



**Orange County
Board of Commissioners**

Agenda

Regular Meeting

April 1, 2014

6:00 p.m.

Department of Social Services

Hillsborough Commons

113 Mayo Street

Hillsborough, NC 27278

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

Compliance with the "Americans with Disabilities Act" - Interpreter services and/or special sound equipment are available on request. Call the County Clerk's Office at (919) 245-2130. If you are disabled and need assistance with reasonable accommodations, contact the ADA Coordinator in the County Manager's Office at (919) 245-2300 or TDD# 644-3045.

1. Additions or Changes to the Agenda

PUBLIC CHARGE

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

2. Public Comments (Limited to One Hour)

(We would appreciate you signing the pad ahead of time so that you are not overlooked.)

- a. Matters not on the Printed Agenda (Limited to One Hour – THREE MINUTE LIMIT PER SPEAKER – Written comments may be submitted to the Clerk to the Board.)

Petitions/Resolutions/Proclamations and other similar requests submitted by the public will not be acted upon by the Board of Commissioners at the time presented. All such requests will be referred for Chair/Vice Chair/Manager review and for recommendations to the full Board at a later date regarding a) consideration of the request at a future regular Board meeting; or b) receipt of the request as information only. Submittal of information to the Board or receipt of information by the Board does not constitute approval, endorsement, or consent.

- b. Matters on the Printed Agenda

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

3. Petitions by Board Members (Three Minute Limit Per Commissioner)

4. Proclamations/ Resolutions/ Special Presentations

- a. Fair Housing Month
b. Sexual Assault Awareness Month



5. Public Hearings (See “” On Next Page)**

- a. Solid Waste Service Tax District – Public Hearing

6. Consent Agenda

- Removal of Any Items from Consent Agenda
 - Approval of Remaining Consent Agenda
 - Discussion and Approval of the Items Removed from the Consent Agenda
- a. Minutes
 - b. Motor Vehicle Property Tax Releases/Refunds
 - c. Property Tax Releases/Refunds
 - d. Notice of Public Hearing on Orange County’s 2014 Legislative Agenda
 - e. Approval of Budget Amendment #6-A Reallocating Current Available County Capital Funds to Proposed New County Capital Project
 - f. Application for North Carolina Education Lottery Proceeds for Chapel Hill – Carrboro City Schools (CHCCS) and Contingent Approval of Budget Amendment # 6-B Related to CHCCS Capital Project Ordinances
 - g. Delegation of Property Tax Release/Refund Authority Based on North Carolina General Statute (NCGS) NCGS 105-381
 - h. Change in BOCC Regular Meeting Schedule for 2014

7. Regular Agenda

- a. Rogers-Eubanks Neighborhood Association Community Center Construction Bid Award

8. Reports

9. County Manager’s Report

10. County Attorney’s Report

11. Appointments

12. Board Comments (Three Minute Limit Per Commissioner)

13. Information Items

- March 18, 2014 BOCC Meeting Follow-up Actions List
- Tax Collector’s Report – Numerical Analysis
- Tax Collector’s Report – Measure of Enforced Collections
- BOCC Chair Letter Regarding Petitions from March 6, 2014 Regular Board Meeting
- BOCC Chair Letter Regarding Petitions from March 18, 2014 Regular Board Meeting

14. Closed Session

15. Adjournment



A summary of the Board's actions from this meeting will be available on the County's website the day after the meeting.

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

**** PROCEDURES FOR PUBLIC HEARING**

- The meeting room will not be available to the general public until **5:00 p.m.**
- Public comment sign up will begin at **5:00 p.m.**
- A table near or at the back of the room will have numbered sign-up sheets (please print legibly).
- Speakers will be called in sign-up order.
- At Public Hearings, Commissioners traditionally do not comment in order to allow citizens to have the maximum time to express opinions.
- Speakers may only sign-up for themselves, to insure speakers are present.
- The maximum speaking time allotted will be **3-minutes/per speaker.**
- **Please clearly print your name/email/street address on the sign up sheets**

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: April 1, 2014

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

SUBJECT: Fair Housing Month

DEPARTMENT: Housing, Human Rights, and
Community Development

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):
Proclamation

INFORMATION CONTACT:
James Davis, 245-2488

PURPOSE: To approve a proclamation designating April as Fair Housing Month in Orange County, NC.

BACKGROUND: The month of April is National Fair Housing Month. April 2014 will mark the 46th anniversary of the enactment of the Federal Fair Housing Act of 1968 and the 31st anniversary of the North Carolina Fair Housing Act. These Acts grant every person a right to live where they choose, free from discrimination on the basis race, color, national origin, sex, religion, familial status, or disability.

The U.S. Department of Housing and Urban Development has chosen "***Fair Housing is Your Right. Use It!***" as the theme of this year's Fair Housing Month. The chosen theme indicates the importance of fair housing in the nation today and encourages all people to exercise this right.

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

The HRC will host a reception on Thursday, April 10, 2014 where it will present information to realtors and housing providers about the status of fair housing in Orange County. The event is open to the public. In its continuing effort to reduce the incidences of housing discrimination, the HRC will make fair housing presentations throughout the year for residents and housing practitioners, and will distribute fair housing brochures and posters throughout the County, including versions translated in Spanish and Karen. The HRC will also investigate all complaints of housing discrimination filed within the County.

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

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

ORANGE COUNTY BOARD OF COMMISSIONERS

PROCLAMATION

FAIR HOUSING MONTH

WHEREAS, April 2014 marks the 46th anniversary of the Fair Housing Act of 1968 and the 31st anniversary of the North Carolina Fair Housing Act prohibiting discrimination in housing on the basis of race, color, sex, religion, national origin, handicap and familial status; and

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

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

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

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

NOW, THEREFORE, we, the Board of County Commissioners of Orange County, North Carolina, do proclaim April 2014 as **FAIR HOUSING MONTH** and commend this observance to all Orange County residents.

This the 1st day of April 2014.

Barry Jacobs, Chair
Orange County Board of Commissioners

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: April 1, 2014

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

SUBJECT: Sexual Assault Awareness Month

DEPARTMENT: Board of Commissioners

PUBLIC HEARING: (Y/N)

No

ATTACHMENT (S):
Proclamation

INFORMATION CONTACT:
Donna Baker, 245-2130
Shamecca Bryant, Executive Director,
Orange County Rape Crisis Center,
(919) 968-4647

PURPOSE: To consider a proclamation recognizing April as Sexual Assault Awareness Month in Orange County.

BACKGROUND: The Orange County Rape Crisis Center, a non-profit, volunteer agency which has been serving the community since 1974 is working with others in the community to stop sexual violence and its impact through support, education and advocacy. Sexual assault is the most costly crime to its victims considering factors such as medical cost, lost earnings, pain, suffering and lost quality of life. The Orange County Rape Crisis Center assisted over 600 survivors of sexual violence, their loved ones, and community professionals during 2013.

The coordination of the Orange County Sexual Assault Response Team (SART) is bringing together members of law enforcement, the medical community, the legal system and other community advocates to improve services for survivors of sexual assault who come forward.

The Board of Commissioners is asked to proclaim April 2014 as "Sexual Assault Awareness Month" in Orange County, to encourage all residents to speak out against sexual assault, and to support their local communities' efforts to provide services to victims of these appalling crimes. The Board has approved similar resolutions in prior years.

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

RECOMMENDATION (S): The Manager recommends that the Board approve the proclamation designating April as "Sexual Assault Awareness Month" in Orange County and authorize the Chair to sign.

ORANGE COUNTY BOARD OF COMMISSIONERS

Proclamation “Sexual Assault Awareness Month”

WHEREAS, the Orange County Rape Crisis Center assisted over 600 survivors of sexual violence, their loved ones, and community professionals during 2013; and

WHEREAS, the Orange County Rape Crisis Center works with the County’s two school systems and other groups to provide students with age-appropriate information about violence prevention, reaching over 12,000 youth and adults each year; and

WHEREAS, the coordination of the Orange County Sexual Assault Response Team (SART) is bringing together members of law enforcement, the medical community, the legal system, and other community advocates to improve services for survivors of sexual assault who come forward; and

WHEREAS, 1 in 5 American women have been sexually assaulted at some point in their lives (Centers for Disease Control and Prevention, 2010); and

WHEREAS, in the United States rape is the most costly crime to its survivors, totaling \$127 billion a year considering factors such as medical cost, lost earnings, pain, suffering, and lost quality of life (U.S. Department of Justice, 1996); and

WHEREAS, in the United States 1 in 3 women and 1 in 4 men have experienced some form of sexual or physical violence committed by an intimate partner (Centers for Disease Control and Prevention, 2010); and

WHEREAS, there are more than 15,000 sex offenders registered as living in North Carolina (Department of Justice, 2014); and

WHEREAS, victim-blaming continues to be an enormous problem in instances of rape and sexual assault; and

WHEREAS, the Orange County Rape Crisis Center, a non-profit agency that has served this community since 1974, is working to stop sexual violence and its impact through support, education, and advocacy;

NOW, THEREFORE BE IT RESOLVED that we, the Orange County Board of Commissioners, do hereby proclaim the month of April 2014 as “SEXUAL ASSAULT AWARENESS MONTH” and encourage all residents to speak out against sexual violence and to support their local community’s efforts to prevent and respond to these appalling crimes.

This the 1st day of April 2014.

Barry Jacobs, Chair
Orange County Board of Commissioners

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: April 1, 2014

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

SUBJECT: Solid Waste Service Tax District – Public Hearing

DEPARTMENT: Solid Waste Management

PUBLIC HEARING: (Y/N)

Yes

ATTACHMENT(S):

Letter to Property Owners
Report Filed in Clerk to Board's Office
Including Map
Frequently Asked Questions – Updated
March 7, 2013 BOCC Abstract – Manager
Franchise Proposal

INFORMATION CONTACT:

Michael Talbert, 919-245-2308
Gayle Wilson, 919-968-2885
John Roberts, 919-245-2318

PURPOSE: To conduct the second of two public hearings, pursuant to North Carolina General Statutes 153A-302, to receive comments with regard to the proposed establishment of a Solid Waste Service Tax District in unincorporated Orange County.

BACKGROUND: In 2004 the Board of Commissioners approved a new method of funding for the every other week curbside/roadside recycling collection program for about 13,000 residences in unincorporated Orange County. At that time the Board adopted a fee to fund the program, called a Rural 3-R Fee, that all eligible residences were billed annually on their tax bills. The fee was assessed to all eligible for the service, regardless of whether or how often a resident used the service.

In 2012 the County Manager and the County Attorney advised the Board that they had concerns regarding the statutory justification for assessing this fee and recommended that the Board eliminate the fee and consider other ways to fund that program. The 2012 tax bill was the last time the fee was assessed. The fee was \$38/year. In 2013 the Board provided an interim funding for the program from landfill reserves.

Over the next several months the Board discussed various options on how to address this funding problem. Elimination of the program was even considered, but unanimously abandoned due to measured participation of the rural community of about 57%. Some residents eligible for this service chose not to recycle, others delivered their recycling to convenience centers and a very few employed private haulers. It was also considered that the service was important in order to meet the County's aggressive waste reduction goal of 61%.

After considering and rejecting numerous funding alternatives, in December 2013, the Board indicated intent to implement a solid waste service district tax as the means to replace the funding lost when the fee was eliminated. One of the services discussed in March 2013 was a proposal to franchise waste and recyclables collection in unincorporated Orange County. The Board, following vigorous public opposition, eliminated the option from further consideration. The Board also recently discussed a subscription service option whereby those residents who wanted to retain the service could pay and those who wished not to pay could voluntarily opt-out.

State statutes require a public hearing to be held prior to a Board adopting a service district, and the property owners of all parcels to be included in the district must be notified by letter of the hearing. The Board is conducting two public hearings:

- The first public hearing occurred on March 18 at 6:00 PM at the Southern Human Services Center, 2501 Homestead Road in Chapel Hill; and
- This second public hearing on April 1, 2014 at 6:00 PM at the Orange County Social Services Center, Hillsborough Commons, 113 Mayo Street in Hillsborough

A funding decision with regard to the every other week curbside/roadside recycling collection program must be made and adopted prior to July 1, 2014 in order for this recycling service to continue. In order not to delay delivery of 2014 property tax notices the Board is advised to pursue a final decision at the April 15 regular meeting, or the earliest possible opportunity.

FINANCIAL IMPACT: If the solid waste service district is ultimately adopted, it is estimated that the district tax rate would be about 1.5 cents per \$100 dollars of assessed value of the property. For example, property with an assessed value of \$100,000 would pay about \$15/year in service district tax. A solid waste service district is similar to a fire service district.

RECOMMENDATION(S): The Manager recommends that the Board receive comments and/or documentation with regard to the proposed Solid Waste Service Tax District and close the public hearing.

February 14, 2014

Re: Public Hearing to discuss Solid Waste Service Tax District

Dear Property Owner

On February 4, 2014 the Orange County Board of Commissioners voted to hold two Public Hearings to consider the establishment of a Solid Waste Service Tax District effective July 1, 2014. You are receiving this letter because your property is located in the proposed Solid Waste Service Tax District. A Notice of the Public Hearing and a map of the proposed new Solid Waste Service Tax District are attached.

The Solid Waste Service Tax District is being considered as a means to improve curbside recycling services in the county's unincorporated area. For those residents currently located within the rural curbside recycling service area and eligible for curbside recycling services, the tax district will replace the annual \$38/household Rural 3-R Fee, which was assessed on the property tax bill from 2004 to 2012. A report, as required by North Carolina General Statute 153A-302(b), containing additional information related to the proposed Solid Waste Service Tax District is available for public inspection in the office of the Clerk to the Board – 200 South Cameron Street, Hillsborough (open 8:00AM to 5:00PM), beginning February 14, 2014.

The first Public Hearing will take place on March 18, 2014 at 6:00PM at the Southern Human Services Center, 2501 Homestead Road, Chapel Hill, 27516. A second Public Hearing will take place on April 1, 2014 at 6:00PM at the Social Services Center, Hillsborough Commons, 113 Mayo Street, Hillsborough, 27278. A brief presentation will be made at 6:00PM to be followed by public comments.

Please feel free to contact Gayle Wilson in the Solid Waste Management Department Office if you need additional information at 919-968-2885 or gwilson@orangecountync.gov

**NOTICE OF PUBLIC HEARINGS
ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS**

Pursuant to the requirement of the General Statutes of North Carolina, Chapter 153A-302(c) notice is hereby given that the Board of County Commissioners will hold a Public Hearing at the Southern Human Services Center located at 2501 Homestead Road, Chapel Hill, North Carolina 27516, on Tuesday March 18, 2014 at 6:00 p.m.; and a second Public Hearing at the Social Services Center, Hillsborough Commons, 113 Mayo Street, Hillsborough, North Carolina, 27278, on Tuesday April 1, 2014 at 6:00 p.m. for the purpose of taking specific action on the following item:

Creation of a Solid Waste Service District

1. A report prepared on the proposed district as required by N.C.G.S. 153A-302(b) may be inspected in the Office of the Clerk to the Board of County Commissioners located in the John Link Government Services Building located at 200 South Cameron Street, Hillsborough, North Carolina between 8:00 a.m. and 5:00 p.m., Monday through Friday.
2. A map of the proposed Solid Waste Service District is attached.

Questions regarding the proposed solid waste service district may be directed to the office of Gayle Wilson located in the Solid Waste Management Department administrative offices at 1207 Eubanks Road, Chapel Hill, North Carolina, 27516. Office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday. You may also call (919) 968-2885.

**Solid Waste Service District Report
February 13, 2014**

Consistent with General Statute 153A-302 Orange County Commissioners provide this report regarding the proposed Solid Waste Service District that would be established to provide recycling services.

- 1) Map of proposed district – Attached
- 2) The Board of Commissioners will consider the following prior to making a final decision with regard to the district:
 - a. The resident population of the proposed district is estimated at 35,992. The estimated population density of the proposed district is 211 people per square mile.
 - b. The total appraised value of the properties subject to taxation in the proposed district is \$4,478,900,424.
 - c. 2013 County Tax Rates are:

<u>RC</u>	<u>Total Rate</u>	<u>Combination</u>
00	0.009316	County Tax + Orange Fire Tax
01	0.00946	County Tax + White Cross Fire
02	0.011544	County Tax + C.H. Sch. Dst. +White Cross Fire Tax
03	0.00928	County Tax + Efland Fire Tax
04	0.011664	County Tax + C.H. Sch.Dst. + South Orange Fire Tax
06	0.00958	County Tax + South Orange Fire
07	0.011609	County Tax + C.H. Sch. Dst. + New Hope Fire Tax
08	0.009525	County Tax + New Hope Fire Tax
09	0.009379	County Tax + Eno Fire Tax
10	0.00918	County Tax + Orange Grove Fire
11	0.011264	County Tax + C.H. Sch. Dst. + Orange Grove Fire Tax
14	0.012164	County Tax + C.H. Sch. Dst. + Chapel Hill Fire Tax
15	0.008986	County Tax + Little River Fire
16	0.009316	County Tax + Cedar Grove Fire
17	0.011544	County Tax + C.H. Sch. Dst. + Southern Triangle Fire Tax
19	0.011544	County Tax + C.H. Sch. Dst. + Damascus Fire Tax

- d. According to the U.S. Census Bureau, median household income for the zip codes comprising the proposed district is as follows:

<u>Zip code</u>	<u>Income</u>
27231	35,962
27278	61,654
27312	60,409
27510	38,576
27541	59,036
27572	68,610
27712	79,611
27514	54,759
27243	61,420
27516	72,171
27302	51,675
27517	83,619
27705	45,535
27707	45,538

The anticipated tax rate of 1.5 cents is equal to \$ 37.50 for a residence with a value of \$250,000. The recently eliminated Rural 3-R fee for FY-12/13 was \$38 per residential unit; 12,547 parcels that received that fee. Therefore, about 60% the 20,545 residential properties included in the proposed district were already paying a similar fee.

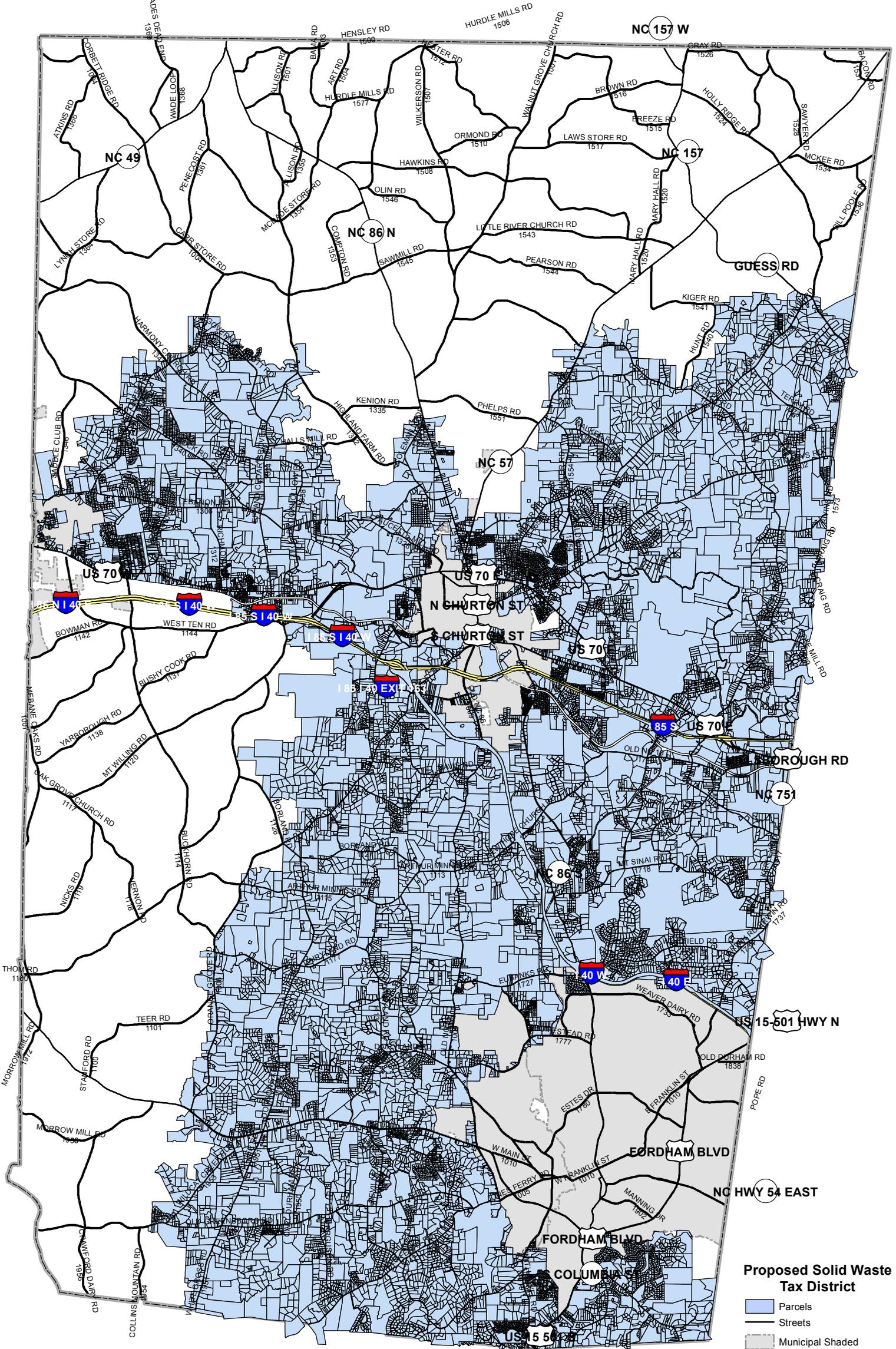
Based on the median family income of the proposed district zip code areas and the comparability of the proposed tax rate of the previously paid recycling fee, it is believed that the majority of property owners within the proposed district would have the ability to sustain the new district taxes.

