

**APPROVED 09/03/2019**

**MINUTES  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
June 4, 2019  
7:00 p.m.**

The Orange County Board of Commissioners met in regular session on Tuesday, June 4, 2019 at 7:00 p.m. at the Whitted Human Services Center in Hillsborough, N.C.

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

**COUNTY COMMISSIONERS ABSENT:** None

**COUNTY ATTORNEYS PRESENT:** John Roberts

**COUNTY STAFF PRESENT:** County Manager Bonnie Hammersley, Deputy County Manager Travis Myren, and Clerk to the Board Donna Baker (All other staff members will be identified appropriately below.)

Chair Rich called the meeting to order at 7:01 p.m.

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

Chair Rich noted the following items at the Commissioners' places:

- PowerPoint for Item 4-c Voluntary Agricultural Districts
- PowerPoint (one PowerPoint) for Items 4-d, e, f
- PowerPoint for Item 5-c
- PowerPoint for Item 6-a

Chair Rich said she received a request to move 8-f forward to after item 4-b.

A motion was made by Commissioner McKee, seconded by Commissioner Marcoplos to move item 8-f up to after item 4-b because the property is in attendance.

**VOTE: UNANIMOUS**

**PUBLIC CHARGE**

Chair Rich acknowledged the public charge.

**Arts Moment**

Tinka Jordy, Arts Commission member, introduced the artist:

Dee Stribling is a poet focusing on culture and landscape. Her poems are tributes to friends and places embodying the strength, struggle, and beauty of rural and small town settings. The author of several poetry chapbooks, recent publications include poetry in this spring's edition of NC Coastwatch. In addition to poetry, she's currently working on a memoir about her childhood, a documentary about a very special softball team, and a children's book. She enjoys mixing up a Ph.D. in Geography, and 30+ years at SAS Software with a passion for helping others find their poetry and writing path.

Dee Stribling thanked the Board of County Commissioners (BOCC) for its service to the community, then read three short poems: “Little Girl Morning” about a very young person; “Old Will” about an older person; and “Words” to remember both.

Chair Rich introduced Bonnie Hammersley, who introduced Todd McGee, to introduce the graduating class of the County Government Academy.

Todd McGee, Community Relations Director, said this is the second graduating class and they have toured facilities, heard presentations from the different county departments, and participated in budget exercises. He then recognized the members of the class.

## **2. Public Comments**

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

Larry Shirley read the following statement:

- Resident of Carrboro
- Chairman, Interstate Renewable Energy Council
- Former Director, NC State Energy Office
- Former Founding Director, NC Clean Energy Technology Center

Madam Chair and Members of the Commission,

My name is Larry Shirley and I reside in Carrboro, my family’s home for the last 14 years. I serve as the Chairman of the Interstate Renewable Energy Council, a national nonprofit working to advance clean energy in states across the U.S., including North Carolina. I am the former Founding Executive Director of the NC Clean Energy Technology Center, the former Director of the NC State Energy Office, and the former Director of the Green Economy for NC. I have spent the entirety of my 40-year career working to ensure a sustainable energy future.

The proposal before you to increase the property tax by one-quarter of a percent to provide additional funding for addressing climate change in our county is one of the most significant long-term climate measures that I have seen before local government bodies in NC. I applaud Commissioner Marcoplos for proposing this measure and wholeheartedly endorse it. It has the potential, although modest in taxpayer impact, of placing Orange County on the map as the leader in North Carolina in placing a dedicated revenue source behind the implementation of its plans to greatly reduce carbon emissions and increase the contribution of renewable energy.

Many communities and counties across the U.S. have set goals for carbon reductions and renewable energy contributions. However, in the South, I am not aware of any counties to yet allocate a dedicated part of their tax base to putting real dollars behind those goals. Many appear to be set for political expedience with little intention of getting serious in actually addressing the many opportunities in energy efficiency and renewable energy that exist before them. With enactment of this measure into the 2019-2020 budget, Orange County has the unique opportunity to demonstrate the will—the political spine, to be more direct—that will be needed to put your goals into action.

I have reviewed the possible measures that have been compiled as examples of how this funding could be used to produce real, tangible results in carbon reductions through energy efficiency and renewable energy generation. I have managed many similar programs to those outlined in my previous state positions and can attest to the fact that they are sound and highly doable. Many of them will yield economic savings to the county budget and reductions in utility costs that will more than return the taxpayer investment over time.

And, finally, please do not get hung up on the fact that this measure was not offered in the very beginning of the budget cycle. The fact that you have it before you is a unique opportunity and challenge to greatly advance the county's work in addressing climate change. Please incorporate this measure into the County's budget when you deliberate and vote over the coming two weeks. On behalf of your constituents, show them that you are truly serious about addressing the greatest single challenge facing our society today.

Thank you for the opportunity to provide comments.

Kim Piracci agreed with the previous speaker, and said to please do this. She said she liked Commissioner Marcoplos' suggestion to increase the property tax by ¼ cents to fund climate change projects

Melissa McCullough said she is an environmental specialist, and she echoed the comments of Larry Shirley, and said there is only a short time to target climate change. She said the best predictor of greenhouse footprint is wealth, with the United States leading the way. She said this is a small tax increase, and they are well past an ounce of prevention. She said this modest tax will be a jumpstart, but the benefits will be significant.

Bill Ward said Orange County residents and businesses use about 3000 GW hours of energy yearly, to operate and maintain their homes and buildings, and 72% of this energy is from fossil fuels. He said Commissioner Marcoplos has realized that the County needs to reduce the usage of fossil fuels. He said the County can decarbonize electricity generation, increase energy efficiency of residents and businesses, and can promote electrification of buildings and houses that use natural gas. He said he would like to see Duke Energy commit to be carbon free by mid-century, as many other energy providers around the country are doing so. He said utility-scale solar and wind energy are less expensive and more efficient than installing solar panels on individual homes. He said he supports Commissioner Marcoplos' proposal.

Sally Robertson said she is the Solar Projects Coordinator for NC Warn, and is a homeowner in Carrboro. She praised the BOCC for being willing to take action on climate change, and wished the federal government and energy providers would do the same. She said clean energy creates jobs, reduces energy bills, and is better for our health.

Lauren Nyland said she lives in Carrboro, and thanked the BOCC for being proactive. She said energy efficiency has decreased her energy bills at her own house. She read the following letter from Kathy Kaufman, who could not attend this evening's meeting:

Dear Commissioners,

I write to strongly support Commissioner Marcoplos' proposal for a 1/4-cent tax increase to fund county efforts to combat climate change. I will be out of town and unable to make these comments in person, so am writing you all today.

Many of the proposals identified by the county sustainability director will save Orange County money going forward, while at the same time help to reduce the County's carbon footprint in line with its commitment under the Global Covenant of Mayors. This is smart policy and simply requires a small upfront investment.

In addition, in order for the entire state of NC to take climate change seriously and reduce statewide carbon emissions, we need to push Duke Energy away from its planned massive investments in natural gas infrastructure and toward the energy of the 21<sup>st</sup> century being pursued by utilities around the country.

Renewable energy has now crossed the threshold of being less expensive for ratepayers; but fossil fuel infrastructure creates greater profits for Duke Energy, at the expense of ratepayers, under its antiquated 20<sup>th</sup> century business plan.

One important way to push Duke Energy to change its fossil fuel plans is to reduce our countywide carbon footprint and render them unable to argue that energy use is likely to rise and require new centralized fossil fuel baseload dinosaurs.

The proliferation of energy efficiency measures, solar, and storage in Orange County will do just that.

Thank you for your time.

-Kathy Kaufman

Donell Kerns said many of her comments have already been made, and she supports Commissioner Marcoplos' proposal and wishes the increase would be more significant. She shared a quote from Greta Thernburg, a teen climate activist: "we need to focus every inch of our being on climate change, because if we fail to do so then all our achievements and progress have been for nothing, and all that will remain of our political leaders' legacy will be the greatest failure in human history."

Tom Farkas thanked Commissioner Marcoplos for this initiative. He emphasized if national leadership is in denial about climate change, then state and local governments need to step up. He said these projects are investments in their community. He said this proposal is a win-win, and the tax increase should be more.

Jean Hamilton said she is here to talk about the proposed amendment to reduce the Chapel Hill Carrboro City Schools (CHCCS) district tax, and she wants to keep it as is. She said this has been brought up before years ago. She said the BOCC does not provide resources by limiting funding, and this is an issue of funding both school districts instead of just reducing this tax.

Mark Smith said he lauds Commissioner Marcoplos' proposal, and he held up two examples of electric car technology. He said this technology is largely out of reach for many, because there are no more tax incentives or pilot projects in place. He said he hopes some of this funding can go to spur on more creative solutions in the future.

Suzy Lawrence said she supports Commissioner Marcoplos' proposal. She said she is part of Seniors and Law Enforcement Together (SALT), and has visited many rural households and this tax would help them weatherize their homes. She said she just returned from Haiti, where they took solar panels and light kits. She said this community is eager for solar energy. She said Orange County needs solar energy on County buildings, and that which is done in the United States has impact on the entire world.

Mary Parry said she has been an organizer in Orange County for many years, and climate change has been one of her hardest challenges. She is supportive of Commissioner Marcoplos' proposal of a tax increase. She said Orange County needs to lead, and this can be a teaching moment.

Joal Broun, CHCCS Board Chair, said she is speaking on behalf of her Board, and it has determined it is bad short-term policy to not fund the district at least at the continuation level. She said the district is trying to meet the needs of all of its students, and investing in education is an investment in their future. She said both school districts are the 2<sup>nd</sup> and 3<sup>rd</sup> largest employers in the community, and people move to this community because of the schools. She said CHCCS has worked hard to put sustainability programs in place to reduce its carbon footprint. She said CHCCS would prefer to receive full funding, but if the BOCC cannot maintain the current level of funds, the CHCCS ask that the County find ways to support students and families with resources for mental health needs, summer programming, and safety. She said without the continuation budget, some positions will have to be frozen, as the district plans to emphasize maintaining teachers in the classroom.

Edward Mann said he is here on behalf of his aunt and mother, who both own property near for the Mountains to Sea trail (MST). He said he would like to speak about

the possible purchase of 13 acres from Eric Knight at the corner of Highway 54 and Mebane Oaks Road for the potential for a MST hub. He said in August 2016, OWASA approved conditions for the land use for routing of the trail on its property. He said there were a few provisions in the agreement that will prohibit the trail from going across property that adjoins the property being pursued for purchase. He said the first provision from OWASA is that the trail shall be 50 feet from full pull reservoir, which is based on the Jordan Lake Watershed rules. He said there are areas of this property where OWASA only owns 25 feet. He said the second provision is that the trail be 50 feet from neighboring property owners. He said if this cannot be achieved, the County is to work with the property owner to create an agreement. He said no one has contacted his mother or aunt to discuss their neighboring properties, but his aunt and his mother have told him that they will not agree to any terms or conditions. He asked if the BOCC would reconsider, and not proceed with the purchase of this property, as it will not be able to serve the purpose for which it was purchased.

Paul Werner said he is opposed to Commissioner Marcoplos' proposal. He said he has lived in Hillsborough for 30 years, and he has seen his property taxes only go up. He said the Board should look at ways to reduce tax increases, and this is not an efficient use of their taxes.

John Lestina said he wanted to talk about pollution issues. He said his neighbors do not see this as being important, but it has been deemed critical by governments and researchers for many years. He said he is supportive of Commissioner Marcoplos' proposal.

Anna Richards said she wanted to talk about the budget process and transparency. She said she is concerned that all budget amendments made by the Board of County Commissioners should be available to the public up to two weeks in advance of the budget adoption.

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

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

### **3. Announcements, Petitions and Comments by Board Members**

Commissioner Dorosin petitioned that staff put amendments online as the Manager gets them.

Bonnie Hammersley said this information will be online tomorrow, and does not need to be listed as a petition.

Commissioner Dorosin said there is information in the news about the toxicity of Round Up pesticide, and he petitioned that if Orange County uses it, it should be banned. He said he would also like to get a copy of Carrboro's policy.

Commissioner Dorosin petitioned the Board to have a conversation in the fall about the process of possibly banning single-family zoning. He said a lot of jurisdictions around the country are banning or have banned single-family zoning. He said single-family zoning was devised to prevent African Americans from living in residential neighborhoods. He said he would like to talk about this in order to ban it, as this can have an impact on housing diversity, affordability, gentrification, etc.

Commissioner Dorosin said his amendment about the CHCCS district tax is being misrepresented, and it does not mean there will be a loss of school funding. He said the County funds the schools via a per pupil amount, which is the same across the County. He said CHCCS has a special district tax, which brings in \$20 million, which leads to each student in CHCCS receiving an additional \$2000 per pupil. He said his proposal is to reduce the inequity, and the CHCCS should come down 1 cent, and the countywide tax

would go up 1 cent. He said the County money is distributed by pupil allocation, with a 60/40 split between CHCCS and Orange County Schools (OCS). He said this would not lead to a loss of funding, but rather an increase.

