinated pattern of development over time.  
 15 The COCA Land Use Plan includes several urban-style land use categories that are more  
 16 specific than those provided in the County's Comprehensive Plan, which covers a much larger  
 17 geographic area. Implementation of the COCA Land Use Plan is achieved through consistency  
 18 with the County's Comprehensive Plan Future Land Use Map, application of County zoning, and  
 19 a coordinated approach to rezoning. The amendment proposes a "Suburban Office Complex"  
 20 land use in the expansion area which would designate the area for office and employment,  
 21 businesses in a campus setting, and limited supporting services. The proposed amendment  
 22 also reflects the expansion of the Town's Urban Service Boundary consistent with the  
 23 WASMPBA to provide water and sewer service to the area. As part of a joint land use plan, this  
 24 amendment requires approval by the Town of Hillsborough and Orange County. The Town of  
 25 Hillsborough has already taken action and unanimously approved the amendment as follows.

26  
 27 Town of Hillsborough Approval Process:

28 March 15, 2018 – Town Public Hearing and Planning Board recommendation

29 March 26, 2018 – Hillsborough Town Board adopted

30  
 31 2. The *Orange County Comprehensive Plan Future Land Use Map (FLUM)* defines the  
 32 location of future land use categories, consistent with any joint land use plans, and is  
 33 designed to accommodate a particular combination of general land uses. The FLUM  
 34 helps achieve a desired pattern of development over time and is implemented primarily  
 35 through zoning. The proposed amendment to this plan would change the expansion area from a  
 36 Rural Residential land use to an Economic Development Transition Activity Node, which would  
 37 designate the area for light industrial, distribution, office, service/retail uses, and flex space  
 38 (typically one-story buildings designed, constructed, and marketed as suitable for use as offices  
 39 but able to accommodate other uses such as a warehouse, showroom, manufacturing  
 40 assembly, or similar operations).

41  
 42 The County has not initiated any rezoning at this time. Currently, the area is zoned Rural  
 43 Residential (R-1). However, approximately 12 acres of the proposed Research Triangle  
 44 Logistics Park (RTLTP) are located in the amendment area discussed herein. Any rezoning that  
 45 comes forward in the future will require a subsequent item on a public hearing and finding that it  
 46 is consistent with the plans.

47  
 48 Public Information Session

49 Planning staff held an on-line public information session on July 21, 2020 at 6:00 p.m. to review  
 50 the County-initiated amendments to land use plans and zoning atlas, rezoning being a separate  
 51 item processed concurrently. An overwhelming majority of all questions and comments were

1 related to the developer-initiated rezoning and Research Triangle Logistics Park (RTLTP)  
 2 development proposal, which was not the focus of the session as the developer had held the  
 3 required Neighborhood Information meeting a few days before the session for the County  
 4 initiated proposals. Questions and answers with regard to RTLTP will be addressed by the  
 5 developer through the process of BOCC consideration, and staff has also provided a Q & A  
 6 document as part of the Zoning Atlas Amendment (Master Plan Development Application –  
 7 RTLTP) agenda materials, which is also on the agenda for this meeting.  
 8

9 Following is a link to additional information about the public information session, including a  
 10 PowerPoint presentation: <https://www.orangecountync.gov/1722/Current-Interest-Projects>  
 11

12 Planning Board Recommendation: The Orange County Planning Board, at its August 5, 2020  
 13 regular meeting, voted 6-4 to recommend approval of the proposed amendments. Clarification  
 14 of the motion voted upon was deemed necessary and the Planning Board considered a clarified  
 15 motion at its special meeting on August 19, 2020 when the board voted 6-4 to recommend  
 16 **approval** of the amendments. Excerpts of the minutes from this meeting are included in  
 17 Attachment 3. Agenda materials from these meetings can be viewed  
 18 at: <http://orangecountync.gov/AgendaCenter/Planning-Board-26>  
 19

20 Planning Director's Recommendation: The Planning Director recommends **approval** of the  
 21 Resolution contained in Attachment 5, indicating consistency with the County's land use and  
 22 economic development goals.  
 23

24 A motion was made by Commissioner McKee, seconded by Commissioner Price to open  
 25 the public hearing.  
 26

27 **Roll call ensued**

28  
 29 **VOTE: UNANIMOUS**

30  
 31 **PUBLIC COMMENT:**

32 **NONE**  
 33

34 A motion was made by Commissioner Greene, seconded by Commissioner Bedford to  
 35 reconvene the public hearing on Tuesday, September 22, 2020.  
 36

37 **Roll Call ensued**

38  
 39 **VOTE: UNANIMOUS**  
 40

41 **d. Public Hearing on CDBG-CV Grant Application for Emergency Housing Assistance**  
 42

43 The Board held a public hearing on a potential application from Orange County for  
 44 Federal Community Development Block Grant – Coronavirus (CDBG-CV) funds.  
 45

46 **BACKGROUND:**

47 On August 25, 2020, Governor Roy Cooper announced the availability of \$28 million from  
 48 federal Community Development Block Grant – Coronavirus (CDBG-CV) funding to be  
 49 disbursed by the North Carolina Office of Recovery and Resiliency (NCORR) to support rental  
 50 and utility payments and prevent evictions for those with a demonstrated need (see Attachment

1 1). The funding will be distributed to eligible community agencies around the state that will work  
2 directly with North Carolinians on an application and disbursement process.

3  
4 Orange County staff proposes to apply for the CDBG-CV funds to be used with the County's  
5 existing Emergency Housing Assistance fund, which provides financial assistance to help  
6 Orange County residents with low incomes secure and maintain stable housing (see Attachment  
7 2). Assistance is available to households in Orange County that earn no more than 60% of the  
8 area median income, have an urgent need for housing assistance, and do not have adequate  
9 savings to cover the cost of their housing need.

10  
11 Before submitting an application, Orange County must hold two (2) public hearings to obtain  
12 public comments. The first public hearing – this hearing – occurs at the beginning of the  
13 application process. The second public hearing must be held after the application is drafted but  
14 prior to its submission.

15  
16 **FINANCIAL IMPACT:** If Orange County is awarded CDBG-CV funds, up to \$900,000 would  
17 become available for Emergency Housing Assistance.

18  
19 Emila Sutton, Housing Director, made the following PowerPoint presentation:

20  
21 Slide #1



22  
23 Slide #2  
24

OVERVIEW

- NC CDBG-CV
- Emergency Housing Assistance (EHA)
- Public Comments

25  
26 Slide #3

NC CDBG-CV

- The NC Department of Commerce announced on August 25<sup>th</sup> that federal CDBG-CV funds would be made available for local governments, with priority on rent, utility, and mortgage assistance programs
- Applications for NC CDBG-CV funds opened September 1<sup>st</sup>, but in order to apply, localities must first hold two (2) public hearings
- Orange County Department of Housing and Community Development intends to apply for the maximum amount of funds (\$900,000) to feed into the existing Emergency Housing Assistance program

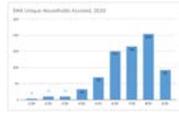
27  
28  
29  
30  
31

1 Slide #4

EMERGENCY HOUSING ASSISTANCE

- EHA was originally created by the BOCC in late 2017 as part of the pilot Risk Mitigation and Housing Displacement Fund
- Provide emergency financial assistance for housing-related costs to help low-income households secure and/or maintain stable housing

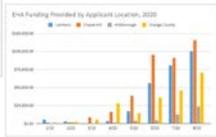
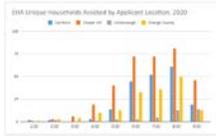
streamlined in response to increased need from COVID-19



2  
3  
4

Slide #5

EMERGENCY HOUSING ASSISTANCE



5  
6  
7

Slide #6

PUBLIC COMMENTS

- Comments will be heard now, or may be submitted in writing or by telephone until October 6, 2020 to:

Erika Brandt, Housing and Community Development Manager  
(919) 245-4331  
[ebrandt@orangecounty.gov](mailto:ebrandt@orangecounty.gov)

- All comments will receive a written response and will be incorporated into the application for NC CDBG-CV

8  
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30

A motion was made by Commissioner Dorosin, seconded by Commissioner Price to open the public hearing.

**Roll call ensued**

**VOTE: UNANIMOUS**

**PUBLIC COMMENT:  
NONE**

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

**Roll Call ensued**

**VOTE: UNANIMOUS**

**6. Regular Agenda**

- a. **Proposed Naming of the Whitted Building Meeting Room as the Donna Baker Boardroom**

1 The Board considered voting on the intent to adopt a resolution for the naming of the  
2 Whitted Building Meeting Room as the Donna Baker Boardroom.

3  
4 **BACKGROUND:**

5 Donna Baker, Clerk to the Orange County Board of Commissioners, passed away unexpectedly  
6 at her home in Orange County on July 31, 2020. Donna was appointed Clerk to the Board in  
7 June 2002 and served as Clerk for over 18 years. Donna served the residents of Orange  
8 County and a total of 18 different members of the Board of Commissioners as a dependable,  
9 smart, dedicated, steadfast, and calming spirit.

10  
11 Donna Baker is remembered for her spirit, her energy and her innumerable contributions to  
12 Orange County. Donna treated County residents with special warmth when they came to her for  
13 help. She was a dedicated public servant, especially to the Board of Orange County  
14 Commissioners.

15  
16 In memory and appreciation of Donna's dedication and commitment, the proposal to name the  
17 Whitted Building Meeting Room as the Donna Baker Boardroom is presented to the Board of  
18 Orange County Commissioners for consideration.

19  
20 A motion was made by Commissioner Price, seconded by Commissioner Greene to  
21 direct staff to develop a resolution at a future meeting to name the Whitted Building Meeting  
22 Room as the Donna Baker Boardroom

23  
24 **Roll Call ensued**

25  
26 **VOTE: UNANIMOUS**

27  
28 **b. Orange County's Recommendations Regarding Goals for Inclusion in the North**  
29 **Carolina Association of County Commissioners' (NCACC) 2021-2022 Legislative**  
30 **Goals Package**

31  
32 To consider and approve a Resolution Detailing Orange County's Recommendations Regarding  
33 Goals for Inclusion in the North Carolina Association of County  
34 Commissioners' (NCACC) 2021-2022 Legislative Goals Package.

35  
36 Greg Wilder with the County Manager's Office briefly presented this item. He noted the draft  
37 resolution in the agenda package from the Legislative Issues Work Group, as well as the  
38 updated Item #50 for that resolution from Commissioner Greene that had been emailed  
39 previously to the Board.

40  
41 **BACKGROUND:**

42 Every two years, the North Carolina Association of County Commissioners (NCACC) organizes  
43 a process to develop a legislative goals package. The purpose of the package is to develop a  
44 consensus of broad support on legislative goals and issues for matters affecting North Carolina  
45 counties that may be addressed by the North Carolina General Assembly during the next two  
46 calendar years. The goals and issues included in the package, with their broad support, guide  
47 and strengthen

48  
49 NCACC representatives and staff as they converse with individual legislators and committees  
50 on legislative matters. NCACC began the process to develop its 2021-2022 Legislative Goals  
51 Package in July 2020. North Carolina counties have been asked to submit proposed legislative

1 goals for consideration for inclusion in the package by a September 30, 2020 submittal  
2 deadline. The NCACC Legislative Goals Process Flowchart is provided at Attachment 1.

3  
4 The County's Legislative Issues Work Group (LIWG), including Commissioners Penny Rich and  
5 Mark Dorosin, County Attorney John Roberts, and County Manager's Office staff, has  
6 developed a draft resolution for Board consideration that outlines several proposed legislative  
7 goals for inclusion in NCACC's 2019-2020 package. **The LIWG's draft resolution is provided**  
8 **at Attachment 2.** The Board will likely want to discuss the draft resolution and possibly add to,  
9 delete from, and/or revise the language of the proposed goals included in the draft.

10  
11 A copy of NCACC's 2019-20 Legislative Goals document (Attachment 3) is noted for reference  
12 purposes and is only available electronically at [https://www.ncacc.org/734/2019-2020-](https://www.ncacc.org/734/2019-2020-Legislative-Goals)  
13 [Legislative-Goals](https://www.ncacc.org/734/2019-2020-Legislative-Goals) . These goals for the previous biennium may provide some insight on potential  
14 goals to propose to NCACC for 2021-2022.

15  
16 RES-2020-054

17  
18 **ORANGE COUNTY BOARD OF COMMISSIONERS**  
19 **Resolution Detailing Orange County's Recommendations**  
20 **Regarding Goals for Inclusion in the**  
21 **North Carolina Association of County Commissioners' (NCACC)**  
22 **2021-2022 Legislative Goals Package**  
23

24 WHEREAS, the North Carolina Association of County Commissioners (NCACC)  
25 organizes a process every two years to adopt a legislative goals package  
26 representing the collective interests of North Carolina counties; and  
27

28 WHEREAS, the purpose of the process is to develop broad support for matters  
29 affecting counties that may be addressed by the North Carolina General  
30 Assembly during the upcoming legislative biennium; and

31 WHEREAS, the goals and issues included in the NCACC package guide and  
32 strengthen NCACC representatives and staff as they converse with individual  
33 legislators and committees on legislative matters; and  
34

35 WHEREAS, NCACC has begun the process to develop its 2021-2022 Legislative  
36 Goals Package and requested Orange County and all other North Carolina  
37 counties to submit proposed legislative goals by September 30, 2020 for  
38 consideration for inclusion in the 2021-2022 Legislative Goals Package; and  
39

40 WHEREAS, Orange County believes there are many issues of importance to all  
41 North Carolina counties that should be included as goals in NCACC's 2021-2022  
42 Legislative Goals Package;  
43

44 NOW THEREFORE we, the Orange County Board of Commissioners, do hereby  
45 recommend that NCACC include the following goals in the NCACC 2021-2022  
46 Legislative Goals Package:  
47

- 48 1) **Broadband/Digital Infrastructure** – Support legislation, funding, and other efforts  
49 that provide counties with flexibility and opportunities to support options for increasing  
50 access to highspeed internet connectivity and expanding digital infrastructure/broadband  
51 capability to the un-served and underserved areas of the state. Access to high speed

1 internet connections will reduce disparities, enhance quality of life for all the State's  
2 residents, and broaden opportunities in areas such as education, jobs creation, small  
3 business development, health care, civic participation, and growth in farm enterprises;  
4

5 **2) Minimum Wage Increase** – Support legislation to raise the minimum wage for all, not  
6 just employees of the State of North Carolina, to enhance people's economic security,  
7 improve access to safe and secure housing, boost the economy with increased  
8 spending, decrease dependence on government assistance programs, and improve the  
9 lives of families;

10  
11 **3) Abolish State Death Penalty** – Support legislation to abolish the State of North  
12 Carolina's death penalty;  
13

14 **4) Expansion of Protected Classes** – Seek statewide legislative action to provide all  
15 North Carolina local governments with the authority to include sexual orientation and  
16 gender identity as protected classes in order to protect these classes from discrimination  
17 and discriminatory practices; and authorize complaints for discrimination to be brought in  
18 North Carolina Courts by any Equal Employment Opportunity Commission recognized  
19 protected class;  
20

21 **5) School Impact Fee Authority** – Support legislation authorizing all North Carolina  
22 local government jurisdictions providing funding for public education to levy impact fees  
23 on new residential development to help pay for school construction. The North Carolina  
24 General Assembly approved legislation in the 1980's for some jurisdictions to levy these  
25 impact fees to support public school infrastructure. The authority to levy the fee to  
26 support school facility needs should be available to all local government jurisdictions  
27 providing funding for public education;  
28

29 **6) Full Funding of the Leandro Remedial Action Plan** – Support the full funding of the  
30 *Leandro* Remedial Action Plan, which details additional comprehensive, targeted  
31 education funding over the next eight years in order for the State to come into  
32 compliance with its constitutional obligation to provide every student a sound basic  
33 education;  
34

35 **7) Repeal of the Monument Protection Act** – Support legislation that repeals the (so-  
36 called) Monument Protection Act which was enacted to protect confederate monuments  
37 and symbols in the wake of the murders of nine African Americans in South Carolina in  
38 2015, and that restores the regulation of monuments or symbols on public property to  
39 local governments;  
40

41 **8) Legalization of Marijuana** – Support legislation to legalize the possession and use of  
42 marijuana, permit licensed businesses to engage in retail sales to adults, and enhance  
43 revenue for governments with taxes, licenses, and other associated revenues that can  
44 be utilized to address opioid and other drug-related problems and other needs;

45 **9) Innovative Food Supply Chain Initiatives** – Support food supply chain initiatives  
46 and funding for equipment, supplies, and other nonrecurring expenses to improve and  
47 spark innovation in food preservation and processing techniques to create a more  
48 secure and resilient supply chain and better prepare the State for emergencies that  
49 adversely impact the State's food supply;  
50

1           **10) Voter Registration and Voting** – Support legislation to restore straight party ticket  
2 voting and provide public financing of judicial elections and eliminate any requirements  
3 for photograph identification;  
4

5           **11) Non-Partisan Redistricting Process for Elections** – Support legislation to establish  
6 a process for an independent, non-partisan redistricting process after each United States  
7 Census for the election of representatives from North Carolina to the United States  
8 House of Representatives, the North Carolina House, and the North Carolina Senate;  
9

10           **12) Legislative Leadership Term Limit** – Support legislation that limits the length of  
11 time a North Carolina General Assembly member can serve in the same leadership  
12 position to eight consecutive years;  
13

14           **13) Fulfillment of Constitutional Duties** – Oppose any legislation, that seeks to exempt  
15 any government employee or agent from fulfilling his/her constitutional duties, including  
16 but not limited to guaranteeing the right to marry for same-sex residents of North  
17 Carolina;  
18

19           **14) Bona Fide Farm Use** – Support legislation clarifying that the farm use and  
20 agriculture exemption of 153A-340 that restricts local zoning authority applies only to  
21 property on which the production of crops or livestock is the primary use. Clarify that  
22 marketing and agri-tourism activities must be secondary uses of the property and do not  
23 qualify for the exemption in the absence of the production of crops or livestock;  
24

25           **15) Renewable Energy** – Support renewable energy initiatives available to residential,  
26 commercial, industrial and agricultural activities to create a market for energy credits.  
27 This support will provide incentives to produce renewable energy, which will become  
28 increasingly important to preserving and strengthening the economy and infrastructure,  
29 and in the case of agriculture help maintain rural heritage and culture;  
30

31           **16) Bail Reform (Also known as 3DaysCount™)** – Support legislation to develop and  
32 fund a plan to implement 3DaysCount™ to help reduce unnecessary arrests by  
33 expanding the use of citations or summons, replace money bail with non-financial, least  
34 restrictive conditions, restrict detention to the small number of people for whom no  
35 condition or combination of conditions can reasonably assure appearance in court and  
36 public safety, and reduce disparity within the pretrial justice system. Currently, indigent  
37 or poor people charged with crimes are often unable to get out of jail prior to trial  
38 because of their inability to pay (See EXHIBIT A – Resolution Supporting  
39 3DaysCount™);  
40

41           **17) Expansion of Medicaid Program** – Support legislation to increase access to the  
42 Medicaid program to make health insurance available to approximately 500,000 more  
43 North Carolina residents and as additional support for rural hospitals;  
44

45           **18) Child Care** - Seek legislation to reverse changes made to the childcare subsidy  
46 program available to working families, including establishing eligibility for all children at  
47 200% of the federal poverty level, to help many working parents who are trying to  
48 become more financial self-sufficient, and to prorate fees for children attending based on  
49 the hours attended;  
50

1           **19)Mental Health** – Seek legislation to ensure that adequate Statefunded mental health,  
2 developmental disability, and substance abuse services and facilities are available at the  
3 local level, accessible and affordable to all residents and that sufficient state resources  
4 fund service provision costs inclusive of sufficient crisis intervention and treatment, and  
5 to structure appropriate county  
6 participation in governance;  
7

8           **20)People with Mental Health Issues in County Jails** – Support legislation to develop  
9 and fund a plan to reduce the number of people with mental health issues in county jails  
10 (See EXHIBIT B Regarding the National Association of Counties (NACo) Stepping Up  
11 Initiative);  
12

13           **21)Smart Start and NC Pre-K** – Support legislation to increase and ensure secure and  
14 stable funding, enhanced quality early care and education, and family access and  
15 benefits in settings public and private.  
16

17           **22)Priority School Issues** – Support legislation to address the following issues related  
18 to schools:

- 19           a) Provide local school systems with calendar flexibility;  
20           b) Provide full funding for State allotments including Average Daily Membership  
21 (ADM) growth, and support legislation to provide for an overall increase in  
22 funding based on average daily memberships outside of the current formula  
23 system;  
24           c) Impose class size reductions commensurate with State funding for staffing;  
25           and  
26           d) Maintain full funding for Driver Education;  
27

28           **23)State/County Partnership for Education** – Seek legislation to establish a new  
29 state-county partnership to address statewide public school capital challenges--including  
30 but not limited to maintenance, renovation, construction and debt--through a dedicated,  
31 stable funding stream that is consistent from county to county and sufficient to meet the  
32 school facility needs of all 100 counties;  
33

34           **24)Machinery Act** – Support local governments' need for more flexibility to remedy  
35 measurement and/or condition property appraisal errors related to local property tax  
36 functions. North Carolina property tax law substantially limits the ability of local  
37 governments to address property tax discrepancies, such as prohibiting the refund of  
38 prior years' taxes paid after a measurement and/or condition property appraisal error is  
39 discovered. Just as local governments can recoup prior years' property taxes from  
40 owners for "discoveries", local governments should likewise be authorized to refund prior  
41 years' taxes paid when situations such as measurement and/or condition property  
42 appraisal errors are discovered;  
43

44           **25)Re-instatement of Earned Income Tax Credit** – Support legislation to re-instate the  
45 State Earned Income Tax Credit which greatly benefitted low wage earners until its  
46 elimination after the 2013 tax year;  
47

48           **26)Homestead Exemption** – Support revisions to the Homestead Exemption provisions  
49 of the Machinery Act to:

- 50           a) provide greater opportunities for low-income seniors to remain in their homes  
51           and not be displaced due to property tax burdens by approving a one-time ten

1 percent (10%) increase in the base income qualification standard; and  
 2 maintaining the current provisions which increase the income qualification  
 3 standard each year based on any cost-of-living adjustment made to the benefits  
 4 under Titles II and XVI of the Social Security Act for the preceding calendar year;  
 5 and

6 b) diminish the discriminatory features of the current exemption provisions  
 7 relating to married couples by establishing graduated income qualification  
 8 standards for single individuals versus married couples;  
 9

10 **27)Agriculture – Support Conservation of Working Lands and Farmland**

11 **Preservation** – Support a revision to the revenue and acreage requirements of the Use  
 12 Value Program to reduce acreage requirements, balanced by increasing the income  
 13 threshold;  
 14

15 **28)Sales Tax Distribution Formula** – Support legislation directing that all sales tax be  
 16 distributed on a per capita basis as it is fair and more equitable for counties with less  
 17 economic development as compared to the point of delivery basis. The UNC School of  
 18 Government has indicated that a per capita basis tax "would indeed be a more even  
 19 distribution of LOST revenue across the state";  
 20

21 **29)Maintain Local Government Authority over Solid Waste Management** – oppose  
 22 any shift of solid waste management and recycling services away from local  
 23 governments;  
 24

25 **30)Electronics Recycling** – Support legislation to provide additional funding to local  
 26 governments for electronics recycling to cover significant increased costs for recycling  
 27 these materials and to oppose the lifting of restrictions on disposal of electronics in  
 28 landfills;  
 29

30 **31)Transportation Funding** – Support increased state funding for transportation  
 31 construction and maintenance needs, recognize Bike and Pedestrian modes of  
 32 transportation, and support legislation to ensure that the STI funding formula recognizes  
 33 that one size does not fit all and that projects in both rural and urban areas are prioritized  
 34 and funded, and eliminate the cap on light rail funding;  
 35

36 **32)Oppose any shift of state transportation responsibilities to counties** – oppose  
 37 legislation to shift the state's responsibility for funding transportation construction and  
 38 maintenance projects to counties. Counties cannot afford to assume costs for  
 39 maintaining secondary roads and/or funding expansion projects;  
 40

41 **33)Eminent Domain** – Oppose adding language to a constitutional amendment on  
 42 eminent domain that extends any further preemption of county authority to regulate the  
 43 placement of telecommunication towers;  
 44

45 **34)Fees-In-Lieu – NCDOT as Additional Recipient** – Support legislation amending  
 46 North Carolina General Statute 153A-331 to add a provision allowing counties to transfer  
 47 fees collected as part of subdivision development, and in lieu of required street  
 48 construction, to be transferred to and held by the North Carolina Department of  
 49 Transportation (NCDOT) for the future construction of roads intended to be added to the  
 50 State Maintained system. Presently there is no mechanism where a county can collect  
 51 fees in lieu of transportation improvement construction based on conditions agreed to by  
 both parties during a conditional zoning process. These fees may be for a developer fair

1 share of a future comprehensive intersection improvement but would not be built by  
2 NCDOT until other funding could be assigned to do a complete improvement;  
3

4 **35)Revenue Options for Local Government** – Support efforts to preserve and expand  
5 the existing local revenue base of counties and authorize local option revenue sources  
6 already given to any other jurisdiction to all counties. Oppose efforts to divert to the state  
7 fees or taxes currently allocated to the counties or to erode existing county revenue  
8 streams;  
9

10 **36)E-911 Funds** – Support protection and broader applications of the NC 9-1-1 Fund to  
11 be used primarily for assuring that 9-1-1 systems are able to upgrade existing  
12 performance levels in order to pay for 9-1-1 operations or 9-1-1 related upgrades such  
13 as the infrastructure needed to migrate to next-generation (NG911) technology. Orange  
14 County has appreciated past efforts and supports future initiatives to assure our citizens  
15 are provided continued access to emergency services from all sources;

16 **37)Land, Water and Agricultural Preservation Funding** – Support Park, Agricultural  
17 Preservation, Clean Water Management and other existing trust funds established for  
18 the protection of the State’s land, water, biological resources, agriculture, and special  
19 places before they are irreversibly lost, and request that these funds receive additional  
20 funding, preferably through dedicated funding sources;  
21

22 **38)County Jail System/Housing State Inmates Reimbursement** – Support legislation  
23 to protect the fiscal viability of the county jail system by reinstating reimbursement for  
24 state inmates housed in county jails sentenced to 90 days or less;  
25

26 **39)Aquatic Vegetation Control** – Support legislation to provide for and fund a  
27 comprehensive statewide approach to noxious aquatic vegetation control in public water  
28 reservoirs;  
29

30 **40)Concealed Weapons in Parks** –Seek legislation re-authorizing counties to fully  
31 regulate the carrying of concealed weapons on county-owned playgrounds and in  
32 county-owned parklands and authorize counties to prohibit the carrying of concealed  
33 weapons on county and county funded college/university campuses, in addition to  
34 playgrounds;  
35

36 **41)Opioid Epidemic Efforts** – Support adequate funding for programs to provide and  
37 expand access for individuals with opioid use disorder to seek and complete treatment,  
38 and sustain recovery, as well as increased funding to collect data regarding opioid  
39 overdoses and to provide for additional law enforcement to  
40 investigate and enforce drug laws;  
41

42 **42)Behavioral Health Services** – Support increased state funding for behavioral health  
43 services and facilities at the state and local level, including dedicated resources for  
44 community paramedicine projects. Support Medicaid reimbursement to EMS for  
45 behavioral health transport to crisis centers and structure appropriate county  
46 participation in behavioral health program governance;  
47

48 **43)Adult Protective Services** – Support increased funding and legislation to strengthen  
49 adult protective services;  
50

1       **44)Court Funding** – Support increased state funding for NC courts, including reinstating  
 2 funding for drug treatment court;

3  
 4       **45)Crime Intervention Services** – Support legislation and state funding to provide early  
 5 intervention services through the Juvenile Crime Prevention Councils, and support  
 6 increased state funding for the prevention, intervention and treatment of adolescent  
 7 substance abuse, gang involvement and domestic violence;

8  
 9       **46)Agricultural Economic Development** – Support state funding and staffing for  
 10 agricultural research, Cooperative Extension services and other agriculture-related  
 11 efforts to support the largest economic driver in North Carolina;

12  
 13       **47)Economic Development Efforts** – Support legislation to grow North Carolina's  
 14 statewide economy through sound state investments, including public infrastructure  
 15 funding, competitive incentives, and coordinated efforts with county economic  
 16 development services;

17  
 18       **48)Exemption to 180 Day Temporary Electricity Connection Limit for Recreational**  
 19 **Vehicles in a Campground or Other Similar Park** – Support legislation to provide an  
 20 exemption to the current 180 day temporary utility connection limit as contained within  
 21 the building code for individuals utilizing campers and/or recreational vehicles as  
 22 temporary housing units while supporting/visiting family members undergoing treatment  
 23 in local hospitals;

24  
 25       **49)Dangerous Dogs Determinations** – Support legislation to change current law so  
 26 that dogs from dog fighting investigations and seizures are not automatically deemed  
 27 dangerous without further determination that the dogs alleged to have been owned or  
 28 harbored for fighting demonstrate an increased potential for unprovoked attacks on  
 29 persons or domestic animals, in order to alleviate the requirement to destroy these  
 30 animals "sight unseen". Additionally, clarify at what point in the legal process a dog is  
 31 "owned or harbored...for fighting," be it upon seizure, arrest, indictment, or conviction;  
 32 and

33  
 34       **50)Legislative Study on Educational Requirements for Law Enforcement Officers** –  
 35 Support legislation to establish a legislative study commission to review the current  
 36 educational curriculum for law enforcement officers and make recommendations  
 37 regarding potential modifications/additions. The overarching purpose of curriculum  
 38 revision would be to instill in future LEOs some depth of understanding of the complex  
 39 nature of the society they will serve. Potential topics for consideration include sociology,  
 40 American history and literature, psychology, philosophy, and conflict resolution. In  
 41 addition to members of the Senate and House, members should include a diverse array  
 42 of experts in higher education, both in subject matter specialties and in curriculum  
 43 development for adult learners. The commission's work should be completed within one  
 44 year of commencement.