- e. Current preliminary estimates of revenue generated to finance the recycling services are \$630,000. It is intended that the proposed recycling services be fully funded through the service district.

3) The following summarizes the plan for providing recycling services within the district:

The bi-weekly (every other week) recyclables collection service for the proposed district will be provided by Orange County staff and equipment as is the current service. Roll carts and/or recycling bins will be distributed to all residences within the district, and those few smaller commercial establishments that generate residential quantities of recyclables, in two phases over the next approximately 18-20 months. The service is envisioned to be provided as a combination of automated with roll carts, semi-automated with roll carts or manual with recycling bins depending on specific service situations. Special services for the elderly or handicapped will continue to be provided. While the district tax would not be voluntary, participation in the recycling program is not mandatory.

Proposed Solid Waste Tax District



- Proposed Solid Waste Tax District**
- Parcels
 - Streets
 - Municipal Shaded
 - County Line

This map contains parcels prepared for the inventory of real property within Orange County, and is compiled from recorded deed, plats, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. The county and its mapping companies assume no legal responsibility for the information on this map.



Date: 2/6/2014
1 inch = 12,000 feet

Orange County Tax Administration
Land Records/GIS

Layer	Parcel Count	Total Evaluation(Excludes Exempt)
Solid Waste Tax District	20,545(Includes 694 Exempt)	\$4,478,900,424

Frequently Asked Questions

Proposed Solid Waste Service Tax District March 27, 2014

1. What is a Solid Waste Service Tax District?

It is a defined geographic area of a county where specific solid waste related services are provided and whose property owners fund the service through a tax that is set at a rate that will finance those defined services.

2. What is the Solid Waste Service Tax District that is being proposed by the Board of County Commissioners?

The Board of Commissioners is proposing a service district that would provide for every other week curbside/roadside recycling collection. The proposed district does not include waste/trash collection, only recycling. This service was previously funded by a \$38 annual Rural 3-R Fee that was billed on the annual tax bill, but that fee was eliminated following the 2012 Tax Billing. The service district is being proposed to replace the rural recycling program funding previously provided from that fee. The proposed service district will expand this recycling service to about 1,600 additional residents beyond the 13,750 households who are currently eligible for this service. The district would not include municipalities.

3. What if I don't recycle or take my materials to a Solid Waste Convenience Center? Is there an option whereby a property owner can opt-out of this service?

The Solid Waste Service Tax District, as with the previous Rural 3-R Fee, does not provide an exemption or opt-out option for those residents who choose not to use the service. All taxable property that is included within the district would be assessed the district tax. As with property taxes in general, there would be no opt-out option.

4. Since I received a notice of a Public Hearing does this mean that my property will be included in the proposed district?

Yes. If you received this notice your property, or if you own multiple properties, at least one property you own is proposed to be located within the district. If more than one property is owned only those located within the proposed district would be subject to the district tax.

5. How much will I have to pay through a district tax?

The district tax rate will be set to generate funding for the every other week recycling service. It is currently estimated that the tax rate would be set at approximately 1.5 cents per \$100 of assessed value. This would mean a property with an assessed value of \$100,000 would pay \$15 per year.

6. Why not continue charging the Rural 3-R Fee of \$38/year?

The County Attorney and the County Manager recommended to the Board of County Commissioners last year that the Board abolish the Rural 3-R Fee due to some uncertainty with regard to the fee being wholly consistent with state law authorizing counties to assess these type of fees. Following that recommendation, the Board agreed it did not wish to risk continuing a practice that was not unmistakably consistent with state law, so the annual rural recycling fee was eliminated and consideration of alternative financing of the rural recycling service was initiated. After several months of examining numerous funding alternatives the Board is proposing the Solid Waste Service Tax District to generate the replacement program funding. About 13,750 residents who were eligible for the service were previously assessed the fee.

7. Will the Solid Waste Service District apply to vacant (undeveloped) land?

Yes, the district tax would apply to all taxable property located within the proposed district without regard to whether structures or homes exist on the property.

8. If the Board chooses **not** to adopt a Solid Waste Service District and wishes to establish a service opt-out program what would the estimated cost be for annual curbside recycling service? What is the scientific basis for the 60 percent estimate of participants in an opt-out scenario? Is there data or information relating to performance of opt-out programs? Are any of these participation assumptions based on fact?

Key to estimation of the cost for opt-out service is the assumption made regarding how many paying customers will remain in the program. If the assumption is that of the current approximate 13,750 customers only about 60% currently participate, and that of that 8,250 monthly users 20% (1,650) choose to opt-out as not wishing to pay a service fee, the estimated annual fee for service would be about \$95.45 (based on an estimated annual program cost of \$630,000). And if, after a few months, due to the rather high cost of service (compared to the previous \$38/year) another 10% of the 6,600 choose to cancel service, the estimated annual cost would increase to about \$106.00 per year or almost \$13/month. Of course there could be a small number of additional subscribers from current non-participants that could moderate any fee increases. The 60% basis results from the current participation rate of 57% rounded.

The assumption that 20% of the currently participating 7800 households will leave the system under voluntary subscription would seem to be an optimistic estimate of how many customers the program would lose once the fees increased and it was voluntary. When fees in Forsyth County's voluntary program rose from \$2.65 a month to \$8.65 a month the subscription declined by 11% from approximately 3,000 users out of 22,000 households (14%) to 2,700 (12%). Forsythe County most recently implemented a subscription type rural curbside/roadside recycling program and the Director of the County Office of Environmental Assistance and Protection stated "I would definitely expect and predict that if recycling collection service is made available on a voluntary subscription basis as a stand-alone service, you will be lucky to have a 25% participation rate."

Experience in other governmental jurisdictions (states and NC county's) provides convincing evidence that many property owners will choose not to participate, which will result in increased costs for those who do participate. Economies of scale exist in recycling collection services like most other programs and services, meaning that the more property owners that join in funding a given service results in a reduced cost per each service unit. Alternatively, as

the number of fee payers is reduced, costs increase for each remaining participant. A NCDENR Environmental Specialist has spoken previously to the BOCC, as well as other recycling professionals, who have indicated the weaknesses of the so called “opt-out” or subscription (fee for service) type recycling program. According to the DENR Environmental Specialist the eight counties that operate a subscription-type curbside recycling program have an average participation rate of 14.8%.

Please note that it will take 5-6 months to establish an opt-out or subscription type service for rural curbside/roadside recycling. Therefore, some partial year (6 months) funding source may be required until the new subscription can be established and enrolling subscribers. Additionally, it will be necessary for county staff to evaluate the impact of a possible shift of recyclable materials from the existing curbside program to convenience centers as residents try to avoid the subscription fee. The impact on the centers could be significant and additional resources will likely be necessary to collect and haul these additional materials. Staff has not conducted a detailed analysis of these additional costs.

The current emphasis of staff on public education programs may have to shift to a marketing effort to keep the subscription and participation level up rather than primarily provision of public outreach and education on the County’s wide variety of public recycling and waste reduction programs.

9. Would a Solid Waste Service District funding option or an opt-out (or subscription) fee for service option result in the most recyclable materials being recovered and move Orange County the furthest toward its 61% waste reduction goal? Which would cost the least per unit served?

Based on evidence from other jurisdictions (both North Carolina and out of state) a subscription fee for service option of funding the recycling collection service would yield the least quantity of recovered recyclables and result in the greatest unit cost for users of the program. The Solid Waste Service District would be the least costly per parcel served.

10. What does it mean that handicap service will continue?

Both the Urban and Rural Curbside Recycling programs maintain a special services option for handicapped and elderly residents. This service requires the collector to go to the resident’s home at an agreed upon location and collect their receptacle, empty it into the truck and return the empty container to the home.

11. Has the value of the property within the proposed district been analyzed?

The total valuation of the district is located at the bottom of the map and is calculated at \$4,478,900,424.

12. Is the current participation rate for the rural program 57%? If so, how many are estimated as not using the service?

Yes, according to the latest survey of four rural routes. About 5,800 are estimated to be using the convenience centers, not recycling or recycling through alternative means.

- 13.** How many parcels in the proposed district are not going to be paying the tax (are tax exempt) but will be receiving the service?

There are 694 tax exempt properties located in the proposed district that will not be paying the district tax. It is understood that any of those parcels that contain buildings that generate recyclables we would be required by statute to provide the service. We estimate that less than half of these properties contain structures that could utilize the service.

- 14.** If the Rural Program participation rate is 57%, what would be the participation rate in the Urban Program for comparison?

The participation rate in the Urban Program is estimated to be 90%. Utilization of the new roll carts fitted with RFID tags will allow much more accurate calculations of set out and participation rates.

- 15.** When roll carts are implemented will people be required to use them?

Due to the variability in the county such as geography and other differences consistent with rural living, accommodations will have to be made. When a resident expresses a desire to continue using a bin and does not wish to use a roll cart, they will be allowed to use what they think best suits their situation. They will be allowed to choose, although in many instances they will be encouraged to try a roll cart.

- 16.** If residents will be allowed to continue to use bins if they choose rather than be required to use roll carts, and if only 57% of residents will be participating, how many roll carts will be purchased?

It is estimated that 7,000 carts would be purchased initially. Prior to implementation a more thorough assessment will be performed to match the type of recycling receptacle with resident needs and requests.

- 17.** Do residents owning property valued at \$250,000 pay the same as a resident owning property valued at \$500,000 for the same service? Can the property tax amount be capped?

A tax rate of \$.015 per \$100 on a \$500,000 valued house versus a \$250,000 valued house will yield different amounts to be paid. According to the County Attorney, assigning different tax rates based on property value is not legal. For example, this is also true for two property owners of differently valued property who use the local county library about the same amount. A statutory cap is provided in NC General Statutes 153A-149(c):
Each county may levy property taxes for one or more of the purposes listed in this subsection up to a combined rate of one dollar and fifty cents (\$1.50) on the one hundred dollars (\$100.00) appraised value of property subject to taxation.

- 18.** What is the percentage of the county's total recycling is recovered by the roadside pickup in rural areas?

Rural Curbside represents about 13% of dry recycling tonnage (excluding Haz Waste, waste oil, anti-freeze, filters, etc. and food waste).

19. What is the average Property tax value in the proposed district?

Including vacant property, exempt, improved, commercial, etc., the average total property value within the district is \$218,404.

20. How did we come up with the proposed tax rate?

The tax rate was calculated by dividing the estimated total cost of the rural curbside/roadside recycling program by the total assessed value of properties within the proposed service district to arrive at the suggested tax rate of 1.5 cents per \$100 assessed value.

21. What is the average tax value of property with homes in the proposed district?

Average total property value of the parcels with homes is \$290,314.

22. Is there an education element in subscription service provided across the state?

Educational elements from the various subscription programs across the state vary considerably from county to county. We have requested information from several counties that have a subscription type recycling collection service, and of the three responses we received to date, there is a variation from some County involvement to almost none. In all cases, the contractor seems to be the lead agency. Staff may be able to report with more information in the near future pending responses from other communities.

23. Was every property notified of the public hearings and of the pending consideration by the Board of a solid waste service tax district?

Yes, notice of the public hearing was mailed to all property owners whose property is incorporated into the proposed service district.

24. Could we reduce the size of the proposed tax district?

The proposed district boundary could be reduced as long as no parcels that were not notified as part of the public hearing process are included. Additionally, properties within a service district must be contiguous.

25. What was the result of the Board of Commissioners adopted language that was conveyed to the NC legislature requesting to be given the authority to impose a fee like the previous Rural 3-R Fee?

The local bill was submitted to the Orange County legislative delegation last year. It was sponsored and introduced by Rep. Foushee and was co-sponsored by a number of other representatives. However, the bill died in committee and is no longer eligible for consideration.

26. Are some convenience center costs paid from the general fund/property tax revenue?

Funding to operate convenience centers is provided from both a Convenience Center Fee charged annually on the tax bill to only residential property owners, and represents about 25%

of costs. The remainder of the funding is provided by the General Fund supported by all County taxpayers, both municipal and rural, regardless of jurisdiction, type of property or whether they use the centers.

27. What is the total tax value of tax exempt properties within the proposed service district?

Total value of exempt properties including building and land is \$224,559,229.

28. Why did the Commissioners abolish the previous Rural 3-R Fee without first determining where the replacement funding would come from? What was the urgency?

The Board of Commissioners received a recommendation from the County Manager and the County Attorney that recent actions by the legislature and courts raised questions as to the County's legal authority in imposing the Rural 3-R Fee and that the Board should consider eliminating that Fee. The Board responded to that recommendation.

29. Is it true that Catawba County leads the state in recycling? I thought Orange County was the state's leader?

The State of North Carolina General Statutes requires measurement of the rate of waste landfilled per person in each county annually and there is a statewide goal of 40% waste reduction that was to have been achieved by 2001. It was 12% statewide last year. That rate of landfilling per person is then compared to an established base year of 1991-92 and the difference is that County's waste reduction rate. By this statutorily required metric, Orange County led the State of North Carolina with a 58% waste reduction rate in FY 2012-13. Orange County also had the highest waste reduction rate for the preceding four years. For comparison, Catawba County's waste reduction rate was 27% in FY 2012/13.

Catawba County had the State's highest rate of recycling per person in FY 12-13 as calculated separately by the NC DENR Division of Environmental Assistance and Customer Service from annual local government reports. Orange County was sixth last year by that measure and has generally been in the top ten since the metric was established. That metric was independently established by the NC DENR Division of Environmental Assistance and Outreach in the early 2000s as an alternative means of evaluating progress in Solid Waste Management. It is also believed that this alternative "unofficial" means of presenting recycling was developed due to the overall poor progress state-wide with regard to waste reduction per capita performance and that this alternative method would shed a more positive light on state performance. It is not statutorily required but measures recycling progress County by County. In Counties with large industrial and commercial recycling programs that are connected to local government operations the recycling per person may be reported as higher than those with less industry. E.g. UNC Chapel Hill reports its 4,400 tons of recycling separately from Orange County.

In the original omnibus State Solid Waste Bill in 1989, the State did establish recycling goals at rates of 25% and 40% but in 1991 revised that metric to be a waste reduction rate. The rationale for using a waste reduction measure is that it is calculated by the State, independently from what is reported by each County as recycled in its programs. Further, the waste reduction rate more holistically reflects the means other than recycling of reducing waste such as backyard composting, 'smart shopping', encouragement of reuse and repair as alternatives to disposal.

- 30.** What is fair about having people who don't use the curbside recycling service having to pay for it? Those that use it should pay for it.

There are many government services, if not most, whose use by any specific taxpayer and that taxpayer's financial contribution are not proportional. Not all taxpayers use the public library, but all contribute to its funding. In Orange County not all tax payers use convenience centers but all taxpayers (including municipal residents) contribute to its funding, including those non-residential property owners who are prohibited from using it. The question of fairness with regard to public funding and utilization of service is inherent in government services and benefits. It is the nature of public funding and a matter of perception.

Like the funding for libraries or convenience centers, the service district tax is a way to offer a needed or desired service to a large group of residents without making the cost prohibitively expensive.

- 31.** How many residents in Orange County contract for garbage service?

This number is not known because private haulers are not required to report it and can be reluctant to reveal their proprietary business data. In the late 1990s, phone interviews by Orange County Public Works recorded about 5,000 reported private waste customers in the unincorporated area of the county. Another informal phone survey about five years ago by the Solid Waste Department came to a similar number, but those were based on non-binding responses from the private haulers of a range and remain only estimates of use of private waste hauling services.

- 32.** How will the cost of the opt-out service be kept at a reasonable fee?

The cost of the opt-out or subscription service option would presumably be fully funded by the subscribers, regardless of the level of the fee. Unfortunately, if the cost becomes too expensive some subscribers may cancel their service and/or new residents may choose not to enroll. If this happens the service fee would continue to escalate in order to achieve necessary levels of funding to operate the program, and the number of subscribers would continue to decline. Alternatively, the Board could agree to supplement this program from the general fund when the service fee reached a certain level or the number subscribers become insufficient to sustain the recycling service. In that instance, municipal residents would then be subsidizing a rural service that they are not eligible to receive.

- 33.** How long will it take to get ready for the opt-out subscription service? Will it cost more, less or about the same as the tax district? Sounds like more trouble.

The County Manager has previously indicated that at least six months would be required to establish the opt-out service option. Given the Board's December 2013 declaration of intent to establish a service district (among other Board solid waste/recycling related priorities that are consuming staff resources) no preparatory work has been performed with regard to an opt-out option. There is still some uncertainty with regard to some of the details of implementation of an opt-out type service that would have to be resolved by the Board through discussions with staff and the approval of an implementation plan and subscription fee schedule.

Additionally, if quantities of recyclable material shift from the curbside program to the convenience centers due to the increasing cost of the opt-out (subscription) service, the impact on the centers could be substantial and additional resources will likely be necessary to collect and haul these additional materials. Staff has not conducted a detailed analysis of these additional costs.

- 34.** Is there any other county that charges for convenience centers as well as for the cost of recycling?

Based upon a less than comprehensive research due to the large number of questions involved, and the limited timeframe in which to respond we have found that, according to NCDENR State records from County reporting on the annual report, the following communities appear to meet those criteria of charging for convenience centers and charging for recycling collection: Caldwell County, Carteret County, Cleveland County, Hertford County, Nash County, and Pender County. Given more time staff might be able to identify others.

- 35.** Has Orange County examined Catawba County, NC and their incentive program?

Orange County staff has investigated Catawba County's approach to unincorporated area curbside recycling and is reasonably familiar with their program. We have the following observations:

Catawba has a single exclusive franchised waste and recycling hauler with a ten year contract serving the whole County with residential trash and recycling collection, commercial waste collection and Construction and Demolition waste collection. Of the 33,600 residences in unincorporated County, about 14,000 or 42% subscribe to waste collection and 97% of those are reported to use the recycling program at least monthly which is the minimum to be considered a recycler. Those using recycling get the lower monthly trash collection rate of \$18.88 including the cart. Setting out the recycling cart at least once a month constitutes program use, irrespective of contents. Those who don't recycle at the curb pay \$24.33 per month for trash collection including a cart.

Catawba County contracts Solid Waste Convenience Center operations to Republic who charges a fee of \$1.75 per bag of residential waste delivered to their Convenience Centers that provides partial support to the system and they also charge for bulky items at \$17.50 per small pick up or \$26.25 per large pickup truck. During conversion to recycling carts last year, the County in conjunction with Republic provided a broad variety of outreach including electronic media, presentations, web page and PSAs in local papers. Republic put out their educational materials when they converted to carts for the schedule changes and information about what to recycle. They achieved a recycling rate at the curb of 239 pounds per eligible household last year. Orange County unincorporated area curbside recycling rate was about 250 pounds per household among all households, not just those calculated as participating. If only the 7,800 households considered as participating were counted, the rate is 440 pounds per household.

- 36.** Is there research on what the cost per household will be for an opt-out type service?

Please see #8 above.

37. How many people use the convenience centers for recycling versus using the existing curbside recycling service?

There are approximately 20,000 households in the unincorporated area and they represent almost all users for conventional recycling of paper, cans, bottles and cardboard. The number of urban single family or apartment dwellers using the SWCCs for recycling is assumed around 10% in this estimate as they have access to curbside or on-site recycling and more convenient 24 hour unstaffed drop-off sites.

Thus: of those 13,700 residences (at the time of the survey was conducted) that have access to curbside recycling an estimated 57% or ~7,800 use the service at least once a month. If 90% of all the remaining households eligible recycle instead at convenience centers, that means 5,300 of those and if 50% of the remaining households that do not have access to curbside recycling recycle at the SWCCs, then another 3,200 households recycle at the SWCCs. Urban users are more difficult to estimate.

This information and estimates are summarized in the table below Rounded to nearest 100:

Type household	Number	Percent recycling	Number recycling	Tons recycled	Comments
Rural with curbside recycling access	13,700	57% recycle curbside	7,800. Some of these use SWCCs to recycle too.	1700 at the curb in rural program	% using at least once/month based on route survey of 1400 units in January 2013
Rural with curbside access who don't use the system	5,800	90% estimated as recycling at SWCCs	5,300	TOTAL AT SWCCs from all users ~3,390	
Rural with no access to curbside recycling	6,300	50% estimated as recycling at SWCCs	3,200		
Rural with contract curbside recycling	200 (1% of all rural residents)	100%	200		
Urban users of sites for recycling		10% est. of tons recycled at SWCCs			

38. Can we work with the towns to get similar service that they receive from the contractor?

The Urban Curbside and Rural Curbside program are two distinct programs and it is our understanding that the Towns prefer a distinct program within the municipalities with no comingling of finances. The municipal service is weekly, the rural service is bi-weekly. The Urban program contractor is under contract to Orange County to provide that service. Orange County is the provider of all public recycling services within the county either directly, or indirectly through a contractor. We work closely with the towns with regard to all county recycling services within their jurisdiction.