Commissioner Marcoplos had no comments.

Commissioner Price said she attended the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) and the Capital Area MPO (CAMPO) joint quarterly meeting, and there is a regional effort to move forward together.

Commissioner Price said the Efland community met with planning staff, and that is moving forward.

Commissioner Price asked the County to reserve seats for particular ethnic/ racial groups on various boards and commissions. She said having these voices heard on certain boards is important.

Commissioner Price echoed what Commissioner Dorosin said about single-family housing.

Commissioner Price said the North Carolina Association of County Commissioners; Board of Directors (NCACC BOD) had a meeting this past weekend, and a committee was put together to look at the LMEMCOs. She said this recommendation will be sent to Secretary Cohen, and if Orange County wants to change, a letter can be written to Secretary Cohen.

Commissioner Bedford said last week she did two one-hour webinars on tailored plans and phase 1, which Orange County begins on November 1, 2019. She said those receiving Medicaid services for mental health and/or substance use disorder should receive letters about their providers at the end of June or early July.

Commissioner Bedford requested for Chair Rich to resend the Board letter to Cohen with a highlight.

Commissioner Greene said she had no comments.

Commissioner McKee said he thought these budget amendments were available to the public until this past weekend, and he endorsed Commissioner Dorosin's petition. He said he realized this document is just the intent of the Board, but the lack of information intimates a lack of transparency, and anyone that has any comments on Commissioner Marcoplos' (or any other proposed amendment) will be unable to speak until the night of the budget adoption. He said it is rare to make adjustments to the budget on the final night.

Commissioner McKee said there is an amendment for a 13% increase to the Board of County Commissioners salaries, which would amount to a 40% cumulative increase in salaries since 2015-2016, with a 30% reduction in formal meetings.

Chair Rich said Carrboro is celebrating Pride Month this month.

Chair Rich met with the various Mayors and Managers about the Greene Tract, and there will be a joint community meeting in September. She said Mayor Hemminger said she would put this item to a vote on the Chapel Hill Town Council at the end of September.

Commissioner Dorosin asked if the specifics of that, on which Chapel Hill will be voting, are known.

Chair Rich said it would be on that which Carrboro and the County have already voted: reconfiguring the Greene tract.

Chair Rich said if there is something on the agenda that affects the towns, she has asked the clerk to send that item to the towns' clerks. She said she would like this practice to exist both ways.

Commissioner Price referred to the energy tax proposal, and asked if Bonnie Hammersley would find out more about weatherization program.

Bonnie Hammersley said yes.

Commissioner McKee requested that the Board of County Commissioners recuse him for item 4-c since one farm belongs to his family, and will sit out the entire process for that item.

A motion was made by Commissioner Price, seconded by Commissioner Marcoplos to accept this recusal.

John Roberts said this recusal should only be for the McKee Farm Voluntary Agricultural District (VAD).

**VOTE: UNANIMOUS**

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

**a. Proclamation Recognizing Albert Lindy Pendergrass**

The Board considered voting to approve a proclamation recognizing the life and services of Albert "Lindy" Pendergrass for the people of Orange County and authorize the Chair to sign.

**BACKGROUND:** Lindy Pendergrass was a law enforcement leader and throughout his life worked tirelessly to keep the Orange County community safe. Lindy Pendergrass served 26 years in the Chapel Hill Police Department and 32 years as the elected Sheriff of Orange County. At the time of his retirement in 2014, Sheriff Pendergrass was the oldest and longest serving Sheriff in the State of North Carolina.

Chair Rich read the Proclamation:

**ORANGE COUNTY BOARD OF COMMISSIONERS  
PROCLAMATION RECOGNIZING  
ALBERT LINDY PENDERGRASS**

**WHEREAS**, Albert "Lindy" Pendergrass was a law enforcement leader in Orange County and throughout his life worked tirelessly to protect and serve the people of Orange County; and

**WHEREAS**, Lindy Pendergrass was born and grew up in Orange County as the son of a police officer; and

**WHEREAS**, Mr. Pendergrass served in the United States Marine Corps for 4 years; and

**WHEREAS**, Lindy Pendergrass joined the Chapel Hill Police Department in 1956 and served for 26 years, working his way up the chain of command to the rank of Major; and

**WHEREAS**, Lindy Pendergrass was elected Sheriff of Orange County in 1982 and served in that capacity for 32 years until his retirement in 2014; and

**WHEREAS**, at the time of his retirement, Sheriff Pendergrass was 81 years old, making him the oldest and longest serving Sheriff in the State of North Carolina; and

**WHEREAS**, Lindy Pendergrass was recognized by the Governor of North Carolina with induction into The Order of the Long Leaf Pine in 2013; and

**WHEREAS**, Lindy Pendergrass served the people of Orange County in a law enforcement capacity for 58 years; and

**WHEREAS**, our entire community mourns the passing of Lindy Pendergrass on May 19, 2019 and expresses our sincere sympathy to his wife, Sue Copeland Pendergrass, and family and friends;

**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 Lindy Pendergrass, who over his lifetime provided over a half a century in law enforcement, protecting the residents and visitors of Orange County.

This the 4th day of June 2019.

A motion was made by Commissioner McKee, seconded by Commissioner Price for the Board to approve and authorize the Chair to sign the proclamation.

**VOTE: UNANIMOUS**

**b. Proclamation Recognizing Lee Pavao**

The Board considered voting to approve a proclamation recognizing the life and services of Lee Pavao for the people of Orange County and authorize the Chair to sign.

**BACKGROUND:** From dedication to improving the lives of children and older adults, to leadership in advancing smart, sustainable economic development, and to being a champion for parks and recreational assets, Lee Pavao was a strong advocate for Orange County and North Carolina.

Lee Pavao served Orange County through multiple volunteer and leadership programs including the Orange County Task Force for Senior Needs in Southern Orange, the Chapel Hill Senior Center, the Robert and Pearl Seymour Center, the Chapel Hill Parks and Recreation Commission, the Public Library Board and Foundation, the Ronald McDonald House, the Orange County United Way, and the Orange County Visitors Bureau. Mr. Pavao also served on the Chapel Hill Town Council for two terms and as Chapel Hill Mayor Pro Tem from 2000-2001. Mr. Pavao was a long time Orange County volunteer and civic leader.

The Board of Commissioners joins with County residents in mourning the passing of Mr. Pavao at his home on May 13, 2019 surrounded by family.

Janice Tyler, Department on Aging Director, read the Proclamation:

**ORANGE COUNTY BOARD OF COMMISSIONERS  
PROCLAMATION RECOGNIZING  
LEE PAVAO**

**WHEREAS**, through his tireless work in various sectors of the community, Lee Pavao served Orange County on multiple community and leadership programs; and

**WHEREAS**, a graduate of the University of Massachusetts Dartmouth, Lee joined J. Walter Thompson Company in New York and was assigned to the Miami office before being called to serve with the US Army at Fort Benning from 1956-1958; and

**WHEREAS**, Lee and his wife Joan retired to Chapel Hill, NC in 1988, and while Joan passed away in 1990, Lee used his years of award winning advertising and business skills to dedicate countless hours to the Orange County Department on Aging, including the Orange County Task Force for Senior Needs in Southern Orange, the Chapel Hill Senior Center and the Robert and Pearl Seymour Center; and

**WHEREAS**, Mr. Pavao also served the community through his work with the Chapel Hill Parks and Recreation Commission, the Public Library Board and Foundation, the Ronald McDonald House, the Orange County United Way, and the Orange County Visitors Bureau; and

**WHEREAS**, Lee was elected to the Chapel Hill Town Council for two terms, serving as Chapel Hill Mayor Pro Tem from 2000-2001; and

**WHEREAS**, Lee was an active Board Member of the Orange County Visitors Bureau for many years, growing Orange County jobs and the economy through tourism; and

**WHEREAS**, Lee had great passion for his work with older adults to bring a modern one-stop-shop senior center to Chapel Hill, which culminated in 2007 with the opening of the Robert and Pearl Seymour Center; and

**WHEREAS**, in 2012, Mr. Pavao received the Order of the Long Leaf Pine award for his 30 years of volunteer service in Orange County; and

**WHEREAS**, Lee Pavao, a long time Orange County volunteer and civic leader, died at his home on May 13, 2019 surrounded by family; and

**WHEREAS**, Lee's sense of humor, 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 Lee Pavao to the County and beyond over the course of his lifetime.

This the 4th day of June 2019.

A motion was made by Commissioner Price seconded, by Commissioner Bedford for the Board to approve and authorize the Chair to sign the proclamation.

**VOTE: UNANIMOUS**

His daughter thanked the Board of County Commissioners for recognizing her father being a force a nature, and he had such a kindness and no malice in this man. She thanked them for giving him the conduit for doing his work. He did not judge and on behalf of her family, they have such gratitude to the Board for giving him this second life after his wife died.

**8-f Tax Refund Request– John C. Guibert III (MOVED UP)**

The Board will consider a resolution denying a refund request submitted by John C. Guibert III.

John Guibert said he and his wife are here for a property tax refund. He said he received a call from staff today that they would be recommending a denial of this request. He said this was a surprise because they had thought it was going to be approved. He asked if it fair or legal to tax people for property they do not own. He said the property they do not own belongs to Lake Orange, Inc. He said Lake Orange, Inc. has been charged with that tax since the 1976, and he and his wife have been charged since they moved there in 2002, which is double taxation. He said he and his wife discovered this issue last year, and County staff has been aware of this situation for a long time. He said staff told him to conduct and file a new survey, which he did. He said staff accepted the survey, and he is requesting a refund of taxes for the past 5 years, which is the longest amount possible, per the statute of limitations.

Dwane Brinson, Tax Administrator, said the deed on this property conveys the area between 615 and 620, and the issue all along has been that staff cannot determine where the 615 and 620 line is. He said Lake Orange is taxed on 43-50 acres between the 615 and 620 lines, but staff has never known where these lines are. He said to correct the issue, property owners are being asked to get a new survey to prove the boundaries of the land. He said the Guiberts have had a survey completed, and once the public record is corrected, the files can be updated. He said the Guibert's property was updated in February 2019, and property tax is as of January 1, 2019. He said the issue is corrected, but staff cannot support going back 5 years retroactively to pay these refunds.

John Roberts said the land records do not demonstrate clear ownership, and create a lpage issue (overlapping and conflicting ownership claims). He said this could be clarified through a quiet title action, possibly through some extensive title work between the landowners around Lake Orange and Lake Orange, Inc. He said he has been unable to justify retroactive repayment of taxes pursuant to statute.

Judith Guibert said it is important to remember that Lake Orange has been paying taxes on this property also, which is double taxation.

Commissioner Marcoplos asked if there have been similar issues with other property owners in the same area.

Dwane Brinson said yes, several families have provided updated surveys, and staff has updated the records moving forward; but none going back retroactively.

John Roberts said the Guiberts did provide a survey, and it showed a new property line for them, but only shows an access easement on the other side, as opposed to a different landowner.

John Guibert said a detailed survey was filed in February 2019, which was accepted by County staff. He said staff had an opportunity to resolve this back in the 1980s, but did not. He said what he has submitted is accurate and he is seeking a refund from 2014.

John Roberts said it does show a new line, but it shows an easement instead of ownership.

Commissioner Dorosin asked if, going forward, these folks will not get taxed on this property.

Dwane Brinson said that is correct.

Commissioner Dorosin asked if the Guiberts use the land, maintain it, etc.

John Guibert said egress and ingress, and pays a recreational fee to Lake Orange, Inc. to get to the lake, and Lake Orange, Inc. retained ownership of the strip of land between his property and the lake. He said he knew he did not own the land, but he did not know he was being taxed on it.

Commissioner Dorosin asked Dwane Brinson if both parties have paid taxes on this land.

Dwane Brinson said staff has been unable to determine this, and has never known the location of the 615/620 line around the Lake. He said Lake Orange, Inc. has been taxed

on a set number of acreage, per the deed, and owns between 615 and 620, but there is nothing on record contradicting the 1973 survey of the original subdivision.

Commissioner Price asked if the statute of limitations could be explained.

Dwane Brinson said one can request a refund up to 5 years, if there was a clerical error or an illegal tax.

Commissioner Price asked if the statute is applicable in this case.

Dwane Brinson said the County has been taxing the property based on what is on public record, which has now been corrected, and the County can correct its records moving forward.

Commissioner Price asked if there is a process to tax the land.

Dwane Brinson said the Guiberts' tax value has been reduced, due to new survey, and staff has adjusted the value accordingly.

A motion was made by Commissioner Greene, seconded by Commissioner Marcoplos to delay the discussion on the refund request submitted by John C. Guibert III until the Board can receive additional information from the Tax staff.