45  
 46 This the 15th day of September 2020.

47  
 48  
 49 \_\_\_\_\_  
 50 Penny Rich, Chair  
 51 Orange County Board of Commissioners

1 Commissioner Greene said since the murder of George Floyd, there has been a lot of  
2 discussion about police training, and the need for improved training that includes the  
3 history/sociology/psychology of the local communities in which the police serve. She said other  
4 states around the country are instituting these changes at the state level. She said she has  
5 spoken with legislatures and the NCACC, and is fully prepared to advocate for this item as it  
6 goes through the process, if the Board agrees.

7 Commissioner Dorosin said an additional item has arisen that is not included in this list:  
8 water utility shutoffs are coming back soon. He said the BOCC should ask for local  
9 governments to be given flexibility regarding this topic, which local governments do not currently  
10 have the authority to do. He said the Covid crisis is real and there should be legislation to  
11 support local governments in being flexible.

12 Chair Rich said she spoke with Jenn Weaver, Hillsborough Mayor, who said this would  
13 be impossible to do as the Town would lose its bond rating. She said the word flexible is  
14 important.

15 Commissioner Price said counties do not own local water authorities, and she wonders if  
16 this item is appropriate for the NCACC, as it is not a county issue.

17 Commissioner Dorosin said several items listed in the resolution are not under County  
18 authority.

19 Commissioner Price said it might better to talk to the leagues.

20 Commissioner Greene agreed this is an important policy point, but she agrees with  
21 Commissioner Price that the items must have direct impact on counties.

22 Commissioner Marcoplos said most of these suggestions never make it beyond a  
23 discussion, but it cannot hurt to include the item. He said it gets it on people's radar, and he  
24 thinks it is a good idea.

25 Commissioner Bedford agreed with Commissioner Marcoplos, and said the County  
26 helps people make their water payment, so it does impact the County.

27 Chair Rich asked John Roberts if the BOCC would need to apply this request to all  
28 utilities.

29 John Roberts said he does not know, but the Duke Energy is different than the Orange  
30 Water and Sewer Authority (OWASA), which is local government entity controlled by the  
31 legislature.

32  
33 A motion was made by Commissioner Dorosin, seconded by Commissioner by  
34 Commissioner Marcoplos to revise the resolution to include that local governments and utility  
35 providers be given the authority to determine whether to forgive arrears, or to develop  
36 progressive pricing policies, for water and sewer services.

37  
38 **Roll call ensued**

39  
40 **VOTE: UNANIMOUS**

41  
42 Commissioner Price said, in the future, the Board should spend time prioritizing the list  
43 based on the steering committees.

44 Chair Rich said it was her understanding that the list did not need prioritization, as all  
45 items were looked at.

46 Commissioner Price said it depends who is on the various committees. She said she  
47 has sat through the process before, and some items have been sitting around for years.

48 Commissioner Dorosin agreed, and said the BOCC should submit the ones that are  
49 unique to Orange County.

50

1 A motion was made by Commissioner Greene, seconded by Commissioner Bedford  
 2 approve the above resolution, with agreed upon revisions including the updated #50; authorize  
 3 the Chair to sign; and authorize the Clerk to the Board to forward to NCACC by the September  
 4 30<sup>th</sup>, 2020 deadline

5  
 6 **Roll Call ensued**

7  
 8 **VOTE: UNANIMOUS**

9  
 10 **7. Reports**  
 11 **None**

12  
 13 **8. Consent Agenda (COMPLETED ABOVE BETWEEN ITEMS 4 and 5)**

14  
 15  
 16 **9. County Manager's Report**

17 Bonnie Hammersley reminded the Board that there are now two Board meetings next  
 18 week: 9/22/2020 and 9/24/2020.

19  
 20 **10. County Attorney's Report**

21 John Roberts said the legislator did not expand beyond what it said it would address  
 22 next week. He said it does not look like the legislature will meet again this year.

23  
 24 **11. \* Appointments**

25  
 26 **a. Appointments to the Cardinal Innovations Community Advisory Council**

27 The Board approved the following appointees to the Cardinal Innovations Community  
 28 Advisory Council:

- 29  
 30 1. Commissioner Jamezetta Bedford  
 31 2. Paul Berry  
 32 3. Karla Boreiko  
 33 4. Krista Caraway  
 34 5. Lisa Kaylie  
 35 6. Deborah Gilgor  
 36 7. Troy Manns  
 37 8. Kim Wanke  
 38 9. Allison Zirkle

39  
 40 Chair Rich asked if there is any diversity in these applicants.

41 Travis Myren said he could not speak to this issue.

42 Commissioner Price said Troy Manns is African American.

43 Chair Rich said that is one candidate.

44 Commissioner Bedford said Cardinal voiced a desire for diversity of backgrounds and  
 45 experience across pertinent issues (substance use disorder, mental health issues, etc.).

46 Commissioner Marcoplos asked if there were only 9 applicants.

47 Travis Myren said there were 12 applicants.

48 Commissioner Dorosin said in the future he would like to see all the applicants, not just  
 49 those being put forward.

50 Travis Myren said all applications were attached to the agenda.

1 David Hunt said Cardinal ran this application process, and it did not come through the  
2 Clerk’s office.

3  
4 A motion was made by Commissioner Price, seconded by Commissioner Greene to  
5 approve Cardinal Innovations Community Advisory Council appointees.

6  
7 **Roll call ensued**

8  
9 **VOTE: Ayes (6); Nays, 1 (Chair Rich)**

10  
11  
12 **12. Information Items**

- 13  
14 • September 1, 2020 BOCC Meeting Follow-up Actions List  
15 • Memorandum Regarding Orange County Transit Plan – Transit Summit #1

16  
17 **13. Closed Session**  
18 **NONE**

19  
20 **14. Recess and Reconvene**

21  
22 A motion was made by Commissioner McKee, seconded by Commissioner Price to  
23 recess and reconvene the meeting on Tuesday, September 22, 2020.

24  
25 **Roll call ensued**

26  
27 **VOTE: UNANIMOUS**

28  
29 The meeting was recessed at 12:19 a.m.

30  
31  
32  
33  
34  
35 **----- September 22, 2020 -----**

36  
37  
38  
39  
40  
41 The Orange County Board of Commissioners reconvened the September 15, 2020 Virtual  
42 Business Meeting on Tuesday, September 22, 2020 at 7:00 p.m.

43  
44 **COUNTY COMMISSIONERS PRESENT:** Chair Penny Rich and Commissioners Jamezetta  
45 Bedford, Mark Dorosin, Sally Greene, Mark Marcoplos, Earl McKee, and Renee Price

46 **COUNTY COMMISSIONERS ABSENT:** NONE

47 **COUNTY ATTORNEYS PRESENT:** John Roberts

48 **COUNTY STAFF PRESENT:** County Manager Bonnie Hammersley, Deputy County Manager  
49 Travis Myren, Interim Clerk to the Board Greg Wilder, Deputy Clerk to the Board David Hunt,  
50 and Assistant Deputy Clerk Allen Coleman (All other staff members will be identified  
51 appropriately below)

1  
2 Chair Rich called the meeting to order at 7:00 p.m., and said Commissioner McKee was  
3 running late.  
4

5 A motion was made by Commissioner Greene, seconded by Commissioner Marcoplos  
6 to reconvene the continued September 15, 2020 Business Meeting.  
7

8 **Roll call ensued**  
9

10 **VOTE: UNANIMOUS**  
11

12 Chair Rich said the recommendations had changed to reflect that written public  
13 comment will be taken until Thursday, September 24, 2020 at 9:00 a.m.

14 Chair Rich recognized David Hunt for his work in coordinating the logistics for this  
15 continued meeting.

16 David Hunt said Commissioner McKee would join by phone and then would join via  
17 laptop.

18 Chair Rich called the first name to resume the Public Comment portion of 5-a.  
19

## 20 **5- Public Hearings**

### 21 22 **a. Zoning Atlas Amendment – Master Plan Development Conditional Zoning District** 23 **(MPD-CZ) for the Research Triangle Logistics Park (RTLTP)** 24

## 25 26 **PUBLIC COMMENT** 27

28 Ronald Sieber read the following comments:

29 My name is Ronald Sieber. I live at 4217 New Hope Springs Drive in Hillsborough, and I have  
30 written several letters to you concerning my opposition to the proposed RTLTP project, as I share  
31 the viewpoint of many that it is not suited for our community and will only undermine the charm  
32 and character that make up Hillsborough and Orange County.  
33

34 The Comprehensive Plan was initially crafted “as a framework for long-range decision-making”  
35 and was adopted in its current form in 2008. Out of that was formed a set of procedures and  
36 roles that different departments and officials would follow as protocol.  
37

38 Under the umbrella of the Comprehensive Plan, the Unified Development Ordinance comprises  
39 rules and regulations that implement planning and enforcement. It serves as “the statutory  
40 basis...for land use regulations, as well as the application of zoning districts.” In this manner, a  
41 uniform way of doing things was enacted. This set of procedures has been in place for years.  
42

43 Recent actions by the Planning Department, whether intentional or not, have subverted their  
44 own accepted practice and set of procedures. In the case of the RTLTP project, the Barrister  
45 Group proposes to purchase a 12-acre parcel on Davis Rd. that is currently zoned both R1  
46 (rural residential) and RB (rural buffer).  
47

48 That 12-acre parcel was *never* intended to be part of the EDD. So why does the Planning  
49 Department want that property to be rezoned “MPD-CZ”?  
50

1 The answer? Barrister can then appropriate that Davis Rd. parcel and use it to create the **main**  
2 **exit** out of their project that will dump onto Davis Rd. Davis will thus become part of the exit for  
3 their project.  
4

5 In effect, the Planning Department has requested that the boundary for the Economic  
6 Development District be extended south to swallow the 12-acre residential parcel. This land-use  
7 change would allow a developer to take over Davis Rd., a major entranceway to this residential  
8 area, and **completely** destroy the peaceful character of that rural community, which includes  
9 the church and cemetery that lie across from the 12-acre parcel and on Davis Rd. The church  
10 and its pre-school nursery would then have to endure unending truck and vehicular traffic from  
11 RTLP that would drive by their facility.  
12

13 The takeaway here is simple. ***Land use plans should not be changed in order to justify an***  
14 ***applicant's rezoning request.*** This backwards maneuver is not the way the process should  
15 work.  
16

17 Such action can corrupt the process and produce unintended consequences. For instance,  
18 County Board approval on this proposal could trigger a case of illegal spot zoning, as this is  
19 what our Planning Department appears to have attempted in order to make the RTLP project  
20 work. It's like fitting a square peg into a round hole. And if you, as our county commissioners,  
21 vote to approve this attempt to circumvent the long agreed-upon process, you will be the ones  
22 who are held responsible for the fallout from this rezoning.  
23

24 Respectfully submitted,  
25

26 Ronald D. Sieber  
27 4217 New Hope Springs Dr.  
28 Hillsborough, NC 27278  
29

30 Christine Poole said she has lived in Hillsborough for 25 years, after being an army brat  
31 for her entire childhood. She said she chose to raise her family in Hillsborough, but has lived  
32 several places where air pollution has not been kept in check. She said Hillsborough is a  
33 beautiful place with ever changing seasons, and wildlife. She said the Town has history, strong  
34 values and a connection to nature, which must be protected. She said she is opposed to this  
35 irresponsible development.

36 Keith Poole said he lives off of David Road, and is opposed to the RTLP proposal. He  
37 said he shares the same concerns as his wife, and he wants to see the land and people of  
38 Hillsborough protected. He said he respects the Board of County Commissioner's (BOCC) role  
39 in finding economic development, but he does not think this project will benefit the County. He  
40 said it is important to preserve the environment, and there are much better ways to bring  
41 development to the community. He urged the Board to build for the future.  
42

43 *Commissioner McKee joined the meeting at 7:13 p.m.*  
44

45 Jackson Poole said he was born and raised in Hillsborough, and recognizes the need for  
46 development, but find RTLP to be the wrong kind of development. He said climate change is  
47 real, and while Orange County is ecologically progressive, it can always do more. He said the  
48 impact of this development on watersheds would be serious. He said there are many reasons  
49 not to build on this site, but water seems the most important to him. He said it is important to  
50 build smart for the future, and he is opposed to RTLP.

1 Joanie Alexander said she will be short and sweet. She echoed all the concerns raised  
2 by previous speakers, and she said the County must do everything it can to make any  
3 development future oriented.

4 Desiree Goldman said she is a local realtor, and has been very involved in bringing  
5 economic development to the area. She said she does not love this project, but wonders if the  
6 County can afford the luxury of turning it down. She said she believes the country is headed for  
7 a very difficult year, and does not expect the federal government to help. She said the County  
8 relies too heavily on residential taxes, and needs greater economic tax input. She said the  
9 County enjoys its services and seems to turn down many projects that could bring jobs, or help  
10 alleviate traffic (such as road widening projects), and at some point there has to be some  
11 development allowed. She said to consider all the factors carefully.

12 Ellen Mayer said she lives within 1000 feet of the proposed project, and echoed the  
13 comments of most of the previous speakers. She said she is concerned about water and air  
14 pollution, but her greatest concern is the traffic. She said the area was not designed for such  
15 traffic, and said it is an accident waiting to happen. She said she is opposed to RTLP, but  
16 welcomes more reasonable development.

17 Frank Cohen echoed the sentiments of most of the previous speakers, and said he is  
18 opposed to RTLP. He said the project will destroy the Town of Hillsborough, and would bring an  
19 influx of people for which infrastructure is not yet in place. He said the lower paying jobs that  
20 may come with this project will not allow workers to afford to live locally. He said he does not  
21 want Hillsborough to turn into an urban sprawl. He said to send the developer back to  
22 Kentucky.

23 Anne Sherman said she lives in Chapel Hill, and does not personally know anyone who  
24 lives close to the proposed project, but she remains opposed to it. She said old 86 is a beautiful  
25 artery that serves the whole County, and this project will have such negative consequences.  
26 She said a previous speaker recommended a \$2 million fund for property owners who property  
27 values will fall due to the project, but she thinks this is a gross underestimation of how far  
28 property values will fall. She said there will be many negative environmental impacts as well,  
29 and, while she wants to see a growing tax base, this is not the project to choose.

30 Daniel Yarborough thanked the BOCC for listening carefully to the public, and said he is  
31 opposed to this project for all the previously stated reasons. He encouraged the Board to reject  
32 this proposal, in favor of better and smarter development.

33 Ashley Lorusso said she supports development, but not this proposed project. She  
34 encouraged the BOCC to reject the project, as it will cause irreparable damage. She said  
35 developers can come up with more creative ways to address traffic issues, and DOT seems to  
36 open to doing so.

37 Susan Attermeier said has lived in the rural buffer for 40 years, and thanked the BOCC  
38 for listening to the public. She said the Developer's intended land uses are not clear, and she  
39 echoed concerns raised by previous speakers.

40 Joan Kalnitsky thanked the BOCC for allowing everyone to speak. She said she is  
41 opposed to the RTLP project, and the 12 acre track is zoned rural residential. She said there  
42 are 7200+ signatures on a petition opposed to this project, and the community is passionate  
43 about maintaining the vibe that exists in Hillsborough. She said the BOCC clearly recognizes  
44 the holes in this project, and she urged the Board to reject it.

45 Beth Rosenberg said she has lived off Davis Road for over 20 years. She said this  
46 project is a poor one, especially due to the negative environmental impacts. She said the traffic  
47 from this project would have far reaching impacts, not just this immediate neighborhood. She  
48 said she is opposed to this project.

49 David Blankfard said he is the Chair of the Planning Board, and has lived in Orange  
50 County since 1981, and in Hillsborough since 2007. He said Cates Creek runs through his back  
51 yard. He said he voted for this development as this land has been planned for development for

1 many years, and the location is near an interstate interchange. He said his only concern about  
2 the project is the traffic coming onto Davis Road, but the Planning Board did not approve  
3 addressing this. He said he would like to see this issue mitigated, so the project can proceed.

4 Jim Garland said he owns a fishery next to the proposed project, and he opposes this  
5 project. He said he is concerned about the negative environmental impacts on his land, which  
6 is the source of his livelihood, and the surrounding community, as well as the air pollution  
7 caused by the many large trucks.

8 Katie Loovis said she is speaking on behalf of the Chamber of Commerce in Chapel Hill,  
9 who is in full support of the proposed project. She said this land was set aside for economic  
10 development 40 years, and it should come as no surprise that development is being proposed.  
11 She said RTLP is a \$150 million investment in the County, and will bring many jobs for low-  
12 income residents. She said Davis Road is a state road for public use with a speed limit of 45  
13 miles per hour, and not some sleepy residential road. She said the claims of negative  
14 environmental impacts are unfair and unfounded. She said the project fully complies with all  
15 legal requirements of the County's noise ordinance. She said there is a developer willing to  
16 invest, and the County should proceed. She implored the Board to approve the project.

17 Susan Fenwick echoed concerns of previous speakers, and believes this project will be  
18 a warehouse facility, creating a lot of noise and pollution. She said the Board should consider  
19 other development projects that could bring in more tax revenue per square footage, and she is  
20 opposed to RTLP.

21 Wendy Diehl said she moved to the area four years ago from out of state. She said she  
22 chose Hillsborough out of the entire State, and is very proud to call Hillsborough her home. She  
23 cited research from other communities that embraced projects like RTLP, and concluded that  
24 such projects had negative environmental and health impacts on the community and residents  
25 nearby. She said traffic is also of great concern, and she is opposed to the project.

26 Nan Fulcher said she understands the desire to end the decades of stagnation in the  
27 EDDs, but it cannot be at the expense of the community. She said the desire to bring in a more  
28 varied tax base has lead to corners being cut and established processes not being followed.  
29 She said the rural buffer was created to determine where and how development occurs, and the  
30 homeowners near this parcel of land should not have to pay the price for the need to make up  
31 for lost time in economic development. She said she is opposed to this project, as it simply  
32 does not fit.

33 Joshua Ham said he moved to the area a year ago, and prior to that he was a middle  
34 school teacher. He said he has researched the proposed project, and it seems the only real  
35 motivator is the tax base. He said people are more important than money, and he asked the  
36 BOCC to consider all the information and make the most caring decision possible. He said his  
37 land is beautiful, and sits right next to the proposed project's land. He said he is against the  
38 approval of this project.

39 Jared Jurkiewicz said he is the president of the Winsong Homeowner's Association, a  
40 neighborhood close to the proposed site. He said it is completely unrealistic to think that trucks  
41 will not turn right on Davis Road, and while it is a state road, it is narrow with no sidewalks. He  
42 said families walk on Davis Road all the time, and bicycles use it all the time too. He said the  
43 noise level will also be incredibly disruptive, and seems cruel to the homeowners.

44 Betty Garland said she is the owner of a small truffle farm near the proposed sites. She  
45 said her orchard was the first to grow truffles in the United States. She said this project will  
46 have extreme negative impacts on the environment, and saying otherwise is simply untrue. She  
47 said her truffles will be contaminated. She said the noise pollution is also of extreme concern.  
48 She said the project does not fit with the community, and she is opposed to it.

49 Franklin Garland said he is has been in the area since 1973, and a business owner  
50 since 1975. He said he planted his land prior to the BOCC creating the land use plan, and it is a

1 unique business. He said his brother's fishery is right next-door. He said he is opposed to the  
2 RTLP project.

3 Jim Henninger said he lives off of old 86, and his children grew up calling their home the  
4 "shire". He said this proposed project is not right for the community, and the BOCC should  
5 search for development that is in line with original EDD plan. He said the Applicant's analysis of  
6 the traffic is inaccurate, and old 86 is the only viable way into Hillsborough for those living south  
7 of I-85. He opposed the project.

8 Christina Hilliard said she has lived in Orange County for 21 years. She said she has  
9 read extensively on this project over the past 7 weeks. She said what she has learned has  
10 given her sleepless nights, especially when considering the impacts of diesel trucks. She said  
11 this project is not environmentally sustainable. She said she is not anti-development, and asked  
12 the BOCC to consider other options for economic development. She said she is opposed to this  
13 project.

14 Madelyn Friedman said she is opposed to this project. She said there is a preschool  
15 across the street from the proposed development, and this is of great concern as the children  
16 play outdoors all the time. She said the trucks are loud and pollute the air, and would change  
17 the landscape of the entire area. She said the preschool is housed within a local church, who is  
18 also greatly concerned about this development. She said the developer should not be allowed  
19 to use Davis Road as a part of this project.

20 Gayane Chambless thanked the BOCC for its commitment to listening to the community.  
21 She said she lives further up old 86, across from a development that was built in recent years.  
22 She said her neighborhood was promised a traffic signal to mitigate the increase in traffic, and  
23 her neighborhood is still waiting. She said flooding has already greatly increased in her  
24 neighborhood, and will only worsen if the RTLP project is approved. She said she is against the  
25 project.

26 Cynthia Cain said she has done a great deal of research on the impacts of similar  
27 developments in other areas around the country. She highlighted some of this information, and  
28 said she hopes the BOCC will use it to understand what could happen here in Hillsborough.  
29 She said the Applicant is not disclosing the tenants for the land, and once zoning is approved,  
30 the BOCC will lose power to have any say in who the tenants are. She said there will be better  
31 opportunities for economic development, and the BOCC should wait.

32 Jeffrey Marks said he has lived here for 30 years, and is opposed to this project. He  
33 said there will be mega structures dwarfing the landscape. He said the Applicant will not  
34 commit to the exact use of the land, yet is ready to break ground next year. He said the  
35 Developer has not demonstrated great success with past projects.

36 Chris Rodermond commended the community for speaking up and the BOCC for  
37 listening. He said he lives near the proposed site, and he said the use of the 12-acre parcel to  
38 gain access to Davis Road seems short sighted. He said Davis Road cannot support the  
39 expected truck traffic, and the negative impacts will be immense. He said property values of  
40 adjacent properties will plummet, and the health of local residents can only be adversely  
41 impacted. He said the land around old 86 is some of the most beautiful in the County, and must  
42 be protected. He said he is opposed to this project.

43 Justin Mitchell said he lives on Davis Road, within 1000 feet of the proposed  
44 development. He said he is opposed to this project, and finds the developer has been less than  
45 forthcoming with exact details about this project. He said it is clear that truck and traffic issues  
46 will be enormous, and have a negative impact on the surrounding land, homes, and businesses.  
47 He said the BOCC should not approve this project without a full analysis of the noise and traffic  
48 patterns, once the specific land use is known.

49 Aaron Nelson said he is the president of the Chamber of Commerce for Chapel Hill and  
50 Carrboro. He said he is surprised by the community's response to this project, as the land was  
51 set aside for this type of use. He said only 3% of the County's land is set aside for economic

1 development, in concentrated areas known as Economic Development Districts. He said the  
2 tax revenue from this project is very much needed, and the jobs that will be provided are  
3 important. He said if there is a concern about idling, then make a rule that says no idling. He  
4 said if the Board approves this, it does not mean it was not listening to the community, but  
5 simply that it disagreed with the community.

6 Christy Bailey said her family has lived in Orange County for 5 generations. She said  
7 her property was put into the EDD in 1981. She said it is time to develop this land, as it has  
8 been waiting for 40 years. She said her family has been limbo for decades, and she feels that  
9 RTLP will be a benefit to the community. She said the extension of water and sewer will allow  
10 for growth, and the Developer can assist with this. She said this is the right area, the right time  
11 and the right project. She said she supports the project to lift the burden off of homeowners.  
12 She said the restrictions are in place to insure the success of this project.

13 Amanda Shakhoul said she has mixed feelings about this project, and her main concern  
14 is what will be inside this property; who will the tenants be. She said she would like to know if  
15 water and sewer will be run to the area.

16 Vickie Berry said RTLP would not be her first choice, and she is also concerned about  
17 what will be contained at these facilities. She said she is also concerned about the  
18 environmental, traffic and health impacts mentioned by former speakers. She said she is also  
19 concerned about residents being able to have quick access to the medical facilities north of this  
20 area. She said she is concerned about nuclear waste.

21 Debra Bost thanked the BOCC for the chance to speak. She said she moved to  
22 Hillsborough in 1975, and owns land very close to Davis Road, where she built her forever  
23 home. She said she reviewed the Triangle Regional Freight plan, which claims to be safe and  
24 efficient. She said RTLP does not fit into this promise. She said she understands the appeal of  
25 the project, but does not believe this project is the right one for this community. She echoed the  
26 far-reaching detrimental impacts mentioned by former speakers, and said she is opposed to the  
27 project.

28 Kim Tesoro said Orange County is a well thought out and well planned place, with great  
29 care given to the environment and the residents. She said it is easy to be concerned about  
30 unknowns, and there are things that are unknown about this project. She said some see big  
31 developers as bad, but this is not always fair. She said the tax revenue and jobs are needed so  
32 that residents can work where they live. She said corporate philanthropy is another benefit of  
33 this this proposed projects. She said small businesses cannot carry the burden alone, and she  
34 is favor of the RTLP.

35 Linda Ostrand said she works in wildlife preservation, and is strongly opposed to the  
36 project. She said the number of wildlife needing help is rising rapidly each year, as habitat is  
37 being taken away due to development. She said this project may just be focused on a small  
38 area, but changing more and more small areas leads to the change of a large area.

39  
40 A motion was made by Commissioner McKee, seconded by Commissioner Bedford to  
41 close the public hearing, and authorize written comments until 9:00 a.m. on September 24,  
42 2020.

43  
44 **Roll call ensued.**

45  
46 **VOTE: UNANIMOUS**

47  
48 Chair Rich said the Applicant will have a chance to respond, and should not repeat the  
49 presentation, but rather make brief remarks.

50 Michael Birch, Longleaf Law Partners, said he wanted to address some of the public and  
51 Board comments.

1 Michael Birch referred to the noise measurement in the field, and showed a PowerPoint  
2 slide as to where the measurements were taken, and how it impacts the surrounding  
3 area/homes.

4 Michael Birch referred to the idling truck comments, and said the ordinance does not  
5 permit idling of trucks for more than 5 consecutive minutes.

6 Michael Birch presented an updated vacant land map.

7 Christa Greene provided several definitions to the transportation trip generation codes,  
8 and land use codes. She said DOT does not accept the 155-land use code at this time.

9 Christa Greene said the scoping process was fully completed, and all agreed upon the  
10 land use prior to any studies being completed. She said land use code 030 has been brought  
11 up, and in the ITE manual it is under an entirely different section called "ports and terminals,"  
12 which is intermodal in nature, and would not be appropriate for this project. She made some  
13 comments about the possible traffic pattern.

14 Michael Birch referred to the transportation matter, and said a number of comments  
15 were received about truck traffic on Davis Road. He said his staff has put together another  
16 traffic impact analysis using the service drive with a fully signalized intersection at old 86,  
17 allowing for no truck traffic on Davis Road. He said his staff expressed the importance of this  
18 with DOT, and the analysis does presume the need for additional right away; along Davis Road  
19 and highway 86, to accommodate a signalized intersection.

20 Michael Birch said the Applicant agrees to not connect to Davis Road from a truck traffic  
21 standpoint, if at, a minimum, of 60 days prior to the certificate of occupancy (CO) to the building,  
22 Orange County and/or NCDOT, would be able to accomplish a modified signalized intersection  
23 on the service road and old 86. He said if that occurred, the Applicant would not connect to  
24 Davis Road for truck traffic. He said if this could not happen in time, but could so at a later date,  
25 the development would shut off the Davis Road access point for truck traffic.

26 Michael Birch said the access on Davis Road is not something the project initially  
27 proposed, but rather NCDOT requested another access point. He said additional analysis had  
28 been proposed as an additional condition.

29 Michael Birch referred to some of the environmental concerns, and said Cates Creek  
30 does not run through this site. He said an unnamed tributary, which connects to Cates Creek,  
31 does run through the property, but not the creek itself. He said Cates Creek does not have a  
32 high quality water designation, and is not protected/critical watersheds. He said Cates Creek is  
33 a nutrient sensitive waterway but this is due to land further down. He said storm water runoff  
34 does not affect Davis Road or the flood plane, and there is no heritage natural area of on the  
35 property. He said the Applicant is setting aside 25% of the site for green space, proposing  
36 development at half of what is allowed for the site.