For several years the Rural program was also contracted to private companies by Orange County. After the first company was unable to provide quality service and meet service schedules a competitive request for proposals resulted in a second private company being selected. After a few years that company too was unable to provide acceptable service (resident complaints and rising costs) so eventually the county assumed service responsibility and has provided high quality service for less cost than a private contractor.

39. How did you get to the conclusion of the tax district?

Following the elimination of the Rural 3-R Fee the Board evaluated and considered numerous funding and service alternatives. These alternatives included elimination of the rural program, privatization, franchising, combining various waste fees, funding all or various combinations of services through property taxes, eliminating convenience centers, providing only convenience centers, creating a single all-encompassing solid waste district including the towns, and various other service and fee permutations. Ultimately these were rejected, some due to vigorous resident objections, and last December the majority of the Board indicated a preference for, and an intent to establish a rural service tax district for recycling.

40. Will the tax district increase/encourage participation as compared to the previous Rural 3-R Fee funded service? Cite research that county-wide taxation will increase participation.

Based on our own long-term experience and our inquiries with knowledgeable recycling professionals, participation is more determined by how each citizen interfaces with the program, the choices available to the citizen, community incentives or disincentives of convenience or cost, a community's motivation/enthusiasm/knowledge through the supporting programmatic education and outreach, the local environmental culture, etc. that impacts participation than whether the service is funded by taxes or fees. However, regardless of funding source, there is general agreement that the need to opt-in or subscribe is clearly a barrier to participation. According to staff in the State's Recycling office in the Department of Environment and Natural Resources (DENR), regardless of how a curbside recycling program is paid for, if recycling service is automatically available (meaning that the household does not need to subscribe or opt-in) then participation is stronger than if the household is simply offered the service and all they need to do is put a bin or cart at the street or road.

41. How will the district tax impact properties on Rosemary and Graham streets in Chapel Hill?

The proposed solid waste service district does not apply to properties located within corporate municipal limits.

42. Why are some properties exempt from property taxes?

Some property is exempt from property taxes by state law (General Statutes 105-125). The following is an excerpt from this statute that comprises most of the tax exempt properties in Orange County:

Exemptions. - The following corporations are exempt from the taxes levied by this Article. Upon request of the Secretary, an exempt corporation must establish its claim for exemption in writing:

(1) A charitable, religious, fraternal, benevolent, scientific, or educational corporation not operated for profit.

43. Why not include the entire unincorporated area for recycling service?

This was previously considered by the Board and could certainly be an option. This would require a significant expansion of the rural program into the less densely populated portions of the county. The proposed district area was created in part by what area can be serviced with existing resources (collection vehicles and drivers). There was also an interest in not increasing expenses in a period of financial uncertainty (loss of Rural 3-R Fee and landfill closure). Certainly services could be expanded to include the entire unincorporated area, phased in over a two to three year period. It is unlikely that an opt-out (subscription) service could adequately fund such an expansion.

44. All discussion of this tax has been focused on providing bi-weekly curbside recycling services. Given the tax is being referred to as "Solid Waste Tax District" rather than "Recycling Tax District," what assurances do citizens have that, once in place, the tax district will not be used for other solid waste purposes?

It is correct that all focus is currently on the bi-weekly curbside recycling service and staff has not recently been directed to evaluate other service option for the proposed district. Given the critical decision timeline necessary with regard to the rural curbside service, it is not likely that other services will be considered at this time. However, this Board or any future Board, at its discretion, may consider any number of programmatic variations of a service district in the future. Staff is not aware of any longer term plans for other purposes.

45. Who determines the tax rate and when it may be raised? If it is the commissioners, is there a requirement for public hearing prior to such action?

Only the Board of Commissioners has the authority to set a tax rate. The tax rate is set annually as part of the budget process. Public hearings are held each year during the budget process to provide opportunity for public input, including input with regard to the tax rate.

46. Why can't the county request an RFP from Waste Industries for outsourcing collection in the rural area prior to the April 1 meeting? Couldn't we loosely tie the RFP to town proposals in order to benefit from scales of economy?

Any RFP process is required to be a competitive process open to all qualified recycling collection contractors and only negotiating with a single company would be contrary to state purchasing law, absent an emergency situation. Such a process could not have been conducted in such a short time frame as to have been ready by April 1. Furthermore, the RFP process conducted by the Towns last summer resulted in several proposals being received, has led the Towns to pursue an agreement with the county for providing the urban curbside services. So apparently the Towns have determined that the county service, integrated as it can be with other county

services, including integration of the public education and outreach function, was cost competitive with proposals received from the private sector. The county maintains a considerable economy of scale with its county-wide compliment of services and programs.

47. What are the costs of opening the five convenience centers 7 days/week?

A brief evaluation of the cost to extend the hours of convenience centers to seven days/week has resulted in an estimated cost of \$400,000 to \$440,000 per year increase over current operating costs. A more thorough and detailed analysis should be conducted to develop budget level cost estimates. The above estimate assumes 362 days per year operation, from 7am to 6pm. It should be noted that the convenience centers have never been open seven days/week since their creation in the early 1090's. They have always been closed on Wednesdays for employee training and site maintenance purposes.

There are a number of issues and assumptions that would have to be tested to confirm any cost proposal, including garbage/trash service and storage capacity given our dependence on distant waste transfer station disposal. Currently, with the available transfer station operations closing at noon on Saturday until Monday, the waste collected at the centers Saturday afternoon and Sunday afternoon must be stored until Monday disposal. Our storage capacity used is typically at a maximum until we can dispose of the waste Monday morning. Opening Sunday morning would require additional storage capacity that has not been incorporated into the above estimates. There are certainly other, less extensive schedule of operation expansions that could be considered. Staff would suggest a comprehensive analysis of such a major expansion of hours at convenience centers prior to any serious discussion of such a decision.

It should also be noted that previous Board of Commissioners' have made a commitment to a concept of Neighborhood/District Convenience Centers. This concept presumes that the District centers would have more expansive hours of operation and that Neighborhood Centers would have less expansive hours of operation. Part of the basis for this concept was to balance hours of operation with level of use, resulting in a less costly program; a balance of cost with convenience.

48. What reason does the county have to believe that the 1,650 "new" households being added to the tax district (those which have not been included in curbside recycling to date) intend to use the service if provided? What reason is there to believe that adding these households will increase the total amount of recycling in the county, given that the program already has 55-60% participation levels?

The majority of the residences included in the proposed expansion area of the district beyond the current service area include more dense neighborhoods that were identified in field surveys conducted 2-3 years ago for the purpose of identifying priority areas for program expansion. For some of these areas we have received resident requests or inquiries with regard to expanding services. We feel confident that the proposed expansion areas will meet or exceed the 57% participation rate of the existing area. There are some less dense areas also included either due to statutory contiguity requirements for service districts or as a result of routing connectivity reasons. It is our expectation, based on similar areas currently serviced, that we can expect participation rates at or beyond the current program-wide average 57% rate.

- 49.** I have been paying the Solid Waste Convenience Center Fee for three years and it has increased to \$40/year in that period. Included among the tax bill explanations for this fee is “The cost of expanding the hours of operation for the solid waste convenience centers”. Why has there not been any expansion of hours in that three year period?

The hours of operation at the Eubanks Road and Walnut Grove Church Road Centers were increased by opening on Thursdays from 7 am to 6 pm effective September 5, 2013.

- 50.** How many exempt properties are there in the proposed district?

There a total of 694 tax exempt properties in the proposed service district.

- 51.** How many vacant properties (no homes or other structures) are in the proposed district?

The total number of vacant properties within the district is approximately 5,469.

- 52.** What is the average home value and the average assessment throughout the county?

Average total property value throughout the county is \$290,545.

- 53.** If a homeowner does land/house improvements, will this change the cost of the tax on the property?

Anything that changes the property tax assessment would change their property tax bill.

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**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: March 7, 2013

**Action Agenda
Item No. 7-d**

SUBJECT: Proposal to Move Toward A Franchise to Privatize Curbside Solid Waste and Recycling Services in Unincorporated Area of Orange County

DEPARTMENT: Solid Waste/Recycling

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

- 1) General Statutes 153A-136 Regulations of Solid Waste
- 2) General Statutes 160A-327 Displacement of Private Solid Waste Collection Services

INFORMATION CONTACT:

Frank Clifton, 245-2300
Gayle Wilson, 968-2885
John Roberts, 245-2318
Michael Talbert, 245-2308

PURPOSE: To discuss a proposal to move toward a county-wide franchise agreement that would privatize curbside Solid Waste and Recycling Services in the unincorporated areas of Orange County.

BACKGROUND: The Solid Waste Mission Statement is to operate public facilities receiving and processing various types of Municipal Solid Waste and Construction and Demolition Waste in such a way as to provide a high quality, reliable, cost effective environmental safe containment of these wastes ensuring the protection of the environment, health and safety of the citizens of Orange County.

The BOCC has authorized a major modernization/upgrade of the Walnut Grove Solid Waste Convenience Center as a first step in eventual improvements to all five solid waste convenience centers. These improvements conceive creating two centrally located District Centers (Walnut Grove and Eubanks) which would have extended hours of operation and a wide range of services to include Household Hazardous Waste, expanded salvage sheds, food waste/cooking oil recycling and various other new and improved recycling opportunities. The other three Neighborhood Centers would have slightly reduced hours of operation and more limited services. All would utilize compaction for more efficient hauling and be paved for a more sanitary and aesthetic resident experience with more user friendly and safer waste/recycling receptacles.

The Orange County Municipal Solid Waste Landfill, located on Eubanks Road, will close on June 30, 2013. The Construction and Demolition landfill will continue to operate for the next 17 to 18 years. White goods, scrap tires, scrap metal, mattresses, and yard waste will become part of the recycling division beginning July 1, 2013. These significant changes in the operation of

the Solid Waste, and recent North Carolina court decisions limiting County authority, caused Orange County to investigate curbside Solid Waste alternatives.

Curbside household solid waste collections in the unincorporated areas of the County are provided by private haulers (without a franchise agreement). The Towns collect household solid waste within their town limits. Curbside recycling, provided by the County, is limited to 13,730 households in the unincorporated area of the County. A rural curbside recycling fee is charged to those households where recycling services are made available. An urban curbside recycling fee is charged to Chapel Hill, Carrboro and Hillsborough residents by the County for urban curbside recycling services.

North Carolina General Statute's 153A-136 (Attachment 1) Regulation of Solid Waste, gives Counties the authority to grant a franchise for the exclusive right to collect or dispose of solid waste within all or a defined portion of the county and prohibit others from collecting or disposing of solid wastes in that area. The County is exploring a franchise agreement process for the unincorporated areas of the County which would include the privatization of curbside household solid waste and recycling. The County may by resolution permit a Solid Waste Ordinance to be adopted by the Towns and applicable within the Town limits. The Towns may negotiate a fee schedule that differs from the fees established by the County for privatized curbside solid waste or recycling services.

North Carolina General Statute's 160A-327 (Attachment 2) provides that a unit of local government may displace a private company that is providing collection services for household solid waste or recovered material. The County will follow the procedure outlined in GS 160A-327. The earliest possible date for the Board to hold a hearing to consider implementing provisions of the statute is April 23, 2013.

An anticipated timeline, if Orange County moves toward the Franchise of Curbside Solid Waste and Recycling Services in Unincorporated Area of Orange County is:

- March 15, 2013 – Notice to existing private solid waste collection services of the April 23, 2013 meeting to discuss Franchise Agreement and displacement of private solid waste collection services
- April 23, 2013 Public Hearing to discuss Franchise Agreement and displacement of private solid waste collection services implementing the 15 month public notice requirement
- April 23, 2013 – June 15, 2013 Create Request for Proposals (RFP) - Franchise Agreement
- June 15, 2013 – August 15, 2013 RFP available for vendors to responses
- August 15, 2013 – September 30, 2013 Staff evaluation of proposals and negotiations with vendors
- October 8, 2013 Work Session discussion of Franchise Agreement
- November 5, 2013 Public Hearing to consider Franchise Agreement
- November 19, 2013 Board Approval of Franchise Agreement
- July 1, 2014 – December 31, 2015 - Phased Implementation of Franchise Agreement

FINANCIAL IMPACT: There is no financial impact to the County in discussing this proposal to move toward a county-wide franchise agreement for privatized curbside Solid Waste and Recycling Services in the unincorporated areas of Orange County.

RECOMMENDATION(S): The Manager recommends that the Board approve the scheduling of a public hearing to discuss a proposal to move toward a county-wide Franchise agreement for curbside Solid Waste and Recycling Services in the unincorporated areas of Orange County for April 23, 2013 and direct staff to proceed with the various steps required in NC General Statutes.

NOTE: There are several elements to this process that will require coordination with Town governments, the existing recycling contractor, existing private waste collection in rural Orange County and others. If the process ends in a decision to move forward to 'privatize ' curbside collection services, the existing fees charged by the County for these services will be eliminated and residents will voluntarily participate in curbside solid waste and recycling services provided by a private contractor on an individual fee basis established via the franchise agreement process.

§ 153A-136. Regulation of solid wastes.

(a) A county may by ordinance regulate the storage, collection, transportation, use, disposal, and other disposition of solid wastes. Such an ordinance may:

- (1) Regulate the activities of persons, firms, and corporations, both public and private.
- (2) Require each person wishing to commercially collect or dispose of solid wastes to secure a license from the county and prohibit any person from commercially collecting or disposing of solid wastes without a license. A fee may be charged for a license.
- (3) Grant a franchise to one or more persons for the exclusive right to commercially collect or dispose of solid wastes within all or a defined portion of the county and prohibit any other person from commercially collecting or disposing of solid wastes in that area. The board of commissioners may set the terms of any franchise, except that no franchise may be granted for a period exceeding 30 years, nor may any franchise by its terms impair the authority of the board of commissioners to regulate fees as authorized by this section.
- (4) Regulate the fees, if any, that may be charged by licensed or franchised persons for collecting or disposing of solid wastes.
- (5) Require the source separation of materials prior to collection of solid waste for disposal.
- (6) Require participation in a recycling program by requiring separation of designated materials by the owner or occupant of the property prior to disposal. An owner of recovered materials as defined by G.S. 130A-290(a)(24) retains ownership of the recovered materials until the owner conveys, sells, donates, or otherwise transfers the recovered materials to a person, firm, company, corporation, or unit of local government. A county may not require an owner to convey, sell, donate, or otherwise transfer recovered materials to the county or its designee. If an owner places recovered materials in receptacles or delivers recovered materials to specific locations, receptacles, and facilities that are owned or operated by the county or its designee, then ownership of these materials is transferred to the county or its designee.
- (6a) Regulate the illegal disposal of solid waste, including littering on public and private property, provide for enforcement by civil penalties as well as other remedies, and provide that such regulations may be enforced by county employees specially appointed as environmental enforcement officers.
- (7) Include any other proper matter.

(b) Any ordinance adopted pursuant to this section shall be consistent with and supplementary to any rules adopted by the Commission for Public Health or the Department of Environment and Natural Resources.

(c) The board of commissioners of a county shall consider alternative sites and socioeconomic and demographic data and shall hold a public hearing prior to selecting or approving a site for a new sanitary landfill that receives residential solid waste that is located within one mile of an existing sanitary landfill within the State. The distance between an existing and a proposed site shall be determined by measurement between the closest points on the outer boundary of each site. The definitions set out in G.S. 130A-290 apply to this subsection. As used in this subsection:

- (1) "Approving a site" refers to prior approval of a site under G.S. 130A-294(a)(4).
- (2) "Existing sanitary landfill" means a sanitary landfill that is in operation or that has been in operation within the five-year period immediately prior to the date on which an application for a permit is submitted.
- (3) "New sanitary landfill" means a sanitary landfill that includes areas not within the

legal description of an existing sanitary landfill as set out in the permit for the existing sanitary landfill.

(4) "Socioeconomic and demographic data" means the most recent socioeconomic and demographic data compiled by the United States Bureau of the Census and any additional socioeconomic and demographic data submitted at the public hearing.

(d) As used in this section, "solid waste" means nonhazardous solid waste, that is, solid waste as defined in G.S. 130A-290 but not including hazardous waste.

(e) A county that has planning jurisdiction over any portion of the site of a sanitary landfill may employ a local government landfill liaison. No person who is responsible for any aspect of the management or operation of the landfill may serve as a local government landfill liaison. A local government landfill liaison shall have a right to enter public or private lands on which the landfill facility is located at reasonable times to inspect the landfill operation in order to:

(1) Ensure that the facility meets all local requirements.

(2) Identify and notify the Department of suspected violations of applicable federal or State laws, regulations, or rules.

(3) Identify and notify the Department of potentially hazardous conditions at the facility.

(f) Entry pursuant to subsection (e) of this section shall not constitute a trespass or taking of property. (1955, c. 1050; 1957, cc. 120, 376; 1961, c. 40; c. 514, s. 1; cc. 711, 803; c. 806, s. 1; 1965, c. 452; 1967, cc. 34, 90; c. 183, s. 1; cc. 304, 339; c. 495, s. 4; 1969, cc. 79, 155, 176; c. 234, s. 1; c. 452; c. 1003, s. 4; 1973, c. 476, s. 128; c. 822, s. 1; 1989 (Reg. Sess., 1990), c. 1009, s. 1; 1991 (Reg. Sess., 1992), c. 1013, s. 1; 1993, c. 165, s. 1; 1997-443, s. 11A.123; 2001-512

160A-327. Displacement of private solid waste collection services.

(a) A unit of local government shall not displace a private company that is providing collection services for municipal solid waste or recovered materials, or both, except as provided for in this section.

(b) Before a local government may displace a private company that is providing collection services for municipal solid waste or recovered materials, or both, the unit of local government shall publish notice of the first meeting where the proposed change in solid waste collection service will be discussed. Notice shall be published once a week for at least four consecutive weeks in at least one newspaper of general circulation in the area in which the unit of local government and the proposed displacement area are located. The first public notice shall be given no less than 30 days but no more than 60 days prior to the displacement issue being placed on the agenda for discussion or action at an official meeting of the governing body of the unit of local government. The notice shall specify the date and place of the meeting, the geographic location in which solid waste collection services are proposed to be changed, and the types of solid waste collection services that may be affected. In addition, the unit of local government shall send written notice by certified mail, return receipt requested, to all companies that have filed notice with the unit of local government clerk pursuant to the provisions of subsection (f) of this section. The unit of local government shall deposit notice in the U.S. mail at least 30 days prior to the displacement issues being placed on the agenda for discussion or action at an official meeting of the governing body of the unit of local government.

(c) Following the public notice required by subsection (b) of this section, but in no event later than six months after the date of the first meeting pursuant to subsection (b) of this section, the unit of local government may proceed to take formal action to displace a private company. The unit of local government or other public or private entity selected by the unit of local government may not commence the actual provision of these services for a period of 15 months from the date of the first publication of notice, unless the unit of local government provides compensation to the displaced private company as follows:

- (1) Subject to subdivision (3) of this subsection, if the private company has provided collection services in the displacement area prior to announcement of the displacement action, the unit of local government shall provide compensation to the displaced private company in an amount equal to the total gross revenues for collection services provided in the displacement area for the six months prior to the first publication of notice required under subsection (b) of this section.
- (2) Subject to subdivision (3) of this subsection, if the displaced private company has provided collection services in the displacement area for less than six months prior to the first publication of notice required under subsection (b) of this section, the unit of local government shall provide compensation to the displaced private company in an amount equal to the total gross revenues for the period of time that the private company provided such services in the displacement area.
- (3) If the displaced private company purchased an existing operation of another private company providing such services, compensation shall be for six months based on the monthly average total gross revenues for three months the immediate preceding the first publication of notice required under subsection (b) of this section.

(d) If the local government elects to provide compensation pursuant to subsection (c) of this section, the amount due from the unit of local government to the displaced company shall be paid as follows: one-third of the compensation to be paid within 30 days of the displacement and the balance paid in six equal monthly installments during the next succeeding six months.

(e) If the unit of local government fails to change the provision of solid waste services as described in the notices required under subsection (b) of this section within six months of the date of the first meeting pursuant to subsection (b) of this section, the unit of local government shall not take action to displace without complying again with the provisions of subsection (b) of this section.

(f) Notice of the provision of solid waste collection service shall be filed with the unit of local

government clerk of all cities and counties located in the private company's collection area or within five miles thereof.

(g) This section shall not apply when a private company is displaced as the result of an annexation under Article 4A of Chapter 160A of the General Statutes or an annexation by an act of the General Assembly. The provisions of G.S. 160A-37.3, 160-49.3, or 160A-324 shall apply.