Commissioner Dorosin said he is unsure what information can be provided, and staff needs to develop a plan to deal with this issue holistically once and for all, and the motion should have some instruction within it.

Chair Rich said if the Board reverses this recommendation, there is likely to be other residents in the area who will make the same request.

Commissioner Dorosin said he would be in favor of awarding the refund, and he realized there may be others out there like the Guiberts, but if there is a double taxation, the County has received unjust enrichment.

Commissioner Greene said she would withdraw the motion, and would welcome other property owners, in the same situation, to come forward as well.

Commissioner Dorosin said there still needs to be a plan to resolve this.

Chair Rich said is it not clear to her that the land it was doubly taxed.

Commissioner Greene said she made the motion because there is much that is not clear.

Commissioner McKee said the motion is valid, and he wants to know about other landowners so the County can resolve the issue all at once, as opposed to piecemeal.

Commissioner Greene said her motion is to postpone the vote, in order to learn more information about the issue.

Commissioner Marcoplos agreed to this friendly amendment.

John Roberts said if there is a double taxation issue, the Guilberts would be entitled to the five years back payment.

John Roberts said awarding funds, without full details, puts the Board at risk of personal liability to any taxpayer in the County who wants to challenge this. He said he does not see this as a high risk, but it is a risk nonetheless. He would recommend pausing the issue, determining if double taxation has occurred, and award the refund if so.

Commissioner Greene said this does not change the motion, and she agrees.

Commissioner McKee clarified that the motion is to not award anything at this time, but come back to this after staff reviews the process.

Chair Rich said yes.

Commissioner McKee said he agrees.

**VOTE: UNANIMOUS**

**c. Voluntary and Enhanced Agricultural District Designation: Multiple Farms**

The Board considered applications from six (6) landowners/farms to certify qualifying farmland within the Caldwell, Cedar Grove, High Rock/Efland, and Cane Creek/Buckhorn Voluntary Agricultural Districts; and vote to enroll the lands in the Orange County Farmland Preservation Voluntary and Enhanced Voluntary Agricultural District programs.

Gail Hughes, Soil Conservationist, and Commissioner McKee will recuse themselves when talking about the McKee Farm.

**BACKGROUND:** Orange County's Voluntary Farmland Preservation Program started in 1992. There are 109 farms in both the Voluntary Agricultural District (VAD) and the Enhanced Voluntary Agricultural District (EVAD) program totaling 14,303\* acres as of December 2018.

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

- a) Be located in the unincorporated area of Orange County;
- b) Be engaged in Agriculture as that word is defined in NC GS 106-581.1
- c) Be certified by the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture as being a farm on which at least two-thirds of the land is composed of soils that are best suited for providing food, seed, fiber, forage, timber, forestry products, horticultural crops and oil seed crops;
- d) Be managed in accordance with the Natural Resources Conservation Service and NC Soil and Water Conservation Service defined erosion-control practices that are addressed to said highly-erodible land; and have a current conservation farm plan and/or forestry management plan associated with the current usages and owner;
- e) Be the subject of a non-binding conservation agreement, as defined in N.C.G.S. §121-35, between the County and the owner that prohibits non-farm use or development of such land for a period of at least ten years, except for the creation of not more than three lots that meet applicable County zoning and subdivision regulations.

The Orange County Agricultural Preservation Board reviewed the findings of the staff assessments for the attached applications for the Orange County Voluntary Agricultural District program at the March and May 2019 meetings. All farm applications were reviewed and verified to have met or exceeded the minimum criteria for certification into the program.

The Agricultural Preservation Board voted unanimously to recommend approval of the certification for six (6) farms and their inclusion in the Voluntary and/or the Enhanced Voluntary Agricultural District program. The certification documentation is on file in the DEAPR/Soil and Water Conservation District office. The farms are described briefly below:

**Brief Farm Descriptions:**

- 1) Owners, Lynn and Teresa Holloway, and Alene Holloway, have submitted an application to enroll three (3) parcels of land totaling 122.05 acres as qualifying farmland for the Voluntary Agricultural District program (VAD) in the Cedar Grove Agricultural District. The farm operation includes tobacco, small grains, and managed woodland. The farm has been evaluated against each of the VAD certification requirement standards and meets or exceeds all of the measures above.
- 2) Owners, Howard and Karen McAdams (McAdams Farm), have submitted an application to enroll one (1) of parcel of land totaling 22.68 acres as qualifying farmland for the

Voluntary Agricultural District (VAD) program in the High Rock/Efland Agricultural District. The farm operation includes livestock, pasture, and managed woodland. This acreage will be an addition to the existing farmland in the VAD program. The farm has been evaluated against each of the VAD certification requirement standards and meets or exceeds all of the measures above.

- 3) Owners, Claude Hughes and Linda Sakiewicz, have submitted an application to enroll one (1) parcel of land totaling of 2.56 acres as qualifying farmland for the Voluntary Agricultural District (VAD) program located in the Cane Creek/Buckhorn Agricultural District. The farm includes livestock and pasture, and will be an additional acreage to their existing farmland in the VAD program. The farm has been evaluated against each of the VAD certification requirement standards and meets or exceeds all of the measures above.
- 4) Owners, Susan Snipes Nichols and Karen Snipes Sexton, have submitted an application to enroll two (2) parcels of land totaling 268.33 acres as qualifying farmland for the Voluntary Agricultural District (VAD) program in the Cane Creek/Buckhorn Agricultural District. The farm operation includes corn, soybeans, small grains, hay crops, and managed woodland. The farm has been evaluated against each of the VAD certification requirement standards and meets or exceeds all of the measures above.
- 5) Owners, Virginia McKee and Heirs, have submitted an application to enroll one (1) parcel of land totaling of 162.28 acres as qualifying farmland for the Voluntary Agricultural District (VAD) program located in the Caldwell Agricultural District. The farm includes livestock, pasture, hay crops, soybeans, small grains, and managed woodland. The farm has been evaluated against each of the VAD certification requirement standards and meets or exceeds all of the measures above.
- 6) Owner, Mark Miller, has submitted an application to enroll five (5) parcels of land totaling 177.74 acres as qualifying farmland for the Voluntary Agricultural District (VAD) program in the Caldwell Agricultural District. The farm operation includes livestock, pasture, hay crops, and managed woodland. The farm property has been evaluated against each of the VAD certification requirement standards and meets or exceeds all of the measures above.

Gail Hughes made the following PowerPoint presentation:

**Orange County Voluntary  
Farmland Preservation Program  
Voluntary and Enhanced Voluntary  
Agricultural District Program  
Orange County Board of Commissions Meeting  
June 4, 2019**

**Orange County VAD/EVAD Program  
Benefits of Agricultural Districts**

- **Voluntary Agricultural District (VAD)** is a 10 year commitment for farm to be in active farm production, but the landowner can withdraw from the VAD at any time, for any reason, with a 30 day notification to the Agri. Preservation Board.
- **Enhanced Voluntary Agricultural District (EVAD)** is an irrevocable 10 year commitment to be in active farm production, therefore the “enhanced” qualifies farm for up to 90% cost share rates and a priority for state and federal grants funds.

**Benefits include:** (listing a few)

- Makes public more aware of the local agricultural and its vital role in the economics of the county;
- Recorded notice of agricultural district property is recorded at County Land Records office;
- Land search on all properties within a ½ mile radius has notification of the agricultural status; therefore, the agricultural landowner has increased protection from nuisance lawsuits.
- Agricultural Preservation Board can request public hearings for proposed condemnation of VAD land and utility assessments may be suspended or waived on EVAD land if not connected to the utility.
- Farm may receive up to 25% of gross sales from the sale of non-farm products and still maintain its zoning exemption as a bona fide farm. (EVAD only)
- VAD District signs are placed on farms, for public to know location of VAD/EVAD farms

**Lynn and Teresa Holloway; Alene Holloway**

- VAD – 122.05 acres – Cedar Grove Agricultural District – 3 parcels of land
- Tobacco, grain crops, and managed woodland

**Howard and Karen McAdams; McAdams Farm**

- VAD – 22.68 acres - High Rock/Efland Agricultural District – 1 parcel of land
- Hay crops, and managed woodland.
- Additional Acres to the existing farmland in the VAD program
- Included in the Century Farm program (100 years in the same family ownership)

**Claude Hughes and Linda Sakiewicz; Bracken Brae Farm**

- VAD – 2.56 acres – Cane Creek/Buckhorn Agricultural District - 1 parcel of land
- Livestock and pasture land
- Additional acres to their existing VAD farmland in the program (105.9 acs)

**Susan Snipes Nichols and Karen Snipes Sexton**

- VAD – 268.33 acres – Cane Creek/Buckhorn Agricultural District – 2 parcels of land
- Corn, soybeans, small grains, hay crops, and managed woodland
- Most commonly known as Anilorac Farm Dairy on Dairyland Rd.
- Included in the Century Farm Program (100+ years in same family ownership)

**Mark Miller**

- VAD – 177.74 acres – Caldwell Agricultural District -5 parcels of land
- Beef, pasture, hay crops, and managed woodland

A motion was made by Commissioner Dorosin, seconded by Commissioner Price to approve and authorize the Chair to certify the six (5) farm properties (which will total 756 acres with the McKee farm; designate them as a Voluntary Agricultural District farm within the Caldwell, Cedar Grove, High Rock/Efland, and Cane Creek/Buckhorn Voluntary Agricultural Districts; and enroll the lands in the Orange County Farmland Preservation Program; Voluntary and Enhanced Voluntary Agricultural District (VAD and EVAD) programs (on the first 5 farms).

**VOTE: UNANIMOUS**

**Virginia McKee and Heirs (David Stancil, Department of Environment, Agriculture, Parks and Recreation Director (DEAPR), presented this item)**

- VAD - 162.28 acres – Caldwell Agricultural District – 1 parcel of land
- Beef cattle, pasture, hay crops, corn, soybeans, small grains, and managed woodland
- Made application for the Century Farm Program (100+ years in same family ownership)

**Orange County Voluntary and Enhanced Voluntary Agricultural Program**

- The Agricultural Preservation Board has approved all of the farms as presented.
- Requesting approval from Commissioners to accept six (6) farms into the VAD program.
- 756 acres\* in the Voluntary Agricultural District program

\* = rounded acres

A motion was made by Commissioner Greene, seconded by Commissioner Price for the Board to approve this VAD for the McKee Farm.

**VOTE: 6-0 (with Commissioner McKee's recusal)**

**THE NEXT THREE ITEMS WERE ALL DONE AS ONE WITH ONE MOTION AT THE END – D, E, F**

**d. Resolution of Approval – Conservation Easement on Cedar Grove Windy Hill Farm and Approval of Budget Amendment #10-A**

The Board considered voting on a resolution to approve the purchase of and acceptance by Orange County of an agricultural conservation easement for Cedar Grove Windy Hill Farm, and approve Budget Amendment #10-A and authorize the Chair to sign.

**BACKGROUND:** The acquisition of conservation easements to protect highly important natural and cultural resource lands in Orange County is a longstanding goal of the Board of Commissioners, and is a priority of the Lands Legacy program. Since 2001, the County has partnered with landowners and other entities to protect 2,647 acres of significant natural areas and prime farmland with permanent conservation easements, leveraging over \$3 million in outside funding and grants toward these easements.

Over the past several years, DEAPR has worked with Geoffrey (deceased) and Jane Gledhill and the Eno River Association on a project to conserve the approximately 39-acre Cedar Grove Windy Hill Farm located on Carr Store Road in Cedar Grove Township. The farm property is located in the Upper Eno Protected Watershed, a priority watershed for acquiring agricultural easements in a dual effort to protect prime farmland and drinking water quality. The farm has over 500 feet of riparian buffer of a tributary of the East Fork Eno River and Lake Orange, which supplies drinking water to the Town of Hillsborough.

Ms. Gledhill intends to grant a permanent conservation easement that will restrict future development to protect prime farmland and streams, as well as scenic views of the farmland from Carr Store Road. All non-agricultural development rights will be extinguished through the conservation easement. Future farm activities will be in accordance with a Conservation Plan prepared for this farm by the Orange Soil & Water Conservation District.

The planned agricultural conservation easement would be held jointly by Orange County and the Eno River Association. The easement would complement the technical assistance from the Orange Soil and Water Conservation District and protect a farm located just 1/3 mile from Cedar Grove Rural Crossroads Historic District (listed on the National Register of Historic Places).