37 Commissioner McKee said he has argued for and supported development in his 10  
38 years on the Board, and congratulated the Developer for bringing the first project for which he  
39 questions the viability. He said he asked last week if the percentage of traffic exiting on Davis  
40 Road, which would be trucks, could be identified, and he received no answer. He said he  
41 knows the answer, because there is no alternative, and it will be 100%. He said with proper  
42 signalization traffic could be sent out on the service road, and blocks could be in place to  
43 prevent traffic going onto Davis Road. He said tonight the Applicant has presented a fairly  
44 complicated 2-step, which will require u-turns and easements, as well as use of Davis Road for  
45 some time. He said he cannot support any truck use of Davis Road. He said he would like to  
46 support the project, and will if proper changes can be made. He said the Applicant needs a  
47 clear and consistent message.

48 Commissioner Greene said she understands the stream does not flow towards Davis  
49 Road, but asked if anything will be done to ensure flooding does not occur like that which was  
50 referenced by a resident of Cornwallis Hills

1 Chris Bostic said the flood plain that exists on this property is a result of a back water  
2 condition from the pipe that goes under I-40, which is helpful to downstream property owners.  
3 He said the amount of flow to that line is limited. He said the Applicant would be required to  
4 contain the peak flow at a pre development level.

5 Commissioner Greene asked if 1,000 jobs is an accurate number in the proposal.

6 Michael Birch said yes, that is an estimate.

7 Commissioner Greene asked if that number included truck drivers.

8 Michael Birch said no.

9 Commissioner Greene asked if the percentage of jobs making \$30,000 annually or more  
10 is known.

11 Michael Birch said a minimal number of jobs would make less than \$30,000 annually.

12 Commissioner Greene asked if the type of jobs found in warehouses could be identified.

13 Michael Birch said it depends on the user, but there will be management level positions,  
14 technician/computer technician positions, robotic management, etc.

15 Commissioner Greene said she agreed with Commissioner McKee regarding Davis  
16 Road. She said it sounds like someone will have to pay for some extra land for easements.

17 Michael Birch apologized and said he and his staff did not fully understand  
18 Commissioner McKee's question last week. He said if the question that what percentage of the  
19 truck traffic will use Davis Road, he agreed it would be 100%.

20 Michael Birch said if the improvements to the service road and 86 could be done prior to  
21 the time that the development would have to make improvements to Davis Road and the Davis  
22 Road intersection, then funds could be reallocated from the Davis Road side to this area  
23 instead. He said the developer is not trying to achieve any cost savings, but rather obtain an  
24 approval that is not subject to his control. He said he understands that no one wants truck  
25 traffic on Davis Road, and whenever a signal and service road can be achieved at 86, all work  
26 will stop on Davis Road.

27 Commissioner Greene asked if there is a reason this cannot be agreed to prior to any  
28 work beginning.

29 Matt Peach with Stantec Consulting said NCDOT policy's is to not have any full  
30 movement intersections or traffic signals 1000 feet from an interchange ramp terminal. He said  
31 the service road is currently 400-450 feet from that ramp terminal, so NCDOT would need to  
32 make an exception to its standard. He said this request has been made to NCDOT, and he is  
33 awaiting an answer.

34 Commissioner Greene said that was not really what she was asking.

35 Michael Birch said the Applicant has pursued acquisition of property to have an alternate  
36 access point onto 86. He said the Applicant has looked at options further south, and are  
37 continuing to pursue this. He said there is a scoped and approved traffic analysis by DOT, and  
38 if all can work together to signalize 86 and the service road, then Davis Road will not need to be  
39 used.

40 Michael Birch said the project does not work without either access to Davis Road or full  
41 movement at the service road and old 86. He said he questions if any project could work in this  
42 location without one of those options being available. He said the Applicant is trying to provide  
43 an avenue to allow the project to move forward, while still working towards taking Davis Road  
44 out of the equation.

45 Commissioner Marcoplos said he is a big supporter of the economic development  
46 districts, as they were created for very good reasons that protect the environment and contain  
47 business development. He said the EDDs have been waiting decades for projects just like this.  
48 He said the Hillsborough EDD location was chosen due to its proximity to the interstate, but he  
49 does not believe it was ever expected that traffic would flow into a residential neighborhood. He  
50 said he cannot support such a project, as it is antithetical to what the EDDs were designed to do  
51 in the first place.

1 Commissioner Marcoplos asked if the 60-day time limit proposed by the Applicant, is to  
2 allow for a successful negotiation with NCDOT to avoid the use of Davis Road.

3 Michael Birch said it would be 60 days prior to a certificate of occupancy, which is not  
4 likely for at least 18 months, and would allow more time for all involved to work out a solution.

5 Commissioner Marcoplos said the situation could possibly arise that construction would  
6 be almost completed, with no resolution reached about Davis Road, and thus the trucks would  
7 be able to revert to the use of Davis Road.

8 Michael Birch said the Applicant is seeking to provide as long as possible to reach a  
9 resolution.

10 Commissioner Marcoplos said the bottom line is that this proposed solution could still  
11 result in trucks using Davis Road. He asked the projected CO year is 2023.

12 Michael Birch said it would be 2022.

13 Commissioner Marcoplos asked if a resolution to access old 86 could be reached with a  
14 few months of solid effort on everyone's part.

15 Michael Birch said it depends, because the Applicant does not control the ability to  
16 acquire right away, other than to make an offer. He said the State and the County has the  
17 power to obtain the right away. He said it is his understanding that this is the barrier to having  
18 these improvements completed.

19 Commissioner Marcoplos said this has to be resolved, and asked if a reasonable  
20 timeframe for doing so could be identified.

21 Michael Birch said the question is how long will it take the State to acquire the right  
22 away, and that is a question he cannot answer, as it outside his control.

23 Commissioner Marcoplos asked if there is a history or precedence that could be  
24 investigated.

25 Michael Birch said such a search would require a mixture of results.

26 Commissioner Marcoplos said it sounds like nothing can be known until a full court press  
27 effort has been made. He asked if this could be done.

28 Michael Birch said a full court press effort has been made to obtain right away for a  
29 multitude of options to avoid a connection to Davis Road. He said the Applicant understands all  
30 the concerns that have been raised, but the Applicant has undertaken a full-court-press  
31 approach.

32 Commissioner Marcoplos said it sounds like the Applicant feels the odds of successfully  
33 finding an alternate option to Davis Road, no matter how much time is allotted, are slim.

34 Michael Birch said the Applicant has done a full court press within the confines of what it  
35 can control. He said the Applicant does not have the full power of the State or County to obtain  
36 right away. He said the Applicant framed the condition to allow for as many opportunities as  
37 possible for the connection to not have to be made to Davis Road, or that it is removed in time.  
38 He said there is inherently a role for someone, other than the Applicant, to play in acquiring that  
39 right away.

40 Commissioner Price said asked if the Applicant has a plan to prevent right hand turns.

41 Michael Birch said it would be an engineered solution on the ground from improvements  
42 that would shuttle turns to the left. He said it would be more than just a sign.

43 Commissioner Price said if there is a plan for Davis Road onto 86, as there is concern  
44 people will turn right, go down New Hope and access I-40.

45 Michael Birch said it will not only be 18-wheeler trucks. He said it might be vans,  
46 delivery trucks, not just 18-wheelers. He said the signal at Davis and 86 is signalized, and the  
47 modeling of the analysis shows there is adequate storage to accommodate the left hand turns  
48 with signal timing. He said he did not know from where the idea of bottleneck came. He said it  
49 is an extremely low probability that a truck will not wait a few seconds for a signaled left hand  
50 turn.

1 Commissioner Price said the only vehicles that people are considering are large trucks  
2 because it is a logistics park and warehousing.

3 Michael Birch said it is more likely to be Amazon type delivery van.

4 Commissioner Price said since the exact tenants are not known, it is difficult to predict  
5 what will happen.

6 Commissioner Price asked if this facility would be a 24-hour facility. She said people  
7 work all shifts and products move 24 hours a day, in this day and age.

8 Michael Birch said it is possible for a user to have a 24-hour operation. He said the type  
9 of projects that are used to generate trip generation numbers included 24-hour operation  
10 businesses.

11 Commissioner Price asked if was safe to assume shift work.

12 Michael Birch said not necessarily, and he could understand the frustration regarding the  
13 uncertainty of the tenants/users, but in working with NCDOT through the scoping process, he is  
14 confident in the likely trip characteristics.

15 Commissioner Price said this seems like a "build it and they will come" model, which is  
16 confusing. She said a lot of the constituents are concerned about these unknowns.

17 Michael Birch said there will be multiple users with different traffic patterns, which will  
18 reduce the peak traffic impact. He said one single user would have one specific traffic pattern.

19 Commissioner Price said the Eno River Association said there would be an  
20 environmental impact, but the Applicant's analyst said no. She asked if there could be  
21 clarification.

22 Chris Bostic said he has looked specifically at several things related to the property. He  
23 said the concerns are related to habitat and quality of water. He said the project would be very  
24 upland, and there will be 25% open space with this project that will be undisturbed. He said this  
25 area will include the tributary to Cates Creek. He said much of the land has been clear-cut  
26 already.

27 Commissioner Price said there seems to be conflicting opinions.

28 Chris Bostic said the project will include one small creek crossing.

29 Commissioner Price asked if more trees will be cut down to the west.

30 Chris Bostic said it was clear-cut in the past, and some trees have regrown over the past  
31 20 years, which will be cut.

32 Commissioner Price said 20 years of growth is still significant.

33 Commissioner Price asked what data is being used to analyze the number of jobs that  
34 are needed in Orange County. She said the County desires to have jobs that will lead to more,  
35 or the next step in a career, and works with Durham Tech to elevate people. She wonders why  
36 the Applicant thinks the County needs 1000 jobs for people with less than a high school  
37 education.

38 Michael Birch said he is not sure about the statement about less than a high school  
39 education, as it did not come from the Applicant. He said the Applicant has already been in  
40 touch with Durham Tech, and these jobs are not dead end jobs.

41 Commissioner Price said those were her words.

42 Michel Birch said there are many meaningful jobs that will require training. He said the  
43 Applicant reached out to Durham Tech because of the important relationship that could be built.  
44 He said this logistic park would have a huge need for educate people.

45 Commissioner Price asked if the Applicant source its job data from a particular place.

46 Michael Birch said the Applicant worked with Orange County Economic Development to  
47 understand what kind of jobs are wanted and needed.

48 Commissioner Dorosin said he understands the area was designated for Economic  
49 Development years ago, and he is encouraged that the public recognizes this need and plan.  
50 He said it is also important to recognize that Orange County has the access to the highway. He  
51 said the concern is traffic going onto Davis Road, and the way for this project to succeed was to

1 find a solution to this problem. He asked if the following questions could be answered: (1) what  
2 options have been considered to address this problem; (2) the property abuts the service road,  
3 and it seems the property can accommodate any necessary widening of the service road; (3) in  
4 the multitude of options that have been considered, there is a road that runs along the Duke  
5 Power easement, and he asked if there was any consideration of using that road as a second  
6 access to 86.

7 Commissioner Dorosin said creativity is needed to find a way to avoid Davis road.

8 Michael Birch expressed appreciation for Commissioner Dorosin thinking creatively to  
9 address the Davis Road issue. He said Duke Energy prohibits public roadways in their  
10 easements.

11 Michael Birch said the Applicant considered extending the service road to the south and  
12 coming out further south on old 86, but this option requires use of someone else's property. He  
13 said the Applicant has made numerous offers on properties to gain access to old 86.

14 Michael Birch said the property has frontage to the service road, but not near the access  
15 to old 86. He displayed an aerial photo from the PowerPoint presentation. He said the  
16 Applicant needs 60 feet of public right away, one way or another, to allow for a signalized  
17 intersection on old 86.

18 Michael Birch said there is a good nineteen months between a rezoning approval and  
19 getting a building open. He said the Applicant can work with the County and the State to  
20 acquire the right away during this time. He said the Applicant has proposed a condition that  
21 allows work to proceed, while working on the access issue. He said if the project cannot  
22 proceed without the access issue determined, it is tantamount to a denial.

23 Chair Rich said she drove both the service road and Davis Road last week, and  
24 observed the service road. She said it is beautiful piece of property, and it is so strategically  
25 located to highway 40. She said it seems ridiculous that this cannot be worked out.

26 Chair Rich said the Applicant has referred to the County and the State being able to  
27 help, and asked if what the Applicant is really talking about is condemning land.

28 Michael Birch said yes, and it would also have benefits for others in the area.

29 Chair Rich said it is important to be clear about this detail. She said the State has to  
30 take the land or the County would have to condemn the land. She asked if the land was  
31 condemned, would the Applicant still be rezoning the 12 acres on Davis Road to allow truck  
32 access.

33 Michael Birch said the 12 acres would still be part of the project, but the truck access  
34 would not be on Davis Road.

35 Chair Rich said it is just mind-boggling. She said it is a perfect property for economic  
36 development, but Davis Road is the concern.

37 Chair Rich said Davis Road has 45 miles per hour speed limit. She said when she  
38 visited the property, she drove the speed limit, and other cars were passing her.

39 Chair Rich said a living wage is very important in any economic development in Orange  
40 County. She said the current living wage is \$15/hour, and this is the source of the concern  
41 about the types of jobs that are offered. She said the living wage is likely to go up soon.

42 Chair Rich said she would like to know what a typical day on the site would look like.

43 Michael Birch said a typical day at this development would not look much different than a  
44 general office type environment. He said the 7:00 a.m. range would involve people arriving, a  
45 typical amount leaving at lunch, and again at the end of the day. He said there may be some  
46 businesses with shift work.

47 Chair Rich referred to page 45 in the original agenda, and asked the Applicant to clarify  
48 the floor plan, and if it is consistent with the TIA.

49 Michael Birch said the .65 floor area ratio (FAR) is what is typically allowed in the  
50 MPDCZ district. He said the Applicant is proposing the .32 FAR, which is what the traffic impact

1 analysis is based on. He said if development were to go over that threshold, it would trigger a  
2 new traffic pattern analysis.

3 Commissioner McKee said he received wonderful advice when he was originally elected,  
4 and that was he needed to be able to count to 4, as 4 votes are needed to pass a motion on the  
5 BOCC. He said he does not see 4 affirmative votes at this point.

6 Commissioner McKee said he has four questions, for which he would like definitive  
7 answers. He said it was his understanding that DOT was still an obstacle to the signalization of  
8 the service road, or the intersection with the off ramps. He asked if DOT is still an obstacle.

9 Michael Birch said he does not know because the Applicant submitted a new plan idea  
10 to the DOT this week, and does not yet have an answer back.

11 Commissioner McKee said this is not Michael Birch's first rodeo, and does he have an  
12 impression as to whether DOT is open to discussion

13 Michael Birch said yes, he thinks DOT is open to the discussion.

14 Commissioner McKee asked if all the cost of any signalizations/intersection  
15 improvements, less the acquiring of the land, is going to be picked up by the development.

16 Michael Birch said yes.

17 Commissioner McKee said the Applicant has mentioned talking to land owners and  
18 making offers. He asked if the previous aerial photo could be put up (which it was). He  
19 identified a specific plot of land on the photo, and asked if that specific landowner had been  
20 contacted, and an offer made.

21 Michael Birch said inquiries have been made, but the property owner has not responded.

22 Commissioner McKee said this is not his understanding of the situation, after speaking  
23 to the landowner on Friday.

24 Michael Birch clarified that the homeowner's response was that he would get back to the  
25 Applicant.

26 Commissioner said there are 10 properties that abut 86 from the service road to Davis  
27 Road. He asked if Michael Birch could identify which property owners have been contacted,  
28 and had offers made. He said he does not need specifics, but just wanted to know how many of  
29 the remaining 9 properties have had offers made.

30 Michael Birch said there is one large property that runs north-south between the site and  
31 all 10 of these properties on 86. He said numerous offers have been made to that landowner, in  
32 order to make a connection to one of the 10 on old 86, to no avail.

33 Commissioner McKee read an email from one of the property owners on old 86 stating  
34 that the property owner, and its immediate neighbors, has not been contacted at all about  
35 selling, despite the ideal nature of the land to allow access to old 86.

36 Commissioner McKee said he understands there is a north south property, and he is  
37 aware he is spending the Applicant's money, but the Applicant needs to be aware that four  
38 votes are needed to make this work. He said he wants to see this land developed, as it has sat  
39 for almost 40 years. He said part of that delay is due to the County failing to provide the  
40 necessary infrastructure, but someone is going to develop it.

41 Chair Rich asked Michael Harvey if he would pull up a picture from his PowerPoint  
42 presentation, showing the land parcels in greater detail.

43 Commissioner McKee pointed out the property that may be a good option to expand the  
44 additional turn lane. He said the large north south portion of land is the hold up.

45 Commissioner Greene said it is her understanding that when DOT does a partial taking,  
46 it has the right to take the land with a fair value offer. She said if all can mutually agree to  
47 extend that timetable, it would allow for the land to be secured so that Davis Road is not part of  
48 the equation. She said she does not see the need for the zoning to have conditions attached to  
49 it.

50 John Roberts said Commissioner Greene's understanding of DOT land acquisition is  
51 correct. He said once DOT transfers money to a bank account, it has the right to the land. He

1 said the process of determining whether the cash amount was fair may continue in court for  
2 sometime thereafter, but DOT has right to the land.

3 Commissioner McKee asked if the developer would be willing to remove Davis Road  
4 from the application completely, without qualification.

5 Michael Birch said yes, only if there is an alternate solution for a fully signalized  
6 intersection that is acceptable to DOT.

7 Commissioner McKee said the Board should make sure such a solution exists prior to  
8 approving the project.

9 Chair Rich said the BOCC is not giving any approval or denial this evening, rather that  
10 will happen on October 6th.

11 Commissioner Bedford asked if the intent is to discuss all of the conditions in attachment  
12 11 tonight.

13 Chair Rich said the conversation could start tonight and be continued on October 6<sup>th</sup>.

14 Michael Harvey, Current Planning Supervisor, said any Board feedback and questions  
15 would be very helpful.

16 Commissioner Bedford said she drove up and down old highway 86, Davis Rd, and the  
17 service road. She said this is prime land for an EDD, once a configuration is allowed for  
18 highway 86. She re-read the condition that Michael Birch proposed, and said it makes no sense  
19 to her. She asked if this condition could be submitted in writing, as she is a visual learner.

20 Commissioner Bedford repeated her request to receive the full report of the noise study.  
21 She said she is a CPA and has a degree in mathematics, and feels confident she will be able to  
22 understand the report.

23 Commissioner Bedford said she was glad to hear that not all trucks will be diesel, and  
24 she has no problem with smaller trucks. She said a solution us needed. She asked what  
25 interest would NCDOT have in condemning this land and funding this project.

26 Michael Harvey said he has not spoken with the NCDOT, but there is a process under  
27 state law that NCDOT can go through to condemn property and secure right of way. He said it  
28 would be best to get an answer directly from NCDOT.

29 Commissioner Bedford said NCDOT is in the midst of a budget and audit crisis, and she  
30 does not anticipate anything happening quickly with NCDOT in this project.

31 Commissioner Bedford referred to page 46 of the agenda, and a request proposed to  
32 FEMA to amend a 100-foot flood elevation, and asked if there is a status update on this issue.

33 Michael Birch said that particular item was still under review with FEMA.

34 Commissioner Bedford asked if the BOCC has any say is this type of request. She said  
35 climate change is showing that the flood plain should be increased, not decreased.

36 Michael Harvey, Current Planning and Zoning Supervisor, said elected officials have no  
37 rights related to this, as it is a FEMA issue. He said current planning is involved in the review  
38 process. He said staff is involved, but it is truly a FEMA regulatory issue.

39 Commissioner Bedford referred to page 58 in the agenda package, which states the  
40 Applicant will "strive to integrate" cool roofs, energy efficient lighting, etc. She said the verbiage  
41 of "strive to integrate" has no teeth whatsoever. She said she would like to require things be  
42 done (LED lighting, LEED certification, not spraying for bees, wildlife corridors, etc.), and  
43 requested that the buildings and the parking lots be much more climate friendly.

44 Commissioner Bedford said it is still not clear if there will be activity at night and on  
45 weekends. She said she would like to know this information.

46 Michael Birch said he thinks there is some stronger language regarding green efforts in  
47 building, and he would work with staff on the other items.

48 Chris Bostic said when FEMA puts the maps together, it is concerned about the impact  
49 of streams and creeks from a very high macro level. He said when FEMA does these studies, it  
50 applies a certain flow of water every mile along a stream, and these inputs occur. He said the  
51 site in question is at the high point at a stream, and the amount of water that FEMA was

1 applying to go under I-40 is the same amount of water in Cates Creek a mile down the road,  
2 and the Applicant is refining FEMA's model, which has an impact on the actual flood plain on  
3 the property.

4 Commissioner Price referred to the design elements, and said she is concerned about  
5 the weakness of that language. She said it is important to have buildings that are compatible  
6 with the surrounding areas. She said she is also concerned about buffers, which were  
7 recommended to be 100 feet by staff, but the Applicant says will be 50 feet. She asked if the  
8 Applicant would consider having 100-foot buffers, as recommended by staff.

9 Michael Birch said no, as there are significant sire reasons as to why this cannot happen  
10 around the entire property.

11 Commissioner Price asked if that is due to a desire for maximum build out.

12 Michael Birch said no, it is due to other site constraints, the location of features on the  
13 site, like the flood plain and the Duke Energy easement to the south. He said the impacts are  
14 significant when applying 100-foot buffers, given things that cannot move.

15 Commissioner Price said the Applicant could decrease its floor space.

16 Michael Birch said the project has already committed to 25% of green space, which is  
17 more than is required.

18 Commissioner Price referred to the property on Davis Road, and said to assume Davis  
19 Road access was not permissible. She asked if this land would still be developed, just without  
20 the road.

21 Michael Birch said yes.

22 Commissioner Price said there is buffer and land in the middle, and asked if there is a  
23 way to connect these two to allow for a bio-corridor.

24 Michael Birch said there is a north south connection due to the tributary, and the  
25 County's enhanced flood plain buffer.

26 Commissioner Marcoplos referred to the southern plot of land that is currently zoned  
27 rural buffer/residential, and that the Applicant would still want to use that land even if the road  
28 access is denied. He said this portion of land was not part of the original EDD, and it is zoned  
29 residential 1.

30 Chair Rich asked if it is zoned rural buffer.

31 Michael Harvey clarified by using the map, by saying there is a 26,000 square foot  
32 portion of the property is zone rural buffer. He said the majority of the land is zoned rural  
33 residential. He said the Applicant has said this portion of the property will remain rural buffer.

34 Commissioner Greene said she is still concerned about the Davis Road property. She  
35 said there is a future land use map for this area, that has the two parcels in the EDD, but has  
36 the Davis Road parcel zoned as a suburban use. She said she would like to know more about  
37 the building that is going to be in the Davis Road parcel, and if it will be a warehouse, more  
38 office like, and if there is a reason it has to be 60-feet tall.

39 Michael Birch said the Applicant would work with staff to work on reducing the height of  
40 that building along Davis Road.

41 Commissioner Greene said if truck traffic can be diverted off of Davis, then the next step  
42 is to insure that the building near Davis has a more office/suburban feel, rather than warehouse.

43 Commissioner Greene said it is 11:07 p.m., and she wants to make sure the Board will  
44 have opportunity at the next meeting to go through these conditions with a fine toothcomb.

45 Chair Rich said yes, the agenda for October 6<sup>th</sup> is mostly dedicated to this conversation.

46 Chair Rich said it is important that there be fairly opaque buffers on the southern and  
47 western parts of this property, to allow a clear separation.

48 Chair Rich said there appears to be a committee of property owners that will discuss  
49 what kinds of designs are used, along with conditions recommended by the Applicant. She  
50 asked if further clarification can be given about this committee, and possibly some building  
51 samples for the Board to review, at the Board's next meeting.

1 Chair Rich referred to the solar portion, and the Planning board’s desire to have solar.  
2 She said she would like to know a plan for how solar will be incorporated. She said she would  
3 also like to know which types of concrete will be used. She asked if the Applicant could provide  
4 more information at the Board’s next meeting.

5 Chair Rich said a phased in construction map/timeline would also be helpful for the  
6 Board’s next meeting.

7 Commissioner McKee echoed Commissioner Greene’s request for a shorter building on  
8 Davis Road, and suggested possibly setting it further back.

9 Chair Rich asked if a vote was needed.

10 John Roberts said a vote was not needed, as the public hearing had closed. He said the  
11 Board will continue the conversation on October 6<sup>th</sup>.

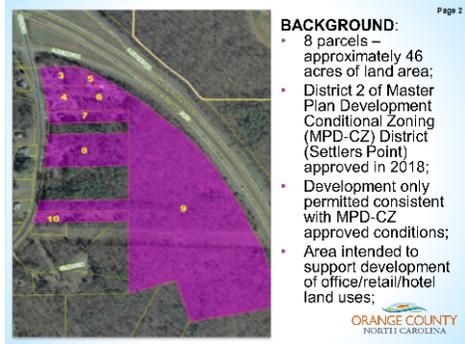
12  
13 **b. Zoning Atlas Amendment – Parcels off Old NC Highway 86 (District 2 of Settlers**  
14 **Point MPD-CZ)**

15  
16 A motion was made by Commissioner McKee, seconded by Commissioner Price to  
17 reconvene the public hearing on agenda item 5-b.

18  
19 **Roll call ensued.**

20  
21 **VOTE: UNANIMOUS**

22  
23 Michael Harvey, Current Planning and Zoning Supervisor, made the following  
24 PowerPoint presentation:  
25



26  
27

28  
29

WHAT'S HAPPENED:

Page 3

- Developer seeking approval of new MPD-CZ district requiring elimination of Settlers Point MPD-CZ.

STAFF COMMENT: This request only involves parcels west of Old NC Highway 86 (District 1 of Settlers Point MPD-CZ);

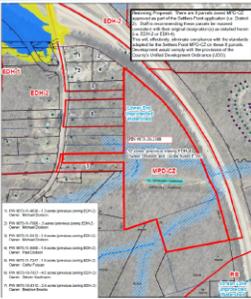
- Action necessary for these 8 parcels to be developed;

STAFF COMMENT: Property owners will have difficulty developing consistent with remaining MPD-CZ conditions if new MPD-CZ application approved.

- Staff believes most appropriate course of action is to rezone properties guaranteeing viable development option(s) for owners.



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PROPOSAL:

Page 4

- Rezone properties back to original zoning designation (i.e. what they were prior to approval of MPD-CZ);
- Development consistent with UDO standards (i.e. each lot developed separately);
- Provides owners with path forward for reasonable use of their property.



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STAFF COMMENT:

Page 5

- Properties being rezoned back to what they were zoned before the MPD-CZ for Settlers Point;
- 7 parcels rezoned to Economic Development Hillsborough Limited Officer (EHD-2)
  - Development of low intensity office uses and supporting services including restaurants and hotels;
  - Retail land uses would not be permitted.
- 32 acre parcel rezoned to Economic Development Hillsborough Office/Retail (EHD-4)
  - Development of high intensity office uses and supporting retail or service uses.



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STAFF COMMENT:

Page 6

- Staff action means no financial impact to property owners (i.e. owners not incurring expense to rezone property);
- Rezoning consistent with Comprehensive Plan;
- Proposal consistent with Town of Hillsborough/ Orange County Central Orange Coordinated Area (COCA) land use plan;
- Rezoning allows for reasonable development opportunities consistent with applicable policies.
  - Each property owner will have ability to make use of their property WITHOUT having to develop with joint open space/access/building limits associated with the MPD-CZ.



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Planning Board Action:

- Board reviewed item at its August 5, 2020 regular meeting;
- Voted unanimously to recommend approval of:
  - Statement of Consistency (Attachment 5); and
  - Zoning Atlas Amendment (Attachment 6).



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RECOMMENDATION:

The Manager recommends the Board:

1. Receive the request;
2. Conduct the public hearing and accept comment;
3. Close the public hearing;
4. Authorize acceptance of written comment(s) via e-mail to the Board at [ocbcc@orangecountync.gov](mailto:ocbcc@orangecountync.gov) or by delivery to the Planning Department's office at 131 West Margaret Lane, Hillsborough, North Carolina 27278, until 9:00 a.m. on Thursday September 17, 2020;
5. Schedule a vote to approve Statement of Consistency (Attachment 5), and Zoning Atlas Amendment (Attachment 6) at the Board's October 6, 2020 meeting

**No additional public comments shall be received at October 6 meeting if hearing closed.**

For more information of questions on this proposal:

Michael Harvey, Current Planning Supervisor  
[mharvey@orangecountync.gov](mailto:mharvey@orangecountync.gov) or (919) 245-2587



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A motion was made by Commissioner McKee, seconded by Commissioner Price to open the public hearing.

9

**Roll call ensued.**

11

**VOTE: UNANIMOUS**

12

**PUBLIC COMMENT:**

13

**NONE**

14

A motion was made by Commissioner Dorosin, seconded by Commissioner McKee to close the public hearing and authorize written comments until 9:00 a.m. on September 24, 2020.