(h) If a unit of local government intends to provide compensation under subsection (c) of this section to a private company that has given notice under subsection (f) of this section, the private company shall make available to the unit of local government not later than 30 days following a written request of the unit of local government, sent by certified mail, return receipt requested, all information in its possession or control, including operational, financial, and budgetary information necessary for the unit of local government to determine if the private company qualifies for compensation. The private company forfeits its rights under this section if it fails to make a good faith response within 30 days following receipt of the written request for information from the unit of local government provided that the unit of local government's written request so states by specific reference to this section.

(i) Nothing in this section shall affect the authority of a city or county to establish recycling service where recycling service is not currently being offered.

(j) As used in this section, the following terms mean:

- (1) Collection. – The gathering of municipal solid waste, recovered materials, or recyclables from residential, commercial, industrial, governmental, or institutional customers and transporting it to a sanitary landfill or other disposal facility. Collection does not include transport from a transfer station or processing point to a disposal facility.
- (2) Displacement. – Any formal action by a unit of local government that prohibits a private company from providing all or a portion of the collection services for municipal solid waste, recovered materials, or recyclables that the company is providing in the affected area at least 90 days prior to the date of the first publication of notice required by subsection (b) of this section. Displacement also means an action by a unit of local government to use an availability fee, nonoptional fee, or taxes to fund competing collection services for municipal solid waste, recovered materials, or recyclables that the private company is providing in the affected areas at least 90 days prior to the date of the first publication of notice required under subsection (b) of this section is given. Displacement does not include any of the following actions:
 - a. Failure to renew a franchise agreement or contract with a private company.
 - b. Taking action that results in a change in solid waste collection services because the private company's operations present an imminent and substantial threat to human health or safety or are causing a substantial public nuisance.
 - c. Taking action that results in a change in solid waste collection services because the private company has materially breached its franchise agreement or the terms of a contract with the local government, or the company has notified the local government that it no longer intends to honor the terms of the franchise agreement or contract. Notice of breach must be delivered in writing, delivered by certified mail to the firm in question with 30 days to cure the violation of the contract.
 - d. Terminating an existing contract or franchise in accordance with the provisions of the contract or franchise agreement.
 - e. Providing temporary collection services under a declared state of emergency.
 - f. Taking action that results in a change in solid waste collection services due to the existing providers' felony conviction of a violation in the State of federal or State law governing the solid waste collection or disposal.
 - g. Contracting with a private company to continue its existing services or

provide a different level of service at a negotiated price on terms agreeable to the parties.

- (3) Municipal solid waste. – As defined in G.S. 130A-290(18a).
- (4) Unit of local government. – A county, municipality, authority, or political subdivision that is authorized by law to provide for collection of solid waste or recovered materials, or both. (2006-193, s. 4.)

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: April 1, 2014

Action Agenda

Item No. 6-a

SUBJECT: MINUTES

DEPARTMENT:

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

INFORMATION CONTACT:

Donna Baker, 245-2130

Draft Minutes

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

January 23, 2014

February 4, 2014

BOCC Regular Meeting

BOCC Regular Meeting

BACKGROUND: In accordance with 153A-42 of the General Statutes, the Governing Board has the legal duty to approve all minutes that are entered into the official journal of the Board's proceedings.

FINANCIAL IMPACT: NONE

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

Attachment 1

DRAFT

**MINUTES
BOARD OF COMMISSIONERS
REGULAR MEETING
January 23, 2014
7:00 p.m.**

The Orange County Board of Commissioners met in regular session on Thursday, January 23, 2014 at 7:00 p.m. at the DSS offices, in Hillsborough, N.C.

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

COUNTY COMMISSIONERS ABSENT:

COUNTY ATTORNEYS PRESENT: John Roberts

COUNTY STAFF PRESENT: Interim County Manager Michael Talbert, Assistant County Managers Clarence Grier, Cheryl Young and Clerk to the Board Donna Baker (All other staff members will be identified appropriately below)

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

1. Additions or Changes to the Agenda

Chair Jacobs called the meeting to order at 7:02 pm. He reviewed the following items at the Commissioner's places:

- Buff sheet -Item 6-i: Durham-Chapel Hill-Carrboro Metropolitan Planning Organization Member Agencies Memorandum of Understanding Revisions
- Green sheet - Item 6-m: Update on Adjustments to Town of Hillsborough Extraterritorial Jurisdiction (ETJ)
- White sheet- Item 7-b: Rural Recycling Service District Implementation Planning
- Pink sheet—Item 11b: revised abstract for Arts Commission – Appointment
- Yellow sheet- Item 11-c: revised face-sheet: Nursing Home Community Advisory Committee – Appointment
- Purple sheet: Commissioner Rich's proposed petitions
- Blue sheet: Jail Alternatives Work Group- memo
- Annual Calendar from Housing, Human Rights and Community Development

Chair Jacobs asked for a moment of silence for longtime Durham County Commissioner Becky Heron, who passed away.

PUBLIC CHARGE

The Chair dispensed with the reading of the public charge.

2. Public Comments

a. Matters not on the Printed Agenda

Tony Blake reviewed the following statement:

Good evening commissioners,

1 Thank you for your time, I will be brief.
2 I am here to ask for a change to the most recent "FIRE PROTECTION AND EMERGENCY
3 SERVICES AGREEMENT" as outlined in paragraph 19 of the proposed contract.
4

5 We believe the purpose of the contract is to solidify the relationship between the county and the
6 volunteer fire departments. Further, the purpose is to create a clear record of the mutual
7 commitments and encourage the building of relationships and process to service the goals of
8 fire protection, rescue and medical response.
9

10 As officers of the White Cross Fire Department Corporation we performed our due diligence on
11 the finalized contract after we received the final version on November 11th.
12

13 At that time, I expressed some concerns raised earlier in November and contacted our attorney
14 for comment. Our attorney confirmed our concerns were valid (see attached letter).
15

16 The concerns are regarding the asymmetrical nature of paragraph 16. We believe this
17 paragraph is not in the best interests of the citizens, the county or our corporation. We request
18 that that the terms outlined paragraph 16 be revisited and amended to be mutual.
19

20 Robert Ireland said he represented the Human Relations Commission (HRC). He
21 invited the Commissioners to the HRC Forum on Sunday, January 26th to discuss an issue of
22 public concern and involvement. He said this year is the 50th anniversary of the 1964 Civil
23 Rights Act and that will be the main theme of this public forum. He said the question to be
24 asked is "are we there yet?" He said the HRC has planned a forum and he named the three
25 speakers on the agenda.
26

27 Commissioner McKee said he attended the event last year, and he encouraged all of the
28 Board members to attend.
29

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

31 **3. Petitions by Board Members**

32 Commissioner Rich noted the purple sheet containing three petitions:
33

34 She said the first is a petition to allow the Trash Terminators 2.0 to present the project
35 that landed the Trash Terminators 1.0 the National Siemens "We Can Change the World"
36 Challenge Award. She said some of the kids are back, hence the name 2.0. She proposed the
37 presentation for the February 18th meeting in Chapel Hill, and she said their presentation is 5-7
38 minutes long.
39

40 Commissioner Rich said the next petition is to have a conversation with the Visitor's
41 Bureau about their rent and high administrative fees. She would like to talk about having those
42 fees reduced.

43 She said the final petition is regarding the "ban the box" issue. She has learned that this
44 policy has been in place since 2012, but NACo is unaware of this. She is petitioning the Board
45 to make sure NACo is made aware that Orange County is taking part in this process.

46 Commissioner McKee requested that any transit issues be presented at a meeting
47 where the public can be allowed to speak, rather than at work session.

48 Commissioner Price said last year she had requested information about parking at
49 Fairview Park. She would like an update from staff on this.

1 Commissioner Price referred to the tax collector's report and asked if staff can provide a
 2 graph that gives a view of the trends regarding poverty and foreclosures in Orange County.
 3 She would like this report to be inclusive of the 2008 recession.

4 Chair Jacobs petitioned staff to investigate the community involvement of the banks that
 5 the County does business with. He asked that a report be brought back to the Board for
 6 examination.

7
 8 **4. Proclamations/ Resolutions/ Special Presentations**
 9

10 **a. Alcoholic Beverage Control (ABC) Board Update Presentation**

11 The Board received a brief presentation from Tony DuBois, General Manager of the
 12 Orange County Alcoholic Beverage Control (ABC) Board, and provided feedback

13 Tony DuBois noted that Ron McCoy, finance director and Keith Cook, chair of the ABC
 14 Board were present. He said there are two board appointments coming in the next six months,
 15 for a chairman and vice chairman, and he read the ABC Board mission statement.

16 He noted that the board has a new office and warehouse facility. He said a new store is
 17 being built at Chapel Hill North, and this will be completed in the fall.

18 Tony DuBois said a copy of the annual report from the state ABC Commission is
 19 included in the Commissioner's packets, and Orange County continues to rank in the top 10 for
 20 revenue. He said the sales and profitability trend for the County is higher than the state
 21 average. He said there has been a heavy emphasis on maintaining a balance between control,
 22 revenue, and service.

23 Finance Director Ron McCoy said part of the mission of the ABC board is to return
 24 profits back to the community, and the board contributed more than double the statutory
 25 requirements to law enforcement and education this past fiscal year. He said for the current
 26 fiscal year the board will contribute \$155,000 toward alcohol law enforcement efforts. He said
 27 in this fiscal year a distribution of \$400,000 is being paid to the Orange County General fund.
 28 He said the total distributions from the board for fiscal year 2013-14 equal \$748,333

29 Commissioner McKee said he has always admired the professionalism of the ABC
 30 Board and organization. He said there are regular reports to make sure that alcohol law
 31 enforcement is a priority.
 32

33 **5. Public Hearings**

34 **a. Unified Development Ordinance Text Amendment Related to Board of**
 35 **Adjustment Operation and Procedures – Public Hearing Closure and Action**

36 The Board received the Planning Board recommendation, considered closing the public
 37 hearing, and making a decision on a Planning Director initiated text amendment(s) to the
 38 Unified Development Ordinance (UDO) incorporating recent changes in State law related to the
 39 Board of Adjustment.

40 Michael Harvey said the planning board is here to receive the planning board's
 41 recommendation. He said this item was heard at the November 25th QPH, where staff indicated
 42 the amendments were necessary to ensure recent changes to State law are incorporated into
 43 the UDO. He referred to following proposed text amendments as outlined in the packet:

- 44 • Change the votes necessary for the Board to approve a Special Use Permit application from
- 45 4/5th of members to a simple majority,
- 46 • Clarify procedure(s) for requesting and issuing of subpoenas,
- 47 • Clarify appeals timeframe for Board of Adjustment decisions to be submitted to Superior
- 48 Court, and
- 49 • Clarify notification requirements with respect to who is notified of a Board decision.

50

- 1 A motion was made by Commissioner Pelissier, seconded by Commissioner McKee to:
- 2 1. Receive the Planning Board's recommendation;
 - 3 2. Close the public hearing; and
 - 4 3. Approve the text amendment package contained in Attachment 2.

5
6 VOTE: UNANIMOUS

7
8 **b. Unified Development Ordinance Text Amendment Related to**
9 **Telecommunication Facilities – Public Hearing Closure and Action**

10 The Board received the Planning Board recommendation, considered closing the public
11 hearing, and making a decision on a Planning Director initiated text amendment(s) to the
12 Unified Development Ordinance (UDO) incorporating recent changes in State law related to the
13 review and permitting of telecommunication facilities.

14 Michael Harvey said this item was presented at the November 25, 2013 Quarterly Public
15 Hearing where staff indicated Session Law 2013-185, adopted on June 26, 2013, has modified
16 how local governments process new telecommunication tower applications, including:

- 17 • A prohibition on requiring information related to the specific need for a proposed
18 telecommunication facility, including the addition of additional wireless coverage or
19 capacity, as part of the application package.
- 20 While the County can still request this information we cannot require it nor can we find an
21 application is 'deficient' when it is not submitted.
- 22 • Limits the fee local governments can collect for a third party consultant to review
23 applications for co-locations.
- 24 • Mandatory review timelines/deadlines for local governments to act on co-location
25 applications.
- 26 • Establishing standards allowing for increases in overall tower height under certain conditions
27 as being 'permitted by right'.

28
29 Michael Harvey said the state also decided to allow modifications to telecommunication
30 facilities mandating that local governing bodies accept that modification without additional
31 permit review. He referred to page 40 of the agenda packet, which includes a definition of a
32 substantial modification. He read this as follows: "The mounting of a proposed wireless facility
33 on a wireless support structure that substantially changes the physical dimensions of the
34 support structure."

35 He said there have been questions about what constitutes a substantial modification.
36 He said the answer is contained on pages 12-13 of the amendment packet. He said there are
37 situations where the height of an existing tower can be elevated, not more than 10 percent of
38 the existing height, and this is not a substantial modification. He said there are also additions of
39 apparatus to the body of the tower, as proposed in 11-c on page 13, that do not constitute a
40 substantial modification.

41 Michael Harvey reminded the Commissioners that the Board approved processes for the
42 modification special use permits. He said minor changes can be administratively reviewed and
43 approved by staff, as covered in section 2-7-14. He said there are there are 10 criteria that
44 establish the mechanism for staff to determine whether a proposed change constitutes a minor
45 change or a modification, which must be reviewed by the board that issued the permit.

46 Michael Harvey said a substantial modification is spelled out in section 2-7-14. He said
47 the chief component is that any time a proposed change to a telecommunications tower causes
48 changes to existing conditions or facts entered into the record in the issuance of the permit, the
49 County has to re-review the project as a special use permit.

1 He said the biggest concern is that the County has a graduated permitting process for
 2 telecommunication facilities. The Board of adjustment reviews towers between 76 and 199
 3 feet, and the County Commissioners review tower requests of 200 feet or higher, which have
 4 additional setback and lighting requirements. He said the attempt is to guard against someone
 5 coming in with a 199 foot tall existing tower and then elevating it to 209 feet without the County
 6 Commissioners having to review it. He said this is what the language on page 13 does.

7 Commissioner Dorosin asked for clarification about the thresholds.

8 Michael Harvey said if you have a 180 feet tower and you add 15 feet to it, this will fall
 9 within the exemption and will not be considered a modification. He said the telecommunications
 10 provider will still have to show compliance with all facets of the County code; however, the
 11 County cannot require a special use permit.

12 Commissioner Dorosin clarified that the same would be true if someone has a 220 foot
 13 tall tower and wants to go up another 10 percent.

14 Michael Harvey said this is correct.

15 Commissioner Dorosin asked if John Roberts feels this is rational and defensible.

16 John Roberts said that is the planning department's position, and since there is no case
 17 law on this it may be defensible.

18 Michael Harvey said the County bears the burden of proving that a substantial
 19 modification needs more review. He said it is not an all or nothing issue, and all determinations
 20 are made by staff and are appealable.

21 Commissioner Dorosin questioned the fact that this is a second public hearing, but the
 22 public cannot speak.

23 John Roberts said the ordinance states that the second public hearing is for the
 24 planning board recommendation and written comments only. He said the first public hearing is
 25 for oral comments only.

26 Commissioner Dorosin said it is a bit of a misnomer to call this a public hearing.
 27

28 A motion was made by Commissioner McKee, seconded by Commissioner Price to:
 29

- 30 1. Receive the Planning Board's recommendation;
- 31 2. Close the public hearing; and
- 32 3. Approve the text amendment package contained in Attachment 2.

33
 34 VOTE: UNANIMOUS
 35

36 Chair Jacobs noted that at agenda review the Board asked staff to let the
 37 Commissioners know about upcoming telecommunication towers even if the towers are not
 38 coming up for review. He said the Board still gets emails and calls from the public about this,
 39 and it is good to be informed to respond.
 40

41 **6. Consent Agenda**

42 • **Removal of Any Items from Consent Agenda**

43 Items 6-h, 6-i, and 6-j were pulled from the consent agenda for discussion.
 44

45 • **Approval of Remaining Consent Agenda**

46
 47 A motion was made by Commissioner McKee, seconded by Commissioner Rich to
 48 approve the remaining items on the consent agenda.
 49
 50

1
2 VOTE: UNANIMOUS
3

- 4 • Discussion and Approval of the Items Removed from the Consent Agenda
5

6 **6-h McGowan Creek Sewer Interceptor Project – Acceptance of State Revolving Fund**
7 **Loan**

8 The Board considered approving and authorizing the Chair to sign the Resolution of
9 Acceptance for the State Revolving Fund (SRF) Loan for this project; and authorizing the
10 Manager to sign the State Loan Offer and Acceptance letter on behalf of the Board of County
11 Commissioners.
12

13 **PUBLIC COMMENT**

14 Mike Efland said he is a property owner on McGowan Creek. He said the sewer project
15 has passed over this property once and will now pass over a second time. He is not opposed to
16 the sewer line itself. He said the newest line is for the pump station is only to decommission a
17 pump station on Cedar Grove Road, and it is not going to serve anyone but the pump station.
18 He asked about the cost of putting the line in versus updating the pump station. He feels this
19 whole process allows for no negotiation, because the land can be condemned if property
20 owners don't allow easements. He said there should be a negotiation process when owners
21 are asked to allow an easement.

22 He said there was some discussion long ago about a green path through the property,
23 and he placed his home right on the setback of the floodplain. He said this sewage line will
24 come between his home and the flood plain. He said the County has only offered him \$800,
25 and he feels his rights have been violated. He said privacy is very important to him, and he
26 paid taxes and bought the property. He said now there are trees being cut down, and there will
27 be a big path beside his house. He said he wants something in writing to make sure this path
28 does not become a greenway in the future. He does not feel he should have a tax increase on
29 his property because he has access to the sewer when he does not need it.

30 Mike Efland suggested a fence and a gate if the County needs to access this line for
31 maintenance. He does not want the public using the path on his property as a public access to
32 the creek. He wants something to protect his property, and he wants something in writing.

33 He said he feels he has been railroaded and he has tried to negotiate, but it has fallen
34 on deaf ears.

35 Chair Jacobs asked Michael Talbert how this should proceed.

36 Michael Talbert said this does not affect the revolving loan. He said the line has been
37 approved and contracted, and this is just final approval of the loan package that helps pay for it.

38 John Roberts said this will depend on how strongly the state will enforce its assurances.
39 He said the County is required to make sure all easements are acquired.

40 Chair Jacobs confirmed that as of now, Mr. Efland has not signed an agreement.

41 John Roberts said this is correct. He said there has been a notification of intent to
42 condemn. He noted that the condemnation process does not take the land, only the easement
43 or right of way, and the land remains with the land owner. He said a notice of a condemnation
44 of an easement has been sent, and this should satisfy state requirements.

45 Chair Jacobs asked if there is a window of opportunity to still have negotiations with Mr.
46 Efland.
47

48 Craig Benedict said the easement being required is for utility purposes only, and it is not
49 for greenway purposes. He said this can be specified, and he believes the County has agreed
50 to have a gate. He said he will work with the attorney's office to put this in writing. He said if

1 the County was ever to request a greenway, it would be a new process and the Board would
2 have to approve this. He said this is not currently in anyone's mind.

3 Commissioner Dorosin said it sounds like an agreement can be reached, with
4 protections. He asked if the Board can wait on this item until Mike Efland receives his
5 assurances in writing.

6 Craig Benedict said there is timing to this process, and the first letter has gone out. He
7 said there was no response, and this leads to a second letter implicating condemnation if the
8 parties cannot come to terms. He said the state is holding funding for Orange County, and he
9 does not want to forego the chance of this loan with the state.

10 Commissioner Dorosin asked if this could wait until the February 4th meeting.

11 Kevin Lindley said the acceptance of the loan resolution has more to do with when the
12 reimbursements can start; however, not having the easements in hand could hold up the
13 construction. He said this was bid back in November, and there is a certain timeframe during
14 which companies honor the bid price.

15 Commissioner Dorosin said he is not convinced yet. He said it would take longer to do a
16 condemnation than to take the time to work it out the land owner. He said this could be done in
17 the next week.

18 John Roberts said it is not necessary to delay the project. He said Mike Efland's
19 concerns can be addressed in the language of the terms of the easement agreement.

20 Commissioner McKee asked if the use language can be written in the easement.

21 John Roberts said it can be made clear in the agreement that the easement is solely for
22 a utility, water, or sewer line, and it can be limited to that purpose.

23 Commissioner Price asked if the Board can vote on this item, conditional to Mike.
24 Efland's requests being met.

25 John Roberts said a conditional approval is not an approval, and he advises against it.

26 Commissioner Pelissier asked if there was a plan for a greenway.

27 Chair Jacobs said this idea was considered about 15 years ago, but it was dropped and
28 it is not part of any current plan.

29 Commissioner Rich asked if there was anything in the Board's policy to help Mike Efland
30 plant back some of his trees.

31 Craig Benedict said there is some leeway for small trees, but there are no big trees
32 allowed. He said a 10 to 15 foot path is necessary for access, and smaller trees and
33 ornamental shrubs would be fine. He said there was effort to find a balance of the closeness to
34 the house and the closeness to the stream. He said the engineer was asked to re-design the
35 alignment to be as accommodating to Mike Efland as possible.