David Stencil made the following PowerPoint presentation for all three items (4-d, e, f)

**Windy Hill Farm (Gledhill)**  
**Spring Crest Farm (Woods)**  
**Holden-Roberts Farm (Anderson)**  
**June 4, 2019**

**Windy Hill Farm Conservation Easement**

**Carr Store Road**

**Photos of land**

**Funding Partners:**

\$ 65,700 (44%)	Orange County (Lands Legacy)
\$ 15,000 (10%)	Eno River Association
\$ 39,655 (26%)	NC ADFP Trust Fund Grant
<u>\$ 29,400 (20%)</u>	Landowner <u>donation</u> (Gledhill family)
\$149,755 (100%)	Total Easement

Commissioner Bedford read the resolution: (after the motion after Item 4-f)

**ORANGE COUNTY BOARD OF COMMISSIONERS RESOLUTION**  
**Approval of Conservation Easement**  
**between**  
**Orange County and the Eno River Association**  
**and**  
**Jane Gledhill**

**WHEREAS**, Orange County has adopted goals that promote the preservation of natural areas, wildlife habitat, prime farmland, and open space in the County; and

**WHEREAS**, Orange County established the Lands Legacy Program for the purpose of protecting the most significant natural and cultural resources through partnerships with landowners and other conservation entities; and

**WHEREAS**, one component of the Lands Legacy Program is the acquisition of conservation easements on prime farmland within water supply watersheds; and

**WHEREAS**, the Cedar Grove Windy Hill Farm property includes approximately 39 acres in the Upper Eno protected watershed, consisting of a majority of prime agricultural soils, and includes 500 linear feet of stream buffer to a tributary that drains to Lake Orange – a drinking water supply reservoir for the Town of Hillsborough; and

**WHEREAS**, Jane Gledhill, the owner of the Cedar Grove Windy Hill Farm property, wishes to grant a permanent conservation easement to Orange County and the Eno River Association, which will protect the prime farmland and riparian corridors that exist on the property; and

**WHEREAS**, a conservation easement on this approximately 39 acres would ensure the preservation of this farmland and stream buffers for future generations and help compensate the owner for this long-term commitment;

**NOW, THEREFORE, BE IT RESOLVED** that the Orange County Board of Commissioners does hereby 1) accept on behalf of Orange County the conservation easement for land owned by Jane Gledhill; 2) approve the execution of this conservation easement agreement with Jane Gledhill, in accordance with the terms of the proposed easement agreement, subject to final review by staff and the County Attorney; 3) authorize the Chair and the Clerk to sign the easement agreement on behalf of the Board, with a closing to occur on or about September 30, 2019; and 4) authorize County staff to sign any and all closing documents upon consultation with the County Attorney.

**BE IT FURTHER RESOLVED** that the Board thanks Jane Gledhill for the civic-minded granting of this conservation easement through the Lands Legacy Program.

This the 4th day of June, 2019

Jane Gledhill accepted this resolution, and thanked the BOCC.

**VOTE: UNANIMOUS**

**e. Resolution of Approval – Conservation Easement on Spring Crest Farm and Approval of Budget Amendment #10-B**

The Board considered voting on a resolution to approve the purchase of and acceptance by Orange County of an agricultural conservation easement for Spring Crest Farm, and approve Budget Amendment #10-B and authorize the Chair to sign.

**BACKGROUND:** The acquisition of conservation easements to protect highly important natural and cultural resource lands in Orange County is a longstanding goal of the Board of Commissioners, and is a priority of the Lands Legacy program. Since 2001, the County has partnered with landowners and other entities to protect 2,647 acres of significant natural areas and prime farmland with permanent conservation easements, leveraging over \$3 million in outside funding and grants toward these easements.

Over the past year, DEAPR has worked with Kimberly Woods on a project to conserve approximately 70 acres of Spring Crest Farm located on Pearson Road in Cedar Grove Township.

The farm property is located in the Little River Protected Watershed, a priority watershed for acquiring agricultural easements in a dual effort to protect prime farmland and drinking water quality. The farm has over 2,000 feet of stream frontage on a tributary of the South Fork Little River, which supplies drinking water for the City of Durham.

Mrs. Woods intend to grant a permanent conservation easement that will restrict future development to protect prime farmland and streams, as well as scenic views of the farmland from Pearson Road. All non-agricultural development rights will be extinguished through the conservation easement. Future farm activities will be in accordance with a Conservation Plan prepared for this farm by the Orange Soil & Water Conservation District.

The planned agricultural conservation easement would be held by Orange County. The easement would enhance the protection of this **Century Farm**. The easement would expand and complement assistance from the Orange Soil and Water Conservation District that will restore vegetative stream buffers, fence cattle from the stream, and provide an alternative source of water with separate funding from the NC Conservation Reserve Enhancement Program (CREP). CREP will require a permanent riparian buffer easement held by the State of North Carolina which totals approximately 1.5 acres for the 70-acre property.

David Stancil made the following PowerPoint presentation:

### **Spring Crest Farm**

#### **Photos of land**

#### **Funding Partners:**

\$ 131,000 (51%)	Orange County (Lands Legacy)
\$ 64,000 (25%)	NC ADFP Trust Fund Grant
<u>\$ 61,000 (24%)</u>	Landowner <u>donation</u> (Woods family)
\$ 256,000 (100%)	Total Easement

Commissioner Greene asked if the CREP could be explained.

David Stancil said this is a program that is offered through the USDA Natural Resource Conservation Service, as well as the State. He said this program is available to farmers and rural landowners to help fund things like exclusion fencing to keep livestock out streams, etc. He said it is a separate program that is able to work in conjunction with the County's easement program.

**ORANGE COUNTY BOARD OF COMMISSIONERS**  
**RESOLUTION**  
**Approval of Conservation Easement**  
**between**  
**Orange County**  
**and**  
**Kimberly Woods**

**WHEREAS**, Orange County has adopted goals that promote the preservation of natural areas, wildlife habitat, prime farmland, and open space in the county; and

**WHEREAS**, Orange County established the Lands Legacy Program for the purpose of protecting the most significant natural and cultural resources through partnerships with landowners and other conservation entities; and

**WHEREAS**, one component of the Lands Legacy Program is the acquisition of conservation easements on prime farmland within water supply watersheds; and

**WHEREAS**, the Spring Crest Farm property includes approximately 70 acres in the Little River protected watershed, consisting of a majority of prime agricultural soils, and includes 2,000 linear feet of tributaries that drain to the Little River Reservoir – a drinking water supply reservoir for the City of Durham; and

**WHEREAS**, Kimberly Woods, the owner of the Spring Crest Farm property, wishes to grant a permanent conservation easement to Orange County, which will protect the prime farmland and riparian corridors that exist on the property; and

**WHEREAS**, a conservation easement on this approximately 70 acres would ensure the preservation of this farmland and stream buffers for future generations and help compensate the owner for this long-term commitment;

**NOW, THEREFORE, BE IT RESOLVED** that the Orange County Board of Commissioners does hereby 1) accept on behalf of Orange County the conservation easement for land owned by Kimberly Woods; 2) approve the execution of this conservation easement agreement with Kimberly Woods, in accordance with the terms of the proposed easement agreement, subject to final review by staff and the County Attorney; 3) authorize the Chair and the Clerk to sign the easement agreement on behalf of the Board, with a closing to occur on or about September 30, 2019; and 4) authorize County staff to sign any and all closing documents upon consultation with the County Attorney.

**BE IT FURTHER RESOLVED** that the Board thanks Kimberly Woods for her civic-minded granting of this conservation easement through the Lands Legacy Program.

This the 4th day of June, 2019.

**f. Resolution of Approval – Conservation Easement on Holden-Roberts Farm and Approval of Budget Amendment #10-C**

The Board considered voting on a resolution to approve the purchase of and acceptance by Orange County of an agricultural conservation easement for Holden-Roberts Farm, and approve Budget Amendment #10-C and authorize the Chair to sign.

**BACKGROUND:** The acquisition of conservation easements to protect highly important natural and cultural resource lands in Orange County is a longstanding goal of the Board of Commissioners, and is a priority of the Lands Legacy program. Since 2001, the County has partnered with landowners and other entities to protect 2,647 acres of significant natural areas and prime farmland with permanent conservation easements, leveraging over \$3 million in outside funding and grants toward these easements.

Over the past several years, DEAPR has worked with Nels and Nancy Anderson on a project to conserve approximately 57 acres of Holden-Roberts Farm located on St. Mary's Road in Eno Township.

The farm property is located in the Lower Eno Protected Watershed, a priority watershed for acquiring agricultural easements in a dual effort to protect prime farmland and drinking water quality. The farm has over 2,500 feet of stream frontage on tributaries to Buckwater Creek, a major tributary of the Eno River, which supply drinking water for the City of Raleigh. The Andersons intend to grant a permanent conservation easement that will restrict future development to protect prime farmland and streams, as well as scenic views of the farmland from St. Mary's Road. All non-agricultural development rights will be extinguished through the conservation easement. Future farm activities will be in accordance with a Conservation Plan prepared for this farm by the Orange Soil & Water Conservation District.

The planned agricultural conservation easement would be held jointly by Orange County and the Eno River Association. The easement would enhance the protection of this historic farm, which is listed on the **National Register of Historic Places**. It would also complement the technical assistance from the Orange Soil and Water Conservation District and will also protect stream buffers.

David Stancil made the following PowerPoint presentation:

**Holden-Roberts Farm Easement**

**Funding Partners:**

\$ 85,000 (27%)	Orange County (Lands Legacy)
\$ 84,460 (27%)	NC ADFP Trust Fund Grant
\$ 71,698 (23%)	City of Raleigh (Upper Neuse initiative)
\$ 69,750 (23%)	Landowner <u>donation</u> (Anderson family)
\$ 310,908 (100%)	Total Easement

**ORANGE COUNTY BOARD OF COMMISSIONERS  
RESOLUTION  
Approval of Conservation Easement  
between  
Orange County and the Eno River Association  
and  
Nels and Nancy Anderson**

**WHEREAS**, Orange County has adopted goals that promote the preservation of natural areas, wildlife habitat, prime farmland, and open space in the county; and

**WHEREAS**, Orange County established the Lands Legacy Program for the purpose of protecting the most significant natural and cultural resources through partnerships with landowners and other conservation entities; and

**WHEREAS**, one component of the Lands Legacy Program is the acquisition of conservation easements on prime farmland within water supply watersheds; and

**WHEREAS**, the Holden-Roberts Farm property includes approximately 57 acres in the Lower Eno protected watershed, consisting of a majority of prime agricultural soils, and includes 2,500 linear feet of tributaries that drain to Falls Lake – a drinking water supply reservoir for the City of Raleigh; and

**WHEREAS**, Nels and Nancy Anderson, the owners of the Holden-Roberts Farm property, wish to grant a permanent conservation easement to Orange County and the Eno River Association, which will protect the prime farmland and riparian corridors that exist on the property; and

**WHEREAS**, a conservation easement on this approximately 57 acres would ensure the preservation of this farmland and stream buffers for future generations and help compensate the owner for this long-term commitment;

**NOW, THEREFORE, BE IT RESOLVED** that the Orange County Board of Commissioners does hereby 1) accept on behalf of Orange County the conservation easement for land owned by Nels and Nancy Anderson; 2) approve the execution of this conservation easement agreement with Nels and Nancy Anderson, in accordance with the terms of the proposed easement agreement, subject to final review by staff and the County Attorney; 3) authorize the Chair and the Clerk to sign the easement agreement on behalf of the Board, with a closing to occur on or about September 30, 2019; and 4) authorize County staff to sign any and all closing documents upon consultation with the County Attorney.

**BE IT FURTHER RESOLVED** that the Board thanks Nels and Nancy Anderson for their civic-minded granting of this conservation easement through the Lands Legacy Program.

This the 4th day of June, 2019.

Commissioner Marcoplos asked if staff is sending a thank you letter to Raleigh for its assistance in funding this easement.

David Stancil said staff has done so in the past, and can do so again after the closing, etc.

Commissioner Greene said she will mention gratitude at the next UNRBA, as she is the BOCC representative. She said there is ongoing discussion about being able to claim that preservation of land does help with the health of the lake, as it is better to not put pollutants in the lake in the first place, as opposed to taking them out after the fact.

A motion was made by Commissioner Bedford, seconded by Commissioner Marcoplos for the Board to adopt and authorize the Chair to sign the all three resolutions (for win) approving the acceptance by Orange County of the conservation easements, and authorize the Chair and the Clerk to sign the conservation easement agreements, subject to final review by staff and County Attorney, with a closing and recordation of the documents expected to occur on or about September 30, 2019, and approve Budget Amendment #10-A, #10-B and #10-C.

**VOTE: UNANIMOUS**

**g. Resolution Endorsing HR 1384 – Improved Medicare for All**

The Board considered voting to approve a Resolution Endorsing HR 1384 - Improved Medicare for All and authorize the Chair to sign.

**BACKGROUND:** Based on a petition submitted at the Board's May 21, 2019 meeting, the attached resolution is proposed for Board consideration.

**PUBLIC COMMENT:**

Nina Schlosky said she is here on behalf of the local community organization Healthcare for All Y'all, whose goal is to provide information on how to solve current healthcare problems. She said as a country, the United States pays twice as much for healthcare, and many people do not even have healthcare. She said over 100 congressmen endorse this bill, and they are trying to gather local support for this bill. She said single payer is the best resolution to this problem.