17

**Roll call ensued.**

20

**VOTE: UNANIMOUS**

21

**c. Proposed Amendments to the Town of Hillsborough/Orange County Central Orange Coordinated Area (COCA) Land Use Plan and to the Orange County Comprehensive Plan Future Land Use Map (FLUM)**

24

A motion was made by Commissioner Greene, seconded by Commissioner McKee to reconvene the public hearing on agenda item 5-c.

28

**Roll call ensued.**

31

**VOTE: UNANIMOUS**

32

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Tom Altieri, Hillsborough Comprehensive Planning Supervisor, made the following PowerPoint presentation:

**Proposed Amendments to:  
Town of Hillsborough/Orange County  
Central Orange Coordinated Area  
(COCA) Land Use Plan; and  
Orange County Comprehensive Plan  
Future Land Use Map (FLUM)**

Public Hearing Item 5.c.  
August 5, 2020  
Presenter: Tom Altieri, AICP

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**Purpose of Agenda Item**

To hold a public hearing, to receive the Planning Board recommendation and public comment, close the hearing, and schedule action for a future date on County-initiated amendments to the:

- 1) Town of Hillsborough/Orange County COCA Land Use Plan; and
- 2) Orange County Comprehensive Plan FLUM.

7  
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**This item is not for the Research Triangle Logistics Park (RTLTP) -- the proposed warehousing and distribution center, which requires a rezoning, and was earlier on the agenda.**

Approximately 12-acres of RTLTP are located in the amendment area discussed herein as part of this agenda item.

9

**Purpose of Expanding Hillsborough Economic Development (ED) Area**

- County has plans to extend water and sewer infrastructure to parcels south of Interstate 40.
- Preserve planned sewer capacities for non-residential uses.
- Expand upon ED opportunities.
- Consistency among long-range plans.

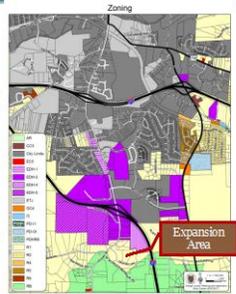
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11

Brief History of Hillsborough ED Area and Joint Planning with the Town of Hillsborough

1

Hillsborough EDD originally established in 1994 along with two other EDDs (Buckhorn and Eno).

Formerly Transition Areas (1981 Comprehensive Plan)



The map displays a complex zoning scheme with numerous colored zones. A red-shaded region is labeled 'Expansion Area'. A legend on the left side of the map lists various zoning codes such as R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13, R14, R15, R16, R17, R18, R19, R20, R21, R22, R23, R24, R25, R26, R27, R28, R29, R30, R31, R32, R33, R34, R35, R36, R37, R38, R39, R40, R41, R42, R43, R44, R45, R46, R47, R48, R49, R50, R51, R52, R53, R54, R55, R56, R57, R58, R59, R60, R61, R62, R63, R64, R65, R66, R67, R68, R69, R70, R71, R72, R73, R74, R75, R76, R77, R78, R79, R80, R81, R82, R83, R84, R85, R86, R87, R88, R89, R90, R91, R92, R93, R94, R95, R96, R97, R98, R99, R100, R101, R102, R103, R104, R105, R106, R107, R108, R109, R110, R111, R112, R113, R114, R115, R116, R117, R118, R119, R120, R121, R122, R123, R124, R125, R126, R127, R128, R129, R130, R131, R132, R133, R134, R135, R136, R137, R138, R139, R140, R141, R142, R143, R144, R145, R146, R147, R148, R149, R150, R151, R152, R153, R154, R155, R156, R157, R158, R159, R160, R161, R162, R163, R164, R165, R166, R167, R168, R169, R170, R171, R172, 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R837, R838, R839, R840, R841, R842, R843, R844, R845, R846, R847, R848, R849, R850, R851, R852, R853, R854, R855, R856, R857, R858, R859, R860, R861, R862, R863, R864, R865, R866, R867, R868, R869, R870, R871, R872, R873, R874, R875, R876, R877, R878, R879, R880, R881, R882, R883, R884, R885, R886, R887, R888, R889, R890, R891, R892, R893, R894, R895, R896, R897, R898, R899, R900, R901, R902, R903, R904, R905, R906, R907, R908, R909, R910, R911, R912, R913, R914, R915, R916, R917, R918, R919, R920, R921, R922, R923, R924, R925, R926, R927, R928, R929, R930, R931, R932, R933, R934, R935, R936, R937, R938, R939, R940, R941, R942, R943, R944, R945, R946, R947, R948, R949, R950, R951, R952, R953, R954, R955, R956, R957, R958, R959, R960, R961, R962, R963, R964, R965, R966, R967, R968, R969, R970, R971, R972, R973, R974, R975, R976, R977, R978, R979, R980, R981, R982, R983, R984, R985, R986, R987, R988, R989, R990, R991, R992, R993, R994, R995, R996, R997, R998, R999, R1000.

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**Some History of Joint Planning with Hillsborough**

**Water and Sewer Management, Planning, and Boundary Agreement and Map** (2001, Amended from time to time, and amendment to the Hillsborough Primary Service Area currently in process)

Hillsborough/OC Urban Transition Area Task Force (2004)

Hillsborough/OC Strategic Growth Plan Phase I (2006)

Phase II - Hillsborough-Orange Interlocal Land Management Agreement (2009, Amended 2014)

**Town of Hillsborough/Orange County Central Orange Coordinated Area Land Use Plan** (2013, Amended 2016)

4  
5

**Expansion of Hillsborough ED Area Amendment Specifics**

*(Involves 2 Planning Constructs)*

- COCA Land Use Plan ("joint" plan)
- County Comprehensive Plan FLUM

*(If needed, 3-slides hidden that cover how Future Land Use Plans are different from Zoning)*

6





1 Commissioner Marcoplos referred to the small portion of rural buffer that crosses Davis  
2 Road, and asked if there has ever been discussion of tidying up such boundary issues by  
3 having the rural buffer follow the road.

4 Tom Altieri said this boundary follows the ridgeline.

5 Craig Benedict, Planning and Inspections Director, said new GIS techniques show that  
6 Davis Road is the ridgeline. He said staff is working on a way to amend the water and sewer  
7 boundary for technical uses, such as this.

8 Commissioner Greene said there appears to be a discrepancy between the Hillsborough  
9 map and the County map, and she is focusing specifically on the suburban space. She said  
10 the acreage in the lots is not exactly the same, and some of the uses seem in conflict with each  
11 other. She asked if there is a reason the maps were not more aligned

12 Tom Altieri said the Town of Hillsborough does not have an Economic Development  
13 District land use like the County has. He said this plan was developed to serve as  
14 Hillsborough's land use plan, for areas within its jurisdiction, and using its land use categories  
15 those were applied to its fringe areas outside the towns extraterritorial jurisdiction, but inside its  
16 primary service area for water and sewer services. He said that is why the suburban office  
17 classification was used here. He said the joint land use plan started with the Town of  
18 Hillsborough, and it used a slightly different southern boundary configuration than what was  
19 actually shown as economic development in the County's comprehensive plan.

20 Commissioner Greene asked if staff thought there could be a time when Hillsborough  
21 and the County might disagree over the use of these lands.

22 Tom Altieri said this has been agreed upon by both Town and County staff, and has  
23 been adopted by the Town's Planning Department.

24  
25 A motion was made by Commissioner Marcoplos, seconded by Commissioner Price to  
26 open the public hearing.

27  
28 **Roll call ensued.**

29  
30 **VOTE: UNANIMOUS**

31  
32 **PUBLIC COMMENT:**

33 Luke Farley said he is a lawyer out of Raleigh, representing 14 residents, who are  
34 opposed to amending the land use plan. He said the BOCC's commitment to hearing from the  
35 public is unequalled. He thanked the BOCC for its service. He said he will submit written  
36 comments to the BOCC about statements made earlier this evening regarding traffic issues. He  
37 said there will be legal issues if this plan is amended, as there has been no change in this parcel  
38 to necessitate an amendment.

39 Daniel Arneman said changing the zoning of this land would be a rejection of 40 years of  
40 land use planning. He referenced a FAQ sheet, question 1.6, which states the 12 acres are not  
41 related to the RTLP project. He said he disagrees with this assertion, and feels the land is  
42 related to RTLP, even though he thinks it should not be. He said it is fair to develop land that is  
43 zoned for EDD, but it is not fair to develop land that has been zoned residential for 40 years. He  
44 said he is against this rezoning.

45 Bob Bundschuh thanked the BOCC for listening to the public. He said he works in  
46 logistics, and is very familiar with the details involved in a project like RTLP. He said the daily  
47 way of life is very different now than 40 years ago. He said the BOCC must make decisions  
48 based on what is in front of it today, not what was intended 40 years ago. He said large  
49 warehouse complexes are needed in the "work from home" lifestyle of modern life. He said he  
50 is opposed to this proposal, and favors more appropriate development that fits into the

1 surrounding area. He said if the 12 acres are taken out of the equation, then Davis Road is  
2 taken out of the equation as well.

3 Lisa Sutton said she is opposed to Davis Road being included in any development, and  
4 encouraged the BOCC to vote against this proposal.

5  
6 A motion was made by Commissioner Dorosin, seconded by Commissioner Marcoplos  
7 to close the public hearing.

8  
9 **Roll call ensued.**

10  
11 **VOTE: UNANIMOUS**

12  
13 Chair Rich reminded everyone that written comments may be submitted to the Board  
14 until 9:00 a.m. on Thursday, September 24, 2020.

15  
16 **ADJOURMENT**

17  
18 A motion was made by Commissioner Price, seconded by Commissioner Bedford to  
19 adjourn the meeting at 11:59 p.m.

20  
21  
22  
23 Penny Rich, Chair

24  
25  
26 Allen Coleman  
27 Assistant Deputy Clerk

28  
29 Submitted for approval by Greg Wilder, Interim Clerk to the Board

ORD-2020-023

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** October 20, 2020

**Action Agenda  
Item No.** 8-b

**SUBJECT:** Fiscal Year 2020-21 Budget Amendment #2

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**DEPARTMENT:** Finance and Administrative Services

---

**ATTACHMENT(S):**

- Attachment 1. Budget As Amended Spreadsheet
- Attachment 2. Year-to-Date Budget Summary
- Attachment 3. Sheriff's Office Community-Based Organization Grant Agreement

**INFORMATION CONTACT:**

Paul Laughton, (919) 245-2152  
Gary Donaldson, (919) 245-2453

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**PURPOSE:** To approve budget, grant, and capital project ordinance amendments for fiscal year 2020-21.

**BACKGROUND:**

**Planning and Inspections Department**

1. At its March 24, 2020 meeting, the Board of County Commissioners (BOCC) approved a consultant contract, not to exceed \$287,218, to update the 2017 Orange County Transit Plan analyzing revenues and expenditures through 2040. At its April 21, 2020 meeting, the BOCC approved for the budgeting of these reimbursement funds from the Article 43 Transit Tax proceeds. However, at June 30, 2020, services totaling only \$15,524 had been performed, so encumbrances totaling \$271,694 were closed out at fiscal year-end. This budget amendment provides for re-budgeting for the receipt of the remaining amount of \$271,694 on the consultant contract to be received as 100% reimbursement funds from Article 43 Transit Tax proceeds. (See Attachment 1, column #1)

**SOCIAL JUSTICE IMPACT:** The following Orange County Social Justice Goals are applicable to this agenda 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.

- **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 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.

### County Capital Project – Veterans Memorial

2. At its September 1, 2020 meeting, the Board of County Commissioners approved a budget up to \$137,542 for the design and construction of Phase II of the Veterans Memorial project at the Southern Campus in Chapel Hill. A portion of the funding (\$30,000) was from County matching challenge funds budgeted in the General Fund, both in fiscal years 2017-18 and 2018-19. This budget amendment provides for a fund balance appropriation of \$30,000 for the receipt of the County matching challenge funds, the receipt of \$49,424 from available donations given to the Community Giving Fund for this specific project, the receipt of funds up to \$57,833 from County Veterans Memorial, Inc., and the use of existing funds of \$285 within the current project budget. See below for an amended Veterans Memorial Capital Project Ordinance: (See *Attachment 1, column #2*)

#### **Veterans Memorial Capital Project (\$137,542) - Project # 10060**

Revenues for this project:

|                                | Current<br>FY 2020-21 | FY 2020-21<br>Amendment | FY 2020-21<br>Revised |
|--------------------------------|-----------------------|-------------------------|-----------------------|
| Community Giving Funds         | \$23,500              | \$49,424                | \$72,924              |
| From General Fund              | \$0                   | \$30,000                | \$30,000              |
| County Veterans Memorial, Inc. | \$0                   | \$57,833                | \$57,833              |
| <b>Total Project Funding</b>   | <b>\$23,500</b>       | <b>\$137,257</b>        | <b>\$160,757</b>      |

Appropriated for this project:

|                           | Current FY<br>2020-21 | FY 2020-21<br>Amendment | FY 2020-21<br>Revised |
|---------------------------|-----------------------|-------------------------|-----------------------|
| Veterans Memorial Project | \$23,500              | \$137,257               | \$160,757             |
| <b>Total Costs</b>        | <b>\$23,500</b>       | <b>\$137,257</b>        | <b>\$160,757</b>      |

**SOCIAL JUSTICE IMPACT:** There are no Orange County Social Justice Goals associated with this item.

3. The Orange County Visitors Bureau has received notification of a \$10,000 grant award from the Economic Development Partnership of North Carolina and the North Carolina Travel Industry Association. This grant period runs through December 30, 2020. These funds will be used to assist with the county's tourism recovery efforts. This budget amendment provides for the receipt of \$10,000 for the above stated purpose. *(See Attachment 1, column #3)*

**SOCIAL JUSTICE IMPACT:** The following Orange County Social Justice Goal is 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.

### **Housing and Community Development**

4. The Department of Housing and Community Development has received notification of CARES Act funds of a not to exceed amount of \$937,803 through the North Carolina Department of Public Safety, Office of Recovery and Resiliency (NCORR). These are federal reimbursement funds that include Treasury Coronavirus Relief Funds and Housing and Urban Development (HUD) Community Development Block Grant - Coronavirus funds. These funds will be used to prevent evictions and utility disconnections, and encourage housing stability in response to the COVID-19 crisis. The period for this award runs through February 28, 2021. This budget amendment provides for the receipt of these funds, on a reimbursement basis, up to \$937,803, for the above stated purposes. *(See Attachment 1, column #4)*
5. As part of Round 1 of the Coronavirus Relief Funding (CRF), \$50,000 was budgeted in Landlord Incentives in the Housing Choice Voucher (HCV) Fund, but since these funds are not HCV specific and can be used for any Landlord Incentives, the department requests that these funds be moved to the Community Development Fund. This budget amendment provides for the moving these budgeted funds from the HCV Fund to the Community Development Fund. *(See Attachment 1, column #4)*

**SOCIAL JUSTICE IMPACT:** The following Orange County Social Justice Goal is 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: 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.

## Animal Services

6. Orange County Animal Services has received \$7,755 in Community Giving fund donations to be used to help offset costs associated with the Veterinary Assistance program. This program assists community members with the cost of veterinary care. This budget amendment provides for the receipt of these Community Giving funds, to be paid out of the Community Giving Fund, outside of the General Fund. (See Attachment 1, column #5)

**SOCIAL JUSTICE IMPACT:** There are no Orange County Social Justice Goals associated with this item.

## Board of Elections

7. The Orange County Board of Elections have the following budgetary changes:
- **Center for Tech and Civic Life Grant** - received notification of a grant award totaling \$216,255 from the Center for Tech and Civic Life (CTCL), a non-profit organization, based on and in reliance upon the information and materials provided by the County through the grant application process. The grant project period runs through December 30, 2020. Consistent with the grant requirements, these funds will be used exclusively for the public purpose of planning and operationalizing safe and secure election administration in Orange County in 2020.
  - **Supplemental CARES Act Grant** – received notification of supplemental CARES Act grant funds of \$45,000, appropriated under Session Law 2020-97. This grant provides additional funding for COVID-related expenses for Election day, as well as funding of \$100.00 in supplemental pay for Election day pollworkers.

This budget amendment provides for the receipt of these grant funds for the above stated purposes. (See Attachment 1, column #6)

**SOCIAL JUSTICE IMPACT:** There are no Orange County Social Justice Goals associated with this item.

## Orange County Transportation Services

8. Orange County Transportation Services has received notification of a grant award totaling \$893,600 from the State, based on funds the North Carolina Department of Transportation (NCDOT) received from the Federal Transit Administration (FTA). The required local match of \$223,400 will come from available Article 43 Transit Tax proceeds held by NCDOT. The total amount of \$1,117,000 will be used to purchase two (2) electric buses and charging stations. The grant period runs through December 15, 2020. This budget amendment provides for the receipt of these grant funds and the Transit Tax proceeds, and amends the following Equipment and Vehicles Capital Project Ordinance:

### **Equipment and Vehicles Capital Project (\$1,117,000) - Project # 30010**

Revenues for this project:

|                              | Current<br>FY 2020-21 | FY 2020-21<br>Amendment | FY 2020-21<br>Revised |
|------------------------------|-----------------------|-------------------------|-----------------------|
| Alternative Financing        | \$3,452,057           | \$0                     | \$3,452,057           |
| NC DOT Funds                 | \$1,272,318           | \$893,600               | \$2,165,918           |
| Article 43 Sales Tax         | \$0                   | \$223,400               | \$223,400             |
| <b>Total Project Funding</b> | <b>\$4,724,375</b>    | <b>\$1,117,000</b>      | <b>\$5,841,375</b>    |

Appropriated for this project:

|                        | Current FY<br>2020-21 | FY 2020-21<br>Amendment | FY 2020-21<br>Revised |
|------------------------|-----------------------|-------------------------|-----------------------|
| Equipment and Vehicles | \$4,724,375           | \$1,117,000             | \$5,841,375           |
| <b>Total Costs</b>     | <b>\$4,724,375</b>    | <b>\$1,117,000</b>      | <b>\$5,841,375</b>    |

9. Orange County Transportation Services has received notification of available reimbursement funding of up to \$336,301 in CARES Act funding as a pass-through from the North Carolina Department of Transportation. These funds are intended to offset local revenue losses and aid COVID-19 response and recovery efforts. This budget amendment provides for the receipt of these reimbursement funds, and reduces the fund balance appropriation budgeted in the General Fund for FY 2020-21 by the same amount. (See Attachment 1, column #7)

**SOCIAL JUSTICE IMPACT:** The following Orange County Social Justice Goal is 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.

## Health Department

10. The Orange County Health Department has budgetary changes to the following programs:

- **Regional Strike Team** – receipt of \$198,940 in federal pass-through grant funds from the North Carolina Department of Health and Human Services, Division of Public Health to support the COVID-19 pandemic response. The grant service period runs through December 15, 2020. Funding will support a Coordinator position and six (6) temporary trainers to provide infection control education in congregate living facilities across Orange, Alamance, Caswell, Chatham, Durham, Guilford, Person, Randolph, and Rockingham counties. This budget amendment provides for the receipt of these funds, increases the current Emergency Preparedness Coordinator from a 0.6 FTE to a time-limited 1.0 FTE position to serve as the Coordinator for this team.
- **Family Success Alliance** – the department received \$15,000 in grant funds from the United Way of the Greater Triangle back in FY 2018-19 to support the Parent Council within the Family Success Alliance. Although the budget amendment, approved back in FY 2018-19, budgeted these funds in the multi-year grant project fund, the funds were credited in the General Fund, but expenditures were never incurred. This budget amendment provides for a fund balance appropriation of \$15,000 from the General Fund to the multi-year Grant project for use within the Family Success Alliance program.

This budget amendment provides for the budgetary changes as stated above. (See Attachment 1, column #8)

**SOCIAL JUSTICE IMPACT:** The following Orange County Social Justice Goal is 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.

### County Capital Projects – Emergency Services Remediation and HVAC Projects

11. The Emergency Management Services facility, located at 510 Meadowlands Drive, Hillsborough NC, consists of offices and an adjoining warehouse space. The overall size of the facility is 22,069 square feet, while the warehouse contains 10,193 square feet. In August 2020, environmental tests detected mold on the contents stored in the warehouse. A remediation contractor will be cleaning high priority items necessary to support ongoing operations of the Emergency Services. Cleaned items are being stored in other county facilities and storage units. Future work will include the design and upgrade of the warehouse ventilation system to prevent the any re-occurrence. This budget amendment provides for the reallocation of \$135,000 from the HVAC Capital Project to the Phillip Nick Waters Emergency Services Building Remediation Project to cover the costs of the immediate necessary remediation work, and amends the following Capital Project Ordinances:

#### ***Phillip Nick Waters Emergency Services Building Remediation Project (\$135,000) - Project # 10068)***

Revenues for this project:

|                                                  | Current FY 2020-21 | FY 2020-21 Amendment | FY 2020-21 Revised |
|--------------------------------------------------|--------------------|----------------------|--------------------|
| Alternative Financing – From Repurposed Projects | \$775,950          | \$0                  | \$775,950          |
| Alternative Financing - New                      | \$2,577,209        | \$0                  | \$2,577,209        |
| From General Fund – From Repurposed Projects     | \$82,800           | \$135,000            | \$217,800          |
| <b>Total Project Funding</b>                     | <b>\$3,435,959</b> | <b>\$135,000</b>     | <b>\$3,570,959</b> |

Appropriated for this project:

|                       | Current FY 2020-21 | FY 2020-21 Amendment | FY 2020-21 Revised |
|-----------------------|--------------------|----------------------|--------------------|
| Professional Services | \$250,700          | \$0                  | \$250,700          |
| Construction          | \$3,185,259        | \$135,000            | \$3,320,259        |
| <b>Total Costs</b>    | <b>\$3,435,959</b> | <b>\$135,000</b>     | <b>\$3,570,959</b> |

#### ***HVAC Capital Project (-\$135,000) - Project # 30018***

Revenues for this project:

|                                              | Current FY 2020-21 | FY 2020-21 Amendment | FY 2020-21 Revised |
|----------------------------------------------|--------------------|----------------------|--------------------|
| Alternative Financing                        | \$3,670,200        | \$0                  | \$3,670,200        |
| From General Fund – From Repurposed Projects | \$724,723          | (\$135,000)          | \$589,723          |
| <b>Total Project Funding</b>                 | <b>\$4,394,923</b> | <b>(\$135,000)</b>   | <b>\$4,259,923</b> |

Appropriated for this project:

|                    | Current FY 2020-21 | FY 2020-21 Amendment | FY 2020-21 Revised |
|--------------------|--------------------|----------------------|--------------------|
| HVAC Projects      | \$4,394,923        | (\$135,000)          | \$4,259,923        |
| <b>Total Costs</b> | <b>\$4,394,923</b> | <b>(\$135,000)</b>   | <b>\$4,259,923</b> |

**SOCIAL JUSTICE IMPACT:** There are no Orange County Social Justice Goals associated with this item.

### Sheriff's Office

12. The Orange County Sheriff's Office has the following budgetary changes:

- **Alzheimer's Foundation of America** - received a grant award of \$2,500 from the Alzheimer's Foundation of America to help those affected by Alzheimer's and other dementia related illnesses. These funds will support training and equipment needs for the life track program (to track walk off patients). This budget amendment provides for the receipt of these grant funds for the above stated purpose.
- **Drug Forfeiture Fund** - reprogram \$25,000 from its Drug Forfeiture Fund to the Sheriff's General Fund budget to support a grant award to the Fathers on the Move nonprofit agency. This use of forfeiture funds is consistent with the U.S. Department of Justice guidelines. This disbursement of funds will teach participants the skill and provide the support needed to integrate back into mainstream society and to improve their relationships with their children. The current unassigned fund balance in the Drug Forfeiture Fund is \$1,220,901. *(See Attachment 3, Sheriff's Office Community-Based Organization Grant Agreement)*

This budget amendment provides for the budgetary changes as stated above. *(See Attachment 1, column #9)*

**SOCIAL JUSTICE IMPACT:** The following Orange County Social Justice Goal is applicable to this agenda 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.

### Department on Aging

13. The Orange County Department on Aging has received \$5,000 in grant revenue from Triangle J Council of Governments (TJCOG) to monitor and coordinate the area's Handy Helpers programs for FY 2020-21. This continues the grant award received in FY 2019-20. This budget amendment provides for the receipt of these grant funds. *(See Attachment 1, column #10)*

**SOCIAL JUSTICE IMPACT:** The following Orange County Social Justice Goal is applicable to this agenda 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/Arts Commission

14. The Orange County Arts Commission has received \$3,500 in returned grant funds from its State Arts Grant award in FY 2019-20, which they were not able to spend in FY 2019-20. These returned grants were from schools unable to fulfill programs due to COVID-19. Funds are to be re-granted to top scoring FY19-20 Grassroots applicants who are 501c3

arts organizations. This amendment appropriates \$3,500 in Visitor's Bureau Fund Balance, outside of the General Fund to allow for the granting of these funds. (See *Attachment 1, column #11*)

**SOCIAL JUSTICE IMPACT:** The following Orange County Social Justice Goal is 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.

### **Orange County Schools – Technical Amendment**

**15.** At its October 6, 2020 meeting, the Board of County Commissioners approved the use of \$120,000 in available Emergency Housing Assistance program funds to fund 800 Hot Spots for Orange County Schools (OCS) at a cost of \$150 each. However, the abstract (Action Agenda Item #8-f) did not include a budget amendment number, nor did it have a budget ordinance number. This technical amendment provides for the inclusion of the item on this budget amendment. (*See Attachment 1, column #12*)

**ENVIRONMENTAL IMPACT:** There are no Orange County Environmental Responsibility Goal impacts associated with these agenda items, other than agenda item #1.

**FINANCIAL IMPACT:** Financial impacts are included in the background information above. This budget amendment provides for the receipt of these additional funds in FY 2020-21 and increases the General Fund by \$937,144; decreases the Housing Choice Voucher Fund by \$50,000; increases the Community Development Fund by \$867,803; increases the Multi-year Grant Projects Fund by \$15,000, increases the Visitors Bureau Fund by \$13,500, increases the County Capital Projects Fund by \$1,254,257, increases the Community Giving Fund by \$7,755, and decreases the Drug Forfeiture Fund by \$25,000.