36 Commissioner Gordon said it sounds like there is a solution, and it is time sensitive.
37 She asked if John Roberts could suggest some language to accommodate the
38 recommendation and Mike Efland's concerns. She said this would include: 1. Approve the
39 recommendation; 2. Authorize the Manager to sign.

40
41 John Roberts said they could possibly add language to the effect to authorize staff to
42 include in the easement document that there will not be any type of greenway or green space
43 on this easement area and some language about a gate being constructed.

44
45 A motion was made by Commissioner Gordon, seconded by Commissioner McKee to:
46 1. Approve the recommendation; 2. Authorize the Manager to sign; and 3. Authorize staff to
47 include language in the easement document that clearly indicates there will be no greenway on
48 this easement and language addressing a gate to be constructed.

49

1 Chair Jacobs said the Board almost never lets someone come back up, but the Board is
2 trying to address the concerns Mike Efland has articulated. He said there are some things, like
3 the trees, that won't be addressed.

4 Mike Efland said this has been discussed for a long time, and he should not be here.
5 He said he has tried to negotiate twice, and this was a couple of months ago. He said he does
6 not need the \$800 and he would rather see that money put into a gate and a nice fence.

7 Chair Jacobs said that is what the motion is attempting to do, and he apologized on
8 behalf of the Board.

9
10 VOTE: **Ayes, 6 – Nays, 1** (Commissioner Dorosin)

11 Commissioner Dorosin said he felt the Board should have resolved the documents and
12 the wording before taking action.

13
14 **6-i Durham-Chapel Hill-Carrboro Metropolitan Planning Organization Member**
15 **Agencies Memorandum of Understanding Revisions**

16 The Board considered approving and authorizing the Chair to sign a final draft of an
17 updated/revised Memorandum of Understanding (MOU) among the member agencies of the
18 Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO)

19 Commissioner Price said she is concerned with the language establishing a quorum.
20 She asked if the wording means that an official vote can take place with just one representative
21 from Durham City and County.

22 Bret Martin said that is correct with the way it reads. He said if the board chooses to
23 invoke weighted voting, a quorum would consist of a majority of the voting members, whose
24 votes together represent a majority of the possible weighted votes in the table. He said the City
25 of Durham has 16 weighted votes, and Durham County has 4, which combines to be a majority
26 of the 38 possible votes.

27 Commissioner Price said she has a problem with this and the possibility of decisions
28 being made with Orange County not at the table.

29 Commissioner Pelissier said there has never been a case where there was not an
30 Orange County representative there. She said there is either a voting member or an alternate
31 who are always there. She said Chapel Hill also has a member and an alternate, so the
32 likelihood of someone from Orange County not being there is very low.

33 Commissioner Gordon agreed with Commissioner Pelissier, but she also agrees that
34 this is ambiguous. She said this wording could mean that if enough members were there to
35 constitute the majority of the weighted votes, which could be 2 people, then you could start.
36 She said it has actually meant that there have to be 6 out of 9 people present, and those people
37 have to represent a majority of the weighted vote. She said it should be specified that a
38 quorum is met when: 1. a majority of the voting members are present; and 2. the weighted
39 votes of those voting members, when added together, represent a majority of the possible
40 weighted vote.

41 She said, if you just use numbers, the statement would be added in to specify that there
42 must be 6 of the voting members.

43 Commissioner Gordon said she feels this is a serious ambiguity. She said there are
44 other technical edits as well.

45 Bret Martin said he would agree that the language is not clear. He said the way he
46 reads it is that, "a quorum of the MPO Board shall consist of a majority of the voting members
47 *whose* votes together represent a majority of the possible weighted votes identified in the
48 weighted vote schedule below." He said the sentence is being modified in such a way that what
49 really matters is the weighted votes; but it is true that if only Durham and Durham County are
50 there, a quorum would exist.

1 Commissioner Gordon said one way to fix it is to make it specific that the quorum is 6
2 people and those 6 people need to represent the weighted vote.

3 Commissioner Price said her concern is the representation. She said she would like to
4 see some language indicating the need to have more than two governments present.

5 Commissioner Rich asked if each of the boards is voting on the same language.

6 Bret Martin said yes.

7 Commissioner Rich asked if any of the other boards have voted on this yet.

8 Bret Martin said the Town of Hillsborough has approved it, and Chatham County has
9 denied it.

10 Commissioner Rich asked if this language will have to go back to all of the other boards
11 if it is changed.

12 Bret Martin said yes. He said there is a moderate chance that this will have to go back
13 anyway, after the other governing bodies review it.

14 Chair Jacobs suggested the delegates bring it back to their MPO meeting and share the
15 Board of County Commissioners' concerns. He suggested the delegates recommend changes
16 to go back to all of the other boards again for review and approval.

17 Commissioner Gordon said she talked with Ellen Beckmen, a member of MPO staff,
18 today. She said this item is out for discussion, and Chatham County has denied it. She
19 suggested that the wording she specified above should be added.

20 Commissioner Gordon also reviewed the technical items outlined in the memo below:

21
22 6-i - DCHC MPO Revisions to MOU

23
24 There are minor edits that I would suggest for clarity. What would be the best way to handle
25 these edits, if the BOCC chose to incorporate them? I will refer to Attachment 5, since this is
26 the draft with line numbers.

27
28 Page 1 of MOU (p. 31 of the BOCC agenda) - Line 42

29 Spell out TIP so that the line reads:

30 ...and Transportation Improvement Programs (TIPs). It is customary to spell out the full name
31 before using an abbreviation.

32
33 Page 2 of MOU (p. 32 of agenda) - Line 17

34 Spell out MPO so that it reads:

35 Each Metropolitan Planning Organization (MPO)...

36
37 Page 3 of MOU (p. 33 of agenda) - Line 39

38 Add "policy" before "boards" so that it reads:

39 ...include the policy boards of general purpose local government...

40 The reason for this change is to clarify the reference to "policy boards" in paragraph 9 of the
41 MOU (Line 32 on p. 4 of the MOU and p. 34 of the agenda.)

42
43 She said if it is the pleasure of the Board not to pass this, then these changes would be
44 brought to the future discussions of the concerns. She said if the Board wants to approve the
45 agreement with the suggestion that these revisions be handled as technical changes, then that
46 path can be taken.

47
48 Commissioner Pelissier asked if a motion could be made to show intent to support this,
49 but noting that clarifications and modifications are needed.

1 Chair Jacobs suggested a motion that: suggests support of the MOU with revisions;
2 accepts the technical changes by Commissioner Gordon and getting responses to the concerns
3 of clarity and inclusiveness regarding definitions of a quorum.
4

5 A motion was made by Commissioner Pelissier, seconded by Commissioner Rich of
6 intent to approve, in concept, the MOU with technical revisions; accept the technical changes as
7 expressed by Commissioner Gordon and ask for responses to the Board's concerns of clarity
8 and inclusiveness regarding the definitions of a quorum.
9

10 Commissioner Price clarified that this is not an approval, and that the Board's concerns
11 would be sent back to the MPO.
12

13 VOTE: UNANIMOUS
14

15 **6-j Lands Legacy Action Plan for 2014-17**

16 The Board considered adoption of the Lands Legacy Action Plan for the three-year
17 period (July 2014 – June 2017).

18 Commissioner Rich referred to page 2, bullet 2, and asked if the fact that there are no
19 more N.C. tax conservation credits would dampen the plan.

20 Rich Shaw said the longstanding N.C. conservation tax credit has expired by action of
21 the general assembly. He said this credit is only used by landowners when they donate land or
22 interest in their property with a conservation easement. He said it may reduce the opportunities
23 for the County to work with some landowners, as it was an incentive. He said there are still
24 some federal tax credits available.

25 Commissioner Rich asked if the Board will be notified of properties that were missed
26 because of this lack of tax credit.

27 Rich Shaw said yes.

28 Commissioner Gordon said the Board is being asked to approve pages 7-14 in the plan.
29 She referred to the conclusion on page 14, and she read the following: "the first 12 years of the
30 Lands Legacy Program saw tremendous strides in the protection of priority resource lands, with
31 3,077 acres permanently protected (as of December 2013) and several more projects in the
32 works." She said the Board, staff and residents should be very proud of that.
33

34 A motion was made by Commissioner Gordon, seconded by Commissioner Rich to
35 approve the adoption of the Lands Legacy Action Plan for the three-year period (July 2014 –
36 June 2017).
37

38 VOTE; UNANIMOUS
39

40 **a. Minutes**

41 The Board approved the minutes from October 8, 15, November 5, 19 and 25, 2013 as
42 submitted by the Clerk to the Board.

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

44 The Board adopted a resolution, which is incorporated by reference, to release motor vehicle
45 property tax values for sixty-seven (67) taxpayers with a total of seventy-two (72) bills that will
46 result in a reduction of revenue in accordance with NCGS.

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

48 The Board adopted a resolution, which is incorporated by reference, to release property tax
49 values for eleven (11) taxpayers with a total of (16) sixteen bills that will result in a reduction of
50 revenue in accordance with North Carolina General Statute 105-381.

1 **d. Applications for Property Tax Exemption/Exclusion**

2 The Board approved six (6) untimely applications for exemption/exclusion from ad valorem
3 taxation for six (6) bills for the 2013 tax year.

4 **e. Fiscal Year 2013-14 Budget Amendment #4**

5 The Board approved budget ordinance amendments for fiscal year 2013-14 for: Department on
6 Aging; Department of Social Services; Visitors Bureau Fund; Library; New Hope Volunteer Fire
7 Department; Orange Rural Fire Department; Other Post Employment Benefits (OPEB) Trust
8 Fund; and Animal Services Department.

9 **f. FY 2013-14 Budget Amendment #4-A – Approval of a 0.50 FTE Increase and a**
10 **General Fund Intrafund Transfer to Establish a 1.0 FTE Agricultural Economic**
11 **Development Coordinator**

12 The Board approved increasing the full-time equivalent (FTE) for a reclassified Agricultural
13 Economic Development Coordinator from 0.50 FTE to 1.0 FTE and transferring budgeted,
14 contract personnel funds from Cooperative Extension to Economic Development to cover the
15 FTE increase.

16 **g. Request to Ratify the Renewal of the Emergency Solutions Grant Program**
17 **Effective January 1, 2014 through September 30, 2014**

18 The Board ratified the renewal of the Emergency Solutions Grant (ESG) contract with the State
19 of North Carolina for \$116,011 through September 2014 and authorized the County Manager to
20 execute the sub-recipient contract with the Inter-Faith Council for Social Services upon review
21 and approval by the County Attorney's Office.

22 **k. Bid Award – Hook Truck for Solid Waste**

23 The Board awarded a bid to Freightliner of Austin, 1701 Smith Road, Austin, TX for a Hook Lift
24 Truck, at a delivered cost of \$190,548, for the Sanitation Division of the Solid Waste
25 Management Department.

26 **l. Changes in BOCC Regular Meeting Schedule for 2014**

27 The Board approved two changes in the County Commissioners' regular meeting calendar for
28 2014, to:

- 29 - Change the official meeting start time of the BOCC retreat, scheduled for Friday, January 31,
30 2014 from 9:00 am to 8:30 am, same location at the Solid Waste Administrative Offices.
- 31 - Change the date of the Joint Meeting between the BOCC/Board of Health from April 8, 2014
32 at 5:30 pm to May 13, 2014 at 5:30 pm and change the location of this meeting from Link
33 GSC to Southern Human Services Center, in Chapel Hill.

34 **m. Update on Adjustments to Town of Hillsborough Extraterritorial Jurisdiction (ETJ)**

35 The Board received an update on the status of adjustments to the Town of Hillsborough
36 Extraterritorial Jurisdiction (ETJ).

37
38 **7. Regular Agenda**

39
40 **a. Southern Branch Library Siting Criteria Update, Professional Services**
41 **Agreement Award with Freelon Group Architects for Primary Phase Public Input**
42 **Facilitation and Branch Programming**

43 The Board received an update on the Southern Library siting criteria process;
44 considered awarding a professional services agreement to Freelon Group Architects of
45 Durham, NC in an amount not-to-exceed \$29,500 for the facilitation of the 120 Brewer Lane
46 Site Primary Phase Public Input facilitation and southern branch programming; and considered
47 authorizing the Manager to execute the necessary paperwork upon final approval of the County
48 Attorney.

49 Lucinda Munger said, at the November 5th meeting, the Board authorized staff to
50 continue the preliminary due diligence phase and begin the primary public input phase for the

1 assigned Brewer Lane site. She said staff then issued a Request for Qualifications (RFQ) for a
 2 professional services firm to facilitate the primary phase. She said nine proposals were
 3 submitted; five were chosen for interviews; and it was the unanimous decision of the panel to
 4 award the contract to the Freelon Group of Durham, NC. She asked that the Board award a
 5 professional services contract to the Freelon Group in an amount not to exceed \$29,500. She
 6 also asked the manager to execute the paperwork for this contract upon final approval by the
 7 County Attorney.

8 She reviewed the timeline actions included in the abstract.

9 Kathryn Taylor from the Freelon Group made a brief presentation. She said the Freelon
 10 Group is an architectural firm based in Durham; however the company works on a national
 11 level, focusing on libraries, cultural centers and museums.

12 She said this project and process will include a series of public engagement meetings
 13 and staff meetings to find out the priorities of this branch. This information will be used to come
 14 up with a preliminary program. She said this program will be conceptual, but it will consist of
 15 the basic building blocks for whichever site is selected.

16 *Chair Jacobs stepped away.*

17 Commissioner McKee asked if there were any members of the public who wished to
 18 speak.

19
 20 A motion was made by Commissioner Price, seconded by Commissioner Pelissier to:
 21 1) Receive an update regarding the Southern Library siting criteria process;
 22 2) Award a professional services agreement to Freelon Group Architects of Durham, NC in
 23 an amount not-to-exceed \$29,500 for the facilitation of the 120 Brewer Lane Site Primary
 24 Phase Pubic Input facilitation and southern branch programming; and
 25 3) Authorize the Manager to execute the necessary paperwork upon final approval of the
 26 County Attorney.

27
 28 VOTE: UNANIMOUS

29
 30 Chair Jacobs asked if there are any scheduled dates yet for the public input meetings.

31 Kathryn Taylor said these are not set yet. She said there will be meetings with staff to
 32 get visions from the library side before engaging in the first public meetings.

33 Chair Jacobs asked her to coordinate with the Clerk to make sure these meetings do
 34 not conflict with the Board of County Commissioners meetings.

35 Commissioner Rich suggested that these meetings be held in or around Carrboro.

36
 37 **b. Rural Recycling Service District Implementation Planning**

38 The Board reviewed and considered authorizing a plan for creation and implementation
 39 of a Solid Waste Collection and Disposal District for recycling in unincorporated Orange County
 40 and provided direction to staff.

41 Gayle Wilson said the Board of County Commissioners has explored various options of
 42 replacing the 3-r fee over the past year. He said this was precipitated by the elimination of the
 43 rural 3-r fee previously assessed for rural curbside recycling services. He noted that this fee
 44 was \$38 per household. He said in December the Board had expressed interest in the
 45 establishment of a service district to replace the lost 3-r funding. He said the Board had also
 46 acknowledged that the time to act on this was limited.

47 Gayle Wilson said the Board requested that staff return with an implementation plan for
 48 proceeding toward the establishment of a service district. He said this requires a public
 49 hearing; notices to be sent to all property owners within the proposed district; a report including
 50 information on the proposed district to be filed in the clerk's office; the conducting of a public

1 hearing; and ultimately a final decision by the Board. He said these steps must all be taken in a
2 deliberate and timely manner if the Board wishes that the district be established and effective
3 by July 1, 2014.

4 He reviewed a map of the district, which was compiled to include the original 13,750
5 residents that are currently eligible for the service and previously paid the 3-r fee. He said
6 additional parcels have been added to comply with the requirement in the statute that the
7 parcels that comprise the district be contiguous. He said additional parcels that contain more
8 densely populated areas, suitable for expansion, have also been included. He said the district
9 also includes parcels and roadways that link these denser areas to the existing service area to
10 create functional collection routes.

11 Gayle Wilson said the district includes sufficient service points to allow for maximizing
12 the efficiency of existing staff and equipment to allow for the addition of approximately 2,000
13 additional service points. He said the proposed district contains about 8,000 additional parcels
14 from the existing service area. He said the current area was converted to single stream
15 collection last year, and efficiency was gained in this transition. He said this efficiency will be
16 further enhanced by new collection vehicles and roll carts.

17 He said 1,715 tons were collected from the existing service area last fiscal year.

18 He said phase 1 of the implementation plan consists of cart distribution and initiation of
19 service to the existing service area by November of 2014. He said phase 2 would be to
20 distribute carts and provide service to the newly added areas no later than the fall of 2015.

21 Gayle Wilson said the preliminary cost estimates for the district are \$630,000 or 1.5
22 cents per \$100 of property value. He reviewed the manager recommendations outlined in the
23 abstract.

24 Michael Talbert reminded the Board of the past meetings leading to the consideration of
25 district, while using solid waste fund reserve balances for the current fiscal year. He said there
26 are many ways to pay for this, including: franchise, general fund taxing authority, or contracting
27 with a third party to provide a similar service.

28 Commissioner Gordon asked that the district be shown on a map of the entire County.
29 She referred to pages 10 and 11 and said it should be clear that this is a recycling service.

30 Michael Talbert said the district is primarily for the purpose of recycling, but the statute
31 authorizes a Solid Waste Service district, so it needs to be called that. He said recyclable
32 material is solid waste that has been removed from the solid waste stream for recycling
33 purposes.

34 Commissioner Price asked about the solid waste that is not recycled.

35 Gayle Wilson said nothing is being proposed related to garbage as a part of this district
36 at this time.

37 Commissioner Price asked about the reference on page 2 to services provided to the
38 elderly or disabled.

39 Gayle Wilson said special service is provided for bin pickup for elderly or disabled
40 residents unable to take it to the curb.

41 Commissioner Dorosin said the summary gave a projected tax rate of 1.5 cents per
42 \$100 of property value. He asked if there has been any analysis of the values of the property in
43 the proposed district to arrive at that number.

44 Gayle Wilson said yes, this analysis was done. He noted that the total valuation of the
45 district is shown at the bottom of the map, and this number is \$4,452,893,165.

46 Commissioner Dorosin asked Michael Talbert, if the Board wanted to fund this out of
47 their general fund, what \$630,000 would mean in taxable value for the whole county.

48 Michael Talbert said this would equal .3 cent (1/3 of a penny).

49 Commissioner Dorosin noted that the report shows the 2011-12 program cost was
50 \$506,000 for the program, and now the projected cost would be \$630,000.

1 Michael Talbert said in 2011-12 things were moving toward single stream, but trucks
2 and bins were not purchased then.

3 Commissioner McKee referred to the pre-existing rural curbside area where there were
4 13,700 customers, and 57 percent used curbside recycling service. He said this meant that
5 about 6000 residents were paying the 3-r fee and not using the service.

6 Gayle Wilson said that is correct. He said the 57 percent was calculated by the set out
7 rate. He said there may be more participating at any one time, but only 57 percent set out bins
8 on a given day.

9 Commissioner McKee said the point was that there were thousands of people paying
10 the 3-r fee while not using the service and opting to still take their recycling to the Solid Waste
11 Convenience Center (SWCC). He noted that the curbside collection amount was 1,715 tons,
12 and the convenience center collected 2,300 tons, though some of that were urban and other
13 materials. He said this means there were still over a thousand tons coming into the
14 convenience centers countywide. He said his point is that a lot of people on the curbside route
15 were still taking their recycling to the SWCC and not using the curbside service. He said
16 Orange County residents have been good about working toward the 61 percent goal.

17 Commissioner McKee referred to the pre-existing set up with curbside. He asked if the
18 exempt properties were paying the curbside fee. He said the proposed tax district will have 631
19 exempt properties that will not pay the tax although they will potentially still continue to receive
20 the service.

21 Gayle Wilson said this is correct.

22 Commissioner Pelissier asked if there is comparable data for the towns.

23 Gayle Wilson said there are surveys, and when the transition is made to roll carts that
24 information will be provided in detail; but he can't recall it now.

25 Commissioner Pelissier said it would be interesting to know the comparison.

26 Chair Jacobs asked Gayle Wilson to repeat the information regarding the fact that
27 people will not exclusively have to use the roll out carts.

28 Gayle Wilson said due to the varied topography, the County will have to make
29 accommodations for some homes.

30 Chair Jacobs asked if there is any data on the effectiveness of an "opt-in" recycling
31 program.

32 Gayle Wilson said there is considerable data. He said the 'opt in-opt out' situation that
33 exists in 12-13 counties results in poor participation. He said Alamance County has an opt-in
34 program and the participation rate is in the single digits.

35 Chair Jacobs asked if it is possible to create a service district that includes the
36 municipalities and the areas of the County that would receive curbside recycling.