Commissioner Price read the resolution:

**ORANGE COUNTY BOARD OF COMMISSIONERS  
RESOLUTION ENDORSING HR 1384 - IMPROVED MEDICARE FOR ALL**

**WHEREAS**, studies show that universal healthcare will not be achievable without serious downward pressure on out-of-control healthcare costs in the US; and

**WHEREAS**, the US has the highest costs in the world, spending on average double per capita what most other countries spend per capita, even as 12.5% of adults had no health insurance at all in the first half of 2018, which is worse than 2013 and is expected to rise as premiums increase without checks; and

**WHEREAS**, according to the CDC, only 8.5 million people got plans from healthcare.gov for 2019; and

**WHEREAS**, out-of-pocket costs for individuals with insurance is forcing them to delay care at extraordinary rates, noting that more than half of 18-44 year olds did not get care in the 12 months preceding February 2018; and

**WHEREAS**, 45% of adults age 19-64 are now **underinsured**, many of whom are on employer-based private insurance plans; and

**WHEREAS**, the cost of health insurance continues to rise while workers' wages and benefits continue to stagnate and fall; and

**WHEREAS**, nearly 60% of for-profit insurance revenue of Cigna, Anthem, Humana, Aetna, and United Healthcare is now coming from Medicare and Medicaid; and

**WHEREAS**, public dollars are used to subsidize private insurance companies, with ACA subsidies and more and more Medicaid and Medicare being taken over by private for-profit companies, who then deny care; and

**WHEREAS**, these high costs and meager coverages do not contribute to higher health outcomes with the US ranking lowest in the world when compared to similar countries and people are dying at increasing rates; and

**WHEREAS**, the establishment of a Medicare for All single payer system in the United States will free millions of workers who are currently dependent on their employers for health insurance, with workers not only having greater security in access to care for themselves and their families, but also greater flexibility to change jobs and professions or start their own business to suit their unique skill sets (19% of people age 50-64 say they are staying in current jobs rather than change or retire because of health insurance needs, even as many young people out of college are unable to occupy these jobs); and

**WHEREAS**, over 1,000 national, regional and local unions, state labor federations and central labor councils have endorsed Medicare for All and organizations like the National Nurses United, the Labor Campaign for Single-Payer and Physicians for a National Health Program have made single-payer a priority in their work such that the campaign represents a major opportunity to build relationships with and forge solidarity with the leading edge of the labor movement; and

**WHEREAS**, abolishing the health insurance industry will require an unprecedented level of mobilization and organization;

Commissioner Price read the following:

**NOW THEREFORE** be it resolved that the Board of Commissioners of Orange County, North Carolina does hereby endorse HR 1384, which adheres to the requirements below:

- a. **A single program** - not a patchwork of multi-payer state and federal systems.
- b. **Comprehensive coverage** - *all* medically necessary services requiring a medical professional will be covered.
- c. **Free at the point of service** - no more shifting costs onto the sick: no premiums, no copays, no deductibles, and no coinsurance.
- d. **Universal coverage** - coverage for all U.S. residents.
- e. **Jobs** - replacement and severance for those affected by the transition.

This the 4<sup>th</sup> day of June 2019.

A motion was made by Commissioner Price, seconded by Commissioner Bedford for the Board to approve and authorize the Chair to sign the resolution.

Commissioner McKee said he has some concerns, and clarified that this is seeking to abolish the entire current, private, health insurance industry in the United States.

Chair Rich said, as the industry exists in its current form.

Commissioner McKee said it does not say “current form” in the resolution.

Nina Arshavsky said the single-payer system suggests that the entire healthcare industry (hospitals, doctors, etc.) stays intact, and what changes is how the money is paid to private providers. She said it will be paid similarly to how it is currently paid by Medicare; essentially extending Medicare insurance to everybody in the country, as opposed to going through private health insurance, which cares more about profits than patients.

Commissioner Greene suggested a wording change to “revamping health care delivery will require an unprecedented level of mobilization, etc.”

Commissioner McKee said he questions the whole concept, because the Veteran’s health care program is similar to this, and it is riddled with inefficiencies, delays, and lack of service. He said this is good rhetoric, but it is short on details. He said this will do away with the insurance companies, which will effect stockholders, and, in turn, affect the portfolios of millions of United States residents and their retirement plans. He asked if there is a plan in place to address this.

Nina Arshavsky said all medical insurance companies have insurance business in other areas. She said the local group invited Mendel Porter, a former Cigna executive, to speak, and he said the industry will not be destroyed because it has other business interests. He said some of those who work in the private industry will have job opportunities to work in the extended system, but some jobs will be redundant. She said doctors are burning out due to the administrative strains, and many hours are spent dealing with billing issues, and this change would allow the entire system to work more efficiently.

Commissioner McKee asked if another business line in Blue Cross/Blue Shield could be identified, and the specifics of other employment opportunities could be explained.

Commissioner Dorosin said this resolution is to expand universal health care for all Americans, and the details that Commissioner McKee is concerned about would not exist in a resolution. He said he will support the resolution as he wants to show support for universal healthcare.

Commissioner Greene agreed with Commissioner Dorosin that this is an overall endorsement of universal healthcare, but the phrase that sticks out to her is: “19% of people age 50-64 say they are staying in current jobs rather than change or retire because of health

insurance needs even as many young people out of college are unable to occupy these jobs.” She said the United States is the only country that links health care entitlement to jobs.

Chair Rich called the question.

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

Commissioner Dorosin asked if item 6-a could be moved up since people are here for that item.

The Board agreed by consensus.

Commissioner McKee said he will not ask to be recused from item 6-a, but disclosed that he is an engineer for Summit Engineering. He referred back to the previous opinion of the County Attorney stating that he did not need to be recused. He said Summit Engineering has no association with this project, and neither does he.

**THE BOARD MOVED UP ITEM 6A- TO BEFORE THE PUBLIC HEARINGS (ITEM 5)**

**6. Regular Agenda**

**a. Major Subdivision Preliminary Plat Application – Fairway Hills**

The Board received the Planning Board recommendation, review, and considered a decision on a Major Subdivision Preliminary Plat application proposing a 20 lot single-family residential subdivision in accordance with the provisions of Section 2.15 *Major Subdivisions* and *Article 7: Subdivisions* of the Unified Development Ordinance (UDO).

**BACKGROUND:** Fairway Hills was originally submitted as Class A Special Use Permit (SUP) Major Subdivision application (originally called Occoneechee Hills) proposing the creation of 27 single family lots. The proposal was ultimately renamed, revised, and the number of proposed lots was reduced to 20. This revision removed the SUP requirement for the Major Subdivision and reclassified the review process in accordance with Section 2.15 of the UDO.

The basic facts concerning the current application are as follows:

- Owners:** Beth Porter and Thomas Bradford  
11810 Wakehurst Drive  
North Chesterfield, VA 23236
- Applicant(s)/Developers:** Old NC 86 Partners, LLC  
C/o Jim Parker  
504 Meadowland Drive  
Hillsborough, NC 27278
- Consultants:** Summit Design and Engineering Services  
C/o Tim Smith, PE  
504 Meadowland Drive  
Hillsborough, NC 27278
- Location:** 2715 US 70 East, Hillsborough, NC 27278. See Attachment 2 for a general location of the parcel.
- Parcel Information:**
  - a. **PINs:** 9884-32-3275; and 9884-31-9874.
  - b. **Size of Parcel:** 41.97 acres in area total.
  - c. **Zoning of Parcels:** Rural Residential (R-1) and Lower End Protected Watershed Protection Overlay District.

- d. **Township:** Eno.
- e. **School District:** Orange County Schools.
- f. **Future Land Use Map Designation:** Rural Residential.
- g. **Growth Management System Designation:** Rural Designated.
- h. **Existing Conditions/Physical Features:** The property has one 2,286 square foot single-family dwelling built in approximately 1956 and four accessory structures. The site has varying topography, two stream features, moderate cleared areas near structures, and woodlands.
- i. **Roads:** Existing vehicular access to the parcel is via a private drive along US Highway 70 East.
- j. **Water and Sewer Service:** The property is not located within a primary utility service area. It is designated on the Water and Sewer Management Planning and Boundary Agreement (WASMPBA) as Hillsborough Long-term Interest Area. The existing and proposed homes will utilize individual private wells and septic systems.

**Surrounding Zoning/Land Uses:**

- a. **NORTH:** Single-family residences and undeveloped property on lots ranging from 5 to 99 acres in area. All zoned R-1.
- b. **SOUTH:** Occoneechee Golf Course and Club; Single-family residences on lots ranging from 1.1 to 131 acres in area. All zoned R-1.
- c. **EAST:** Single-family residences and undeveloped property on lots ranging from 0.8 to 5.2 acres in area. All zoned R-1.
- d. **SOUTHWEST:** Occoneechee Golf Course and Club (south of US Highway 70 East) and undeveloped property. All zoned R-1.

**Development Process, Schedule, and Action:** The typical cadence for the review of a Major Subdivision is as follows:

4. **FIRST ACTION** – Submission of a Concept Plan application containing a proposed layout for the project based on the “Flexible Development” option as outlined in Section 7.12 of the UDO.

*STAFF COMMENT:* As previously indicated the original application for the project, as a 27 lot major subdivision, was submitted on January 7, 2019 as part of a Class A Special Use Permit application. After the holding of a neighborhood information meeting (NIM) a revised Concept Plan was submitted on or about March 25, 2019 reducing the number of proposed lots to 20 (a 26% reduction in the number of proposed lots).

5. **SECOND ACTION** – Planning staff schedules a Neighborhood Information Meeting (NIM) to invite property owners within 1,000 feet of the subject property to review the proposal.

*STAFF COMMENT:* Staff held the required meeting on February 13, 2019 to review the originally proposed 27 lot layout consistent with the requirements of Section 2.7 of the UDO. As a result of comments from the public at this meeting, as well as concerns over finding sufficient soils to support 27 individual septic systems, the applicant reduced the number of proposed lots. The submittal of a revised Concept Plan (i.e. 20 proposed lots) did not require the scheduling/holding of a new NIM under the provisions of the UDO.

- 6. **THIRD ACTION** – The Planning Board reviews and takes action on the Concept Plan application approving either the ‘conventional’ or ‘flexible development’ layout.  
*STAFF COMMENT:* The Concept Plan application package was approved at the April 3, 2019 Planning Board meeting with a ‘flexible development’ layout. Agenda materials, including approved minutes, for this meeting can be viewed at: <http://www.orangecountync.gov/AgendaCenter/Planning-Board-26>. An excerpt of the approved minutes from this meeting are contained in Attachment 6.
- 7. **FOURTH ACTION** – The Planning Board reviews and makes a recommendation on the Preliminary Plat application.  
*STAFF COMMENT:* At its May 1, 2019, regular meeting the Board voted 7-3 to recommend approval of the Flexible Development option for Fairway Hills. Agenda materials for his meting can be viewed at: <http://www.orangecountync.gov/AgendaCenter/Planning-Board-26>. An excerpt of the draft minutes from this meeting are contained in Attachment 6.
- 8. **FIFTH ACTION** – The BOCC reviews and takes action on the Preliminary Plat application.  
*STAFF COMMENT:* The review and decision to approve or deny the Preliminary Plat is scheduled for the June 4, 2019 BOCC regular meeting. If approved, and once all construction activities have been completed or appropriate financial assurances have been approved, staff will sign off on a Final Plat, which will be recorded in the Orange County Registrar of Deeds Office.

**Proposal:** The petitioner has submitted a Major Subdivision Preliminary Plat application proposing to develop 20 single-family residential lots at a density of approximately 1 dwelling unit per 2.1 acres of gross land area and approximately 15.54 acres of common open space to be held/controlled by a homeowners association. Proposed lots range in size from 42,785 square feet (smallest) to 125,765 square feet (largest).

Subdivision Type	Number of Lots	Average Lot Size	Area in Open Space	Open Space Percentage
Major Subdivision with Flexible Development Plan	20	56,594 sq. ft. (1.3 acres)  40,000 sq. ft. (min. lot size)	15.54 acres provided  (13.51 acres in HOA Common Areas plus 2.03 acres held by HOA in easements)  (13.85 acres required)	37% (33% required)

In accordance with the provisions of Section 7.12.5 (B) (6), cluster flexible development subdivisions are permitted to reduce required minimum setbacks (i.e. front, side, and rear) by 25%. As denoted within the application, and on the preliminary plat, the applicant is proposing to observe:

- 9. Front yard setback of 30 ft. (40 ft. typically required) from the front property line/edge of right-of- way.  
  
*STAFF COMMENT:* Per the UDO the 30 ft. front yard setback applies to corner lots (i.e. a parcel fronting on 2 streets) as well.