**RECOMMENDATION(S):** The Manager recommends the Board approve the budget, grant, and capital project ordinance amendments for fiscal year 2020-21.





|                 |                            |                   |                                  |                                                                                                                                                                   |                                                                                                                                                           |                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                |                                                                                                                                                                                                                                |                                                                                                                                                                                                  |                                  |
|-----------------|----------------------------|-------------------|----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| Original Budget | Encumbrance Carry Forwards | Budget as Amended | Budget as Amended Through BOA #1 | #1 Planning and Inspections - re-budgets for the receipt of remaining amount of \$271,694 from Article 43 Transit Tax proceeds to update the 2017 OC Transit Plan | #2 Veterans Memorial Capital Project - for the design and construction of Phase II of the Veterans Memorial project at the Southern Campus in Chapel Hill | #3 Visitors Bureau Fund - receipt of a \$10,000 grant award from the Economic Development Partnership of NC and the NC Travel Industry Association | #4 Housing and Community Development - receipt of CARES Act funds totaling \$937,803 to prevent evictions and utility disconnections, and encourage housing stability in response to the COVID-19 crisis; and moving \$50,000 in Landlord Incentive funds from the Housing Choice Voucher Fund to the Community Development Fund | #5 Animal Services - receipt of \$7,755 in Community Giving fund donations to help offset costs associated with the Veterinary Assistance program; to be paid out of the Community Giving Fund, outside of the General Fund | #6 Board of Elections - receipt of a \$216,255 grant award from the Center for Tech and Civic Life for planning and operationalizing safe and secure election administration in Orange County in 2020; and receipt of a \$45,000 Supplemental CARES Act Grant | #7 Orange County Transportation Services - receipt of \$336,301 in reimbursement CARES Act funding as a pass-through from the NC Department of Transportation to help offset local revenue losses and aid COVID-19 response and recovery efforts, and reduces the fund balance appropriation in the General Fund in FY 20-21 by the same amount | #8 Health Department - receipt of \$198,940 in federal pass-through grant funds from the NC Department of Health and Human Services to support the COVID-19 pandemic response; and a fund balance appropriation of \$15,000 from the General Fund for funds received from the United Way in FY 18-19 | #9 Orange County Sheriff's Office - receipt of \$2,500 grant award from the Alzheimer's Foundation of America to support training and equipment needs for the life track program; and transfer of \$25,000 from the Drug Forfeiture Fund to the General Fund to support a grant award to the Fathers on the Move non-profit agency | #10 Department on Aging - receipt of \$5,000 in grant revenue from Triangle J Council of Governments to monitor and coordinate the area's Handy Helpers programs for FY 20-21. | #11 County Manager/Arts Commission - fund balance appropriation of \$3,500 from the Visitors Bureau Fund for receipt of returned grant funds in FY 19-20 that will be re-granted to top scoring FY 19-20 Grassroots applicants | #12 Technical Amendment to include the BOCC's approval of using \$120,000 in available Emergency Housing Assistance program funds to fund 800 Hot Spots for Orange County Schools in this BOA #2 | Budget as Amended Through BOA #2 |
|-----------------|----------------------------|-------------------|----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|

**Drug Forfeiture Fund**

|                          |    |   |    |   |    |   |    |   |    |   |    |   |    |   |    |    |          |          |    |    |          |          |
|--------------------------|----|---|----|---|----|---|----|---|----|---|----|---|----|---|----|----|----------|----------|----|----|----------|----------|
| <b>Revenues</b>          |    |   |    |   |    |   |    |   |    |   |    |   |    |   |    |    |          |          |    |    |          |          |
| Federal Forfeiture Funds | \$ | - | \$ | - | \$ | - |    |   |    |   |    |   |    |   |    | \$ | (25,000) |          |    | \$ | (25,000) |          |
| State Forfeiture Funds   |    |   |    |   |    |   |    |   |    |   |    |   |    |   |    |    |          |          |    |    | \$       | -        |
| <b>Total Revenues</b>    | \$ | - | \$ | - | \$ | - | \$ | - | \$ | - | \$ | - | \$ | - | \$ | -  | \$       | (25,000) | \$ | -  | \$       | (25,000) |

**Expenditures**

|                          |    |   |    |   |    |   |  |  |  |  |  |  |  |  |  |    |          |  |  |    |          |
|--------------------------|----|---|----|---|----|---|--|--|--|--|--|--|--|--|--|----|----------|--|--|----|----------|
| Transfer to General Fund | \$ | - | \$ | - | \$ | - |  |  |  |  |  |  |  |  |  | \$ | (25,000) |  |  | \$ | (25,000) |
|--------------------------|----|---|----|---|----|---|--|--|--|--|--|--|--|--|--|----|----------|--|--|----|----------|

**Community Giving Fund**

|                           |    |   |    |   |    |       |    |   |    |   |    |       |    |   |    |   |    |   |    |   |    |    |        |        |
|---------------------------|----|---|----|---|----|-------|----|---|----|---|----|-------|----|---|----|---|----|---|----|---|----|----|--------|--------|
| <b>Revenues</b>           |    |   |    |   |    |       |    |   |    |   |    |       |    |   |    |   |    |   |    |   |    |    |        |        |
| Donations                 | \$ | - | \$ | - | \$ | 8,715 |    |   |    |   | \$ | 7,755 |    |   |    |   |    |   |    |   |    | \$ | 16,470 |        |
| <b>Total Revenues</b>     | \$ | - | \$ | - | \$ | 8,715 | \$ | - | \$ | - | \$ | 7,755 | \$ | - | \$ | - | \$ | - | \$ | - | \$ | -  | \$     | 16,470 |
| <b>Expenditures</b>       |    |   |    |   |    |       |    |   |    |   |    |       |    |   |    |   |    |   |    |   |    |    |        |        |
| Community Giving Projects | \$ | - | \$ | - | \$ | 8,715 |    |   |    |   | \$ | 7,755 |    |   |    |   |    |   |    |   |    | \$ | 16,470 |        |

## Year-To-Date Budget Summary

*Fiscal Year 2020-21*

### General Fund Budget Summary

|                                                                                              |                      |
|----------------------------------------------------------------------------------------------|----------------------|
| Original General Fund Budget                                                                 | \$239,046,307        |
| Additional Revenue Received Through Budget Amendment #2 (October 20, 2020)                   |                      |
| Grant Funds                                                                                  | \$970,305            |
| Non Grant Funds                                                                              | \$5,104,575          |
| General Fund - Fund Balance for Anticipated Appropriations (i.e. Encumbrances)               | \$0                  |
| General Fund - Fund Balance Appropriated to Cover Anticipated and Unanticipated Expenditures | (\$291,301)          |
| <b>Total Amended General Fund Budget</b>                                                     | <b>\$244,829,886</b> |
| Dollar Change in 2020-21 Approved General Fund Budget                                        | \$5,783,579          |
| % Change in 2020-21 Approved General Fund Budget                                             | 2.42%                |

**Paul:**  
includes 0.4 FTE time-limited increase of the current Emergency Preparedness Coordinator (BOA #2)

**Paul:**  
includes 1.0 FTE Rapid Rehousing Case Manager; 2.0 FTE Peer Support Specialists; .375 FTE increase of Programs Coordinator; 3.0 FTEs time-limited Social Work positions; and 1.0 FTE time-limited Harm Reduction Clinical Coordinator

### Authorized Full Time Equivalent Positions

|                                                                              |                  |
|------------------------------------------------------------------------------|------------------|
| Original Approved General Fund Full Time Equivalent Positions                | 940.480          |
| Original Approved Other Funds Full Time Equivalent Positions                 | 97.950           |
| <b>Total Approved Full-Time-Equivalent Positions for Fiscal Year 2020-21</b> | <b>1,038.430</b> |



## OFFICE OF THE ORANGE COUNTY SHERIFF

Sheriff Charles S. Blackwood

106 East Margaret Lane, Hillsborough, North Carolina 27278

919-245-2900



## ORANGE COUNTY SHERIFF'S OFFICE

## Community-Based Organization Grant

THIS AGREEMENT, entered into this \_\_\_\_ day of October 2020, by and between the Orange County Sheriff's Office ("OCSO") and Fathers on the Move, Inc, a North Carolina Not for Profit Corporation (EIN 61-1649111) having its principal place of business in Chapel Hill, North Carolina ("Grant Recipient").

WHEREAS, the OCSO's Mission is to be responsive to the needs of all members of our community without regard to the individual differences that make us unique; and

WHEREAS, the OCSO's Vision for the community's future is that people of all ages are secure and able to move freely about as they live, work, raise their families, and age in place with dignity and support; and

WHEREAS, the OCSO partners with many community-based organizations throughout the county to advance its Mission and Vision; and

WHEREAS, the Grant Recipient administers an innovative program that provides transitional services to males over the age of 16 who are involved in the criminal justice system and have children as well as to all males needing support, guidance, and mentorship;

WHEREAS, the Grant Recipient serves both voluntary clients and those who are court ordered to attend; and

NOW, THEREFORE, the OCSO and the Grant Recipient, for the consideration and under the conditions hereinafter set forth, agree as follows:

1. **Approved Grant.** Grant funds are provided for use in the Grant Recipient's programs, which teach participants the skills and provide the support needed to integrate into mainstream society and to improve relationships with their children.
2. **Grant Award.** Grant funds in an amount of twenty-five-thousand dollars (\$25,000.00) have been awarded by the OCSO and shall be released to the Grant Recipient. The grant cannot be assigned or transferred without prior written approval.
3. **Responsibilities of the Grant Recipient.**
  - A. Use of Funds. Grant Recipient agrees to utilize the grant funds to provide transitional services to participants. Grant Recipient shall not use the grant funds to pay off or down existing bank debt or investor loans, to purchase equipment or

improvement of real estate, which are used or to be used for personal use, political activities, owner salary, speculative ventures, lending or investment, real property held for sale or investment, pyramid sales- distribution plan businesses, foreign controlled businesses, or private membership dues.

- B. **Reporting.** Grant Recipient must provide an accounting of how all funds were used, or will be used, and key milestones reached within 180 days of the receipt of the grant. Additionally, Grant Recipient shall submit an annual report accompanied by a two-page analysis of the program's success metrics. The Grant Recipient shall submit the annual report and analysis to the OCSO no later than December 31, 2021.
4. **Indemnity.** The Grant Recipient agrees to indemnify and hold harmless the OCSO and the County and their officers and employees from any and all claims of actual injury, damage or loss to a person, or real or personal property that results from or is in anyway connected to the use of the grant funds.
5. **Termination.**
    - A. In the event of any of the circumstances set forth below (hereinafter referred to as "default"), the OCSO may immediately terminate this Agreement.
      - i. Any fraudulent representation on a material matter related to securing or utilizing grant funds under this Agreement.
      - ii. Failure to satisfactorily comply with any provision of this Agreement, as determined by the OCSO in its sole discretion.
      - iii. Failure to adhere to the terms of applicable county, state, or federal laws, regulations or stated public policy.
    - B. In the event of default by the Grant Recipient, the OCSO has the discretion to elect to terminate this Agreement, in whole or in part and/or require the Grant Recipient to repay the grant funds within thirty (30) days from written notice or allow the Grant Recipient the opportunity to cure the default. This clause shall not be interpreted to limit the OCSO's or Orange County's remedies in law or equity.
6. **Miscellaneous.**
    - A. **Governing Law.** This Agreement shall be interpreted and governed in accordance with the laws of the State of North Carolina and Orange County. Grant Recipient shall at all times remain in compliance with all applicable local, state, and federal laws, rules, and regulations including but not limited to all state and federal anti-discrimination laws, policies, rules, and regulations and the Orange County Anti-Discrimination Policy. Any violation of the requirement is a breach of this

Agreement and County may immediately terminate this Agreement without further obligation on the part of the County. This paragraph is not intended to limit the definition of breach to discrimination. By executing this agreement, Grant Recipient affirms that Grant Recipient affirms that Grant Recipient and any subcontractors of Grant Recipient are and shall remain in compliance with Article 2 of Chapter 64 of the North Carolina General Statutes. Where applicable, failure to maintain compliance with the requirements of Article 2 of Chapter 64 of the General Statutes constitutes a breach of this Agreement. By executing this Agreement, Grant Recipient certifies that Grant Recipient has not been identified, and has not utilized the services of any agent or subcontractor, on the Iran divestment list created by the State Treasurer pursuant to G.S. 147-86.58.

- B. Status. Nothing contained in this Agreement shall be construed to create the relationship of principal and agent, or employer and employee, between Grant Recipient and OCSO or Orange County Government. Grant Recipient understands and agrees that he/she is not authorized to incur any expenses or any liability whatsoever on behalf of the OCSO or Orange County and has no authority, expressed, or implied, to obligate or make representations on behalf of the OCSO or Orange County.
- C. Entire Agreement and Signatures. The parties have read this Agreement and agree to be bound by all its terms, and further agree that it constitutes the complete and exclusive Agreement between the parties unless and until modified in writing and signed by the parties. This Agreement together with any amendments or modifications may be executed electronically. All electronic signatures affixed hereto evidence the intent of the Parties to comply with Article 11A and Article 40 of the North Carolina General Statutes Chapter 66.

**IN WITNESS WHEREOF**, the Orange County Sheriff's Office and the Grant Recipient have signed this Grant Agreement, effective on the last date this Agreement is signed by both parties as indicated by the dates set forth under signatures below.

*For and on behalf of the Grant Recipient*

By: \_\_\_\_\_

\_\_\_\_\_ Date

\_\_\_\_\_  
Charles S. Blackwood, Sheriff of Orange County

\_\_\_\_\_ Date

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** October 20, 2020

**Action Agenda  
Item No. 8-c**

**SUBJECT:** North Carolina Governor's Highway Safety Program – Orange County Sheriff's Office Traffic Safety Project and Approval of Budget Amendment #2-A

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**DEPARTMENT:** Sheriff's Office

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**ATTACHMENT(S):**

- Attachment 1. Traffic Safety Project Contract
- Attachment 2. Agreement of Conditions
- Attachment 3. Local Government Resolution

**INFORMATION CONTACT:**

Sheriff Charles S. Blackwood,  
919.245.2900  
Jennifer Galassi, Legal Advisor,  
919.245.2952  
Lt. T. Brian Whitehurst, Sheriff's Deputy  
and North Carolina Governor's  
Highway Safety Program Triangle  
Region Law Enforcement Liaison,  
919.245.2900

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**PURPOSE:** To:

- Adopt a Resolution recognizing federal funding for traffic safety projects to the Sheriff's Office;
- Approve Budget Amendment # 2-A; and
- Authorize the Chair to sign the Resolution

**BACKGROUND:** The North Carolina Governor's Highway Safety Program (the "GHSP") partners with Law Enforcement Liaisons to promote highway safety awareness and to reduce the number of traffic crashes and fatalities in the State. Law Enforcement Liaisons ("LEL"), located in the eleven regions in which the GHSP divides the State, are full time law enforcement officers. An LEL serves as a coordinator and organizer for highway safety activities in his/her respective region and as liaison to the GHSP Office in Raleigh.

Some of the duties of an LEL include:

- promoting traffic safety measures in the region,
- supporting and informing law enforcement agencies within those regions of current and upcoming campaigns,
- providing information and guidance in the grant process by assisting agencies with questions, and
- directing them to the appropriate grant manager for their region.

LELs communicate on a regular basis with the county coordinators in their region and assist them with their efforts to promote activities and campaigns on the county level. "Booze It & Lose It" and "Click It or Ticket" are well known GHSP campaigns. Additionally, LELs monitor

campaign reporting in their regions and ensure all agencies are participating in the reporting of campaign statistics.

LELs are required to attend quarterly meetings held throughout the State with GHSP staff, the annual Lifesaver National Conference on Highway Safety Priorities in the spring, and assist with planning, set up, operations, and tear down of the annual North Carolina Highway Safety Symposium. To facilitate travel, training, and the other activities of the LELs, GHSP awards a grant to the employing agency of each LEL. The grant funds travel, training, and traffic safety equipment for the agency.

Lt. T. Brian Whitehurst of the Orange County Sheriff's Office is the Law Enforcement Liaison for Region 5. The GHSP approved an application from the Sheriff's Office's for fiscal year 2021 in the amount of \$25,000. This funding will allow the Sheriff's Office to purchase 1) Three (3) Speed Display Signs 2) Radar, including installation and shipping; 3) fund the LEL's travel to the required meetings, conference, and symposium; and 4) remote data collection for speed display signs.

**FINANCIAL IMPACT:** The Orange County Sheriff's Office will receive \$25,000 in grant funding. Funding comes from federal sources and requires no local cash appropriation. This Budget Amendment #2-A provides for the receipt of these grant funds.

**SOCIAL JUSTICE IMPACT:** The following Social Justice Goal is applicable to this agenda 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.

Receipt of GHSP grant funding will allow the Orange County Sheriff's Office to advance the North Carolina Governor's Highway Safety Program's purpose to promote highway safety awareness and to reduce the number of traffic crashes and fatalities in the State, objectives which overlap with this Social Justice Goal.

**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 North Carolina Governor's Highway Safety Program Local Governmental Resolution recognizing federal funding for traffic safety projects to the Sheriff's Office;
- Approve Budget Amendment #2-A accepting the \$25,000 from federal grant funds; and
- Authorize the Chair to sign the Resolution.

# North Carolina Governor's Highway Safety Program Traffic Safety Project Contract – Form GHSP-01

## SECTION A – GENERAL INFORMATION

|                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Agency:<br>ORANGE COUNTY                                                                                                                                                                                                                                                                                                                                                            | 4. Contact Person for Agency:<br>Timothy Whitehurst                                                                                                                                                                   |
| 2. Agency Address:<br>SHERIFF<br>PO Box 8181<br>HILLSBOROUGH, NC 27278                                                                                                                                                                                                                                                                                                                 | 5. Telephone Number: *<br>+1 (919) 245-2900                                                                                                                                                                           |
| 3. Physical Location of Agency *<br>106 E. Margaret Ln Hillsborough NC 27278                                                                                                                                                                                                                                                                                                           | 6. Cell Phone:<br>336-212-0608                                                                                                                                                                                        |
| 8. Federal Tax ID Number / Type of Agency<br><br>Federal Tax ID Number: * 56-6000327<br>DUNS No : * 0-44041796<br>County: * ORANGE COUNTY<br><br>Type of Agency<br><input type="radio"/> State <input type="radio"/> Non-Profit<br><input checked="" type="radio"/> County <input type="radio"/> Higher Education<br><input type="radio"/> Municipality <input type="radio"/> Hospital | 7. Email of Contact Person *<br>bwhitehurst@orangecountync.gov                                                                                                                                                        |
| 11. Project Title: *    Region 5 Law Enforcement Liaison                                                                                                                                                                                                                                                                                                                               | 9. Project Year *<br><br><input type="radio"/> New <input checked="" type="radio"/> Continuation<br>Year: <input type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3 <input checked="" type="radio"/> 4+ |
| 10. Allocation of Funding *<br><br>Federal %    100.00                      Local %    0.00                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                       |

| Source of Funds            |                      |                    |                    |
|----------------------------|----------------------|--------------------|--------------------|
| 12. Budget                 | Total Project Amount | Federal Amount     | State/Local Amount |
| Personnel Costs            |                      |                    |                    |
| Contractual Services       |                      |                    |                    |
| Commodities Costs          |                      |                    |                    |
| Other Direct Costs         | \$25,000.00          | \$25,000.00        | \$0.00             |
| Indirect Costs             |                      |                    |                    |
| <b>Total Project Costs</b> | <b>\$25,000.00</b>   | <b>\$25,000.00</b> | <b>\$0.00</b>      |

13. Specify How Non-Federal Share Will Be Provided: \*  
N/A

|                                    |                                                                                              |
|------------------------------------|----------------------------------------------------------------------------------------------|
| Project Number:<br><br>PT-21-06-04 | CFDA#: 20. 600 - State and Community Highway Safety<br>Work Type: <u>Police Traffic Serv</u> |
|------------------------------------|----------------------------------------------------------------------------------------------|

## SECTION B – DESCRIPTION OF PROJECT

**Statement of Problem** ( Provide detailed information of the highway safety problems in your area to be addressed through this project. Include countywide crash data for the last three years and any other relevant information to validate the statements. For more detailed information see "How to write an effective traffic safety project" located at:

<https://connect.ncdot.gov/municipalities/Law-Enforcement/Pages/Law-Enforcement-Reporting.aspx>

A Regional Law Enforcement Liaison serves as coordinator and organizer for highway safety activities in their respective region. The NCGHSP supports and oversees the statewide "Booze it & Lose it" and "Click it or Ticket" programs. Coordination of these programs is accomplished by utilizing 11 regional "Law Enforcement Liaison" positions. Through the guidance and coordination efforts of the Liaisons, planning and preparation and reporting activities from the event(s) occur. Efforts to continue to promote and involve law enforcement agencies in these lifesaving endeavors are of paramount importance to this statewide program. To this end, LELs are required to host events, attend and conduct meetings, assist County Coordinators with organizing highway safety campaigns, and encouraging agencies to report activities.

The purpose of radar speed signs is to slow cars down by making drivers aware when they are driving at speeds above the posted limits. They are used as a traffic calming device in addition to or instead of physical devices such as speed bumps and

rumble strips. Radar speed signs are a proven traffic calming solution to raise the speed awareness of oncoming drivers. Studies repeatedly show that when alerted by a radar sign, speeders WILL slow down up to 80% of the time. Typical average speed reductions are 10-20%, and overall compliance with the posted speed limit will increase by 30-60%.

Orange County has continued to see an increase in speeding violations. Speeding continues to be a leading cause of crashes within our county. With funding for one Radar, more officers can be placed in areas to combat this concern. Our hope is that more enforcement leads to less crashes.

#### To be completed by law enforcement agencies seeking first year grant:

|                                                                                        |                                                               |
|----------------------------------------------------------------------------------------|---------------------------------------------------------------|
| Provide the agency's number of sworn officers                                          | 105                                                           |
| Does the agency currently have a dedicated traffic or DWI unit?                        | Yes <input type="radio"/> No <input checked="" type="radio"/> |
| If a dedicated traffic or DWI unit exists, how many officers are assigned to the unit? |                                                               |

For applicants requesting enforcement grants, please provide the following county fatality rankings:

*Information can be located at:*

<https://connect.ncdot.gov/municipalities/Law-Enforcement/Pages/Law-Enforcement-Reporting.aspx>

|                                             |    |
|---------------------------------------------|----|
| Overall Fatality Ranking:                   | 48 |
| Alcohol Fatality Ranking:                   | 40 |
| Unrestrained Fatality Ranking:              | 56 |
| Speed Related Fatalities:                   | 34 |
| Other Applicable Rankings: <i>(Specify)</i> |    |

As part of this project all law enforcement agencies must enter traffic enforcement citations data of their agency for the past three years.

|           |                               |   |               |    |                 |     |
|-----------|-------------------------------|---|---------------|----|-----------------|-----|
| Year 2017 | Occupant Protection Citations | 2 | DWI Citations | 34 | Speed Citations | 547 |
| Year 2018 | Occupant Protection Citations | 3 | DWI Citations | 34 | Speed Citations | 388 |
| Year 2019 | Occupant Protection Citations | 7 | DWI Citations | 64 | Speed Citations | 578 |

**Goals and Objectives** *(Provide at least one SMART (Specific, Measurable, Attainable, Realistic and Timely) goals and objectives. For more detailed information see "How to write an effective traffic safety project" located at:*

<https://connect.ncdot.gov/municipalities/Law-Enforcement/Pages/Law-Enforcement-Reporting.aspx>)

Goal #1: Promote highway safety within Region 5 with increased efforts to raise seatbelt use above 92.5% by September 30, 2021. Raise the law enforcement agency participation rate in Region 5 from the 2018-2019 average of 86% to an average of 94% reporting by September 30, 2021.

Objectives: Conduct a minimum of four Law Enforcement County Coordinator (LECC) meetings to discuss current highway safety activities, GHSP issues, training opportunities, and legal updates and concerns.

Gather LECC monthly reports, awarding 25 GHSP STEP system credits for Coordinators each month they submit one.

Compile a quarterly regional report for GHSP that includes a summary of the reports from the LECC's and the activities by the RLEL.

Promote nighttime seatbelt initiatives, GHSP campaigns and events within the region.

Host annual "Kick Off" event meetings to set agendas, coordinate quarterly meetings and provide information flow regarding GHSP campaigns.

Goal #2:

Objectives:

Goal #3:

Objectives:

**Below are the 5-year goals of the NC Governor's Highway Safety Program (GHSP). To be eligible for funding, your traffic safety project should match one or more of the GHSP goals. Check all that apply.**

- Reduce NC's traffic-related fatalities by 12% from the 2014-2018 average of 1,392 to 1,228 by December 31, 2021.
- Reduce NC's alcohol-related fatalities by 10% from the 2014-2018 average of 401 to 361 by December 31, 2021.
- Reduce NC's unrestrained fatalities by 10% from the 2014-2018 average of 398 to 358 by December 31, 2021.
- Reduce NC's speed-related fatalities by 5% from the 2014-2018 average of 472 to 448 by December 31, 2021.
- Reduce NC's young driver-involved fatal crashes by 10% from the 2014-2018 average of 170 to 153 by December 31, 2021.
- Reduce NC's motorcycle fatalities by 5% from the 2014-2018 average of 187 to 178 by December 31, 2021.
- Increase NC's seat belt usage rate 2.9 percentage points from the 2015-2019 average of 90.5% to 93.4% by December 31, 2021.

### SECTION C – BUDGET DETAIL

#### Personnel Costs

| #  | Personnel Position | Salary |
|----|--------------------|--------|
| 1  |                    |        |
| 2  |                    |        |
| 3  |                    |        |
| 4  |                    |        |
| 5  |                    |        |
| 6  |                    |        |
| 7  |                    |        |
| 8  |                    |        |
| 9  |                    |        |
| 10 |                    |        |

Total Salaries Cost:

| #  | Personnel Fringe Benefits | Cost |
|----|---------------------------|------|
| 1  |                           |      |
| 2  |                           |      |
| 3  |                           |      |
| 4  |                           |      |
| 5  |                           |      |
| 6  |                           |      |
| 7  |                           |      |
| 8  |                           |      |
| 9  |                           |      |
| 10 |                           |      |

Total Fringe Benefits Cost:

Total Personnel Costs:

#### Contractual Services

| # | Contractual Service To Be Provided | Cost |
|---|------------------------------------|------|
| 1 |                                    |      |
| 2 |                                    |      |
| 3 |                                    |      |
| 4 |                                    |      |



| Total Other Items and Equipment Direct Cost: |                     | \$17,485.00 |
|----------------------------------------------|---------------------|-------------|
| #                                            | Travel              | Cost        |
| 1                                            | In-State Travel     | \$2,015.00  |
| 2                                            | Out-of-State Travel | \$3,000.00  |
| Total Travel Cost:                           |                     | \$5,015.00  |
| Total Other Direct Costs:                    |                     | \$25,000.00 |

### Indirect Costs

| #                    | Indirect Costs | Cost |
|----------------------|----------------|------|
| 1                    |                |      |
| 2                    |                |      |
| 3                    |                |      |
| 4                    |                |      |
| Total Indirect Costs |                |      |

## SECTION D – SCHEDULE OF TASKS BY QUARTERS

List the schedule of tasks by quarters, referring specifically to the objectives in Section B. Tasks should be a bulleted list of activities to be performed in each quarter.

### Conditions for Enforcement Projects Only

*By checking this box, the above agency agrees to the terms below as additional activities to be performed as part of this project.*

- 
- A minimum of one (1) nighttime and one (1) daytime seat belt initiative per month;
  - A minimum of one (1) impaired driving checkpoint per month;
  - A minimum of 50% of seat belt initiatives must be conducted at night between the hours of 7:00 p.m. and 7:00 a.m.;
  - Participation in all "Click It or Ticket" and "Booze It & Lose It" campaigns;
  - Participation in any event or campaign as required by the GHSP;
  - Attempt to utilize one of the Forensic Tests for Alcohol Branch's Mobile Breath Alcohol Testing (BATMobiles) units during at least one of the impaired driving checkpoints.

#### First Quarter (October, November, December)

- Attend all GHSP meetings and events.
- Conduct a minimum of one county coordinator meeting.
- Meet with a minimum of three non-participating/reporting agencies within the Region.
- Collect monthly LECC reports and compile into the regional quarterly report.
- Attend and/or conduct a minimum of two nighttime seat belt initiatives.
- Conduct/provide support for a minimum of 3 presentations using the DWI Simulator
- Conduct/provide support for a minimum of 2 presentations using the Convincer

#### Second Quarter (January, February, March)

- Attend all GHSP meetings and events.
- Conduct a minimum of one county coordinator meeting.
- Meet with a minimum of three non-participating/reporting agencies within the Region.
- Collect monthly LECC reports and compile into the regional quarterly report.
- Attend and/or conduct a minimum of two nighttime seat belt initiatives.
- If requested, provide GHSP with grant application information regarding agencies in their region.
- Conduct/provide support for a minimum of 3 presentations using the DWI Simulator
- Conduct/provide support for a minimum of 2 presentations using the Convincer

#### Third Quarter (April, May, June)

- Attend all GHSP meetings and events.
- Conduct a minimum of one county coordinator meeting.
- Meet with a minimum of three non-participating/reporting agencies within the Region
- Collect monthly LECC reports and compile into the regional quarterly report.
- Attend and/or conduct a minimum of two nighttime seat belt initiatives.
- If requested, provide GHSP with grant application information regarding agencies in their region
- Conduct/provide support for a minimum of 3 presentations using the DWI Simulator
- Conduct/provide support for a minimum of 2 presentations using the Convincer

Fourth Quarter (July, August, September)

- Attend all GHSP meetings and events.
- Conduct a minimum of one county coordinator meeting.
- Meet with a minimum of three non-participating/reporting agencies within the Region.
- Collect monthly LECC reports and compile into the regional quarterly report.
- Attend and/or conduct minimum two nighttime seat belt initiatives.
- Conduct/provide support for a minimum of 3 presentations using the DWI Simulator
- Conduct/provide support for a minimum of 2 presentations using the Convincer

**AGENCY AUTHORIZING SIGNATURE**

- I have read and accept terms and conditions of the grant funding and attached the Grant Agreement. The information supplied in this application is true to the best of my knowledge.

Name:  PIN  Date:

**NCDOT AUTHORIZING SIGNATURE**

Name:  PIN  Date:

**Note:**

1. Submitting grant application is not a guarantee of grant being approved.
2. Once form has been submitted, it cannot be changed unless it has a status of "Return".