37 John Roberts said yes. He said the municipalities would have to approve being included
38 in the service district.

39
40 **PUBLIC COMMENT:**

41 Norma White lives in Little River Township, and she is against a tax service district. She
42 said the Board of Commissioners exists for the cause of the common good and general welfare
43 of the people. She said everyone can agree that schools, libraries and many County services
44 exist for the common good and general County welfare, even if these are located in town and
45 far from rural households. She said everyone pays, and no one gets to pick and choose what
46 the common good is. She said everyone agrees that solid waste/recycling is an issue that is for
47 the common good of the County, but it is not true that everyone pays. She said the Board of
48 County Commissioners is turning this upside down. She said data shows that the rural areas
49 are doing a fantastic job of recycling, and these areas have been telling the County for years
50 that rural people do recycling differently. She said these residents use the SWCC for the

1 common good, yet the rural people pay more. She said this discrepancy shoots down the
2 common good concept. She said the tax differential has all of the appearances of an implicit
3 special tax district, with unequal application of taxation to the rural areas and exclusion of the
4 urban areas. She said the County now wants to impose another tax applied only to the rural
5 areas. She said the County's pretense that the rural areas need and will overwhelmingly use
6 curbside recycling is a faulty premise, as these areas have never been polled or surveyed. She
7 said this is a stab in the dark, and the issue is a shortfall of money in the Solid Waste
8 Department.

9 David Laudocina lives in Bingham Township, and he urged the Board to find an
10 equitable solution for curbside recycling rather than implementing a district tax based on
11 property valuation. He believes progressive taxation is appropriate for some services, but
12 curbside rural recycling is not a good fit. He said his property tax bill includes a flat rate for the
13 3-r fee and a flat rate for the waste center fee, and these charges are dependent on where you
14 live in the County. He feels that the flat rate system for curbside is more consistent with the
15 method used for other waste services. He said the magnitude of the difference in total dollars
16 paid between properties using a district tax tied to property valuation grows as the tax rate
17 increases over time. He said he hopes the policy of allowing use of the orange bins for rural
18 recycling will be a reality, regardless of what system is implemented.

19 He noted that property values have not been re-valued since 2009 to provide true
20 property tax assessments. He said the Board has done a good job of holding the line on
21 property tax increases. He believes it is prudent for the County to find a fairer, more equitable
22 way to pay for rural curbside recycling and hold off on any property tax increases until the
23 valuations are fair and balanced.

24 Alex Castro said he is a senior resident of Bingham Township, and it seemed to him that
25 the Board is messing with something that is working. He said recycling is working in Orange
26 County, and now the Board is looking to spend a lot of money for changes that don't fit. He
27 said that people given a choice will not opt-in; therefore if residents are not forced to do it, the
28 population will not exist to sustain what is put in place. He asked the Board to think strongly
29 about whether this is a good avenue.

30 Bonnie Hauser said she lives in rural Orange County. She uses the SWCC for trash
31 and recycling, and she composts at home. She said families in the unincorporated areas
32 overwhelmingly prefer a voluntary fee over a service district tax. She said $\frac{3}{4}$ of the families in
33 the rural community prefer to use the convenience centers for trash, and they bring their
34 recycling too. She said this is not about recycling rates, it is simply about the fact that curbside
35 services don't work in much of the rural area. She said people should be able to opt out if they
36 are unable to use the services. She said if the Board decides to pursue the public hearings,
37 she would like it made clear what else the Board hopes to learn about this process.

38 She said she is also confused about equity. She said, according to UNC, County
39 governments cannot make residents pay a fee for curbside collection services, and this was the
40 basis for the end of the 3-r fee. She said the town residents see recycling as hand in hand with
41 the curbside trash collection, which is provided to every household and funded by the town's
42 general fund. She said the towns are expected to delegate their fee authority to the County.

43 Bonnie Hauser said rural residents who want curbside services retain private haulers at
44 their own expense. She said if equity is an issue, then convenience fees should be examined.
45 She said everyone is concerned about the future of the County Solid Waste Department and
46 recycling after the close of the landfill, and there is much to do to get the waste service fees
47 right. She said it is a waste of time to hold public hearings for a service district tax. She
48 advocated for a subscription service for rural families, with an option to opt out.

49

1 Ken Robinson lives on Old Greensboro Road. He said he has tried to use curbside
2 service, but there is no space in the right of way for bins, and it does not work for him. He
3 asked what problem the Board is trying to solve. He said he uses the convenience center and
4 sees lots of people using the recycling center. He said he takes his recyclables when he takes
5 his trash, and this is quicker than carrying it to the street and bringing the bins back. He thinks
6 the service district is a bad idea.

7
8 Jan Sassman said the issue before them is whether or not to proceed with a public
9 hearing. He encouraged the Board to vote yes on this, and he said he will defer his comments
10 until that hearing.

11
12 Terri Buckner said she appreciates the solid waste staff, and she appreciates her
13 recycling being picked up. She is here to support this proposal and to encourage the Board to
14 move forward with a public hearing. She said that a subscription service will reduce the
15 recycling rate significantly. She said there are many people in the County who do not have long
16 driveways and would use the service. She noted that she lives far from a convenience center
17 and she appreciates the pickup service.

18
19 Maria Tadd said she lives in Bingham Township. She thanked Commissioner Gordon
20 for her years of service. She said she has lived in Orange County for 20 years and
21 Commissioner Gordon is the finest Commissioner the County has ever had. She said
22 environmental concerns are important to her and Commissioner Gordon has been a steward of
23 the environment and a rational voice at the table.

24 Maria Tadd said her love for the environment is what brings her here today, and she
25 feels that curbside pick-up is a colossal waste of money and is bad for the environment. She
26 said she lives on the corner of two private roads with a total of 14 households, and only one
27 family uses this service. She said recycling must be driven to a designated area, and it is much
28 easier to just drive another 1.5 miles to the recycling center. She said everyone has to drive to
29 the recycling center anyway, so there is no benefit to curbside service when only recyclables
30 are collected. She said the fact that Orange County has been ranked number 1 in the state is
31 testimony to the fact that people are using the convenience centers. She said the elderly
32 population in the rural buffer is increasing, and having to carry the bins to your car and possibly
33 navigate stairs is a hazard for these people. She said the roll carts pose an issue for people
34 like her with long driveways. She said the recycling trucks leave a large carbon footprint, knock
35 down road signs, create ruts in the shoulders, and are a traffic hazard. She asked why
36 curbside pickup is being provided to a community that still has to haul its own trash. She would
37 rather see the money allocated to this program spent on improving the community. She said if
38 the Board does decide to offer this service, she would ask for the subscription option to allow
39 residents to opt out.

40
41 Tony Blake lives in a rural community in Bingham Township. He said the problem is that
42 everyone wants people to recycle more. He said people recycle less when garbage and
43 recycling are separated, so the best way to encourage recycling is to have those two things
44 together. He said this means that the trash needs to be picked up too; otherwise people should
45 just use the convenience centers.

46
47 Don O'Leary lives in Bingham Township. He said he preferred to use the convenience
48 centers. He does not understand why the Board of County Commissioners needs to force this
49 proposal down citizens' throats.

50

1 Carroll Hawkins lives in Cedar Grove Township and has a very long driveway. He
2 cannot imagine having a roll cart. He said from an equity standpoint, it is not fair to him to be
3 charged a tax when it is not convenient to use the service, and he does not plan to use it.
4

5 Commissioner McKee addressed Gayle Wilson and said that his department does an
6 excellent job. He complimented the solid waste department on the excellent recycling rate. He
7 said the abstract states that up to 14,000 roll carts will be purchased for the rural areas. He
8 said if it is assumed that many folks will not use the service, there will be a surplus of carts. He
9 said there is a cost of \$212,000 for the carts. He said that a tax district with 20,000 parcels has
10 a potential to have up to 8000 unused carts, and this is not a good use of funds.

11 Commissioner McKee said he will concede that there may be a 25 percent reduction in
12 recycling if the County goes to a subscription service. He said rural curbside is only 17 percent
13 of the total recycling in Orange County, and if the 25 percent is applied to this rural rate and
14 then extrapolated across the total volume of recycling, it brings the possible reduction down to 3
15 or 4 percent.

16 Commissioner McKee said, with the tax concept, there will be 694 exempt properties
17 that will not pay tax though they can continue to receive services. He said the possible number
18 of medium and lower income residents that will be paying a tax for a service they may not need
19 or want is an equity issue for him.

20 Commissioner Price said she would like to see some comparable information and data
21 showing the scenario if people in rural areas are not required to pay for pickup and instead use
22 the convenience centers. She said people in the rural areas do recycle, and she has seen it at
23 her convenience center. She questioned whether the Board needs to have curbside pick-up to
24 accomplish their goals of recycling. She questions whether the Board is justifying the means or
25 the end. She feels that the County should be giving citizens options, and the option of "opt-
26 out" should be considered. She said there is no information on the effect of a subscription
27 service, and she would like to see this.

28 Commissioner Pelissier said the Board does not have a lot of information at this
29 meeting. She said part of the problem is that there is no good data on many of the things being
30 considered. She thought the purpose tonight was to decide whether or not to have a public
31 hearing. She does not want to make a decision before a public hearing is held. She said the
32 public needs to receive the big picture on this issue.

33 Commissioner Rich agreed with Commissioner Pelissier. She said that, because this is
34 not a public hearing, many people who are in favor of the tax just sent in emails instead of
35 attending. She urged the Board to move forward with what is in the abstract.

36 Commissioner Dorosin said the County has one goal, which is to maximize recycling in
37 Orange County. He said the other shared goal is to maximize fairness to all in the residents in
38 the County in achieving this recycling goal. He said the idea seems to be that paying a tax
39 means people will put the bin out at the curb, but these same residents will not recycle if they
40 have to opt, and this seems logically inconsistent. He said the only way to fairly do curbside
41 recycling is to either have an opt-in service or to fund it out of the general revenue so that
42 everyone bears the burden.

43 He said, as to the question of a public hearing, it should be a public hearing to present a
44 series of options. He said it can't be a public hearing on just a service district. He said he
45 would only support curbside recycling if it is funded from the general fund or a subscription
46 service. He said if the Board does not want to do curbside recycling, then other options need to
47 be considered, such as more convenience centers.

48 Commissioner Gordon said she would support going forth with a public hearing since
49 tonight's meeting was not advertised as a public hearing, and the Board needs to get this
50 information out to the public. She said a public hearing is required by statute in order to

1 establish a tax district. She said other options can also be presented at this hearing. She said
2 she does understand the issues of having a long driveway and paying a tax on vacant land.

3 Chair Jacobs addressed John Roberts. He asked, if the Board went ahead with a public
4 hearing and sent out notices to over 13,000 citizens, but then decided to use funding from
5 general fund and include the municipalities, whether any notices would have to be sent if the
6 urban areas were included after the fact.

7 John Roberts said the public hearing process could be followed later by the
8 municipalities if the elected boards chose to join in the service district. He said there is no
9 statutory mandate that the public hearing happen at a later time, but it would be a good policy
10 for those municipalities to have their own hearings.

11 Chair Jacobs said he does think that a lot of this information is based on opinion, and it
12 is useful but might not be applicable. He has concerns about all of the exempt properties. He
13 said he has lobbied that people with long driveways be allowed to use bins, and he is
14 concerned about the possible surplus of roll carts.

15 Gayle Wilson said an assessment would be done prior to each phase and necessary
16 adjustments would be made.

17 Chair Jacobs said the two goals are the commitment to equity and the commitment to
18 recycling and this balance is difficult. He said even the general fund use has an equity issue if
19 roadside recycling does not provide service to all residents. He said the question is whether the
20 Board feels that it is important enough to use the general fund or service district to support
21 curbside recycling.

22 Chair Jacobs said this should proceed to a public hearing, and all of the options should
23 be put on the table. He said there should be two public hearings held in both ends of the
24 County. He said the Board can come back on Feb. 4th to determine what information should be
25 presented at these hearings.

26 Commissioner Rich said if the general fund consideration is being put on the table, the
27 Board also needs to talk with the towns about what that means for the agreement that currently
28 exists with the County.

29 Commissioner Price said she does want to move forward with the public hearing, but
30 she wants to make sure that all of the options are discussed and time is used wisely. She
31 would also like to see data on the subscription service and the costs to the department and the
32 impact on revenue.

33 Commissioner McKee said he voted against the motion the last time this was discussed.
34 He said the previous wording finished with a statement that staff would proceed with a public
35 hearing with the **intent** to move forward with a district tax. He said if the Board is going to have
36 a public hearing he wants all options to be laid out, with both advantages and disadvantages of
37 each. He said curbside works very well in a neighborhood style development, but it is not ideal
38 for these longer driveways. He said he will oppose this again if it is done for just the service
39 district.

40 Commissioner Pelissier said that this public hearing would have to happen if there was
41 intent to implement a tax district. She asked if this precludes having information available on
42 the implications of not doing a tax district.

43 John Roberts said no. He said a public hearing is to solicit many types of input. He said
44 the notice would have to have certain information, but additional information is not prohibited.

45 Commissioner Pelissier said she would like estimates on how much of a capacity
46 increase would be needed at the Solid Waste Convenience Centers in the event that the
47 County did not go with a tax district.

48 Chair Jacobs said a few words can be added to the recommended motion tonight to
49 bring everyone into agreement.

1 Commissioner Gordon asked how these other options will be articulated. She
 2 suggested this could be brought back by staff. She questioned what options would be put back
 3 on the table. She said some options, such as franchises, have been eliminated by the Board,
 4 and she questioned how it would affect the interactions with the towns if these things were
 5 added back. She said the reintroduction of some of these options may have unintended
 6 consequences.

7 Gayle Wilson said some of the topics include: the general fund option; Solid Waste
 8 Convenience Center-only option; district tax; and a subscription service.

9 Michael Talbert said the County has already made a commitment to the towns saying
 10 that the urban curbside is moving forward, and some of these other options are in conflict and
 11 may have unintended consequences. He asked if the Board wants everything on the table at
 12 the public hearing, or if the general fund idea should be eliminated. He said this means the
 13 town residents would have to pay a tax to support the rural district, and this would be a problem
 14 with intergovernmental relations.

15 Chair Jacobs said he has suggested that staff can vet the universe of options and come
 16 back with a statement on February 4th. He said this would allow the Board to review it and
 17 make an informed recommendation.

18 Commissioner Dorosin said he disagrees with the idea that the two goals are in conflict.
 19 He said he feels that it is possible to have both environmental protection and social justice.

20
 21 A motion was made by Commissioner Rich, seconded by Commissioner Pelissier to
 22 move forward with:

- 23
 24 1. Discussing potential public hearing(s) on the proposed District establishment and other
 25 options to be articulated, if inclined; determining the number and locations of public hearing(s)
 26 the Board would like staff to pursue scheduling, including whether the public hearings should be
 27 separate meetings or occur as part of regular Board meetings. (Note – Based on statutory
 28 requirements and time constraints associated with a July 1, 2014 implementation, staff
 29 believes public hearing(s) will need to occur in late March and early April).
 30 2. Pending outcomes from #1 above, directing staff to bring back proposed public hearing
 31 dates, times, and locations to the February 4, 2014 regular Board meeting for approval.

32
 33 VOTE: UNANIMOUS

34
 35 Michael Talbert summarized the above motion. He asked for clarification on whether
 36 these hearings will be held at regular Board meetings or at separate meetings. He also clarified
 37 that the Board does not want staff to move forward with the criteria to establish a district, but
 38 that that process should stop at the fact that a district is possible, as well as the other three
 39 options. He asked that the clerk poll the Board for relative dates to possibly do two additional
 40 meetings.

41 Commissioner Gordon said she thought it was articulated that staff should vet the four
 42 options, but possibly not bring back all four of them.

43 Michael Talbert said the four options outlined by Gayle Wilson are what will be brought
 44 back with advantages and disadvantages, on February 4th, so that the Board can consider
 45 whether these should be included in a public hearing.

46 Commissioner Gordon said she just wanted this to be clear to the towns.

47 A motion was made by Commissioner McKee, seconded by Commissioner Gordon to
 48 hold two public hearings as stand-alone events; to review the options brought forward; and to
 49 receive public comment.

1 Commissioner Dorosin questioned why the Board needs separate meetings. He said
2 this is all supposed to be transparent, and it should be on the regular agenda.

3 Commissioner McKee said the reason for his proposal of stand-alone events is due to
4 concern about the possibility of a lack of time for this size of a public hearing.

5 Commissioner Pelissier asked if staff could look at the calendar before this decision is
6 made.

7 Michael Talbert suggested starting the meeting an hour early.

8 Chair Jacobs clarified that Michael Talbert will come back with scheduling
9 recommendations if this fails.

10 Michael Talbert said this is correct.

11 Commissioner Price said if this fails she would like to have staff look for a meeting that
12 is lean.

13 Commissioner Gordon said she supports a stand-alone meeting with a work session
14 afterward, just in case it ends early.

15
16 VOTE: **Ayes, 3:** Chair Jacobs Commissioner McKee Commissioner Gordon; **Nays, 4:**
17 Commissioner Dorosin, Commissioner Pelissier, Commissioner Rich, Commissioner Price

18
19 **MOTION FAILS**

20
21 **c. Approval of Budget Amendment #4-B to Purchase Rural Curbside Recycling**
22 **Trucks**

23 The Board considered approving Budget Amendment #4-B, for a total of \$581,314,
24 authorizing the purchase of two (2) rural curbside recycling trucks from Southern Trucks of
25 Charlotte, North Carolina utilizing the Sole Source exemption from the formal bidding
26 requirement.

27 Gayle Wilson said staff has been delaying the replacement of these trucks, and the
28 current trucks barely function. He said the new trucks are designed to serve both a manual a
29 fully automated system and are versatile for serving the rural area. He said these take about 8
30 to 9 months to build. He said he realizes that one of the options may not require these trucks;
31 however, staff is going to recommend a similar truck next year in their budget for the multi-
32 family program. He said this means the new trucks would still be used.

33 Commissioner McKee expressed his support for this purchase.

34
35 A motion was made by Commissioner Pelissier, seconded by Commissioner McKee to:

- 36
37 • Approve Budget Amendment #4-B for a total of \$581,314 from solid waste enterprise
38 fund reserves for the purchase of the two curbside recycling trucks; and
39 • Approve a Sole Source exemption purchase from Southern Truck of Charlotte, North
40 Carolina to procure the two curbside recycling trucks at a cost of for \$287,076 each
41 (\$574,152).

42 Commissioner Dorosin asked what would be done with the trucks if curbside recycling
43 was not initiated.

44 Gayle Wilson said he would not request a recycling truck in next year's budget, but
45 would substitute one of these trucks instead. He said he would use the other as a backup for
46 all of the other programs. He said these are the most adaptable trucks that can be found.

47
48 VOTE: UNANIMOUS

49
50 **d. Potential Orange County Fair – Conceptual Plan and Follow-Up**

1 The Board received a report back to the Board on questions and follow-up information
 2 requested at the November 12, 2013 work session on the County Fair Working Group report
 3 and considered moving forward with the creation of a County Fair for the Spring of 2015,
 4 including the County Fair in the Fiscal 2014/2015 Annual Budget, estimated to be between
 5 \$187,380 and \$243,594, and including improvements to the Blackwood Farm Project.
 6

7 Dave Stancil presented the following PowerPoint slides:
 8

9 **Potential Orange County Fair Follow-up Report**

10 **Background**

- 11 ☒ Working Group Charged 6/18/2013
- 12 ☒ Meetings July-November, 10/30/2013 Information-Sharing Session
- 13 ☒ Report 11/12/2013
- 14 ☒ Board asked for follow-up information

15 **Recommended Fair**

- 16 ☒ Spring 2015
- 17 ☒ Friday-Saturday ("soft" Thursday night?)
- 18 ☒ Friday – schools?
- 19 ☒ Blackwood Farm Park
- 20 ☒ Evaluate after first run whether spring or fall

21 **Themes:**

- 22 ☒ Agriculture, local foods and restaurants
- 23 ☒ Arts and local artists
- 24 ☒ Diverse history
- 25 ☒ Education and youth
- 26 ☒ Live music, Games
- 27 ☒ Economic Development

28 **Economic Development**

- 29 ☒ Primary audience is ALL County residents
- 30 ☒ Event could draw from surrounding areas
- 31 ☒ Spinoff sales and income for local businesses

32
 33 Dave Stancil reviewed maps of the proposed parking areas and the fair layout. He said
 34 the livestock events would be demonstration focused, rather than competitions. He said efforts
 35 will be made to encourage local food trucks and local restaurants to participate.

36 Jeff Thompson continued the presentation and reviewed the following slides:
 37

38 **Revenue and Costs**

- 39 ☒ First-time event – difficult to project revenues/costs
- 40 ☒ General Budget Estimate: \$189,000 revenues; ca \$187,000 costs + 30% contingency of
 41 \$56,000 (= up to \$243,000)
- 42 ☒ Proposed Events Planner would fundraise and manage revenues/costs. Costs do not
 43 include county staff time.
- 44 ☒ Includes proposed funding from Visitors Bureau and General Fund (contingency/stop-
 45 loss)
- 46 ☒ Around \$9,500 in capital improvements to Blackwood Farm Park needed in FY 14-15

47 **Cost / Revenue Estimates**

- 48 ☒ Working Group Suggestions
- 49 ☒ Receive and discuss the report and projected budget

- 1 ☞ Authorize solicitation and hiring of professional events planner to coordinate fundraising,
2 volunteers and fair planning/management.
3

4 **Manager's Recommendation**

- 5 ☞ Receive and discuss the follow-up information and either:
6 A. Direct staff to move forward with creation of County Fair for Spring 2015, and agree to
7 include funding in FY 2014-15 budget and CIP; or
8 B. Direct staff not to move forward with the County Fair project.
9

10 Jeff Thompson reviewed the schematic from page 8 of the packet. He said the working
11 group recommends viewing these financial assumptions in a balance neutral format. He said
12 this means looking equally at expenses and the generation of funds.