- 10. Side yard setback of 15 ft. (20 ft. typically required); and
- 11. Rear yard setback of 15 ft. (20 ft. typically required).  
 Staff has determined the Preliminary Plat application is consistent with the Concept Plan approved by the Planning Board at its April 3, 2019 regular meeting.

*STAFF COMMENT:* The proposal is in accordance with the anticipated densities, impervious requirements and minimum lots sizes for parcels located within:

- a. The Rural Residential land use category as defined within the adopted
- b. Comprehensive Plan,
- c. Rural Designated areas of the County as denoted on the Growth Management
- d. Systems Map, and
- e. Lower Eno Protected Watershed Protection Overlay District.

**Roads:** The proposal involves the creation of two new public roads, constructed to NC Department of Transportation (NC DOT) standards, serving the proposed lots. Specifically, the project calls for:

12. The reservation of 5-feet of additional right-of-way along the frontage of US Highway 70 East to accommodate future roadway expansion;
13. Construction of a single access road called “Birdie Lane” affording vehicular ingress/egress from US Highway 70 East located within 50-foot right-of-way, 20-foot improved travel ways and required ditch sections. Development of the roadway will include construction of right (westbound) and left (eastbound) turn lanes within the existing 100-foot right-of-way for US Highway 70 East at the development’s entrance; and
14. Construction of a roadway called “Bogey Court” within 50-foot right-of-way, 20-foot improved travel ways, ditch sections, and two terminating in two culs-de-sac with 40-foot radii.

*STAFF COMMENT:* The applicant has coordinated with the NC DOT District Engineer regarding the location and design of these road improvements. Staff has determined the proposed roadway construction and layout is consistent with the requirements of the UDO.

Staff has determined there was no reasonable opportunity for creation of a ‘stub out’ street to ensure future roadway connectivity to adjacent parcels due to concerns over potential impacts to adjacent streams/water features, topography, and potential impacts to existing development and road networks.

County and NC DOT staff have determined proposed access onto US Highway 70 East is sufficient for ingress/egress and the provision of County services including emergency vehicle access.

**Utilities – Water and Sewer:** The applicant is proposing to serve the project with individual wells and septic systems developed on each lot. The Preliminary Plat Sheet C-3 denotes suitable soil locations for septic sites and individual wells for the 20 proposed single-family lots.

*STAFF COMMENT:* Orange County Environmental Health has indicated that it does not foresee problems with the proposed layout with respect to finding suitable soils to support development of septic tanks and individual well sites.

Individual well and septic permits will be required for each lot as it is developed.

Note: Neither the UDO nor Environmental Health has subdivision standards for the maximum number of wells in an area. This is due in part to Orange County’s fractured geology and subsurface hydric composition.

**Stormwater Drainage:** Drainage will be engineered according to applicable County regulations, as embodied within the UDO, governing the development of Stormwater Control Measures (SCMs) at the time of permit application/commencement of land disturbing activities.

Stormwater review is required within the Lower Eno Protected Watershed Protection Overlay district when land disturbance activities exceed 21,780 square feet (one half acre). Sheet C-4 of the submittal indicates approximately 8.02 acres of initial land disturbance is proposed for the project. Staff has already determined this project will disturb sufficient land area to require stormwater review and permitting. Review and permitting of SCMs shall be administered by the County's Engineering and Erosion Control division.

As indicated on the submitted Preliminary Plat, drainage will be handled through a system of ditches located within proposed road rights-of-way and Common Open Space. The type of SCM required shall be determined at the stormwater permitting stage of the project after the Preliminary Plat has been approved.

*STAFF COMMENT:* The applicant has submitted a preliminary stormwater analysis for staff review and comment.

**Open Space:** Open space for the project is broken down on Sheet C-3 of the submittal as follows:

15. Primary Open Space (i.e. wetlands, streams, floodplains, slopes greater than 25%, natural areas/wildlife corridors, etc.) – 6.43 acres (280,082 square feet);
16. Secondary Open Space (i.e. Open space access, woodlands, slopes between 15% and 25%, scenic views, etc.) – 7.08 acres (308,354 square feet); and
17. Type "E" Buffer and access areas to Common Open Space (i.e. 75-foot wide buffer along US Highway 70 East and 20-foot Access Easements along perimeter) – 2.03 acres (88,444 square feet).

The total area reserved as Common Open Space is approximately 15.54 acres (37% of the site).

These areas are composed of lawn, fields and forested areas with existing, mature, vegetation and trees with an approximate height of between 50 to 80 feet. All 20 lots are adjacent and/or have access to Primary and/or Secondary Common Open Space areas.

*STAFF COMMENT:* Staff has determined the proposed open space meets the requirements of the UDO.

**Land Use Buffer:** The Preliminary Plat indicates there will be a 75-foot Type "E" land use buffer along US Highway 70 East. The buffers are comprised of existing, dense, vegetation composed of existing, mature, shrubs and trees with an approximate height of between 20 to 80 feet. Sheets C-3 and C-9 indicate that the buffer will be augmented when preserved vegetation is not sufficient to meet the minimum Type "E" landscape requirements (i.e. a minimum of 7-8 canopy trees, 4-13 understory trees and 58-77 shrubs per 100 linear feet of buffer). Additional emphasis will be given to utilizing the appropriate evergreen trees and shrubs to maximize the opacity of the buffer.

*STAFF COMMENT:* Section 6.8.6 (D) of the UDO requires that this project maintain a 75-foot land use buffer separating the project from adjacent Arterial Roadways (US Highway 70 East). Staff has determined the proposed Common Open Space and

land use buffers meet the requirements of the UDO. The minimum landscape requirements for this Type “E” buffer will also be verified by Staff prior to the recordation of the Final Plat.

Note: a portion of the buffer allows for individual well and septic areas. If utilized, however, the pro-rated amount of plantings would be required elsewhere within the 75-foot Type “E” land use buffer.

**Park/Recreation Space:** Per Section 7.11.6 *Payments in Lieu of Dedication* of the UDO, subdivision developments are required to provide recreation amenities for local residents or make a payment in lieu to the County for future public park development. In this instance the applicant has indicated there will be trail systems in the open space for residents but there will not be dedicated public recreation areas (i.e. playground, etc.).

The property in question is located within the R-10 Cheeks park district requiring a payment of \$455 per lot. The applicant has agreed to pay the County \$8,645 for the payment in lieu fee. The County will be able to utilize this money for public parkland development within the vicinity of the project to benefit all residents.

*STAFF COMMENT:* The aforementioned fee gives the applicant credit for the existing residence thereby reducing the total required fee by \$455.

In accordance with Section 7.11.6 (B) of the UDO, staff has determined there is no recreation and/or open space sites designated within the adopted Comprehensive Plan for the property and that development of the subdivision will not impede identified park/recreation projects.

The proposed payment in lieu amount is consistent with the requirements of the UDO.

Attachment 3 contains additional staff comments for this project.

**Courtesy Review:** While this project is not within a required Courtesy Review area with the Town of Hillsborough, staff has submitted copies of the Preliminary Plan to Town Staff. To date, staff has not received any comments from the Town other than the site is in their long-term interest area, as delineated within WASMPBA, and that no municipal water or sewer services are nearby or planned in the future.

**Analysis:** As required under Section 2.15.3 (C) of the UDO, the Planning Director is required to: ‘*Determine if the plat and application conform with applicable regulations*’ and ‘*submit a recommendation*’ on the Preliminary Plat to the Planning Board for consideration. In analyzing this request, the Planning Director offers the following:

1. The application has been deemed complete in accordance with the requirements of Section 2.2 and 2.15.3 of the UDO.
2. Copies of the materials have been reviewed commented on by parties indicated in Section 2.15.3 (C) (3) of the UDO.
3. Staff has determined that the property is of sufficient size and design to support the proposed subdivision.
4. The proposal appears consistent with the various goals outlined within the Comprehensive Plan concerning development, including:

- a. 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.*
  - b. Land Use Goal 2: *Land uses that are appropriate to on-site environmental conditions and features and that protect natural resources, cultural resources, and community character.*
  - c. Land Use Goal 3: *A variety of land uses that are coordinated within a program and pattern that limits sprawl, preserves community and rural character, minimizes land use conflicts, supported by an efficient and balanced transportation system.*
5. Staff has determined that the proposed subdivision is consistent with the provisions and goals of the Comprehensive Plan.

Based on this analysis, the Planning Director recommends the Major Subdivision Preliminary Plat application for Fairway Hills be approved in accordance with the Resolution of Approval contained within Attachment 7.

As a general reminder, the Resolution of Approval contains declarations and conditions of approval associated with this project. Said conditions are tied to specific subdivision requirements, as articulated within the UDO, or are directly associated with an applicant's proposal/design (i.e. percentage of open space, setbacks, minimum to maximum lot size, passive recreation areas, etc.). These conditions apply to this specific request based on the requirements of the UDO for major subdivision projects not exceeding 20 proposed lots. These 'conditions' are an attempt to memorialize applicable development standards as they relate to the project and the enforcement of the UDO. The imposition of these 'conditions' should not be confused with actions the County can take for Conditional Zoning or Special Use Permit applications, which potentially have broader discretion and scope.

As this project represents a regulated 'by right' subdivision, the applicant can only be held to the standards contained within the UDO, specifically the provisions of Section 2.15 *Major Subdivisions* and Article 7 *Subdivisions*.

Patrick Mallett, Planner II, made the following PowerPoint presentation:

**June 4, 2019**

**BOCC Agenda Item 6a:**

**Fairway Hills**

**Preliminary Plat**

**Review and Recommendation for 20-lot Major Subdivision off US Highway 70 East  
Orange County Planning Department**

**Vicinity Map**

**Vicinity Map**

**Land Use Element of the Comprehensive Plan**

**Growth Management System**

**Flexible Design Option: Existing Conditions**

**Site Photos**

**Site Photos**

**Site Photos**

**Site Photos**

**Site Photos****Site Photos****Site Photos****Site Photos****Preliminary Plat: Site Plan****Preliminary Plat: Landscape Plan****Preliminary Plat Summary****Flexible Design Attributes**

- Average lot size – 1.3 acres (56,594 sq. ft.).
- Density is 1 dwelling unit per 2.1 acres.
- Open Space is 15.54 acres (37% of site) containing:
  - Primary Open Space 6.43 Acres;
  - Secondary Open Space 6.99 Acres; and
  - Buffers and Perimeter 2.03Acres.
- 100 foot building setbacks along perimeter.
- 75 foot Type “E” Landscape Buffer along US 70.
- 50 foot well/septic setbacks along perimeter.

**RECOMMENDATION:**

The Manager recommends the Board:

1. Receive the Planning Board and Planning Director’s recommendations on Preliminary Plat application for the Fairway Hills Subdivision;
2. Discuss the proposal as desired; and
3. Approve the Preliminary Plat and Resolution of Approval contained in Attachment Z.

Commissioner Greene asked if there is any plan for repurposing the existing house.

Patrick Mallett deferred to the applicant.

Tim Smith, Summit Design, made a PowerPoint presentation, which included plat designs and photos. He also gave an overview of the area.

Tim Smith said they have increased the building setback dimension to 120 feet along Highway 70.

Tim Smith said they are preserving the 75-foot buffer and existing vegetation along Highway 70, as well as adding additional plantings to meet the requirements for the Type B buffer.

Chair Rich asked if the house will be salvaged.

Tim Smith said the house is considerably old, and there is no plan to move it, but it may be possible to recycle the materials.

Commissioner Dorosin referred to the open spaces, and the path to them on the perimeter of the land, and asked if it is possible to access the path without walking across others’ properties.

Tim Smith said they will provide access through easements for each lot to access the open space. He said the intent is for all to have access to all open spaces, and this will be on the final plan.

Commissioner Marcoplos said there are HOA regulations, and lot maintenance provisions. He asked if gardens will be allowed under the lot maintenance provisions.

Tim Smith said these are draft items, and he thinks garden will be allowed.

Commissioner Marcoplos said he would also like to include that future HOAs cannot remove gardens.

Tim Smith said he would refer that to the developer, but he sees no reason why these conditions would not be accepted.

Commissioner Marcoplos said many HOAs do not allow clotheslines, and he suggested that these be irrevocably allowed.

Tim Smith said okay.

Commissioner Price referred to the open space to the east, which backs up to other existing properties, and asked if that will be open to the adjoining property owners.

Tim Smith said it is not the intent, but it will remain as it is now.

Commissioner Price asked if there is going to be a barrier.

Tim Smith said no, it will be in its natural state.

Commissioner Price said there will be only one entrance and exit on Highway 70, and asked if the Department of Transportation (DOT) is going to add a turn lane.

Tim Smith said a left turn lane will be part of the project, as well as a deceleration right turn lane heading west.

Commissioner Price asked if this will go from Lawrence Road to the entrance.

Tim Smith said there will be a 200 foot deceleration lane.