AOC

TBW

INITIALS Revised 05/2018

**North Carolina Governor's Highway Safety Program  
Agreement of Conditions**

This Agreement is made by and between the North Carolina Department of Transportation, hereinafter referred to as the "Department", to include the Governor's Highway Safety Program, hereinafter referred to as "GHSP"; and the applicant agency, for itself, its assignees and successors in interest, hereinafter referred to as the "Agency". During the performance of this contract, and by signing this contract, the Agency agrees as follows:

**A. Federal Provisions**

1. **Equal Opportunity/Nondiscrimination.** The Agency will agree to comply with all Federal statutes and implementing regulations relating to nondiscrimination concerning race, color, sex, religion, national origin, handicaps, and age. These include but are not limited to:
  - (a) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq., 78 stat. 252);
  - (b) The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. 4601)
  - (c) Federal-Aid Highway Act of 1973, (23 U.S.C. 324 et seq.), and Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683 and 1685-1686);
  - (d) Non-Discrimination in Federally-assisted programs of the United States Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964 (49 CFR Part 21), hereinafter referred to as "USDOT", as amended;
  - (e) Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. 794 et seq.), as amended, and 49 CFR Part 27; and
  - (f) The Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 et seq.);
  - (g) The Civil Rights Restoration Act of 1987, (Pub. L. 100-209);
  - (h) Titles II and III of the Americans with Disabilities Act (42 U.S.C. 12131-12189) and 49 CFR parts 37 and 38;
  - (i) Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations;
  - (j) Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency
2. **Drug Free Workplace.** The Agency agrees to comply with the provisions cited in the Drug-Free Workplace Act of 1988 (41 U.S.C. 8103).
3. **Federal Grant Requirements and Contracts.** The Agency shall comply with the following statutes and implementing regulations as applicable:
  - (a) Highway Safety Act of 1966 (23 U.S.C. Chapter 4 -), as amended;
  - (b) Sec. 1906, Pub. L. 109-59, as amended by Sec. 4011, Pub. L. 114-94;
  - (c) Uniform Procedures for State Highway Safety Grant Programs (23 CFR part 1300);
  - (d) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 1201);
  - (e) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 200) and all other relevant Federal regulations covering the Highway Safety Program;
  - (f) NHTSA Highway Safety Grant Funding Guidance, as revised, July 2015 ([www.nhtsa.gov](http://www.nhtsa.gov)) and additions or amendments thereto.
4. **Political Activity (Hatch Act)** The Agency will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508), which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
5. **Lobbying.**
  - (a) **Certification Regarding Federal Lobbying.** The undersigned certifies, to the best of his or her knowledge and belief, that:
    - (i) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

- (ii) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (iii) The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure

- (b) **Restriction on State Lobbying.** None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

#### 6. Audits.

- (a) **Audit Required.** Non-Federal entities that expend \$750,000 or more in a year in Federal awards shall have a single or program-specific audit conducted for that year in accordance with the provisions of 2 CFR, Subpart F, §200.500. Guidance on determining Federal awards expended is provided in 2 CFR, Subpart F, §200.502.
- (b) **Single Audit.** Non-Federal entities that expend \$750,000 or more in a year in Federal awards shall have a single audit conducted in accordance with 2 CFR, Subpart F, §200.501, except when they elect to have a program-specific audit conducted in accordance with 2 CFR, Subpart F, §200.501, paragraph (c).
- (c) **Non-Governmental Entities.** Non-governmental entities (not-for-profit and for-profit entities) must adhere to North Carolina General Statute 143C-6.22 and 09 NCAC Subchapter 03M.

#### 7. Instructions for Lower Tier Certification.

- (a) By signing and submitting this proposal, the prospective lower tier participant (the Agency) is providing the certification set out below and agrees to comply with the requirements of 2 CFR Parts 180 and 1200.
- (b) The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.
- (c) The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- (d) The terms covered transaction, civil judgement, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded, as used in this clause, are defined in 2 CFR Part 180 and 1200. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
- (e) The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred,

- suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
- (f) The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR Parts 180 and 1200.
- (g) A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).
- (h) Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
- (i) Except for transactions authorized under paragraph 7(e) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies including suspension or debarment.
- (j) **Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions.**
- (i) The prospective lower tier participant (the Agency) certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in covered transactions by any Federal department or agency.
- (ii) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participants shall attach an explanation to this contract proposal.
8. **Buy America Act.** The Agency and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase with Federal funds only steel, iron and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification for approval by the Secretary of Transportation.
9. **Prohibition On Using Grant Funds To Check For Helmet Usage.** The Agency and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.
10. **Conditions for State, Local and Indian Tribal Governments.** State, local and Indian tribal government Agencies shall adhere to the standards established by 2 CFR Part 225, Cost Principles for State, Local, and Indian Tribal Governments and additions or amendments thereto, for principles for determining costs applicable to grants and contracts with state, local and Indian tribal governments.
11. **Conditions for Institutions of Higher Education.** If the Agency is an institution of higher education, it shall adhere to the standards established by 2 CFR Part 215 Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations and 2 CFR 220 Cost Principles for Educational Institutions for determining costs applicable to grants and contracts with educational institutions.

- 12. Conditions for Non-Profit Organizations.** If the Agency is a non-profit organization, it shall adhere to the standards established by 2 CFR Part 215 Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations and 2 CFR Part 230 Cost Principles for Non-Profit Organizations for determining costs applicable to grants and contracts with non-profit organizations.
- 13. Conditions for Hospitals.** If the Agency is a hospital, it shall adhere to the standards established by 2 CFR Part 215 Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations.

## B. General Provisions

1. **Contract Changes.** This document contains the entire agreement of the parties. No other contract, either oral or implied, shall supercede this Agreement. Any proposed changes in this contract that would result in any change in the nature, scope, character, or amount of funding provided for in this contract, shall require a written addendum to this contract on a form provided by the Department.
2. **Subcontracts Under This Contract.** The Agency shall not assign any portion of the work to be performed under this contract, or execute any contract, amendment or change order thereto, or obligate itself in any manner with any third party with respect to its rights and responsibilities under this contract without the prior written concurrence of the Department. Any subcontract under this contract must include all required and applicable clauses and provisions of this contract. Subcontracting does not relieve the Agency of any of the duties and responsibilities of this agreement. The subcontractor must comply with standards contained in this agreement and provide information that is needed by the Agency to comply with these standards. The Agency must submit any proposed contracts for subcontracted services to the Governor's Highway Safety Program for final approval no less than 30 days prior to acceptance.
3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment.** In all solicitations, either by competitive bidding or negotiation, made by the Agency 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 Agency of the Agency's obligations under this contract. Additionally, Agencies making purchases or entering into contracts as provided for by this contract must adhere to the policies and procedures of 2 CFR Part 200 and North Carolina General Statute 143-128.4. Historically underutilized business defined; statewide uniform certification as it pertains to Historically Underutilized Businesses.
4. **Incorporation of Provisions in Subcontracts.** The Agency shall include the provisions of section A-1 through A-13 of this Agreement in every subcontract, including procurements of materials and leases of equipment, unless exempted by the regulations, or directives issued pursuant thereto. The Agency shall take such action with respect to any subcontract or procurement as the Department, the State of North Carolina, hereinafter referred to as the "State", the National Highway Traffic Safety Administration, hereinafter referred to as "NHTSA", or the Federal Highway Administration, hereinafter referred to as "FHWA", may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event the Agency becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Agency may request the Department or the State to enter into such litigation to protect the interests of the Department or the State. In addition, the Agency may request the NHTSA or FHWA to enter into such litigation to protect the interests of the United States.
5. **Outsourcing.** All work shall be performed in the United States of America. No work will be allowed to be outsourced outside the United States of America.
6. **Property and Equipment.**
  - (a) **Maintenance and Inventory.** The Agency shall maintain and inventory all property and equipment purchased under this contract.
  - (b) **Utilization.** The property and equipment purchased under this contract must be utilized by the Agency for the sole purpose of furthering the traffic safety efforts of the Agency for the entire useful life of the property or equipment.
  - (c) **Title Interest.** The Department and NHTSA retain title interest in all property and equipment purchased under this contract. In the event that the Agency fails or refuses to comply with the provisions of this Agreement or terminates this contract, the Department, at its discretion, may take either of the following actions:
    - (i) Require the Agency to purchase the property or equipment at fair market value or other mutually agreed to amount; or

- (ii) Require the Agency to transfer the property or equipment and title of said property or equipment, if any, to the Department or to another Agency, as directed by the Department.
- (d) **Non-expendable Property.** Non-expendable property is defined as property or equipment having a value of \$5000 or more with a life expectancy of more than one year. Non-expendable property purchased under this contract cannot be sold, traded, or disposed of in any manner without the expressed written permission of the Department.
7. **Educational or Other Materials.** If allowed, any educational or other materials developed using funds from this contract must be reviewed and approved by the GHSP prior to their production or purchase. The cost of these materials is generally limited to a maximum of \$5.00 per item. The purchase of promotional items and memorabilia are not an allowable cost.
8. **Review of Reports and Publications.** Any reports, papers, publications, or other items developed using funds from this contract must be reviewed and approved by the GHSP prior to their release.
9. **Reimbursement.**
- (a) **General.** Payments are made on a reimbursement basis. There is no schedule of advance payments. Only actual allowable costs are eligible for reimbursement. Claims for reimbursement must be made a minimum of quarterly and no more than once a month via the Grants Management System. Claims for reimbursement not made within the three month threshold are subject to denial. The itemized invoice shall be supported by documentation of costs as prescribed by the Department. Reimbursements will not be processed if other required reports are incomplete or have not been submitted. Failure to submit complete reports by the required deadline may result in denial of reimbursement.
- (b) **Approval.** The Governor's Highway Safety Program and the Department's Fiscal Section shall approve the itemized invoice prior to payment.
- (c) **Unapproved Costs.** Any rejected or unaccepted costs shall be borne by the Agency. The Agency agrees that in the event the Department determines that, due to Federal or State regulations that grant funds must be refunded, the Agency will reimburse the Department a sum of money equal to the amount of Federal and State participation in the rejected costs.
- (d) **Final Claims for Reimbursement.** Final claims for reimbursement must be received by the GHSP within 30 days following the close of the approved contract period. Project funds not claimed by this date are subject to reversion.
- (e) **Expending Funds Under This Contract.** Under no circumstances will reimbursement be made for costs incurred prior to the contract effective date or after the contract ending date.
10. **Project Costs.** It is understood and agreed that the work conducted pursuant to this contract shall be done on an actual cost basis by the Agency. The amount of reimbursement from the Department shall not exceed the estimated funds budgeted in the approved contract. The Agency shall initiate and prosecute to completion all actions necessary to enable the Agency to provide its share of the project costs at or prior to the conclusion of the project.
11. **Program Income.** The Agency shall account for program income related to projects financed in whole or in part with federal funds in accordance with 2 CFR 200.307. Program income earned during the contract period shall be retained by the Agency and deducted from the federal funds committed to the project by the GHSP unless approved in advance by the Federal awarding agency as an addition to the project. Program income must be accounted for separately and the records made available for audit purposes.
12. **Project Directors.** The Project Director, as specified on the signature page of this Agreement, must be an employee of the Agency or the Agency's governing body. Any exception to this provision must have the expressed written approval of GHSP.
13. **Reports Required.**
- (a) **Quarterly Progress Reports.** Unless otherwise directed, the Agency must submit Quarterly Progress Reports to the GHSP, on forms provided by the Department, which reflect the status of project implementation and attainment of stated goals. Each progress report shall describe the project status by quarter and shall be submitted to GHSP no later than fifteen (15) days after the end of each quarter. If the Agency fails to submit a Quarterly Progress Report or submits an incomplete Quarterly Progress Report, the Agency will be subject to having claims for reimbursement withheld. Once a Quarterly Progress Report that substantiates adequate progress is received, cost reimbursement requests may be processed or denied at the discretion of GHSP.
- (b) **Final Accomplishments Report.** A Final Accomplishments Report must be submitted to the GHSP within fifteen (15) days of completion of the project, on forms provided by the Department, unless otherwise directed. If the Agency fails to submit a Final Accomplishments Report or submits an

incomplete Final Accomplishments Report, the Agency will be subject to having claims for reimbursement withheld. Once a Final Accomplishments Report that substantiates adequate progress is received, claims for reimbursement may be processed or denied at the discretion of GHSP.

- (c) **Audit Reports.** Audit reports required in Section A-6 above shall be provided to the Department within thirty (30) days of completion of the audit.

#### 14. Out-of-State Travel.

- (a) **General.** All out-of-state travel funded under this contract must have prior written approval by the Governor's Highway Safety Program.
- (b) **Requests.** Requests for approval must be submitted to the GHSP, on forms provided by the Department, no less than thirty (30) days prior to the intended departure date of travel.
- (c) **Agency Travel Policy Required.** For Agencies other than state agencies, out-of-state travel requests must include a copy of the Agency's travel policy, to include allowances for lodging, meals, and other travel-related expenses. For state agencies, maximum allowable subsistence is limited to the prevailing per diem rates as established by the North Carolina General Assembly.
- (d) **Agenda Required.** Out-of-state travel requests must include a copy of the agenda for the travel requested.

#### 15. Conditions for Law Enforcement.

In addition to the other conditions provided for in this Agreement, grants to law enforcement agencies are subject to the following:

- (a) **Certifications Required.**
- (i) **In-car Camera or Video System.** For any in-car camera or video system purchased under this contract, it is required that the operator of that equipment has successfully completed Standardized Field Sobriety Testing training (SFST). A copy of this certificate must be filed with GHSP prior to reimbursement of in-car camera or video systems.
- (ii) **Radar.** For any radar equipment purchased under this contract, it is required that the operator of that equipment has successfully completed Radar Certification Training. A copy of this certificate must be filed with GHSP prior to reimbursement of radar equipment.
- (iii) **Alcohol Screening Devices.** For any preliminary alcohol screening devices purchased under this contract, it is required that the operator of that equipment has successfully completed the Alcohol Screening Test Device training offered by the Forensic Test for Alcohol Branch.
- (b) **Report Required - Monthly Enforcement Data Report.** In addition to the reports mentioned above, law enforcement agencies engaging in enforcement activities must submit a Monthly Enforcement Data Report on the form provided by the Department no later than fifteen (15) days after the end of each month. If the Agency fails to submit a Monthly Enforcement Data Report or submits an incomplete Monthly Enforcement Data Report, the Agency will be subject to having cost reimbursement requests withheld. Once a Monthly Enforcement Data Report that substantiates adequate progress is received, cost reimbursement requests will be processed. The agency head must sign the form. However, the agency head may assign a designee to sign the form by providing written signature authority to the GHSP.

#### 16. Conditions for Local Governmental Agencies.

- (a) **Resolution Required.** If the Agency is a local governmental entity, a resolution from the governing body of the Agency is required on a form provided by the Department.
- (b) **Resolution Content.** The resolution must contain a commitment from the governing body to provide the local funds as indicated in this contract. Additionally, the resolution is required even if the funding is one hundred percent from federal sources, as it serves as recognition by the governing body of federal funding for purposes of Section A-6 above.

#### 17. Seat Belt Policy and Use.

Agency must adopt and enforce a seat belt use policy required for all seating positions unless exempted by state law.

#### 18. Text Messaging Policy.

Agency must adopt and enforce a policy banning text messaging while driving unless exempted by state law.

#### 19. Prohibited Interests.

No member, officer, or employee of the Agency during his or her tenure, and for at least one (1) year thereafter, shall have any interest, direct or indirect, in this contract or the proceeds thereof or therefrom.

#### 20. Continued Federal and State Funding.

- (a) **Federal Funding.** The Agency agrees and understands that continuation of this project with Federal funds is contingent upon Federal funds being appropriated by the United States Congress specifically for that purpose. The Agency further agrees and understands that in the event funds originally

appropriated by Congress for these grants are subsequently reduced by further acts of Congress, funding to the Agency may be proportionately reduced.

- (b) **State Funding.** The Agency agrees and understands that continuation of this project with funds from the State of North Carolina is contingent upon State funds being appropriated by the General Assembly specifically for that purpose. The Agency also agrees that any state funds received under this contract are subject to the same terms and conditions stated in this Agreement.

21. **Performance.** All grants provided by the Governor's Highway Safety Program are performance-based and, as such, require that continual progress be made toward the reduction of the number and severity of traffic crashes. Any agency, whose performance is deemed unsatisfactory by the GHSP, shall be subject to the sanctions as provided for in this contract. Additionally, unsatisfactory performance shall be cause for the Department to reduce or deny future funding.
22. **Resolution of Disputes.** Any dispute concerning a question of fact in connection with the work not disposed of by contract by and between the Agency and the Department, or otherwise arising between the parties to this contract, shall be referred to the Secretary of the North Carolina Department of Transportation and the authorized official of the Agency for a negotiated settlement. In any dispute concerning a question of fact in connection with the project where such negotiated settlement cannot be resolved in a timely fashion, the final decision regarding such dispute shall be made by the Secretary of the North Carolina Department of Transportation, with the concurrence of the Federal funding agency, and shall be final and conclusive for all parties.
23. **Department Held Harmless.**
- (a) **For State Agencies.** Subject to the limitations of the North Carolina Tort Claims Act, the Agency shall be responsible for its own negligence and holds harmless the Department, its officers, employees, or agents, from all claims and liability due to its negligent acts, or the negligent acts of its subcontractors, agents, or employees in connection with their services under this contract.
- (b) **For Agencies Other Than State Agencies.** The Agency shall be responsible for its own negligence and holds harmless the Department, its officers, employees, or agents, from all claims and liability due to its negligent acts, or the negligent acts of its subcontractors, agents, or employees in connection with their services under this contract.
24. **Records Access and Retention.** The Agency 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, the State, NHTSA, or FHWA, as appropriate, to be pertinent to ascertain compliance with such regulations, orders and instructions. Furthermore, the Agency shall maintain such materials during the contract period, and for five (5) years from the date of final payment from the Department or until all audit exceptions have been resolved, for such inspection and audit. Where any information required of the Agency is in the exclusive possession of another who fails or refuses to furnish this information, the Agency shall so certify to the Department, State, NHTSA, or FHWA, as appropriate, and shall set forth what efforts it has made to obtain the information. Pursuant to N.C.G.S. §147-64.7, the Department, the State Auditor, appropriate federal officials, and their respective authorized employees or agents are authorized to examine all books, records, and accounts of the Agency insofar as they relate to transactions with any department, board, officer, commission, institution, or other agency of the State of North Carolina pursuant to the performance of this Agreement or to costs charged to this Agreement.
25. **Sanctions for Non-Compliance.** The applicant Agency agrees that if it fails or refuses to comply with any provisions and assurances in this contract, the Department may take any or all of the following actions:
- (a) Cancel, terminate, or suspend this contract in whole or in part;
- (b) Withhold reimbursement to the Agency until satisfactory compliance has been attained by the Agency;
- (c) Refrain from extending any further funding to the Agency under this contract with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the Agency;
- (d) Refer the case to the United States Department of Justice for appropriate legal proceedings.
26. **Cancellation, Termination, or Suspension of Contract.**
- (a) **By the Department.** For noncompliance with any of the said rules, regulations, orders or conditions, due to management deficiencies or criminal activity this contract may be immediately canceled, terminated, or suspended in whole or in part by the Department. For noncompliance not indicative of management deficiencies or criminal activity the Department shall give sixty (60) days written notice

to take corrective action. If the Agency has not taken the appropriate corrective action after sixty (60) days the Department may cancel, terminate, or suspend this contract in whole or in part.

- (b) **By mutual consent.** The Agency or the Department may terminate this contract by providing sixty (60) days advanced written notice to the other party.
- (c) **Unexpended funds.** Any unexpended funds remaining after cancelation or termination will revert to the Department.

**27. Completion Date.** Unless otherwise authorized in writing by the Department, the Agency shall commence, carry on, and complete the project as described in the approved Highway Safety Project Contract by September 30 of the Federal fiscal year for which it was approved.

**28. E-Verify requirements.** If this contract is subject to NCGS 143-133.3, the contractor and its subcontractors shall comply with the requirements of Article 2 of Chapter 64 of the NC General Statutes.

**29. Certification of Eligibility Under the Iran Divestment Act.** Pursuant to G.S. 147-86.59, any person identified as engaging in investment activities in Iran, determined by appearing on the Final Divestment List created by the State Treasurer pursuant to G.S. 147-86.58, is ineligible to contract with the State of North Carolina or any political subdivision of the State. The Iran Divestment Act of 2015, G.S. 147-55 et seq. requires that each Agency, prior to contracting with the State certify, and the undersigned Agency Authorizing Official on behalf of the Agency does hereby certify, to the following:

- (a) that the Agency is not now and was not at the time of the execution of the Contract dated below identified on the Final Divestment List of entities that the State Treasurer has determined engages in investment activities in Iran;
- (b) that the Agency shall not utilize on any contract with the State agency any subcontractor that is identified on the Final Divestment List; and
- (c) that the undersigned Agency Authorizing Official is authorized by the Agency to make this Certification.

**30. Agency Fiscal Year.** The end date for the Agency's fiscal year is June 30<sup>th</sup>, 2021.

**31. Signature.** By signing below, the Agency agrees to adhere to the terms and conditions of this Agreement.

| AGENCY PROJECT DIRECTOR                     |                   |                                                     |
|---------------------------------------------|-------------------|-----------------------------------------------------|
| NAME                                        | TITLE             | ADDRESS                                             |
| <i>Timothy B. Whitehurst</i>                | <i>Lieutenant</i> | <i>106 E. Margaret Ln<br/>Hillsborough NC 27278</i> |
| SIGNATURE                                   | DATE              | TELEPHONE NUMBER                                    |
| <i>Timothy B Whitehurst</i>                 | <i>09-25-2020</i> | <i>919-245-2900</i>                                 |
| AGENCY AUTHORIZING OFFICIAL                 |                   |                                                     |
| NAME                                        | TITLE             | ADDRESS                                             |
|                                             |                   |                                                     |
| SIGNATURE                                   | DATE              | TELEPHONE NUMBER                                    |
|                                             |                   |                                                     |
| AGENCY OFFICIAL AUTHORIZED TO RECEIVE FUNDS |                   |                                                     |
| NAME                                        | TITLE             | ADDRESS                                             |
|                                             |                   |                                                     |
| SIGNATURE                                   | DATE              | TELEPHONE NUMBER                                    |
|                                             |                   |                                                     |

North Carolina Governor's Highway Safety Program
LOCAL GOVERNMENTAL RESOLUTION

WHEREAS, the Orange County Sheriff's Office (herein called the "Agency")

(The Applicant Agency)

has completed an application contract for traffic safety funding; and that Orange County Board of Commissioners (The Governing Body of the Agency)

(herein called the "Governing Body") has thoroughly considered the problem identified and has reviewed the project as described in the contract;

THEREFORE, NOW BE IT RESOLVED BY THE Orange County Board of Commissioners IN OPEN MEETING ASSEMBLED IN THE CITY OF Chapel Hill (Governing Body), NORTH CAROLINA,

THIS 20th DAY OF October, 2020, AS FOLLOWS:

- 1. That the project referenced above is in the best interest of the Governing Body and the general public; and
2. That Sheriff Charles Blackwood is authorized to file, on behalf of the Governing Body, an application contract in the form prescribed by the Governor's Highway Safety Program for federal funding in the amount of \$ 25,000 to be made to the Governing Body to assist in defraying the cost of the project described in the contract application; and
3. That the Governing Body has formally appropriated the cash contribution of \$ 0 as required by the project contract; and
4. That the Project Director designated in the application contract shall furnish or make arrangement for other appropriate persons to furnish such information, data, documents and reports as required by the contract, if approved, or as may be required by the Governor's Highway Safety Program; and
5. That certified copies of this resolution be included as part of the contract referenced above; and
6. That this resolution shall take effect immediately upon its adoption.

DONE AND ORDERED in open meeting by (Chairperson/Mayor)

ATTESTED BY (Clerk)

SEAL

DATE

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** October 20, 2020

**Action Agenda  
Item No.** 8-d

**SUBJECT:** North Carolina Housing Finance Agency (NCHFA) Urgent Repair Program (URP20) Award and Updates to ESFRLP20 Assistance Policy

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**DEPARTMENT:** Department of Housing and  
Community Development

**ATTACHMENT(S):**

Attachment 1: URP20 Assistance Policy  
Attachment 2: ESFRLP20 Assistance Policy  
Attachment 3: Orange County Procurement and  
Disbursement Policy

**INFORMATION CONTACT:**

Emila Sutton, Director  
Housing and Community Development  
(919) 245-2490

**PURPOSE:**

1. To approve the 2020 Urgent Repair Program (URP20) Assistance Policy, updated 2020 Essential Single-Family Rehabilitation Loan Pool (ESFRLP20) Assistance Policy, and updated Orange County Procurement and Disbursement Policy for all housing rehab programs.
2. To authorize the County Manager to sign the Funding and Written Agreement for the URP20 award from the North Carolina Housing Finance Agency (NCHFA).

**BACKGROUND:** In May 2020, Orange County received a notice of award from NCHFA for the 2020 Urgent Repair Program (URP20). As an URP awardee, the County will receive \$80,000 for eligible repair projects.

Orange County's application for funding stated that match funds of \$40,000 will be available to assist with repair of eligible housing units. The Housing and Community Development Department will contribute this \$40,000 from its Local Urgent Repair account.

NCHFA requires recipients of URP20 awards to complete a packet of Post Approval Documentation, which includes documentation that an Assistance Policy and a Procurement and Disbursement Policy have been adopted. These policies describe how eligible applicants are selected for the program, and how the bid solicitation and payment processes for the rehabilitation work are conducted, respectively. The Procurement and Disbursement Policy will apply to all Orange County home rehab and repair programs. These two policies are attached for review and approval.

Once the Post Approval Documentation packet is reviewed and approved by NCHFA, Orange County must execute a Funding and Written Agreement with NCHFA.

Additionally, the Department has revised its Assistance Policy for ESFRLP20, which was signed by the Chair in June 2020, with updated staff contact information. This policy is also attached for review and approval.

**FINANCIAL IMPACT:** This \$80,000 award will increase funds available in Orange County for the repair of substandard housing. The \$40,000 matching funds are already in the Local Urgent Repair account.

**SOCIAL JUSTICE IMPACT:** The following Orange County Social Justice Goals are applicable to this agenda 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 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 un-housed.

**ENVIRONMENTAL IMPACT:** There are no Orange County Environmental Responsibility Goals applicable to this agenda item.

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

1. Adopt the URP20 Assistance Policy, revised ESFRLP20 Assistance Policy, and Orange County Procurement and Disbursement Policy, and authorize the Chair to sign the policies.
2. Authorize the County Manager to sign the URP20 Funding and Written Agreement, once received, and any renewals of the agreement.

## ATTACHMENT 1

**Orange County Assistance Policy**  
**For the ~~2019~~ Cycle of the**  
**~~NCHFA-Funded-Urgent Repair Program~~ 2020**

**What is the Urgent Repair Program?** Orange County has been awarded \$80,000 by the North Carolina Housing Finance Agency (“NCHFA”) under the 20~~2019~~ cycle of the Urgent Repair Program (“URP~~2019~~”). This program provides funds to assist very low and low-income households with special needs in addressing housing conditions which pose imminent threats to their life and/or safety or to provide accessibility modifications and other repairs necessary to prevent displacement of very low and low-income homeowners with special needs such as the frail, elderly and persons with disabilities. A total of (12) households will be assisted under Orange County’s URP~~2019~~ Program.

This Assistance Policy describes who is eligible to apply for assistance under URP~~2019~~, how applications for assistance will be rated and ranked, what the form of assistance is and how the repair/modification process will be managed. Orange County designed this URP~~2019~~ project to be fair, open and consistent with the County’s approved application for funding and with NCHFA’s URP Program Guidelines.

The funds provided by NCHFA come from the North Carolina Housing Trust Fund. Additional funds for construction costs are provided by Orange County in the amount of \$40,000.

**EMERGENCY and HEALTH Notifications: Due to the current COVID-19 pandemic, increased awareness of the need to protect Orange County representatives and the homeowners they service from various health-related exposures has become more apparent than ever. Homeowners participating in URP must agree to follow all local, state, and federal guidelines for emergency preparedness surrounding the COVID-19 pandemic and any other emergency declared that includes their property address for the duration of construction on the property.**

**Who is eligible to apply?** : To be eligible for assistance under URP~~2019~~ applicants must meet the following requirements:

- Reside within the county limits of Orange County and own and occupy the home in need of repair
- Have a household income which does not exceed 50% of the County median income for the household size (see income limits below);
- Have a special need (i.e. be  $\geq$  62 years old, handicapped or disabled, a single parent with a dependent child living at home, a Veteran, a large family with  $\geq$  5 or more household members or a household with a child below the age of six with **an elevated blood lead-lead hazards in the home level (between 10g/dl and 20g/dl)**);
- Have urgent repair needs which cannot be met through other state- or federally-funded housing assistance programs.

**URP~~2019~~ Income Limits\* for Orange County**

|                     |                                    |                               |
|---------------------|------------------------------------|-------------------------------|
| Number in Household | 30% of Median<br>(very-low income) | 50% of Median<br>(low income) |
|---------------------|------------------------------------|-------------------------------|

|   |                              |                              |
|---|------------------------------|------------------------------|
| 1 | <del>\$19,100</del> \$17,850 | <del>\$31,850</del> \$29,700 |
| 2 | <del>\$21,800</del> \$20,400 | <del>\$36,400</del> \$33,950 |
| 3 | <del>\$24,550</del> \$22,950 | <del>\$40,950</del> \$38,200 |
| 4 | <del>\$27,250</del> \$25,450 | <del>\$45,450</del> \$42,400 |
| 5 | <del>\$29,450</del> \$27,500 | <del>\$49,100</del> \$45,800 |
| 6 | <del>\$31,650</del> \$29,550 | <del>\$52,750</del> \$49,200 |
| 7 | <del>\$33,800</del> \$31,600 | <del>\$56,400</del> \$52,600 |
| 8 | <del>\$36,000</del> \$33,600 | <del>\$60,000</del> \$56,000 |

\*Income limits are subject to change based on annually published HUD HOME Limits and will be updated each year. This update will not require a re-approval by the governing authority.

**Outreach Efforts of the Urgent Repair Program** Orange County will advertise or publish an article about the Urgent Repair Program in local English-speaking and Spanish-speaking newspapers serving the County (such as *The Daily Tar Heel*, *The News of Orange* and *La Noticia*) at senior centers throughout the County, with the County's partner agencies, and provide printed information about the program at the Passmore and Seymour Senior Centers; Cedar Grove, Rogers Road and the Efland Cheeks Community Centers; Orange County Home Preservation Coalition; Orange County Affordable Housing Coalition; Carrboro Town Hall, Chapel Hill Town Hall, Orange County DSS Office and on the County's website.