13 He said the financial information assumes a modest midway. He said the midway is
14 planned for the 1.3 acre area in the northeast corner of the map, but if the midway were not to
15 occur, then that cost would not be included.
16

17 Commissioner Dorosin said after the Board's last work session, the group took the cost
18 concerns to heart, and work was done to address this and do the event in a revenue neutral
19 fashion. He said the intent is to recoup the cost of an event planner as well.

20 He said this event is designed to celebrate the County. He said the meetings reflect the
21 diversity of people interested in this project, and this was inspiring to him. He said concerns
22 about Hogg Days are no longer an issue. He emphasized that there is not currently an event
23 for the entire County. He said the fair will focus on and highlight local events organized by local
24 people.

25 Commissioner Price said another goal is to help promote local businesses, as well as
26 the County. She said the County needs to do more community building, and this will help with
27 that.

28 Commissioner Pelissier said the report does not tell how much future staff time is
29 anticipated for this event.

30 Dave Stancil said this is hard to answer. He said even with an event planner, there
31 would need to be a liaison from a number of different departments to develop the activity. He
32 does not have an estimate for this. He said this event will require about a half a year of activity
33 for the event planner to pull everything together, make it happen, and close it out.

34 Commissioner Rich asked who would be responsible for getting sponsorships.

35 Dave Stancil said the proposed event planner would be responsible for this.

36 Commissioner McKee referred to page 3 regarding upgrades to Blackwood Farm and
37 said he feels that the \$9,500 figure is extremely low.

38 Jeff Thompson said there is no storm water permit issue unless more than 20,000 feet
39 of gravel are scraped. He said it is assumed that his staff will put the gravel down.

40 Commissioner McKee asked what trucks will be used to spread gravel.

41 Jeff Thompson said the gravel will include 10 tandem loads for 19,000 square feet of
42 surface gravel. He said this has been done before and it would be for vendor parking only. He
43 said the electrical upgrade is really just updating the existing the electrical service on the
44 farmstead.

45 Commissioner McKee asked how everything else would be powered.

46 Jeff Thompson said this would be done with 20kv generators from a rental vendor with
47 power distribution for the agriculture site, the midway, and the farmstead site.

48 Commissioner Gordon asked about the hours for the event planner and whether this
49 position would be half or full time.

50 Jeff Thompson said it is a 6 month commitment, and it would be a part time position.

1 Dave Stancil said this would be negotiated as part of the contract, which could be based
2 on either hours or the end product. He said this is not known yet.

3 Commissioner Gordon said this impacts what the staff time will be.

4 Dave Stancil said there will be a better idea of this framework after the solicitation
5 process.

6 Commissioner Pelissier asked about the possible installation of a fire hydrant and the
7 cost of extending a water line to do this.

8 Dave Stancil said there is water service to the house, and there is a 4 acre pond on the
9 property. He said the fire marshal indicated that this could be used as a water supply, and a
10 fire hydrant would not be needed. He said he does not have costs for a fire hydrant.

11 Commissioner Price noted that there were people at the community meeting who
12 volunteered to help with the event.

13 Commissioner McKee referred to the pond as a source of water supply. He asked if this
14 would require a fire truck to be on site for the event. He is concerned about the difficulty of
15 egress and entrance.

16 Dave Stancil said he has not talked with the fire departments yet, but the fire marshal
17 said he would evaluate this, if and when this event goes forward. He said the driveway does
18 have some limitation, and a fire truck would be the biggest vehicle that could be
19 accommodated.

20 Commissioner McKee noted that the cost projection is \$187,000, and he asked for the
21 cost figure from the last work session.

22 Jeff Thompson said it was \$250,000 because the site had not been collapsed.

23 Commissioner Dorosin said the event planner would likely be part-time in the beginning
24 and then grow to full time as the event gets closer.

25 26 **PUBLIC COMMENT**

27 Mark Marcoplos said he is pro fair, and he feels it would be a great celebration of the
28 County's businesses, agriculture, history, and culture. He said it would be a great celebration
29 for the schools. He said it would be fun, and he feels the budget looks doable.

30 Mark Chilton said he agreed with Mark Marcoplos, and he feels this is a great idea. He
31 said this is an opportunity to showcase the local food and value added stuff being produced by
32 the County. He feels it would be more successful than the figures show, and people would be
33 drawn to it.

34 Dave Stancil said the proposed budget with cost on November 12th was \$142,000, with
35 another \$42,000 in contingencies. He said there has been some refinement to this.

36 Commissioner Rich noted that the abstract says the Visitor's Bureau is committing
37 \$10,000, but that is not what happened. She said the notes from that meeting show that the
38 \$10,000 would only be available after the event shows it is a viable fair.

39 Laurie Paoceilli said there was a lot of circular conversation. She said the Visitors
40 Bureau is in the events support business, and it seemed fair to many to support the idea of a
41 County fair. She said the conversation got caught up with the realization that there was not
42 enough information about this event yet to financially support it at this time. She said if the
43 Board of County Commissioners vetted this and thought it was a viable event then it is her
44 opinion that there would be a vote to support using that \$10,000.

45 Commissioner Rich asked Margaret Cannell, Executive Director of the Hillsborough
46 Chamber of Commerce and producer of Hogg Day, to come up. She asked how much time
47 Margaret Cannell spent on Hogg Day.

48 Margaret Cannell said this would require a minimum of 6 months of full time work since
49 it is a larger event. She said this takes a lot more time and dedication than the Board may

1 think. She said the planner will have a sharp learning curve, and for this first time planning
2 process the County would need a full time person for the full year.

3 Commissioner Rich asked how much money Hogg Day made.

4 Margaret Cannell said she has run Hogg Day for 12 years, and the most money it made
5 was \$30,000. She said that was a year when pork producers donated \$13,000 worth of meat.
6 She said that figure does not account for staff time. She, taking into account staff time, there
7 was a profit of \$7,000 this past year.

8 Commissioner McKee asked if Hogg Day gets grants from corporations.

9 Margaret Cannell said Hogg Day had sponsorships, but it was difficult to get them. She
10 said for a start-up event, this would be the first task the event planner would need to do. She
11 said this could be easy if the planner has good networking in place, but the economy also plays
12 a huge role. She thanked the Board and other County staff members who have supported
13 Hogg Days over the years. She noted that several organizations are trying to pick up the event.

14 Commissioner Pelissier said there are a lot of possibilities set out here and a budget
15 nobody really understands. She said while this is a great idea, her main concern is Blackwood
16 Farm and how this would play out with moving Blackwood Park forward in the future. She
17 would like to wait another year or two until Blackwood Park begins development.

18 Commissioner McKee said costs with the schools are getting ready to come up again,
19 and there are continuous state cuts to the school systems. He said he is concerned with how
20 these cost factors will be accommodated, and he feels that this event will be a competing item
21 in the budget. He said if there is going to be an increase in expenses it should be for school
22 systems and core services. He is uncertain that that can even be done without a tax increase.

23 Commissioner Rich said there was some conversation about this event at the Visitors
24 Bureau end of the year meeting. She said one conversation was about the idea that this could
25 start small with a music venue at the farm's amphitheater. She said there was also some
26 concern expressed about some of the property on Blackwood Farm not being stable.

27 Dave Stancil said that was true at one time, but there has been about \$100,000 worth of
28 building stabilization done over the past several years. He said this should not be an issue.

29 Commissioner Rich said there was also concern about the integrity of Blackwood Farm
30 being compromised with heavy machinery.

31 Commissioner Gordon said what the Board is being asked to do is to move forward with
32 a project costing \$187,000 - \$243,000 and include improvements to the Blackwood Farm. She
33 said she has concerns about this financial commitment in the face of so many uncertainties.

34 Commissioner Dorosin emphasized that this model is made to be revenue neutral or
35 revenue positive event. He said the goal for tonight is to get the authority to hire an event
36 planner to help determine the viability of this event. He noted that Hogg Day was revenue
37 positive every year. He believes there will be a large volunteer base to help mitigate staff time.

38 Commissioner Dorosin said a smaller event is possible, but at some point there will still
39 be costs associated with improvements and other items, regardless of the size of the event. He
40 said the event could be shortened, but there are economies of scale to consider. He said
41 vendors would be charged less to come for only one day, and schools could not be involved if
42 the event is only on a Saturday. He said the goal is to draw as many people as possible, so the
43 diversity of the event is important. He said it would be better to scale everything down, than to
44 pull just one section down.

45 He said that the idea of having a park but not going into it is counterintuitive. He said
46 this farm is a jewel of the county and this would be an opportunity to show it off. He said there
47 is a lot of excitement about this, and it will be fun. He said County government has to be about
48 more than just maintaining the status quo and this is a real opportunity.

49 Commissioner Rich asked if any of the local vendors and restaurants were interested in
50 being involved in this.

1 Dave Stancil said some of the food trucks participated in the information session, but
2 because there is so little concrete information, no one has committed yet.

3 Chair Jacobs said he was part of the 250th celebration event, and he has been
4 supportive of the fair idea. He said the event has promise; but he does not believe any of the
5 numbers, and he does not want to make any commitments outside of the budget process. He
6 would be supportive of hiring an event planner for 4 months until the budget process, to vet
7 these numbers and see what the County's exposure will be. He said this can be evaluated in
8 May, and the Board will see what their priorities are.

9 He said community building is important, and this event will provide an opportunity for
10 this; however, the Board heard today in the school collaboration meeting about extra school
11 expenses. He said if someone is willing to do the job with the possibility that it will become a full
12 time job if the numbers prove to be reliable, then he would be comfortable with this. He is less
13 comfortable with doing an ad hoc approach.

14
15 A motion was made by Commissioner Gordon, seconded by Commissioner Pelissier to
16 approve option 2 in the Manager's recommendation, which directs staff not to move forward
17 with the County Fair Project, because of these uncertainties.

18
19 VOTE: **Ayes, 4:** Commissioner Pelissier, Commissioner Rich, Commissioner McKee, and
20 Commissioner Gordon; **Nays, 3:** Chair Jacobs, Commissioner Dorosin, Commissioner Price

21
22 Commissioner Pelissier clarified that this motion does not mean the idea is totally dead
23 in the long term, but there are too many uncertainties at the moment.

24
25 A motion was made by Commissioner Dorosin, seconded by Commissioner Price to hire
26 a part time event planner to develop and vet a plan, including costs, and to bring this back
27 during the budget process.

28
29 Commissioner Dorosin said this is the only way to provide the information that the Board
30 is looking for. He believes that if this information was available, the Board would support this.

31 Commissioner McKee said every idea does not need to move forward, and the Board
32 sometimes has to make hard decisions. He said this may be a very good idea, but there are
33 other considerations, such as education, that override it. He feels the Board has a hard time
34 making a definitive decision. He is comfortable with the motion that was made, and the Board
35 needs to have the backbone to stick with it.

36 Commissioner Rich said she agrees with Commissioner Pelissier that this ought not to
37 be a dead issue. She said she can go along with Commissioner Dorosin's proposal as long as
38 it is kept in the budget cycle.

39 Commissioner Pelissier said she does not want to revive this and spend money on it
40 right now. She would like to re-visit this in the future, during the discussions for a full blown
41 park at Blackwood Farm.

42 Commissioner Gordon said this should come back for discussion during the budget
43 cycle. She said there is no need to rush and pay money for an employee to keep this idea alive
44 before the budget cycle. She said right now this expense is too large.

45 Chair Jacobs asked for clarification on page 3, regarding the cost to hire an events
46 planner.

47 Dave Stancil said this was geared toward the hiring a person on a contract basis.

48 Jeff Thompson said \$15,000-\$20,000 is a realistic number for the 4 month scope of
49 services described.

1 Commissioner Rich said she does not think this number is enough, but it does not
2 matter at this point.

3 Commissioner Dorosin said his motion is to hire someone now to help provide
4 information and answers to all of the questions.

5 Michael Talbert asked if this proposal is to hire a temporary person, or to have a firm
6 hire someone to do this research.

7 Chair Jacobs said this has not been specified.

8 Michael Talbert said the timetable on this would put the hiring in mid to late March or
9 April, which would be too late for the budget cycle for this year.

10 Commissioner Price said there have been emails from interested parties regarding the
11 event planner position.

12
13 VOTE: **Ayes, 3:** Chair Jacobs Commissioner Dorosin Commissioner Price; **Nays, 4:**
14 Commissioner Pelissier, Commissioner Rich, Commissioner McKee, Commissioner Gordon
15

16 **Motion fails.**

17
18 **8. Reports-NONE**

19
20 **9. County Manager's Report**

21 Michael Talbert said the North Carolina Association Group benefits pooled ceased to
22 exist on December 31, 2011. He said, as a member of that pool, the County received a check
23 for \$157, 000 for their share in the risk pool. He said this went into the self-insurance reserves
24 fund.

25 He said the Board of Elections is moving forward with the idea of early voting, which will
26 start on April 4, 2014 and will end on May 3, 2014. He said, by law this has to operate for 226
27 hours. He said 4 potential sites are being considered, including: The Seymour Center,
28 Carrboro location, and the Hillsborough Board of elections. He said there are negotiations
29 ongoing for a site in or around the Chapel Hill area. He said this site will be finalized by March
30 14th. He said there is adequate funding in place to make this all happen.

31
32 **10. County Attorney's Report - NONE**

33
34 **11. Appointments**

35
36 **a. Advisory Board on Aging – Appointment**

37 The Board was to consider making an appointment to the Advisory Board on Aging.
38 DEFERRED

39
40 **b. Arts Commission – Appointment**

41 The Board was to consider making appointments to the Arts Commission.
42 DEFERRED

43
44 **c. Nursing Home Community Advisory Committee – Appointment**

45 The Board was to consider making appointments to the Nursing Home Community
46 Advisory Committee.
47 DEFERRED

48
49
50 **12. Board Comments**

1 Commissioner Price said there is an opportunity to have further input with Triangle Area
2 Rural Planning Organization (TARPO) through participation in a district 7 meeting on
3 Wednesday, January 29th from 4-7 pm.

4 She said the MLK weekend celebrations were very nice this year.

5 Commissioner Gordon – none

6 Commissioner McKee said he finally made the MLK event this year in Chapel Hill, and it
7 was very nice. He has been attending these for years in the northern part of the County, but
8 this was his first in the southern portion of the County.

9 Commissioner Dorosin – none

10 Commissioner Rich referred to the comments on early voting and said there is concern
11 that the early voting site will not be on campus. She said there are 4 sites being considered
12 and there is concern with it being moved off campus. She suggested the Board get involved if
13 they would like to keep it on campus.

14 Commissioner Pelissier said she celebrated the MLK event in Durham and she cooked
15 for residents who had not had a hot meal in awhile. She said this was a great service
16 opportunity for her family.

17 Commissioner Pelissier congratulated Colleen Bridger for being selected as the North
18 Carolina Health Director of the Year.

19 Commissioner Pelissier said, in reference to the jail alternatives work group, there is a
20 memo at the Commissioner's places that outlines an extension on the report timeline from
21 March 31st to the May 13th work session. She said this delay will have no negative impact. She
22 said it is more important to have a good, properly vetted report.

23 Chair Jacobs said County staff continues to meet with representatives of the Morinaga
24 project to move the project forward. He said the Burlington Graham Metropolitan Planning
25 Organization adopted the access road program as a top priority. He said the plan is still for
26 Morinaga to be in business by July 1, 2015.

27 Chair Jacobs said Triangle Transit put together a summary of the Hillsborough train
28 station project, and he had passed this on to Mr. Tata at the Triangle J meeting.

30 **13. Information Items**

- 31
- 32 • December 10, 2013 BOCC Meeting Follow-up Actions List
- 33 • Tax Collector's Report – Numerical Analysis
- 34 • Tax Collector's Report – Monthly Enforced Collections
- 35 • Memorandum Regarding Major Fund Financial Statement for the Six Months Ended
36 December 31, 2013
- 37 • BOCC Chair Letter Regarding Petitions from December 10, 2013 Regular Board
38 Meeting

40 **14. Closed Session**

41 A motion was made by Commissioner McKee, seconded by Commissioner Rich to go
42 into closed session at 11:28 pm for the purposes listed below:

43

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

46 and

47 "To consider the qualifications, competence, performance, character, fitness, conditions of
48 appointment, or conditions of initial employment of an individual public officer or employee or
49 prospective public officer or employee;" NCGS § 143-318.11(a)(6).

50

1 VOTE: UNANIMOUS

2

3 RECONVENE INTO REGULAR SESSION

4

5 A motion was made by Commissioner Gordon, seconded by Commissioner Rich to
6 reconvene into regular session at 11:50 pm.

7

8 VOTE: UNANIMOUS

9

10 **15. Adjournment**

11

12 A motion was made by Commissioner Gordon, seconded by Commissioner Rich to
13 adjourn the meeting at 11:50 pm.

14

15 VOTE: UNANIMOUS

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22

Barry Jacobs, Chair

Donna S. Baker, CMC
Clerk to the Board

Attachment 2

DRAFT

**MINUTES
BOARD OF COMMISSIONERS
REGULAR MEETING
February 4, 2014
7:00 p.m.**

The Orange County Board of Commissioners met in regular session on Tuesday, February 4, 2014 at 7:00 p.m. at the DSS offices, in Hillsborough, N.C.

COUNTY COMMISSIONERS PRESENT: Chair Jacobs and Commissioners Alice M. Gordon, Earl McKee, Bernadette Pelissier, Renee Price, Penny Rich

COUNTY COMMISSIONERS ABSENT: Mark Dorosin

COUNTY ATTORNEYS PRESENT: John Roberts

COUNTY STAFF PRESENT: Interim County Manager Michael Talbert, Assistant County Managers Clarence Grier, Cheryl Young and Clerk to the Board Donna Baker (All other staff members will be identified appropriately below)

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

1. Additions or Changes to the Agenda

Chair Jacobs called the meeting to order at 7:03 pm. He reviewed the following items at the Commissioner's places:

- Orange Sheet - Item 4a - Orange County Arts Grant Recipients
- Green Sheet - Item 6l - Proposed Revisions to the Legal Advertisement for Quarterly Public Hearing – February 24, 2014
- Yellow Sheet -Item 7a - Triangle Transit Update on Implementation of the Orange County Bus and Rail Investment Plan
- White chart - Item 7-b-Scheduling Public Hearings – Proposed Unincorporated County Recycling Service District

Chair Jacobs noted that Commissioner Dorosin would be unable to attend this meeting.

PUBLIC CHARGE

The Chair dispensed with the reading of the public charge.

2. Public Comments

a. Matters not on the Printed Agenda

NONE

3. Petitions by Board Members

Commissioner Price petitioned the Board to write a resolution to Saint Paul AME Church in honor of its 150th anniversary.

4. Proclamations/ Resolutions/ Special Presentations

a. Orange County Arts Grant Recipients

1 The Board presented checks to local artists and arts organizations receiving Fall 2013
2 Orange County Arts Grants.

3 *Commissioner Pelissier arrived at 7:09.*

4 Martha Shannon said the Arts Commission received 26 grant requests in 2013, totaling
5 \$31,357, and a total of \$24,926 in County funds were awarded.

6 Commissioner Rich said this is an exciting program, and she asked how people sign up
7 to participate.

8 Martha Shannon said Commission advertises in all medium and has grant information
9 meetings. She said there are usually first time applicants in each cycle (twice a year).

10 The Board presented checks to the following local artists and art organizations:

11
12 **Fall 2013 Arts Grant Recipients**
13 **Orange County Arts Commission**

14
15 **Recipients:**

16 ArtsCenter -

17
18 BUMP (Boston Urban Music Project): The Triangle –

19
20
21 Chapel Hill-Carrboro Public School Foundation -

22
23 Iris Thompson Chapman -

24
25
26 Door to Door of UNC Health Care -

27
28 Extraordinary Ventures -

29
30 Janice French -

31
32 Friends of the Carrboro Branch Library -

33
34 Grady A. Brown Elementary School PTA -

35
36 Rob Hamilton -

37
38 Tinka Jordy -

39
40 McDougale Elementary School PTA -

41
42 Northside Elementary School PTA -

43
44 One Song Productions -

45
46 Orange County Artists Guild -

47
48 Phillips Middle School PTSA -

49
50 Preservation Chapel Hill -

Attendees:

Tracy Thomas

**Kathryn Bradley & Georgiary
Bledsoe**

Lyria Boast

**Iris Thompson Chapman, Thomas
Wetson and Steve Brantley Weber**

Joy Javits

Cyndi Whisnant

Janice French

Nerys Levy

Tracy Thomas

Rob Hamilton

Tinka Jordy

Rachael Cruickshank

Tiki Gwynne

Nell Ovitt & Rosie Kerwin

Emily Lees

Cristina Smith

Tama Hochbaum (or Nerys Levy)

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Barbara Tyroler -

Nerys Levy

UNC Center for the Study of the American South -

Libby Rodenbough

Women’s Voices Chorus -

Sarah Zink

b. Proclamation – Human Relations Month

The Board considered officially proclaiming the month of February as “Human Relations Month” in Orange County and authorizing the Chair to sign the proclamation.