Commissioner Greene asked if two entrances were considered.

Tim Smith said DOT did not want it, and it is cleaner with only one entrance.

Chair Rich asked if the payment in lieu (PIL) for the open space could be explained.

Patrick Mallett said the PIL is determined by the number of units in the park district that it is in. He said the fee must be paid prior to the recordation, and the money goes into the park funds for parks and recreation in that area. He said it is a substantial amount of money.

Commissioner McKee asked if that is standard for all projects.

Tim Smith said yes.

Commissioner Dorosin said the preliminary plat summary says the average lot size is 1.3 acres, and there was some discussion with the Planning Board about this. He asked if the size of the houses has been determined.

Tim Smith said that will depend on the size of the lot, but right now the developer is proposing about 4-5 bedrooms, around 3500-4500 square feet.

Commissioner Price asked if there is a timeline for this development and the road construction.

Tim Smith said the plan is to build the infrastructure for the roads and create the lots by late 2019/early 2020.

Patrick Mallett said the interior roads will have to be built to DOT standards prior to recordation, and it would be in the developer's interest to do the turn lanes on 70 upfront and work their way inward.

Patrick Mallett said DOT has reserved 5 feet of additional right-of-ways due to known capital improvements to 70 that are coming online after this project.

Commissioner Price said it will be important to have good public relations on this, as the roads will be a mess.

### **PUBLIC COMMENT:**

Paul Noe said he is a resident of Eno Township, and he and his neighbors have been to a lot of the meetings and have expressed their concerns. He said the primary concern is the large size of the homes going on well and septic, when there are no plans to have city water out there any time soon. He said as this development goes in, and others too, he would like to know the demand that will be placed on the water supply. He said he is concerned that he and his neighbors will have to spend their own money to dig deeper wells, due to the demand on the water supply. He said the County has assured him and his neighbors that this will not happen, but he would like to know to whom they should turn if this does happen. He requested that the Board take these concerns to heart, and for future development issues.

Commissioner Bedford asked Planning staff if the Planning Board has requested that the department study the stormwater runoff.

Michael Harvey, Current Planning and Zoning Supervisor, said the Planning Board requested that staff provide feedback. He said there are stormwater regulations for more restrictive areas, and staff has been directed to provide pros and cons to the Planning Board on this issue. He said when modifying stormwater regulations can increase costs, and this needs to be understood prior to making a decision. He said current regulations state that a developer cannot increase the amount of stormwater leaving a site, and he is confident that this will be the case with this development, but staff is responding to the Planning Board's request to look at the pros and cons of modifying the standard.

Michael Harvey referred to Commissioner Dorosin's question on recreational access, and said that Article 7 of the Unified Development Ordinance (UDO) requires Pedestrian Open Space Access (POSA) easement. He said the applicant is responsible for providing the POSA, so that internal lot owners can access all open spaces. He said the applicant is aware of this, and this provision will be complied with.

Commissioner Marcoplos said it would be useful to have a reply to the water supply and well issue raised by the member of the public, in order to have it on record.

Patrick Mallett said the well and septic issues are of the greatest concern to the neighbors. He said this is a consideration of the preliminary plat, and there are still DOT driveway permits to be secured; stormwater and erosion control permit that must be obtained; a land disturbance permit; as well as septic and well permits, which are required for each and every lot.

Chair Rich asked if the BOCC approved the preliminary plat, will changes then come back to the BOCC.

Patrick Mallett said at this level, the preliminary plat is all that the BOCC would review and approve. He said if there were significantly changes then it would go back through the Planning Board process.

Michael Harvey said the BOCC is potentially approving the breaking up of this ~40-acre parcel into 20 lots, with 37% open space, accessing via a public road network. He said individual lot owners will have to go through the appropriate permitting processes, which will include erosion control, stormwater, environmental health, well, and septic, etc. He said it is conceivable that one could purchase lot 10, and not be able to build a 4-bedroom house due to septic and well concerns.

Phil Vilaro from the onsite water protection section from Orange County Environmental Health, said he has worked in Orange County for 17 years. He said there are subdivisions in the vicinity with smaller wells, and he is unaware of any mass extinction or contamination of wells caused by a subdivision with lots of this size. He said the wells would be built to higher standards than other existing, surrounding lots. He said hard rock wells are unpredictable, but there is no precedent in Orange County for wells running dry because of new wells being dug on neighboring land. He said he has never heard of it happening during his tenure in Orange County. He said in North Carolina, one has the right to drill a well on your property.

Commissioner McKee said this subdivision is not inconsistent with other ones approved by the BOCC in Orange County and in Chapel Hill. He said he is not concerned about the size of the homes. He referred to the access to the open space, and said due to the small size of the whole parcel, it would not be onerous to interior lot owners to walk to the path to access open space.

Commissioner Dorosin referred to the size of the houses and points raised by the Planning Board, and said one thing that may be worth looking at is a PIL for affordable housing. He said it would be good to reconcile large houses with the BOCC's goals for

affordable housing with some kind of inclusionary zoning models that Chapel Hill uses, with incentives, etc. He said this is a topic for further discussion.

Chair Rich said there is a constant goal to get affordable housing, and asked if there is there a way to get those density bonuses; to think outside the box.

A motion was made by Commissioner Marcoplos, seconded by Commissioner Bedford for the Board to approve the Preliminary Plat and Resolution of Approval contained in Attachment 7.

**VOTE: UNANIMOUS**

**MOVED BELOW**

**5. Public Hearings**

Michael Burton, GIS Senior Project Coordinator, presented this item:

**a. Public Hearing on Renaming a Portion of Teer Road to Flatrock Road**

The Board conducted a public hearing on the renaming of a portion of Teer Road (Secondary Road 1100) to Flatrock Road

**BACKGROUND:** North Carolina General Statute §153A-239.1 (NCGS §153A-239.1) grants a county the authority to rename any road within a county as provided by the statute and by a County Ordinance after the Board of County Commissioners has held a public hearing. The Public hearing must be held at least ten days prior to the renaming the road and a notice of the time, place and subject matter of the hearing prominently posted at the courthouse, in at least two public places in the township where the road is located, and the notice of the hearing must be published in a newspaper of general circulation published in the County.

The Orange County Board of Commissioners adopted an Ordinance entitled “An Ordinance to Assign and Regulate Road Names, House and Building Numbers in Orange County” (the “Addressing Ordinance”) on December 13, 2011. The Addressing Ordinance allows the Addressing Administrator to rename a road according to NCGS § 6-34(b)(2)(a) which provides, “Road names may be changed by the Address Administrator when the road name is a duplicate of another road name within a designated postal area or within Orange County and interferes with the accurate dispatch of emergency service or postal delivery. In addition, a road name may be changed when one road has two commonly used names or where portions of what appears to be the same road has two or more names.”

The Addressing Administrator is considering a road name change of a portion of Teer Road (Secondary Road 1100) to Flatrock Road. Originally Teer Road was a single road, but the Cane Creek Reservoir now intersects Teer Road. This has caused duplicate named road segments and prevents free travel from one segment of the road to the other. The duplicate name road segments on Teer Road interfere with the accurate dispatch of emergency vehicles. Orange County Emergency Services has requested that a portion of Teer Road (Secondary Road 1100) be renamed to avoid the inaccurate dispatch of emergency vehicles.

The Address Administrator has corresponded with all of the land owners that would be affected by the renaming of the road and the land owners agree with the renaming of the road and with the new name of the road.

In addition, the Address Administrator contacted the North Carolina Department of Transportation to ensure that the State Board of Transportation approval was not required to rename this portion of the road in accordance with NCGS §153A-239.1. As required by North Carolina law, a Notice of this Public Hearing was published in the *News of Orange* on Wednesday, May 15, 2019, *The Herald Sun* on Sunday, May 19, 2019, and posted at the following locations:

- a. Orange County Courthouse
- b. Piedmont Feed & Garden Center on Highway 54
- c. Intersection of Teer Road and Bradshaw Quarry Road

NCGS §153A-239.1 requires that after renaming a road, the County shall notify the local postmaster with jurisdiction over the road, the Board of Transportation, and any city within five miles of the road.

A motion was made by Commissioner McKee, seconded by Commissioner Greene to open the Public Hearing.

**VOTE: UNANIMOUS**

**Public Comments:**

NONE

A motion was made by Commissioner McKee, seconded by Commissioner Greene to close the Public Hearing.

**VOTE: UNANIMOUS**

Commissioner Dorosin clarified that there used to be two Teer Roads.

Michael Burton said originally there was one, and now there are two. He said the reservoir took a portion of that road out, so it is no longer passable, which leads to great confusion for Emergency Services.

**b. Public Hearing on Renaming a Portion of Apple Mill Road to Rip's Nook Road**

The Board conducted a public hearing on the renaming of a portion of Apple Mill Road (Secondary Road 1225) to Rip's Nook Road.

Michael Burton presented this item:

**BACKGROUND:** North Carolina General Statute §153A-239.1 (NCGS §153A-239.1) grants a county the authority to rename any road within a county as provided by the statute and by a County Ordinance after the Board of County Commissioners has held a public hearing. The Public hearing must be held at least ten days prior to the renaming the road and a notice of the time, place and subject matter of the hearing prominently posted at the courthouse, in at least two public places in the township where the road is located, and the notice of the hearing must be published in a newspaper of general circulation published in the County.

The Orange County Board of Commissioners adopted an Ordinance entitled "An Ordinance to Assign and Regulate Road Names, House and Building Numbers in Orange County" (the "Addressing Ordinance") on December 13, 2011. The Addressing Ordinance allows the Addressing Administrator to rename a road according to NCGS § 6-34(b)(2)(a) which provides, "Road names may be changed by the Address Administrator when the road name is a duplicate

of another road name within a designated postal area or within Orange County and interferes with the accurate dispatch of emergency service or postal delivery. In addition, a road name may be changed when one road has two commonly used names or where portions of what appears to be the same road has two or more names.”

The Addressing Administrator is considering a road name change of a portion of Apple Mill Road (Secondary Road 1225) to Rip’s Nook Road. Originally Apple Mill Road was a single road, but the Cane Creek Reservoir now intersects Apple Mill Road. This has caused duplicate named road segments and prevents free travel from one segment of the road to the other. The duplicate name road segments on Apple Mill Road interfere with the accurate dispatch of emergency vehicles. Orange County Emergency Services has requested that a portion of Apple Mill Road (Secondary Road 1225) be renamed to avoid the inaccurate dispatch of emergency vehicles.

The Addressing Administrator has corresponded with all of the land owners that would be affected by the renaming of the road and land owners agree with the renaming of the road and with the new name of the road. In addition, the Address Administrator contacted the North Carolina Department of Transportation to ensure that the State Board of Transportation approval was not required to rename this portion of the road in accordance with NCGS §153A-239.1.

As required by North Carolina law, a Notice of this Public Hearing was published in the *News of Orange* on Wednesday, May 15, 2019, *The Herald Sun* on Sunday, May 19, 2019, and posted at the following locations:

- d. Orange County Courthouse
- e. Piedmont Feed & Garden Center on Highway 54
- f. Intersection of Apple Mill Road and Teer Road

NCGS §153A-239.1 requires that after renaming a road, the County shall notify the local postmaster with jurisdiction over the road, the Board of Transportation, and to any city within five miles of the road.

Commissioner Dorosin asked if there is a process for picking these names.

Michael Burton said residents are asked for a majority vote on three names. He said the neighbors picked the names on which to vote.

A motion was made by Commissioner Bedford, seconded by Commissioner McKee to open the Public Hearing.

#### **VOTE: UNANIMOUS**

#### **Public Comments:**

NONE

A motion was made by Commissioner Bedford, seconded by Commissioner McKee to close the Public Hearing.

Chair Rich said one resident wants a low house number, and asked if staff can accommodate this request.

Michael Burton said yes.

**VOTE: UNANIMOUS****c. Zoning Atlas Amendment - 2616 Old Greensboro Road (PIN 9758-42-4098)**

The Board held a public hearing, receive the Planning Board recommendation, and consider action on a property owner initiated amendment to the Zoning Atlas for a parcel of property at 2616 Old Greensboro Road. Specifically, the applicant is requesting the property be rezoned:

From: Existing Commercial (EC-5); Rural Buffer (RB); University Lake Protected Watershed Protection Overlay District

To: EC-5; University Lake Protected Watershed Protection Overlay District to ensure existing non-residential land uses are conforming to the requirements of the Unified Development Ordinance (UDO) to ensure existing non-residential land uses are conforming to the requirements of the Unified Development Ordinance (UDO).

**BACKGROUND:** In 2016, staff initiated a review of several properties throughout the County that were split zoned (i.e. residential and non-residential zoning designations), zoned nonresidential where there was no corresponding non-residential land use, and where existing zoning boundaries did not allow for the logical use of property.