**Selection of Applicants:** The County has devised the following priority system to rank eligible applicants, determine which of them will be selected for assistance and in what order. Under this system, applicants will receive points for falling into certain categories of special need and income. The applications will be ranked according to which receive the most points.

#### Priority Ranking System for Orange County's URP~~2019~~

| <i>Special Needs (for definitions, see below)</i>                                                 | <i>Points</i>  |
|---------------------------------------------------------------------------------------------------|----------------|
| Disabled, Elderly or Veteran Head of Household (62 or older)                                      | 4              |
| Disabled, Elderly or Veteran Household Member (not Head of Household)                             | 3              |
| Single-Parent Household (with one or more <del>minor</del> children in the home)                  | 3              |
| Emergency (may submit without regard to application deadlines)                                    | <del>2</del> 3 |
| Large Family (5 or more permanent family members)                                                 | 2              |
| <u>Elevated Blood Lead Level Child</u> Child under six years of age with lead hazards in the home | 2              |
| <i>Income (See Income Table above)</i>                                                            | <i>Points</i>  |
| Less than 30% of County Area Median Income                                                        | 10             |
| 30% to 50% of County Area Median Income                                                           | 5              |

Under NCHFA Program Guidelines, a minimum of 50% of households assisted must have incomes which are less than 30% of the area median income for the household size, and no household with an income exceeding 50% of the area median income will be eligible. This guideline will be adhered to strictly and will be the primary factor in the selection of those households to be assisted under URP~~2019~~.

Recipients of assistance under the URP~~2019~~ will be chosen by the above criteria without regard to race, color, religion, national origin, sex, familial status and disability. Note that in the likely case of

~~applicants receiving identical scores, the application with the earlier submission date will be considered first.~~

**The definitions of special needs populations under URP2019 are:**

- *Elderly*: An individual age 62 or older.
- *Emergency*: A situation in which a household member has an immediate threat of being evicted or removed from a home due to health or safety issues within a time frame that the program can complete a repair to stop eviction or removal. These applications will be received at any time during the funding cycle and evaluated on the ability of the program to complete the work in a timely manner that meets the goal of assisting homeowners to remain in their home.
- *Disabled*: A person who has a physical, mental or developmental disability that greatly limits one or more major life activities, has a record of such impairment, or is regarded as having such an impairment.
- *Large Family*: A large family household is composed of five or more individuals; at least four are immediate family members.
- *Head of Household*: The person or persons who own(s) the house.
- *Household Member*: Any individual who is an occupant (defined below) of the unit to be rehabilitated shall be considered a “household member” (the number of household members will be used to determine household size and all household members are subject to income verification).
- *Occupant*: An occupant is defined as any immediate family member (mother, father, spouse, son/daughter of the head of the household, regardless of the time of occupancy); or non-immediate family member who has resided in the dwelling at least three (3) months prior to the submission of the family’s application.
- *Single-Parent Household*: A household in which one and only one adult resides with one or more dependent children.
- *Veteran*: A person who served in the active military, naval or air service, and who was discharged or released therefrom under conditions other than dishonorable.
- *Child with ~~elevated blood lead level~~ lead hazards in the home*: a child ~~younger than~~ below the age of six ~~(6)~~ living in the applicant house which contains lead hazards ~~with an elevated blood lead level between 10µg/dl and 20µg/dl.~~

**Client referral and support services:** Many homeowners assisted through the Urgent Repair Program may also need other services. When the Urgent Repair Program staff meet the homeowner during the work write-up, they will discuss the resources and programs available in Orange County and provide pamphlets and a list of the agencies with contact information. With the homeowner's permission, a case file will be created and a staff person will follow up with the homeowner concerning the available services in the referral network. ~~any referrals to other agencies will be included in the Housing Case File.~~

**What is the form of assistance Under URP2019?** The County will provide assistance to homeowners, whose homes are selected for repair/modification in the form of a loan. Homeowners will receive an unsecured deferred, interest-free loan, forgiven at a rate of \$2,000 per year until the principal balance is reduced to zero.

**What is the amount of the loan?** The amount of the loan will depend on the scope of work necessary to address the identified imminent threats to life and/or safety and that will be determined by the County's rehabilitation specialist. There is no minimum to the amount of the loan; however, the maximum life-time limit according to the guidelines of URP~~2019~~ is \$10,000.

**What kinds of work will be done?** Only repairs that address imminent threats to the life and/or safety of occupants of the dwelling unit or accessibility modifications will be performed under the County's URP. Please understand that all deficiencies in a home will likely not be able to be repaired with the available funds.

All work that is completed under URP~~2019~~ must meet or exceed the NC Residential Building Code.

**Who will do the work on the homes?** The County is obligated under URP~~2019~~ to ensure that quality work is done at reasonable prices and that all work is contracted through a fair, open and competitive process. To meet those very difficult requirements, the County will invite bids only from contractors who are part of an "approved contractors' registry". Please request a copy of the County's Procurement and Disbursement Policy for further information.

(Homeowners who know of quality rehabilitation contractors that are not on the County's Contractor Registry are welcome to invite them to apply.)

A minimum of three approved contractors will be invited to bid on each job and the lowest responsive and responsible bidder will be selected for the contract. "Responsive and responsible" is described in the Procurement and Disbursement Policy.

**What are the steps in the process, from application to completion?** Now that you have the information about how to qualify for the Orange County URP~~2019~~, what work can be done and who will do it, let's go through all the major steps in the process:

1. **Completing an Application Form:** Homeowners who wish to apply for assistance may apply by completing an application form, available at <http://orangecountync.gov/2211/Home-Repair-Programs> or by contacting Erika Brown at (919) 558-2700 or [ebrown@tcog.org](mailto:ebrown@tcog.org). Applications will be accepted on a rolling basis beginning October 21, 2020 until all funds are committed. Proof of ownership and income will be required. Applications are available on the Orange County Website or at other locations as described in Section on Outreach Efforts above or by contacting Diane Beecham, Community Development Specialist at 919-245-4358 or [dbeecham@orangecountync.gov](mailto:dbeecham@orangecountync.gov). Proof of ownership and income will be required. Those who have applied for housing assistance from the County in the past will not automatically be reconsidered. A new application will need to be submitted.
2. **Preliminary Inspection:** The County's Rehabilitation Specialist will visit the homes of potential loan recipients to determine the need and feasibility of repairs/modifications. The Rehabilitation Specialist will also make a second visit to the home in order to do a more thorough inspection. See Item 5 below.

**3. Screening of Applicants:** Applications will be rated and ranked by the County based on the priority system outlined on page 2. The first round of households to be assisted will be selected by November 30, 2020. Household income will be verified for program purposes only (information will be kept confidential). Ownership of property will be verified along with other rating factors. From this review, the twelve (12) most qualified applicants will be chosen according to the priority system described above. There will also be a list of alternates in the order of qualification. If fewer than twelve (12) applications are received by November 30, or if funds remain to assist more than twelve (12) units, applications will continue to be accepted on a rolling basis until all funds are committed. Applicants not receiving notification by November 30, 2020 that they were chosen may contact Erika Brown at (919) 558-2700 to confirm the disposition of the application.~~Orange County will accept applications throughout the program grant period based on the availability of funds. Eligible households with emergency situations will be given priority over other applicants. After advertising for a 15-day period, the first rating and ranking of applicants will take place on October 14, 2019. The 2<sup>nd</sup> 15-day advertising period will be scheduled for January 2020. However, if the first advertisement and number of persons coming from the County's Local Urgent Repair Applicant List yields at least twelve (12) eligible applicants and units to be addressed, no further advertisement will occur.~~

**4. Applicant interviews:** Approved applicants will be provided detailed information on assistance, program repair/modification standards and the contracting procedures associated with their project at this informational interview.

**5. Work write-Up:** The County's Rehabilitation Specialists will visit the home again for a more thorough inspection. All parts of the home must be made accessible for this inspection, including the attic and crawlspace, if any. The homeowner should report any known problems such as electrical short circuits, blinking lights, roof leaks, etc. The Rehabilitation Specialist will prepare a complete and detailed set of work specifications ("work write-up"). A final, confidential cost estimate will also be prepared by the Rehabilitation Specialist and held in confidence until bidding is completed.

~~If the needed repairs require that household furniture and other goods be stored, the Orange County URP19 Program may provide an onsite storage pod. However, the contractor will only be required to move furniture to the storage pod. The moving of any other household goods into the onsite storage will be the responsibility of the homeowner.~~

**6. Formal agreement:** After approval of the work write-up, the homeowner will sign a formal agreement that will explain and govern the repair/modification process and an explanation of the Promissory Note, which is considered a forgivable loan. This agreement will define the roles of the parties involved throughout the process.

**7. Bidding:** The work write-up and bid documents will be sent to a minimum of three contractors on the Approved Contractors' Registry who will be given one week in which to inspect the property and prepare bid proposals. The names of the invited contractors will be supplied to the

homeowner. Each will need access to those areas of the house in which work is to be performed in order to prepare a bid. A bid opening will be conducted at the Orange County Housing and Community Development Department at a specified date and time, with all bidders and the homeowner invited to attend.

- 8. Contractor Selection:** Within 24 hours of the bid opening and after review of bid breakdowns and timing factors, the winning bidder will be selected. All bidders and the homeowner will be notified of (1) the selection, (2) the amount, (3) the amount of the County's cost estimate, (4) any support or contingency costs that will be included in the loan amount and (5) if other than the lowest bidder is selected, the specific reasons for the selection.
- 9. Execution of loan and contract Documents:** The loan will be executed, as well as the repair/modification contract prior to work beginning on the project. This contract will be between the contractor and homeowner, with the County as an interested third party. The cost of the actual work and project-related support costs up to the maximum amount of \$1,000 will be included in the loan document.
- 10. Pre-construction conference:** A pre-construction meeting will be held at the home. At this time, the homeowner, contractor and program representatives will be present and discuss the details of the work to be done. Starting and ending dates will be agreed upon, along with any special arrangements such as weekend or evening work hours, storage of household furniture, if applicable and the disposition of items to be removed from the home (such as old plumbing, etc.). If the contract has been executed, the County will issue a "proceed order" formally instructing the contractor to commence by the agreed upon-date within 24 hours of the pre-construction meeting.
- 11. Construction:** The contractor will be responsible for obtaining any required building permits for the project before beginning work. The permit must be posted at the house during the entire period of construction. Program staff will closely monitor the contractor during the construction period to make sure that the work is being done according to the work write-up (which is made a part of the rehabilitation contract by reference) and in a timely fashion. County Code Enforcement Officers, as applicable, will inspect new work for compliance with the State Building Code as required by the guidelines of URP 2019. The homeowner will be responsible for working with the contractor toward protecting personal property by clearing work areas as much as practicable.
- 12. Change Orders:** All changes to the scope of work must be reduced to writing as a contract amendment ("change order") and approved by all parties to the contract: the owner, the contractor and two representatives of Orange County. If the changes require an increase in the loan amount, a loan modification stating these changes in the contract amount must be completed by the County and executed by the owner. If the changes result in a decrease in the loan amount, an estoppel informing the homeowner of these changes in the contract amount will be completed by the County and conveyed to the Homeowner.

**13. Payments to the contractor:** The Contractor will be paid following inspection of and satisfactory completion of all items on the work write-up and change orders, if any, as outlined in the County's Procurement and Disbursement Policy.

**14. Post-construction meeting:** Following construction, the contractor and the Rehabilitation Specialist will sit down with the homeowner one last time. At this meeting, the contractor will hand over all owner's manuals and warranties on equipment. The contractor and Rehabilitation Specialist will go over operating and maintenance requirements for any new equipment installed and discuss general maintenance of the home with the homeowner. The homeowner will have the opportunity to ask any final questions about the work and the loan.

**15. Closeout:** Once each item outlined in section 13 has been satisfied and the homeowner has signed a Certificate of Satisfaction, the job will be closed out (fully completed).

**What are the key dates?** If, after reading this document, you feel that you qualify for this program and wish to apply, please keep the following dates in mind:

- ~~First advertisement of Orange County URP19 and applications available to the public starting September 23, 2019.~~
- ~~First deadline for applications to be returned to Orange County is October 9, 2019~~
- ~~First rating and ranking of applications will take place on October 14, 2019.~~
- ~~2<sup>nd</sup> advertisement period begins January 13, 2020, if needed.~~
- ~~Second deadline for applications to be returned to Orange County is January 31, 2020, if needed.~~
- ~~Second rating and ranking of applications will take place on February 7, 2020, if needed.~~
- ~~All rehabilitation work must be under contract by October 15, 2020.~~
- ~~All rehabilitation work must be completed by December 31, 2020.~~
- Applications available to the public starting October 21, 2020.
- First round of households selected from applications on November 30, 2020.
- All rehabilitation work must be under contract by October 13, 2021.
- All rehabilitation work must be completed by December 31, 2021.

#### **How do I request an application?**

- Contact [Erika Brown](#)  
:(919) 558-2700  
[ebrown@tcog.org](mailto:ebrown@tcog.org)
- OR download an application online: <http://orangecountync.gov/2211/Home-Repair-Programs>
- OR pick up an application at the Orange County Department of Housing and Community Development office at 300 W. Tryon Street, Hillsborough, NC 27278.

~~Diane Beecham, Community Development Specialist~~

~~Orange County Department of Housing and Community Development~~

~~P.O. Box 8181~~

~~300 W. Tryon Street~~

~~Hillsborough, NC 27278~~

~~(919) 245-4358~~

~~[dbeechem@orangecountync.gov](mailto:dbeechem@orangecountync.gov)~~

~~Interested persons may also pick up an application at the Orange County Department of Social Services, Orange County Health Department, Orange County Department of Aging, Chapel Hill Town Hall, Carrboro Town Hall, Rogers Road Community Center, Cedar Grove Community Center and the Efland Checks Community Center. A copy of the application is also available on the County's Website.~~

**Is There a procedure for dealing with complaints, disputes and appeals?** Although the application process and repair/modification guidelines are meant to be as fair as possible, Orange County realizes that there is still a chance that some applicants or participants may feel that they were not treated fairly. The following procedures are designed to provide an avenue for resolution of complaints and appeals.

During the application process:

If an applicant feels that his/her application was not fairly reviewed or rated and would like to appeal the decision made about it, he/she should contact ~~Erika Brown~~~~the Community Development Specialist~~ within five (5) days of the initial decision and voice their concern. If the applicant remains dissatisfied with the decision, the detailed complaint should be put into writing.

A written appeal must be made within ten (10) business days of the initial decision on an application.

Orange County will respond in writing to any complaints or appeals within 10 business days of receiving the written complaint and appeal.

During the repair/modification process:

If the homeowner feels that repairs or modifications are not being completed per the contract, he/she must inform the contractor and the Rehabilitation Specialist.

The Rehabilitation Specialist will inspect the work in question. If it is found that the work is not being completed according to contract, the Rehabilitation Specialist will review the contract and work write-up with the contractor, again and ask the contractor to remedy the problem.

If problems persist, a mediation conference between the homeowner and the contractor may be convened by the Rehabilitation Specialist and facilitated by the County's Housing and Community Development Director.

Should the mediation conference fail to resolve the dispute, the Director will render a written final decision.

If the Rehabilitation Specialist finds that the work is being completed according to the contract and work write-up, the complaint will be noted and the Rehabilitation Specialist and the homeowner will discuss the concern and the reason for the Rehabilitation Specialist's decision.

**Will the personal information provided remain confidential?** Yes. All information in applicant files will remain confidential. Access to the information will be provided only to County employees who are directly involved in the program, the North Carolina Housing Finance Agency and auditors.

**What about conflicts of interest?** No officer, employee or other public official of the County, or member of the Board of County Commissioners, or entity contracting with the County that exercises any functions or responsibilities with respect to URP~~2019~~ shall have any interest, direct or indirect, in any contract or subcontract for work to be performed with program funding, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter. Relatives of County employees, Board of County Commissioners and others closely identified with the County may be approved for rehabilitation assistance only upon public disclosure before the County Commissioners and written permission from NCHFA.

**What about Ffavoritism?** All activities under URP~~2019~~, including rating and ranking applications, inviting bids, selecting contractors and resolving complaints, will be conducted in a fair, open and non-discriminatory manner, entirely without regard to race, color, religion, national origin, sex, familial status and disability.

**Who can I Ccontact about URP~~2019~~?** Any questions regarding any part of this application or program should be addressed to:

~~Diane Beecham, Community Development Specialist  
Orange County Department of Housing and Community Development  
P.O. Box 8181/300 W. Tryon Street  
Hillsborough, NC 27278  
919-245-4358/[dbeecham@orangecountync.gov](mailto:dbeecham@orangecountync.gov)~~

|                                                                   |                                                                                       |
|-------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| <del>Erika Brown</del>                                            | <del>David Saconn</del>                                                               |
| <del>(919) 558-2700</del>                                         | <del>(919) 612-1527</del>                                                             |
| <del><a href="mailto:ebrown@tjcog.org">ebrown@tjcog.org</a></del> | <del><a href="mailto:dsaconn@orangecountync.gov">dsaconn@orangecountync.gov</a></del> |

These contacts will do their utmost to answer questions and inquiries in the most efficient and correct manner possible.

This Assistance Policy is adopted this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

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Board Chair

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Witness



## Orange County Assistance Policy Essential Single-Family Rehabilitation Loan Pool ~~2017~~2020

### What is the Essential Single-Family Rehabilitation Loan Pool?

Orange County has been awarded Membership by the North Carolina Housing Finance Agency (“NCHFA”) under the ~~2017~~2020 cycle of the Essential Single-Family Rehabilitation Loan Pool (“ESFRLP~~17~~20”). This program provides Members with funds via a “loan pool” to assist with the rehabilitation of moderately deteriorated homes that are owned and occupied by lower-income, special need households. ESRLP20 assists eligible households by facilitating aging in place, meeting minimum housing code requirements, promoting long-term affordability, lowering operating costs, and stabilizing pre-1978 homes that include children aged six or under whose health is threatened by the presence of lead hazards.

Orange County has been allocated an initial set-aside of ~~\$175,000~~\$190,000 to be used for rehabilitation of five (5) homes in Orange County. After demonstrating successful use of this allocation, the County may access additional funds, when available, on a unit-by-unit basis from the ESFRLP loan pool to assist additional homes.

This Assistance Policy describes who is eligible for assistance under ESFRLP~~17~~20, how applications for assistance will be ranked, what the terms of assistance are, and how the rehabilitation process will be managed. Orange County has designed the ESFRLP~~17~~20 project to be fair, open and consistent with its approved application for funding and with ESFRLP~~17~~20 Program Guidelines.

The funds provided by NCHFA come from the U.S. Department of Housing and Urban Development (“HUD”) HOME Investment Partnerships Program (“HOME”) for construction-related costs (hard costs) and will be provided as no interest, no payment loans, forgiven at the rate of ~~\$3,000~~\$5,000 per year. Non-construction-related costs (soft costs including lead/asbestos inspections/clearances, radon testing and environmental reviews) will be provided in the form of a grant.

**EMERGENCY and HEALTH Notifications:** Due to the current COVID-19 pandemic, increased awareness of the need to protect Orange County representatives and the homeowners they serve from various health related exposures has become more apparent than ever. Homeowners participating in the ESFRLP program must agree to follow all local, state and federal guidelines for emergency preparedness surrounding the COVID-19 pandemic and any other emergency declared that includes their property address for the duration of construction on the property.

### Who is eligible to apply?

To be eligible for ESFRLP~~17~~20 assistance, applicants must:

- Reside within the county limits of Orange County and own and occupy the home in need of rehabilitation
- Have a household income which does not exceed 80% of the County median income for the household size (see income limits below)
- Have a special need (i.e., be > 62 years old, handicapped or disabled, a single parent with a



dependent living at home, a Veteran, a large family with >5 household members or a household with a child below the age of six with lead hazards in the home)

- Have home rehabilitation needs do not exceed the ESFRLP Program limit of ~~\$25,000~~\$30,000 and must include all Essential Rehabilitation Criteria as described in the ESFRLP ~~1720~~ Administrator's Manual (available online at [www.nchfa.com](http://www.nchfa.com)).

Unfortunately, not all homes can be rehabilitated to meet the Essential Rehabilitation Criteria with the limited funding available. Some otherwise-eligible households may be deemed ineligible for assistance because their homes fail this test.

#### ESFRLP ~~1720~~ Income Limits\* for Orange County

| Number in Household | 80% of Median                 |
|---------------------|-------------------------------|
| 1                   | <del>\$39,600</del> -\$50,900 |
| 2                   | <del>\$45,250</del> -\$58,200 |
| 3                   | <del>\$50,900</del> -\$65,450 |
| 4                   | <del>\$56,550</del> -\$72,700 |
| 5                   | <del>\$61,100</del> -\$78,550 |
| 6                   | <del>\$65,600</del> -\$84,350 |
| 7                   | <del>\$70,150</del> -\$90,150 |
| 8                   | <del>\$74,650</del> -\$96,000 |

*\*Income limits are subject to change based on annually published HUD HOME Limits and will be updated each year. This update will not require a re-approval of the governing authority.*

#### What Types Of Houses Are Eligible?

Properties are eligible only if they meet all of the following requirements:

- The property must require at least \$5,000 of improvements to meet ESFRLP Property Standards or the local minimum housing code.
- Site-built and off frame modular units are eligible for assistance. Manufactured housing is eligible for assistance if the foundation and utility hookups are permanently affixed including removal of all transporting equipment (e.g., wheels, axles, tongue) and installation of a full masonry foundation and tie-downs.
- No more than fifty percent (50%) of the total area of the unit may be used for an office or business (e.g., day care, hair salon, room rental, etc.). Program funds may only be used to improve the residential exterior, interior, and systems portion of mixed-use buildings.
- The property must be free of environmental hazards and other nuisances as defined by all



applicable codes or regulations, or any such hazards or nuisances must be corrected as part of the rehabilitation of the home. Orange County's Rehabilitation Specialist will determine the presence of any known environmental hazards/nuisances on the site and if they can be removed through rehabilitation.

- Properties cannot be located in the right-of-way of any impending or planned public improvements. Orange County staff will assist in making this determination.
- The property cannot be located on a site that is endangered by mudslides, landslides or other natural or environmental hazards. If needed, the Rehabilitation Specialist will work with the homeowner to make this determination.
- The property may be located in the 100-year flood plain if the lowest finished floor level (verified by an elevation certificate provided by the homeowner) is above the base flood elevation and the property will be covered by flood insurance. The property must be in compliance with Orange County's flood plain ordinance. All things considered equal, properties located outside the 100- year flood plain will be given priority over properties located in the 100-year flood plain. Orange County will verify whether the home is in the flood plain.
- The property cannot have been repaired or rehabilitated with public funding of \$30,000 or more within the past ten (10) years without NCHFA approval.

### How are applications ranked?

There are many more ESFRLP-eligible households (with eligible houses) than can be assisted with the available funds. Therefore, Orange County has devised the following priority system to rank eligible applicants, determine which of them will be selected for assistance and in what order. Under this system, applicants will receive points for falling into certain categories. Applications will be ranked according to which receive the most points. If there are more eligible applicants with eligible houses than can be treated with existing funding, Orange County may be able to treat additional houses with unrestricted pool funds. Pool applicants will come from the original applicant list and be considered according to which received the most points. If alternate pool applicants are not identified on the original applicant list and must be solicited, the solicited, eligible, pool applicants will be selected on a first come, first to qualify basis.

### Priority Ranking System for ESFRLP ~~1720~~

| <b>Emergency Need</b>                                                                                                     | <b>Points</b> |
|---------------------------------------------------------------------------------------------------------------------------|---------------|
| Threat of imminent eviction/removal; must meet Special Need(s) and income requirements; applications received at any time | 8             |
| <b>Special needs (for definitions, see below)</b>                                                                         | <b>Points</b> |
| Household with a child under age 6 with lead hazards in the home                                                          | 54            |
| Household member who is elderly (62 or older)                                                                             | 4             |
| Household member with a disability                                                                                        | 24            |



|                                                                            |               |
|----------------------------------------------------------------------------|---------------|
| Household member who is a Veteran                                          | 4             |
| Multiple household members who are elderly, Veterans, or have a disability | 4             |
| <b>Income (see income table above)</b>                                     | <b>Points</b> |
| Less than 30% of County Median Income                                      | 34            |
| 30% to 50% of County Median Income                                         | 4             |
| 50% to 80% of County Median Income                                         | 34            |

**Definitions** under ESFRLP are:

- *Elderly*: An individual aged 62 or older.
- *Person with a disability*: A person who has a physical, mental, or developmental disability that greatly limits one or more major life activities, has a document of such impairment, or is regarded as having such impairment.
- *Head of household*: The person or persons who own(s) the house.
- *Household member*. Any individual who is an occupant (defined below) of the unit to be rehabilitated shall be considered a "household member" (the number of household members will be used to determine household size and all household members are subject to income verification).
- *Occupant*: An occupant is defined as any immediate family member (mother, father, spouse, son/daughter of the head of household) who has resided in the dwelling unit for at least three (3) months prior to the submission of the family's application.
- *Veteran*: A person who is a military veteran, is defined as one who served in the active military, naval, or air service (i.e., Army, Navy, Air Force, Marine Corps, and Coast Guard; as a commissioned officer of the Public Health Service; or as a commissioned officer of the National Oceanic and Atmospheric Administration or its predecessors), and who was discharged or released there from under conditions other than dishonorable. Provide DD-214 form to demonstrate.
- *Emergency*: A situation in which a household member has an immediate threat of being evicted or removed from a home due to health or safety issues within a timeframe that the program can complete a repair to stop eviction or removal. These applications will be received at any time during the funding cycle and elevated based on the ability of the program to complete the work in a timely manner that meets the goal of assisting homeowners to remain in their home. This may be documented with a doctor's letter or eviction notice.

Recipients of assistance under ESFRLP will be chosen by the above criteria without regard to race, color,



religion, national origin, sex, familial status, and disability.

### **What are the terms of assistance under ESFRLP?**

The form of ESFRLP assistance is a 0% interest, forgivable loan covering the hard costs associated with the rehabilitation of the home and a grant for the soft costs. These will be two separate documents or sets of documents.

**The loan:** NCHFA will create loan documents for the homeowner(s) including a Promissory Note and Deed of Trust covering hard costs for the rehabilitation in an amount not to exceed ~~\$25,000~~**\$30,000**. This loan covering the hard costs remains 0% interest and-forgivable at ~~\$3,000~~**\$5,000** per year for as long as the owner resides in the home or until the balance is reduced to \$0. The term of the loan is dependent upon the loan amount and the number of years it takes to bring the balance of the loan to \$0 when forgiven at ~~\$3,000~~**\$5,000** per year. For example, if the amount of the loan is \$21,452, then the term is ~~eight (8)~~ **five (5)** years: ~~\$21,000~~**\$20,000** forgiven over the first ~~seven (7)~~ **four (4)** years and \$452 forgiven at the end of the ~~8<sup>th</sup>~~**5<sup>th</sup>** year. The maximum term of the loan will be ~~nine (9)~~**six (6)** years.

As long as the borrower lives in the home, no payments on the loan will be required. If the recipient prefers, the loan can be paid off at any time to NCHFA, either in installments or as a lump sum payment. Furthermore, under certain circumstances NCHFA may allow assumption or refinancing of the loan. Should an heir inherit the property and choose to live in the house as their permanent residence, they may assume the loan without being income eligible. However, the lien remains on the property. A buyer who may wish to buy the property to live in may assume the loan so long as they can document that they are income-eligible (80% AMI). Default can occur if the property is sold or transferred to another person and/or if the borrower fails to use the home as a principal residence, without prior written approval of NCHFA.

**The grant:** To pay for soft costs including application outreach/intake/management, environmental reviews/inspections/testing and project assessment/documentation/ estimating/bidding, NCHFA will create a Grant Agreement not to exceed \$10,000. The grant has no repayment or recovery terms.

### **What kinds of work will be done?**

Each house selected for assistance must be rehabilitated to meet ESFRLP Rehabilitation Criteria. That means every house must, upon completion of the rehabilitation:

- Meet the more stringent requirements of either NCHFA's Essential Property Standard or Orange County's Minimum Housing Code. These are so-called "habitability standards" that set minimum standards for decent, safe and sanitary living conditions. Additionally, the home must meet applicable Lead Based Paint regulations 24 CFR Part 35.
- Retain no "imminent threats" to the health and safety of the home's occupants or to the home's "structural integrity". An example of an imminent threat to occupants as well as to the home's structural integrity is an infestation of insects or a crawlspace that is too damp.

These requirements are spelled out in full in the ESFRLP Administrator's Manual which you may view, at reasonable times, upon request, at the Housing and Community Development office of Orange County or anytime online at [www.nchfa.com](http://www.nchfa.com)



In addition to the above items that must be done to satisfy NCHFA requirements, the scope of work may include approved items meant to reduce future maintenance and operational costs or to further protect homes from natural disasters and/or home modifications designed to enable greater accessibility for household members to function more independently as they age.

Once the rehabilitation is complete, major systems in the home that, with reasonable maintenance and normal use, should be capable of lasting another five (5) years include: structural support, roofing, cladding and weatherproofing, plumbing, electrical and heating/cooling systems.