As reported at that time, there were many instances where previous staff had drawn zoning district boundaries in a manner encompassing the actual land use (i.e. building) while excluding other areas, most notably parking, septic fields and/or required land use buffers. Staff worked with several property owners, including the current applicant, in an attempt to address these problems by updating the zoning designations on various parcels.

2616 Old Greensboro Road, further identified utilizing Orange County Parcel Identification Number (PIN) 9758-42-4098, is an approximately 4 acre parcel of property split zoned RB and 1 EC-5. EC-5 is the general use zoning designation specifically crafted to capture “grandfathered” non-residential uses in existence prior to the adoption of zoning in each township. In this case, Bingham Township (including this property) was originally zoned in 1981.

The property has been used as a self-storage facility, wood working shop, and residence since approximately 1977. Current zoning designations split the existing non-residential land uses into separate districts (i.e. portions are located within both the EC-5 and RB general use zoning designations).

When staff initiated zoning atlas amendments in 2016, the property owner requested this property not be considered to allow additional opportunity to review impacts. Since that time, the property owner has elected to submit the required zoning atlas amendment application seeking to proceed with a rezoning of the property, eliminating the existing split zoning and zone the entire parcel EC-5, consistent with staff’s original proposal in 2016.

It is unclear why the original zoning effort undertaken in the Bingham Township, which occurred in 1981, failed to capture the various non-residential land uses that were in existence on the property. This request, however, will address this matter by rezoning the property entirely to EC-5.

**Development Process, Schedule, and Action:** The typical cadence for the review of a General Use Rezoning and Zoning Atlas amendment is:

- g. **FIRST ACTION** – Submission of a General Rezoning application with required supporting documents by the property owner.  
*STAFF COMMENT:* Mr. Stan Lawton, the property and business owner, submitted the required materials on February 4, 2019. Staff determined the application to be complete on February 27, 2019.
- h. **SECOND ACTION** – The Planning Board receives the application and staff prepared materials and makes a recommendation on the Rezoning request.  
*STAFF COMMENT:* Staff presented this request and the Planning Board made a unanimous recommendation to approve the request at its May 1, 2019 regular meeting.
- i. **THIRD ACTION** – The BOCC holds a public hearing on the request; receives the application materials and recommendations, and takes action on the request.  
*STAFF COMMENT:* Staff will present these materials and facilitate the public hearing at the BOCC’s June 4, 2019 regular meeting.

Site specific information on the property, and request, is as follows:

Township:	PIN:	Owner:	Existing Zoning:	Request:
Bingham	9758-42-4098	Thomas Lawton 2616 Old Greensboro Chapel Hill, NC 27516	Rural Buffer (RB) (2.65 acres) AND Existing Commercial (EC-5) (1.43 acres) University Lake Protected Watershed Overlay District	Expand the existing EC-5 zoning designation to the entire parcel (4.08 acres) ensuring all structures associated with operation are located within the appropriate district.

**Public Notifications:** In accordance with Section 2.8.7 of the UDO:

- j. May 1, 2019 Planning Board Meeting: Notices of the date, time, location, and purpose of the meeting were sent via first class mail to all property owners within 1,000 feet of the subject parcel on April 16, 2019. A sign advertising the date, time, location, and purpose of the meeting was posted on the property on April 18, 2019.
- k. June 4, 2019 BOCC Public Hearing: Notices of the date, time, location, and purpose of the public hearing were mailed to the same residents, via first class mail, on May 20, 2019. A sign denoting the date, time, location, and purpose of the public hearing was posted on the property on May 24, 2019.

Legal ads advertising the date, time, location, and purpose of the BOCC public hearing were included in the News of Orange and the Durham Herald Sun on May 22, 2019 and again on May 29, 2019.

**JPA Review:** This request is located within the Rural Buffer (RB) zoning district and within the Joint Planning Area (JPA) with the Town of Carrboro having review opportunity. In accordance with the provisions of the JPA, the Town of Carrboro was notified of this request on April 11, 2019. To date, no comments have been received from the Town.

**Planning Board Recommendation:** At its May 1, 2019 meeting, the Planning Board voted unanimously to recommend **approval** of the Statement of Consistency and the ordinance approving the Zoning Atlas Amendment. Agenda materials from the May 1, 2019 meeting can be viewed at:

<https://www.orangecountync.gov/AgendaCenter/Planning-Board-26>.

**Planning Director's Recommendation:** The Planning Director has found the request consistent with several provisions of the 2030 Comprehensive Plan, notably:

**18. ECONOMIC DEVELOPMENT ELEMENT:**

- a. Objective ED-1.5: *Identify barriers to development of desirable businesses and local businesses, and mitigate these barriers.*
- a. CHAPTER 5: LAND USE ELEMENT:
  - b. *Land Use Overreaching 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.*
  - c. *Land Use Goal 1 – Fiscally and environmentally responsible, sustainable growth consistent with the provision of adequate services and facilities and a high quality of life.*
  - d. *Land Use Goal 4: Land development regulations, guidelines, techniques and/or incentives that promote the integrated achievement of all Comprehensive Plan goals.*

Based on this analysis, the Director recommends approval of the zoning atlas amendment application subject to the approval of:

- i. The Statement of Consistency, as contained in Attachment 6, indicating that the proposed zoning atlas amendment is consistent with the adopted Plan, and the request is reasonable and in the public interest; and
- ii. The Ordinance amending the Orange County Zoning Atlas as contained in Attachment 7.

**VOTE: UNANIMOUS**

Patrick Mallett made the following PowerPoint presentation:

**June 4, 2019**  
**BOCC Agenda Item 5c:**  
**Lawton Rezoning**  
**Review and Recommendation on**  
**Zoning Atlas Amendment/General Use Rezoning**  
**Orange County Planning Department**

**Vicinity Map**

**Site: Existing Conditions & Zoning**

**Zoning Exhibit**

**Site Summary**

**Land Use Element of the Comprehensive Plan**

**Growth Management System**

**Summary**

- Part of 2016 Staff initiated Rezoning cases.
- Staff recommended rezoning all to EC-5.
- Put on hold while owner considered long-term plans.
- Has operated as a storage business since 1977. Prior to that was a wood working and truss business for several decades.
- Bingham township was zoned in 1981.
- Zoning did not capture all the non-residential uses.
- Planning Board voted unanimously to recommend approval of the rezoning.

**Site Photos**

Sign and entrance along Old Greensboro Road

**Site Photos**

Main storage building

**Site Photos**

Enclosed outdoor storage and original wood shop

**Site Photos**

Office and residence

**Site Photos**

Eastern property line and koi ponds

**Site Photos**

Entrance at Old Greensboro Road facing west

**Site Photos**

Entrance at Old Greensboro Road facing east

**RECOMMENDATIONS:**

The Manager recommends the Board:

1. Review the proposed Zoning Atlas amendment materials;
2. Receive the Planning Board's recommendation;
3. Close the Public Hearing;
4. Deliberate on the petition as desired,
5. Consider the Planning Director's recommendation, and
6. Decide accordingly and/or adopt the Statement of Consistency, contained within Attachment 6, and the Ordinance amending the Zoning Atlas, contained within Attachment 7, as recommended by the Planning Board and Staff.

A motion was made by Commissioner McKee, seconded by Commissioner Marcoplos to open the Public Hearing.

**VOTE: UNANIMOUS**

**Public Comments:**

NONE

A motion was made by Commissioner McKee, seconded by Commissioner Marcoplos to close the Public Hearing.

**VOTE: UNANIMOUS**

A motion was made by Commissioner Bedford, seconded by Commissioner McKee for the Board to adopt the proposed amendments by approving the Statement of Consistency outlined in Attachment 6 and the Unified Development Ordinance as outlined in Attachment 7, as recommended by the Planning Board and the Planning Director.

**VOTE: UNANIMOUS**

**7. Reports  
NONE**

**8. Consent Agenda**

- Removal of Any Items from Consent Agenda
- Approval of Remaining Consent Agenda

A motion was made by Commissioner Greene, seconded by Commissioner Dorosin to approve the remaining items on the Consent Agenda.

**VOTE: UNANIMOUS**

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

**a. Minutes**

The Board approved the minutes from May 14 and 16, 2019 as submitted by the Clerk to the Board.

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

The Board adopted a resolution, which is incorporated by reference, to release motor vehicle property tax values for four taxpayers with a total of six bills that will result in a reduction of revenue, in accordance with NCGS.

**c. Property Tax Releases/Refunds**

The Board adopted a resolution, which is incorporated by reference, to release property tax values for four taxpayers with a total of thirteen bills that will result in a reduction of revenue in accordance with North Carolina General Statute 105-381.

**d. Fiscal Year 2018-19 Budget Amendment #10**

The Board approved budget ordinance amendments for fiscal year 2018-19 for Juvenile Crime Prevention Council; and miscellaneous.

**e. Schools Adequate Public Facilities Ordinance – Approval and Certification of 2019 Report**

The Board approved and certified the 2019 Schools Adequate Public Facilities Ordinance Technical Advisory Committee (SAPFOTAC) Report and certified portions of the Report.

**f. Tax Refund Request– John C. Guibert III**

The Board considered this item earlier in the meeting.

**g. Orange County ABC Board Travel Policy**

The Board approved the Orange County Alcoholic Beverage Control (ABC) Board's adoption and continued use of Orange County's Travel Policy.

**9. County Manager's Report**

Bonnie Hammersley said she just sent an email to the Board for the solid waste fee waiver for those impacted by the storm on April 5. She said this will be widely distributed, and refunds can be made retroactively for those residents with receipts. She said staff also completed a crisis track, which identified all the properties that could have suffered storm damage.

Bonnie Hammersley said the Board has budget work sessions on June 6 and June 11<sup>th</sup>.

**10. County Attorney's Report**

NONE

**11. \*Appointments**

**a. Adult Care Home Community Advisory Committee – Appointments**

A motion was made by Commissioner Dorosin seconded by Commissioner Marcoplos to appoint the following to the Adult Care Home Community Advisory Committee:

- Position 4: Joan Rehm to an At-Large position for a One Year Initial Term ending 06/04/2020.
- Position 9: Olivia Fisher to an At-Large position for a One Year Initial Term ending 06/04/2020.
- Position 11: MaryLou Gelblum to an At-Large position for a One Year Initial Term ending 06/04/2020.
- Position 12: Karen Green-McElveen to an At-Large position for a One Year Initial Term ending 06/04/2020.

**VOTE: UNANIMOUS**

**b. Alcoholic Beverage Control Board – Appointment and Chair Selection**

The Board considered making an appointment to the Alcoholic Beverage Control Board.

A motion was made by Commissioner Price seconded by Commissioner Bedford to appoint the following to the Alcoholic Beverage Control Board:

- Position 5: Elizabeth Carter to an At-Large position for a First Full Term ending 06/30/2022.

**VOTE: UNANIMOUS**

A motion was made by Commissioner Dorosin, seconded by Commissioner Price to appoint Keith Bagley as the Chair to the ABC Board for FY 19-20.

**VOTE: UNANIMOUS**

**c. Board of Health – Appointments**

The Board considered making appointments to the Board of Health.

A motion was made by Commissioner Dorosin, seconded by Commissioner Price to appoint the following to the Board of Health:

- Position 2: Dr. Jennifer Deyo to the At-Large Pharmacist position for a Second Full Term with a term ending of 06/30/2022.
- Position 9: Dr. Sam Laris to the At-Large Dentist position for a Third Full Term\* with a term ending date of 06/30/2022.

**VOTE: UNANIMOUS**

**d. Orange County Parks and Recreation Council – Appointment**

The Board considered making an appointment to the Orange County Parks and Recreation Council.

A motion was made by Commissioner Marcoplos, seconded by Commissioner Price to appoint the following to the Orange County Parks and Recreation Council:

- Position 3: Jennifer Moore to the Cedar Grove Township position for a Partial Term with a term ending 03/31/2021.  
(The above recommendation applicant does not live in Cedar Grove Township. Please refer to the recommendation letter for details).

**VOTE: UNANIMOUS**

**12. Information Items**

The Board received the following information items:

- May 21, 2019 BOCC Meeting Follow-up Actions List
- Tax Collector's Report – Numerical Analysis
- Tax Collector's Report – Measure of Enforced Collections
- Tax Assessor's Report – Releases/Refunds under \$100
- Memorandum Regarding Orange County's Role in Transportation Decision Making Processes
- Memorandum Regarding Triangle Regional Freight Plan
- Memorandum – Community Child Protection Team Report

**13. Closed Session**

NONE

**14. Adjournment**

A motion was made by Commissioner Price seconded by Commissioner McKee to adjourn the meeting at 10:08 p.m.

Commissioner Greene said she appreciated the information item/memorandum that was provided as general overview to the BOCC on the role it plays in various transportation decision-making processes. She said she found this extremely helpful.

**VOTE: UNANIMOUS**

Penny Rich, Chair

Donna Baker  
Clerk to the Board