Of course, contractors performing work funded under ESFRLP are responsible for meeting all local requirements for permits and inspections. All work done under the program must be performed to meet NC State Residential Building Code standards. This does not mean, however, that the whole house must be brought up to current Building Code Standards. Upon the date of approval by Orange County of the contractor's request for final payment, a one-year warranty on all products and workmanship will begin.

### **What about Lead Based Paint?**

Until it was discovered to be a health hazard, lead was used for centuries to make house paints. Now we know that lead exposure is a serious problem for everyone and especially small children. Selling lead paint was outlawed in 1978, but many older buildings still contain lead paint and children are still being poisoned.

Under ESFRLP, a lead hazard evaluation must be performed on every home selected for rehabilitation that was built before 1978. The specific type of evaluation and the appropriate lead hazard reduction work performed will depend on the total amount of Federal funds used to rehabilitate the home, as per 24 CFR Part 35. If required, lead-based paint hazard reduction and/or abatement will be performed by contractors who are trained and certified to perform such work.

It may be necessary for the household to relocate during the construction process for protection against lead poisoning. If relocation is required, it shall be the responsibility of the homeowner to pay for the relocation.

### **Who will do the work on the homes?**

Orange County is obligated under ESFRLP to ensure that quality work is done at reasonable prices and that all work is contracted through a fair, open and competitive process.

To meet these requirements, Orange County will invite bids only from licensed general contractors who are part of an "Approved Contractors Registry". For additional information about procurement and disbursement procedures, please refer to the Orange County ESFRLP20 Procurement and Disbursement Policy.

- All qualified members of the Contractors Registry will be invited to bid on each job, and the lowest responsive and responsible bidder will be selected for the contract.
- All contractors working on pre-1978 units must be Renovate, Repair and Paint Rule (RR&P) Certified Renovators working for Certified Renovation firms.
- Homeowners who know of quality rehabilitation contractors that are not on the approved



contractors' registry are welcome to invite them to apply.

### **What are the steps in the process, from application to completion?**

You now have information about how to apply for the Essential Single-Family Rehabilitation Loan Pool (ESFRLP) and what type of work can be done through the Program. Let's go through the steps for getting the work done:

1. **Completing a pre-application form:** Homeowners who wish to apply for assistance must do so by ~~October 31, 2017~~ **December 31, 2020**. Apply ~~by contacting Renee D-Holmes, Housing Program Coordinator at (919) 245-2495~~, using the contact information at the end of this page or online at <http://orangecountync.gov/2211/Home-Repair-Programs>. Proof of ownership and income will be required. Those who have applied for housing assistance from Orange County in the past will not automatically be reconsidered and must complete a new pre-application form.
2. **Client referral and support services:** Many homeowners seeking assistance through the Essential Single-Family Rehabilitation Loan Pool may also need other services. If the ESFRLP staff meets the homeowner during the application process, they will provide pamphlets and a list of the agencies with contact information for the resources and programs available in the County. For households that meet the requirements of the pre-application step and qualify to receive assistance through the ESFRLP program, additional verbal discussion will be offered during the screening of applicants and/or pre-rehab inspection steps of the program. With the homeowner's permission, a case file will be created and a staff person will follow up with the homeowner concerning the available services in the referral network.
3. **Preliminary inspection:** Orange County's Rehabilitation Specialist will visit the homes of eligible households to determine the need and feasibility of the home for rehabilitation. Homeowners must inform staff of any known pest infestations prior to the visit.
4. **Screening of applicants:** Applications will be ranked by Orange County based on the priority system outlined on page 3 and the feasibility of rehabilitating the house. Households to be offered assistance will be selected by ~~November 30, 2017~~ **January 31, 2021**. Household income will be verified for program purposes only (information will be kept confidential). NCHFA will verify ownership of the property by conducting a title search. From this review, the five (5) most qualified applicants will be chosen according to the priority system described above; the remaining applicants will be placed on a list of alternates in the order that they qualified. Orange County will then submit to NCHFA an ESFRLP Loan Application and Reservation Request for each potential borrower for approval. Applicants not selected for ESFRLP assistance will be notified in writing.
5. **Written agreement:** A HOME Owner Written Agreement, between the homeowner and Orange County, will be executed as part of the Loan Application and Reservation Request procedure (that formally commits funds to a dwelling unit). This agreement will certify that the property is the principal residence of the owner, that the post-rehab value of the property will not exceed 95% of the 203(b) limits established by HUD and defines the ESFRLP maximum amount and form of assistance being provided to the homeowner, the scope of work to be performed, the date of completion and the rehabilitation criteria and standards to be met.



6. **Pre-rehab inspection and unit evaluation:** Orange County's Rehabilitation Specialist will visit the home again for a more thorough inspection. All parts of the home must be made accessible for inspection, including the attic and crawlspace. The owner should report any known problems such as electrical short circuits, blinking lights, roof leaks, etc. Each unit will be evaluated for energy saving opportunities such as air sealing and duct sealing as well as for environmental concerns, such as lead based paint hazards, radon and asbestos.
7. **Work write-up:** The Rehabilitation Specialist will prepare complete and detailed work specifications (known as the "work write-up"). A final cost estimate will also be prepared by the Rehabilitation Specialist and held in confidence until bids are received from contractors.
8. **Lead and other testing:** Orange County will arrange for a certified firm to inspect all the pre-1978 constructed homes for potential lead (required) and asbestos hazards (as deemed necessary by the Rehabilitation Specialist in all homes built during, before, and after 1978). All homes will be tested for radon. The owner will receive information covering the results of the tests and any corrective actions that will be needed as part of the rehabilitation.
9. **Bidding:** The work write-up and bid documents will be conveyed to all contractors from the Contractors Registry. Contractors will be given no less than seven (7) days in which to inspect the property and prepare bid proposals. Each contractor will need access to all parts of the house in order to prepare a bid. A bid opening will be conducted at the Orange County Housing and Community Development Department office at a specified date and time, with all bidders invited to attend.
10. **Contractor selection:** Within 72 hours of the bid opening the winning bidders will be selected. All bidders and the homeowner will be notified in writing of 1) the selection of the winning bid, 2) the amount of the winning bid, 3) the amount of the County's cost estimate, and 4) the specific reasons for the selection, if other than the lowest bidder was selected.
11. **Loan closing and contract execution:** Loan documents (Promissory Note and Deed of Trust) will be prepared by NCHFA as the lender and executed by the homeowner. By law, homeowner's have the right to hire legal representation of their choosing at loan closing. If a homeowner does not have representation at the closing, the borrower must sign a NCHFA "Legal Advice Disclosure". Rehabilitation contract documents will be executed by the homeowner and contractor with Orange County signing on as an interested third party prior to the commencement of any construction. Orange County will facilitate with the loan closing and recordation of these documents and forward the recorded documents to NCHFA.
12. **Pre-construction conference:** A pre-construction conference will be held at the selected applicant's home. At this time, the homeowner, contractor and ESFRLP Orange County program representatives will discuss the details of the work to be completed Starting and ending dates will be finalized, along with any special arrangements such as weekend or evening work hours and disposition of items to be removed from the home. Orange County will issue a "proceed order" formally instructing the contractor to commence work by the agreed-upon date.
13. **Construction:** The contractor is responsible for obtaining and posting all permits for the project before beginning work. Orange County ESFRLP Program staff will closely monitor the contractor



during the construction period and local Code Enforcement Officials will inspect the work. To protect personal property the homeowner will be responsible for working with the contractor toward clearing work areas of personal property as needed as much as practicable. The contractor will be responsible for all clearing and cleaning activities necessary due to construction activities.

14. **Change Orders:** All changes to the scope of work must be approved by the owner, the contractor, the Orange County Rehabilitation Specialist, and reduced in writing as a contract amendment (“change order”). The owner, contractor and two Orange County personnel must execute any change order agreements to the construction contract.
15. **Progress payments:** The contractor is entitled to request up to three (3) partial payments and a final payment. When a payment is requested, the Rehabilitation Specialist will inspect the work within three (3) days.
16. **Closeout:** When the Rehabilitation Specialist and the homeowner are satisfied that the contract has been fulfilled, the homeowner, Project Administrator and Rehabilitation Specialist will sign off on the work. All material and workmanship will be guaranteed by the contractor for a period of one (1) year from the date of completion of the work as established by Orange County's approval date of the final pay requisition. Orange County will notify the homeowner in writing of this date.
17. **Post-construction conference:** Following construction, the contractor and the Rehabilitation Specialist will sit down with the homeowner one last time. At this conference the contractor will hand over all owner's manuals and warranties on equipment and materials to the homeowner. The contractor and Rehabilitation Specialist will go over operating and maintenance requirements for the new equipment, materials and appliances and discuss general maintenance of the home with the Homeowner. The homeowner will have the opportunity to ask any final questions about the work.
18. **Final loan amount determination:** If, upon completion of all rehabilitation work, the contract price has changed due to the effect of change orders and there is a need to modify the loan, NCHFA will prepare an estoppel for a loan reduction or modification agreement for loan increases as necessary at the time of closeout of the unit to modify the loan amount when there is a need for a change order involving a change in the original loan amount). The loan will remain the property of NCHFA, with original documents remaining there for storage and servicing. Please note that it is the responsibility of the owner to record an estoppel if they wish this to be reflected in the Deed of Trust.
19. **The warranty period:** It is extremely important that any problems with the work that was performed be reported by the homeowner to the Orange County Rehabilitation Specialist or other representative, as soon as possible in writing. All bona fide defects in materials and workmanship reported within one (1) year of completion of construction will be corrected free of charge by the contractor.

### **What are the key dates?**

If, after reading this document, you feel that you qualify for this program and wish to apply, please keep



the following dates in mind:

- Applications available to the public starting ~~October 2, 2017~~ **October 30, 2020**.
- Applications must be turned in at the Orange County Housing and Community Development Office by 5:00 PM on ~~October 31, 2017~~ **December 31, 2020**.
- Selection of units will be made on ~~November 30, 2017~~ **January 31, 2021**.
- All rehabilitation work must be under contract by December 31, ~~2019-2022~~.
- All rehabilitation work must be completed by June ~~30, 2020-15~~, **2023**.

### How do I request an application?

**Contact:**

~~\_\_\_\_\_ Renee D. Holmes, Housing Program Coordinator  
 \_\_\_\_\_ Orange County  
 \_\_\_\_\_ P.O. Box 8181  
 \_\_\_\_\_ Hillsborough, NC 27278  
 \_\_\_\_\_ Phone: (919) 245-2495~~

- Contact Erika Brown  
(919) 558-2700  
[ebrown@tcog.org](mailto:ebrown@tcog.org)
- OR download an application online: <http://orangecountync.gov/2211/Home-Repair-Programs>
- OR pick up an application at the Orange County Department of Housing and Community Development office at 300 W. Tryon Street, Hillsborough, NC 27278.

### Is there a procedure for dealing with complaints, disputes and appeals?

Although the application process and rehabilitation guidelines are meant to be as fair as possible, Orange County realizes that there is still a chance that some applicants or participants may dispute decisions, work completed, or other issues. The following procedures are designed to provide an avenue for resolution of complaints and appeals.

***During the application process:***

If an applicant feels that his/her application was not fairly reviewed or rated and would like to appeal the decision made about it, he/she should contact ~~Bonnie Hammersley, County Manager (919) 245-2300~~ **Erika Brown** within five (5) days of the initial decision and voice their concern. If the applicant remains dissatisfied with the decision, the detailed complaint should be put into writing. A written appeal must be made within ten (10) business days of the initial decision on an application.

Orange County will respond in writing to any complaints or appeals within ten (10) business days of receiving written comments.

***During the rehabilitation process:***



If the homeowner feels that construction is not being completed according to the contract, he/she must inform the contractor and the Rehabilitation Specialist.

The Rehabilitation Specialist will inspect the work in question. If he finds that the work is not being completed according to the contract, the Rehabilitation Specialist will review the contract with the contractor and ask the contractor to correct the problem.

If the Rehabilitation Specialist finds that the work being completed according to contract, the complaint will be added to the applicant's file. The Rehabilitation Specialist and the homeowner will discuss the concern and the reason for the Rehabilitation Specialist's decision.

If problems persist, the homeowner must put the concern in writing and a mediation conference between the homeowner and the contractor may be convened by the Rehabilitation Specialist and facilitated by the Orange County Housing and Community Development Director.

Should the mediation conference fail to resolve the dispute, the Director will render a written final decision.

***Final Appeal:***

After following the above procedures, any applicant or homeowner who remains dissatisfied with Orange County's final decision may appeal to Michael Handley, NCHFA, PO Box 28066, Raleigh, NC 27611-8066, (919) 877-5627.

**Will the personal information provided remain confidential?**

Yes. All information in applicant files will remain confidential. Access to the information will be provided only to Orange County employees who are directly involved in the program, the North Carolina Housing Finance Agency, the US Department of Housing and Urban Development (HUD) and auditors.

**What about conflicts of interest?**

No employee or board member of Orange County, or entity contracting with Orange County, who exercises any functions or responsibilities with respect to the ESFRLP~~1720~~ project shall have any interest, direct or indirect, in any contract or subcontract for work to be performed with project funding, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter. Relatives of Orange County employees or of Orange County board members and others closely identified with, may be approved for rehabilitation assistance only upon public disclosure before the Orange County Board of Commissioners and written permission from NCHFA.

**What about favoritism?**

All activities under ESFRLP~~1720~~, including rating and ranking applications, inviting bids, selecting contractors and resolving complaints, will be conducted in a fair, open and non-discriminatory manner, entirely without regard to race, color, religion, national origin, sex, familial status and disability.

**Outreach Efforts of the ESFRLP Program**

The County makes citizens aware of the ESFRLP program and other housing rehabilitation opportunities through various service providers and specific outreach efforts. At minimum, the County will advertise the Essential Single-Family Rehabilitation Loan Pool Program via the following media/venues: the local English-speaking and Spanish-speaking newspapers serving the County (such as *The Daily Tarheel*, *The*



*News of Orange and La Noticia*), senior centers and community centers throughout the County, Orange County Home Preservation Coalition, Orange County Affordable Housing Coalition, Carrboro Town Hall, Chapel Hill Town Hall, Orange County DSS Office, and on the County's website.

**Who can I contact about the ESFRLP program?**

Any questions regarding any part of this application or program should be addressed to:

~~Renee D. Holmes, Housing Program Coordinator~~  
~~Orange County~~  
~~P.O. Box 8181~~  
~~Hillsborough, NC 27278~~  
~~Phone: (919) 245-2495~~

~~James Hutcherson~~  
~~Orange County~~  
~~P.O. Box 8181~~  
~~Hillsborough, NC 27278~~  
~~Phone: (919) 245-2485~~

~~David Saconn~~  
~~Orange County~~  
~~P.O. Box 8181~~  
~~Hillsborough, NC 27278~~  
~~Phone: (919) 245-2494~~

Erika Brown  
(919) 558-2700  
[ebrown@tcog.org](mailto:ebrown@tcog.org)

David Saconn  
(919) 612-1527  
[dsaconn@orangecountync.gov](mailto:dsaconn@orangecountync.gov)

This Assistance Policy is adopted this \_\_\_\_ day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
County Manager

\_\_\_\_\_  
Notary Public



## Orange County Procurement and Disbursement Policy Urgent Repair and Housing Rehabilitation Programs

### Procurement Policy

To the maximum extent practical, Orange County (the "County") promotes a fair, open and competitive procurement process as required under the North Carolina Housing Finance Agency ("NCHFA") Urgent Repair Program ("URP"), NCHFA Essential Single-Family Rehabilitation Loan Pool ("ESFRLP") and the County's local urgent repair and housing rehabilitation programs. Bids are invited from contractors on the County's ~~Approved~~ Contractor Registry. Any current contractor listed with and approved by the County and in good standing (i.e., no unresolved past performance issues and not listed on the federal or state debarred list) will receive automatic approval status on the ~~Approved~~ Contractor Registry.

To be listed on the ~~Approved~~ Contractor Registry, a contractor must complete an application, submit proof of insurance and have their recent work inspected and approved by the Rehabilitation Specialist. All contractors' insurance renewals must be submitted to the County on an annual basis. In order to bid on a pre-1978 property, the contractor's firm must be Renovate, Repair and Paint ("RR&P") certified and have their RR&P certificate on file with the County.

To the maximum extent practical, a minimum of three (3) eligible contractors on the Contractor Registry should be invited to bid on each job and the lowest, most responsive and responsible bidder shall be selected for the contract. "Responsive and responsible" means the following: the contractor is deemed able to complete the work in a timely fashion; the bid is within 15% in either direction of the County's cost estimate; the contractor has not been suspended or debarred; and there is no real or perceived conflict of interest. Because of the increasing difficulty of soliciting eligible bids for URP projects, the County can solicit a bid from an eligible contractor on the Contractor Registry based on their rotating placement on the Registry. If the selected contractor submits a responsive and responsible bid then it will be accepted and after successful completion of the project that contractor's name will rotate to the end of the Registry. If the contractor does not submit a responsive and responsible bid or chooses not to submit a bid, then the next contractor on the Registry will be eligible to submit a bid on the project. In addition, in emergency situations, telephone or email bids or quotes will be accepted and documentation of such bids or quotes will be maintained in the applicable file.

Although bid packages may be bundled for multiple job sites, these bids shall be considered separate and apart when awarded and shall be awarded to the lowest responsive and responsible bidder(s) for each job site. No contractor shall have more than three (3) open jobs at any one time. A job shall be considered "open" once a contract is signed.

Bid packages shall consist of an invitation to bid, work write-up(s) and bid sheet(s) for each job, including instructions for distribution and receipt of bids. For urgent repair activities, contractors will be given no less than seven (7) days in which to inspect the property and prepare bid proposals. Each contractor will need access to all parts of the house in order to prepare a bid. For minor and comprehensive housing rehabilitation activities, contractors will be given no less than ten (10) days in which to inspect the property and prepare bid proposals.



Bids must include a cost-per-item breakdown with line item totals equaling the submitted bid price. Any discrepancies must be reconciled prior to a contract being awarded.

The County reserves the right to reject any or all bids at any time during the procurement process.

In the event of an emergency situation, the County reserves the right to waive normal procurement procedures in favor of more expedient methods, which may include seeking quotes and bids by telephone, email, fax and the like. Should such methods ever become necessary the transaction, including the nature of the emergency, will be fully documented and placed in the project file. In the event telephone bids are used, the County will call the next eligible contractor on the Approved Contractor Registry who has indicated a desire to be on the Emergency Call List. The County will track who has been called and been responsive and will rotate through the Emergency Call List before beginning the rotation again.

All sealed bids will be opened publicly at a date, time, and venue specified in the bid invitation. All bidders are invited and welcome to attend. Within 72 hours of the bid opening, after the review of bid breakdowns and construction schedules, the winning bidder(s) will be selected. All bidders and the homeowner will be notified in writing of the selection of the winning bid, the amount of the winning bid, and the specific reasons for the selection if the lowest bidder was not selected.

The contractor is responsible for obtaining a building permit for the project before beginning work. The permit must be posted at the project site during the entire period of construction. If applicable, the contractor will obtain a permit for lead and/or asbestos hazard-related activities. The Rehabilitation Specialist will closely monitor the construction to make sure that the work is being done according to the work write-up (which is made part of the contract by reference) and in a timely fashion. Local code enforcement officials will, if required, inspect the work for compliance with the NC State Building Code and the local minimum housing code, when applicable. The homeowner will be responsible for working with the contractor to clear their personal property from the work areas as needed, as much as practicable. The contractor will be responsible for all clearing and cleaning activities necessary due to construction.

Any change to the original scope of work must be in writing in the form of a change order to be agreed upon and signed by all parties to the original contract and two representatives of the County. The change order must detail any changes to the original contract price.

No work may begin prior to a contract being awarded and executed and a written order to proceed provided to the contractor. A pre-construction conference and a walk through of the project site must also be held prior to the commencement of the project. At this time, the homeowner, contractor, and Rehabilitation Specialist will discuss the details of the work to be completed. Project start and end dates will be finalized, along with any special arrangements such as weekend or evening work hours and the disposition of items to be removed from the home. Within 24 hours of the pre-construction conference, the County will issue a "proceed order" formally instructing the contractor to commence work by the agreed upon date.

Orange County is an equal opportunity employer, implements non-discriminatory practices in its procurement and disbursement and will make special outreach efforts to include Minority/Women Business Enterprise (M/WBE) businesses within its contractor and subcontractor pool. Contractors will be chosen by the above criteria without regard to race, color, national origin, disability, religion, age, sex/gender, sexual orientation, gender identity and expression, marital status or veteran status.



## Disbursement Policy

All repair work must be inspected by the Rehabilitation Specialist, the local Building or Minimum Housing Code Inspector, when applicable, and the homeowner prior to any payments to contractors. If all construction work is deemed satisfactory and all other factors and written agreements are in order, payment shall be issued upon presentation of an original cost-per-item invoice from the contractor. The contractor should allow up to fourteen (14) business days for processing of the invoice for payment.

The contractor is entitled to request two partial payments and a final payment. ~~The first partial payment may be requested when the work is 50% complete. The second partial payment may be requested when the work is 90% complete. For moderate and comprehensive rehabilitation projects only, there will also be a 10% retaining fee based on the value of the contract to be held for the 60-day retention inspection. No partial payments will be made for contracts less than \$10,000. For contracts greater than \$10,000, a maximum of 3 partial payments can be requested by the contractor, each no less than 33% of the value of the contract (less the 10% retaining fee).~~ When a payment is requested, the Rehabilitation Specialist will inspect the work within three (3) days, determine the percentage of job completion and calculate a payment based on 90% of the total work completed. ~~For projects that have a contract amount of less than \$5,000, the second payment will be the final payment for 100% of the total work completed.~~

Following the completion of the construction, the contractor and the Rehabilitation Specialist will meet with the homeowner in a post-construction conference. At this time, the contractor will provide to the homeowner the owner's manuals and warranties on equipment and materials and be available to answer any questions.

When the contractor declares the work complete, the Rehabilitation Specialist will thoroughly inspect the work as part of the project closeout. If any of the work is deemed unsatisfactory, it must be corrected prior to the authorization of final payment. If the contractor fails to correct the work to the satisfaction of the Rehabilitation Specialist, payment may be withheld until such time as the work is deemed satisfactory. If a dispute occurs, contractors may follow the procedure dealing with complaints, disputes, and appeals in the applicable program's Assistance Policy. Contractors must abide by the final decision as stated in the policy. The homeowner, Rehabilitation Specialist, and Housing and Community Development Manager must sign off on the work. After the receipt of the contractor's final invoice, inspections, certificate of completion and lien releases, the final payment will be processed. All material and workmanship will be guaranteed by the contractor for a period of one (1) year from the date of completion of the work.

Orange County assures, through this policy, that adequate funds shall be available to pay the contractor for satisfactory work.

All contractors, subcontractors and suppliers must sign a lien waiver prior to the disbursement of funds.

This Procurement and Disbursement Policy is adopted this \_\_\_\_ day of \_\_\_\_\_ 20\_\_.

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County Manager



\_\_\_\_\_  
Notary Public

**Contractor's Statement:**

I have read and understand the attached Procurement and Disbursement Policy.

SIGNED: \_\_\_\_\_

COMPANY NAME: \_\_\_\_\_

WITNESS: \_\_\_\_\_

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

Meeting Date: October 20, 2020

Action Agenda  
Item No. 8-e

**SUBJECT:** Advisory Boards and Commissions – Appointments

**DEPARTMENT:** Board of Commissioners

**ATTACHMENT(S):**

No Attachments

**INFORMATION CONTACT:**

Clerk's Office, 919-245-2125

**PURPOSE:** To approve the Advisory Boards and Commissions appointments as reviewed and discussed during the October 8, 2020 Work Session.

**BACKGROUND:** The following appointments are for Board approval:

- **Agricultural Preservation Board**

| <b>VOLUNTEER TO BE APPOINTED</b> | <b>POSITION DESCRIPTION</b>                                    | <b>TYPE OF APPOINTMENT TERM</b> | <b>TERM EXPIRATION DATE</b> |
|----------------------------------|----------------------------------------------------------------|---------------------------------|-----------------------------|
| Portia McKnight                  | Chapel Hill<br>Vol. Ag. Dist.<br>White Cross<br>Vol. Ag. Dist. | Second Full Term                | 09/30/2023                  |

- **Animal Services Hearing Panel Pool**

| <b>VOLUNTEER TO BE APPOINTED</b> | <b>POSITION DESCRIPTION</b>                                                                                                                                        | <b>TYPE OF APPOINTMENT TERM</b> | <b>TERM EXPIRATION DATE</b> |
|----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|-----------------------------|
| Stacy Schenkel                   | Town of Chapel Hill<br>(request to consider<br>an applicant on the<br>current applicant<br>Interest List, this<br>position has been<br>vacant since<br>01/07/2020) | First Full Term                 | 03/31/2023                  |

**FINANCIAL IMPACT:** None

**SOCIAL JUSTICE IMPACT: 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 October 8, 2020 Work Session.

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** October 20, 2020

**Action Agenda  
Item No.** 8-f

**SUBJECT:** Change in BOCC Meeting Schedule for 2020

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**DEPARTMENT:** Board of Commissioners

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**ATTACHMENT(S):**

**INFORMATION CONTACT:**

Greg Wilder, Interim Clerk to the Board,  
919-245-2130

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**PURPOSE:** To consider changes to the Board of Commissioners' meeting calendar for 2020.

**BACKGROUND:** Pursuant to North Carolina General Statute 153A-40, the Board of County Commissioners must fix the time and place of its meetings or provide a notice of any change in the Meeting Schedule.

Due to current public health concerns, the Board of Commissioners will be conducting Virtual Board meetings during the months of November and December 2020.

Members of the Board of Commissioners will be participating in the meetings remotely. As in prior meetings, members of the public will be able to view and listen to the meeting via online streaming video or on Spectrum Cable TV. The meetings will be streamed in real-time on the County's website for public viewing/listening, real-time broadcast on Spectrum Cable, and video-recorded for future television broadcast and reference on the County's website.

**November 2020 Virtual Meetings**

|             |                                        |
|-------------|----------------------------------------|
| November 5  | BOCC Virtual Business Meeting – 7:00pm |
| November 12 | BOCC Virtual Work Session – 7:00pm     |
| November 17 | BOCC Virtual Business Meeting – 7:00pm |

**December 2020 Virtual Meetings**

|             |                                        |
|-------------|----------------------------------------|
| December 7  | BOCC Virtual Business Meeting – 7:00pm |
| December 15 | BOCC Virtual Business Meeting – 7:00pm |

**FINANCIAL IMPACT:** There is no financial 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 amend its meeting calendar for 2020:

**November 2020 Virtual Meetings**

|             |                                        |
|-------------|----------------------------------------|
| November 5  | BOCC Virtual Business Meeting – 7:00pm |
| November 12 | BOCC Virtual Work Session – 7:00pm     |
| November 17 | BOCC Virtual Business Meeting – 7:00pm |

**December 2020 Virtual Meetings**

|             |                                        |
|-------------|----------------------------------------|
| December 7  | BOCC Virtual Business Meeting – 7:00pm |
| December 15 | BOCC Virtual Business Meeting – 7:00pm |

**BOCC Meeting Follow-up Actions**

(Individuals with a \* by their name are the lead facilitators for the group of individuals responsible for an item)

| <b>Meeting Date</b> | <b>Task</b>                                                                                                                                                                                                | <b>Target Date</b> | <b>Person(s) Responsible</b>               | <b>Status</b>                                                                                                   |
|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|--------------------------------------------|-----------------------------------------------------------------------------------------------------------------|
| 10/06/20            | Review and consider request by Commissioner Greene to receive a status report from the Food Council Coordinator on the focus on hunger in Orange County that was discussed at the 2020 BOCC Annual Retreat | 12/31/2020         | Ashley Heger                               | Food Council Coordinator will provide an update to the Board at a November BOCC meeting                         |
| 10/06/20            | Review and consider request by Commissioner Marcoplos to contact Board of Elections and the Sheriff's Office regarding incidents that may occur from poll watchers at Orange County voting sites           | 10/20/2020         | Sheriff Charles Blackwood/<br>Rachel Raper | To be reviewed and considered                                                                                   |
| 10/06/20            | Review and consider request by Commissioner Marcoplos to receive a status report from the 07/07/20 Listening Session regarding Issues of Policing and Racial Justice and Equity in Orange County           | 12/31/2020         | Annette Moore                              | To be reviewed and considered                                                                                   |
| 10/06/20            | Review and consider request by Commissioner Rich to consider a resolution supporting the repeal of the Hyde Amendment and supporting the right of all women to safe and comprehensive health care          | 10/20/20           | Bonnie Hammersley                          | DONE<br>Scheduled for the Board's October 20, 2020 Business meeting                                             |
| 10/08/20            | Board of Commissioners request Staff to determine the funding formula from the ABC Board in FY2020-22 Budget Process                                                                                       | 05/04/21           | Bonnie Hammersley/<br>Gary Donaldson       | Staff sent a letter of funding reconsideration to ABC Board General Manager following the 10/08/20 Work Session |