HRC Co-Chair Rollin Russell thanked the Board of County Commissioners for all of their support, specifically their support and presence at the Human Relations Forum.

Rollin Russell read the following proclamation:

**ORANGE COUNTY BOARD OF COMMISSIONERS
HUMAN RELATIONS MONTH PROCLAMATION**

WHEREAS, the Orange County Human Relations Commission believes that in order to achieve justice and equal opportunity for all Orange County residents, we must all strive to create an atmosphere where people are valued and accepted rather than merely tolerated, and therefore continue to promote the ideal of social justice for all; and

WHEREAS, the Orange County Human Relations Commission has diligently served Orange County since 1995 and remains committed to promoting equal treatment, opportunity and understanding throughout the community; and

WHEREAS, the Orange County Human Relations Commission enforces the County’s Civil Rights Ordinance which specifically prohibits discrimination based on an individual’s race, color, creed, religion, national origin, sex, disability, age, veteran status and familial status; and

WHEREAS, the Orange County Human Relations Commission encourages Orange County residents, as individuals, to take a stand against social injustice and continue to work together to make freedom, justice, and equal opportunity available for all; and

WHEREAS, Orange County is committed to preserving the progress made thus far towards equality and leading the challenge for equal opportunity using all the means at our disposal;

NOW, THEREFORE, We, the Orange County Board of Commissioners, do hereby proclaim February 2014 as “**HUMAN RELATIONS MONTH**” in Orange County and challenge all residents to promote the ideology of social justice for all by celebrating and encouraging multiculturalism in the County and encouraging all residents to embrace diversity in Orange County.

THIS THE 4th DAY OF FEBRUARY, 2014.

A motion was made by Commissioner Rich, seconded by Commissioner Price to proclaim the month of February as “Human Relations Month” in Orange County and authorizethe Chair to sign the proclamation.

1
2 VOTE: UNANIMOUS
3

4 **5. Public Hearings**
5

6 **a. Orange County Consolidated Housing Plan Update**

7 The Board received comments from the public regarding the housing and non-housing
8 needs to be included in the Annual Update of the 2010-2015 Consolidated Housing Plan for
9 Housing and Community Development Programs in Orange County and proposed uses of
10 2014-2015 HOME funds.

11 Tara Fikes reviewed the background information from the abstract. She said her
12 department anticipates receiving the same amount in funding as last year (\$333,418) for
13 acquisition, rental assistance, new construction and housing rehabilitation.

14 Commissioner Pelissier referred to the Plan to End Homelessness and asked if there
15 are any items in this grant to encourage permanent housing.

16 Tara Fikes said the housing department tries to make sure that the community knows
17 that there is interest in creating more permanent housing. She said there is a real push for this
18 during the preparation of the continuum of care application, and the hope is that this carries
19 over.

20 Commissioner Rich asked if there is anything additional or outside of the box being
21 done that is not listed in the plan.

22 Tara Fikes said she cannot think of anything at this point, but she will give this some
23 thought.

24 Chair Jacobs said the Senior Housing that was done with a private developer was a
25 major investment of housing bond funds.
26

27 **PUBLIC COMMENT:**

28 Mary Jean Sada said she is the chief operating officer of CASA, an organization that
29 develops and manages rental housing for mostly disabled and homeless citizens. She said one
30 of their tenants, John, a veteran, lost his job and then his housing. She said he ended up
31 camping in the woods for 4 years before an outreach worker found him and developed a
32 relationship with him. The outreach worker was able to put him in touch with the VA and then
33 with CASA. Mary Jean Sada said John now has his own apartment funded by the County
34 Commissioners. She said having a safe secure place enables him to cook, clean, and make all
35 of his appointments at the VA. She said John has expressed that the ability to only pay 30% of
36 his income for rent allows him to even get a burger once in awhile.

37 Mary Jean Sada said this is one example of the power of affordable housing, and she
38 advocates for these funds to serve the County's most vulnerable populations. She said housing
39 is one of the simplest solutions for homelessness. She advocated for funding for more
40 affordable apartments and for rapid re-housing. She said the rapid re-housing is beneficial
41 because it takes people out of the IFC shelter and places them in housing quicker, and it also
42 provides a bridge for some people to prevent them from becoming homeless. She
43 acknowledged Tara Fikes and her staff for their dedication and commitment to finding housing
44 solutions in Orange County.

45 Susan Levy, Executive Director for Habitat for Humanity, said Habitat has developed 11
46 creative partnerships in 2013 to build 11 new homes. She said the families who purchase
47 these homes are hardworking members of the community. She said 9 of these homes were
48 built in Phoenix Place, and 2 of the homes were built in the Fairview Community in
49 Hillsborough.

1 She said despite the bad weather so far this year there are 9 homes currently being built
 2 in Rush Hollow, 2 homes in Fairview and 7 homes in Phoenix Place. She said when all of the
 3 families are moved into Phoenix Place in late summer, there will be 115 children living in a safe
 4 secure environment in which to grow. She said, despite the foreclosure crisis, home ownership
 5 is still a good thing for families, and it has a long term positive impact on families and children.

6 Susan Levy, said there has been an increase in demand for the home ownership
 7 program over the past 5 years, and there were 300 applications for the 50 homes in Phoenix
 8 Place. She said 120 of these applicants met the basic qualifications, which means that 70
 9 qualified families were turned down. She said the majority of the applicants were living in
 10 overcrowded apartments and paying more than 30 percent of their income toward rent. She
 11 said the owners of Habitat for Humanity homes usually pay less than their prior rent.

12 She said Habitat is also very engaged with the Brush for Kindness program, and 18
 13 families were served in 2013. She said this program will continue to expand. She said Habitat
 14 will continue to ask for \$250,000 in home funds to support building projects.

15 Susan Levy said that Habitat for Humanity, HomeTrust and CASA are all members of a
 16 newly formed affordable housing coalition in Orange County. She said this coalition hopes to
 17 continue to work with local government to increase the range of local housing options.

18 Commissioner Rich asked what happens to people who are turned down.

19 Susan Levy said these residents are referred to other programs if possible, but there are
 20 not a lot of options.

21 Robert Dowling, Executive Director of Community Home Trust, said this community is
 22 fortunate to have Habitat for Humanity and Casa. He said more funding is needed in Orange
 23 County, and it is unfortunate that each of these organizations is competing for the same few
 24 dollars. He said the Waterstone Development is now moving forward on their residential
 25 components, and there are plans to develop 24 affordable townhomes. He said this is
 26 expected to happen by the summer of 2014. He said this means an increase in the funding he
 27 is requesting, and he will be requesting \$100,000 in subsidy.

28 He said Community Home Trust has 220 homes in their inventory and 15 more under
 29 construction. He said a lot of these are condominiums, and these are starting to see turnover,
 30 which means subsidies are needed. He said this is because the income limits today are less
 31 than those of 2004, while taxes and housing costs have increased.

32 He thanked the Board for their support of affordable housing in Orange County.

33 Commissioner McKee asked if Community Home Trust could collaborate with Habitat for
 34 Humanity and CASA on the project in Waterstone.

35 Robert Dowling said he would look into this.

36 Chair Jacobs asked Tara Fikes if any section 8 housing forms are left here for the
 37 Department of Social Services.

38 Tara Fikes said applications are not currently being accepted because the list is so long.

39 Chair Jacobs asked if this list will be re-visited to see if the residents are still interested.

40 Tara Fikes said this purge is being done now, and this will take about six months.

41
 42 **6. Consent Agenda**
 43 **Removal of Any Items from Consent Agenda**

44
 45 Items 6-k and 6-l were removed for discussion.

46
 47 **Approval of Remaining Consent Agenda**

48
 49 A motion was made by Commissioner McKee, seconded by Commissioner Gordon to
 50 approve the remaining items on the consent agenda.

1
2 VOTE: UNANIMOUS
3

4 **Discussion and Approval of the Items Removed from the Consent Agenda**
5

6 **6-k Authorization of a Deed of Trust by Orange Enterprises, Inc.**

7 The Board considered authorizing Orange Enterprises, Inc. (OE) to obtain a deed of
8 trust in an amount of \$250,000 and authorizing the Chair to sign.

9 John Roberts said OE is requesting a second deed of trust on this property. He said if
10 Orange County grants this authority OE will have additional operating funds. He said the
11 business has a shortage of cash flow.

12 John Roberts said another request came in that was an amendment to the agreement.
13 He said this amendment changes the number in the 2005 contract which states that OE is
14 prohibited from securing deeds of trust in excess of \$715,000. He said tonight's approval would
15 take that total up to \$965,000, and OE is seeking to amend the agreement to allow deeds of
16 trust up to \$1 million.

17 Chair Jacobs asked if John Roberts was comfortable with this.

18 John Roberts said yes.

19 Commissioner Gordon asked for the total worth.

20 John Roberts said it is assessed for \$1,091,519 million dollars. He said this matters to
21 the County because if OE defaults, ownership will default to the County.

22 Commissioner Gordon clarified that the assessed value is \$1,091,519 and OE wants
23 authorization for \$1 million.

24 John Roberts said this is correct.
25

26 A motion was made by Commissioner Price, seconded by Commissioner Rich to
27 authorize Orange Enterprises, Inc. (OE) to obtain a deed of trust in an amount of \$250,000; to
28 accept an amendment to the contract allowing Orange Enterprises, Inc to secure deeds of trust
29 up to \$1 million; and to authorize the Chair to sign.
30

31 VOTE: UNANIMOUS
32

33 **6-l Legal Advertisement for Quarterly Public Hearing – February 24, 2014**

34 The Board considered the legal advertisement for items to be presented at the joint
35 Board of County Commissioners/Planning Board Quarterly Public Hearing scheduled for
36 February 24, 2014.

37 Commissioner Price asked if it is possible to add links to the online application or to add
38 contact numbers for staff.

39 Perdita said there is a statement in the legal advertisement regarding a link to
40 applications available on the County Website, as well as a phone number to call for more
41 information.

42 Commissioner Price said this is after the public information meetings and the
43 advertisement will only run one time.

44 Perdita Holtz said the public information meetings are being included in the legal
45 advertisement. She said this exact same advertisement will run twice, even though the public
46 information meeting will have occurred by the time the February 19th advertisement runs.

47 Commissioner Price asked if the link will take people to the specific agenda item or just
48 to the full agenda.

1 Perdita Holtz said there are other items posted on the Planning Department's website
2 where there are links in the advertisement. She gave examples of this and said there are only
3 about 5 items on the short list.

4 Commissioner Gordon asked if the Board can specify approval of the updated version
5 that includes the changes outlined in the following memo from her:

6
7 Questions and Comments - February 4, 2014 BOCC Meeting Agenda

8
9 ITEM 6-I - LEGAL AD FOR QUARTERLY PUBLIC HEARING

10
11 Changes to Attachment 1 (hearing notice) are proposed to achieve greater clarity and
12 transparency.

13
14 A. Pages 7 & 8 - Hearing item #6 - Agricultural Support Enterprises outside of the Rural Buffer

15
16 Page 7 - Last paragraph on the page - Add clarifying language, as follows:
17 Right before the last sentence, add two sentences giving examples of the proposed uses, so
18 that the last three sentences of the paragraph would now be:

19
20 Examples of the most intensive uses include Agricultural Processing Facility, Farm Equipment
21 Rental/ Sales and Service, Meat Processing Facility, Stockyards/ Livestock Markets, Winery
22 with Major Events (more than 150 people). Examples of the least intensive uses include
23 Community Farmers Market, Cooperative Farm Stand, Rural Special Events (150 people or
24 less), Veterinary Clinic, Winery with Minor Events (150 people or less).

25
26 Page 8 - Public information meeting - Add clarifying language to the title for this section, as
27 follows:

28 PUBLIC INFORMATION MEETING
29 for the Agricultural Support Enterprises proposal

30
31 B. Pages 8 & 9 - Hearing item #7 - Agricultural Support Enterprises within the Rural Buffer

32
33 Page 8 - Last paragraph on the page - Add clarifying language, as follows:
34 Right before the last (partial) sentence, add two sentences giving examples of the proposed
35 uses, so that the last three sentences on the page would now be:

36
37 Examples of the most intensive uses include Agricultural Processing Facility, Farm Equipment
38 Rental/ Sales and Service, Meat Processing Facility, Stockyards/ Livestock Markets, Winery
39 with Major Events (more than 150 people). Examples of the least intensive uses include
40 Community Farmers Market, Cooperative Farm Stand, Rural Special Events (150 people or
41 less), Veterinary Clinic, Winery with Minor Events (150 people or less). Projects in the Rural
42 Buffer must also conform to the Joint Planning Area Land Use

43
44 Page 9 - Public information meeting - Add clarifying language to the title for this section, as
45 follows:

46 PUBLIC INFORMATION MEETING
47 for the Agricultural Support Enterprises proposal

48
49 Chair Jacobs answered yes.

1 Commissioner Gordon said it might address some of Commissioner Price's concern if
2 the legal advertisement told where paper copies could be obtained.

3 Perdita Holtz said this is already included in the advertisement, and she read the
4 paragraph.

5 Commissioner Gordon said it would be helpful to highlight the main items in bold when
6 there are so many items and a lot of text.

7 Perdita Holtz said this can be done on this advertisement too.
8

9 A motion was made by Commissioner Gordon, seconded by Commissioner Pelissier to
10 approve the legal advertisement in attachment 1, with revisions as discussed, and that staff be
11 directed to put in bold the key phrases for items to be presented at the joint Board of County
12 Commissioners/Planning Board Quarterly Public Hearing scheduled for February 24, 2014.
13

14 VOTE: UNANIMOUS
15

16 **a. Minutes**

17 The Board approved the minutes from November 21 and December 2, 2013 as submitted by
18 the Clerk to the Board.

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

20 The Board adopted a resolution, which is incorporated by reference, to release motor vehicle
21 property tax values for twenty-five (25) taxpayers with a total of twenty-five (25) bills that will
22 result in a reduction of revenue in accordance with the NCGS.

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

24 The Board adopted a resolution, which is incorporated by reference, to release property tax
25 values for twenty-one (21) taxpayers with a total of thirty-six (36) bills in accordance with North
26 Carolina General Statute 105-381 that will result in a reduction of revenue.

27 **d. Applications for Property Tax Exemption/Exclusion**

28 The Board approved six (6) untimely applications for exemption/exclusion from ad valorem
29 taxation for eight (8) bills for the 2013 tax year.

30 **e. Advertisement of Tax Liens on Real Property**

31 The Board received a report on the amount of unpaid taxes for the current year that are liens on
32 real property as required by North Carolina General Statute (NCGS) 105-369 and approved a
33 request that March 19, 2014 be set by the Board as the date for the tax lien advertisement.

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

35 The Board authorized the Orange County Arts Commission and staff to apply by the March 3,
36 2014 deadline for annual Designated County Partner (DCP) renewal with the NC Arts Council in
37 order to receive state Grassroots Arts Program funds for Orange County.

38 **g. Application for North Carolina Education Lottery Proceeds for Chapel Hill –**
39 **Carrboro City Schools (CHCCS) and Contingent Approval of Budget Amendment # 4-**
40 **C Related to CHCCS Capital Project Ordinances**

41 The Board approved an application to the North Carolina Department of Public Instruction
42 (NCDPI) to release funds from the NC Education Lottery account related to FY 2013-14 debt
43 service payments for Chapel Hill – Carrboro City Schools, and authorized the Chair to sign and
44 to approve Budget Amendment #4-C (amended School Capital Project Ordinances), contingent
45 on the State's approval of the application.

46 **h. Amending the County Manager's Employment Contract**

47 The Board amended the County Manager's employment contract to allow for a three month
48 extension of employment and a thirty month extension of health insurance coverage.

49 **i. Request for Road Additions to the State Maintained Secondary Road System**

1 The Board made a recommendation to the North Carolina Department of Transportation
2 (NCDOT), and in turn the North Carolina Board of Transportation (NC BOT), concerning a
3 petition to add a total of four (4) subdivision roads in Wyndfall Subdivision to the State
4 Maintained Secondary Road System.

5 **j. Impact Fee Reimbursement Request**

6 The Board approved an impact fee reimbursement request from Habitat for Humanity of
7 Orange County, NC, Inc. for \$114,053 for eleven (11) homes recently constructed in the
8 County.

9
10 **7. Regular Agenda**

11
12 **a. Triangle Transit Update on Implementation of the Orange County Bus and Rail**
13 **Investment Plan**

14 The Board received an update on Triangle Transit's (TT) annual report on the Orange
15 County Bus and Rail Investment Plan (OCBRIP), a preview of Plan updates, and additional
16 revenue from the one-half cent sales tax for transit.

17 Triangle Transit Executive Director David King said the Commissioners are being given
18 the annual report of the Orange County Bus and Rail Investment Plan. He noted that the tax
19 collections began in April; so there was very little financial activity, and Orange County's intake
20 was just under \$1 million. He said a full year's tax collection should equal around \$6 million.

21 He said John Tallmadge has been leading a staff working group, which consists of
22 Orange County staff, as well as folks from Chapel Hill and Carrboro to do all of the detailed
23 work. He said John Tallmadge will review this information, as well as the financial plan
24 assumptions and some of the work that has been done with Orange County and the northern
25 rural areas.

26 John Tallmadge said there is an inter-local implementation agreement between the
27 County Commissioners, Triangle Transit's Board of Trustees and the Metropolitan Planning
28 Organization (MPO) Transportation Advisory Committee. He said one of the provisions is that
29 the plan will be reviewed every 4 years unless someone has a concern prior to that time, in
30 which case the group can convene to review the issue.

31 John Tallmadge said this plan was adopted in 2012, and shortly after this the federal
32 government adopted a new funding law that changed how bus capital funding was to be done.
33 He said the N.C. General Assembly also recently changed how state funding of transportation
34 is done.

35 He said the changes mean that all federal funds for bus projects are done through a
36 formula that funds at a much lower level. He said the 2012 plan assumed that 80 percent of
37 every vehicle purchase would be available in federal grants, with a 10 percent match from the
38 state. He said there is a lot more competition at the state level, and there are different rules
39 now. He said there was concern that waiting for the above assumptions before spending local
40 dollars would result in a long wait, and the promises of the plan would not be delivered.
41 He said for that reason Triangle Transit (TT) decided to revisit those assumptions with their
42 partners. He said the receipts of sales taxes levied last year were higher than the original
43 assumptions in the adopted plan. He said all parties involved were asked to weigh in on
44 whether those assumptions should be adjusted. He said these were the drivers for the process
45 of looking at the plan now, instead of waiting 4 years to do a revision.

46 He referred to a table with three columns shown in the abstract attachment 1(b), labeled
47 Comparison of Draft Financial Model Update Assumptions to Adopted Plans.

48 Chair Jacobs asked if this could be put on the screen for the public to view.

49 John Tallmadge reviewed this sheet. He said TT is expecting less federal and state
50 dollars to provide these services, and this is offset by better tax revenue receipts and the

1 forecast of higher than expected growth of the sales tax throughout the period of this plan. He
2 read through these changes on the chart.

3 He said the federal participation expectation has been dropped from 80 percent to 30
4 percent, and the state assumption has been dropped to 5 percent for vehicles and 8 percent for
5 other projects. He said this provides more local tax dollars from the sales tax and the vehicle
6 registration fees to move forward with projects on the schedule and pace laid out in the plan.
7 He said the other assumptions did not include any changes to the light rail project, the MLK Bus
8 way, or the Hillsborough Train Station.

9 John Tallmadge referred to attachment c - Western Triangle District Annual Cash
10 Balance, and said the balance is still above the floor that was set for annual closing cash
11 balances. He said the other test is the minimum 1.25 debt coverage ratio with reserves. He
12 said this is at 1.52, which means there is a lot of room to examine how much borrowing needs
13 to happen to get this number closer to 1.25.

14 Commissioner Gordon asked about the calibration of the model and the exponential
15 growth in the cash balance. She asked if this is necessary for debt capacity.

16 John Tallmadge said the growth rate of the sales tax dollars is a fixed percentage of the
17 3.6 percent, but this is also combined with Durham, which has a higher growth rate. He said
18 this shows that the costs go down while revenues are still growing, so this builds capacity to do
19 other projects. He said this is out in 2028, after the construction period.

20 John Tallmadge said there is a more detailed table in attachment 1-d – Updated 5-Year
21 Bus Revenue Forecast Compared to Adopted Plan. He said this shows that TT can still deliver
22 the service at the same pace as promised in the plan, and there is more local revenue for bus
23 capital than in the past. He read through the numbers in that chart.

24 Chair Jacobs noted that one chart listed fiscal year and one listed calendar year.

25 John Tallmadge said this was a transition that had to be made from the adopted plan.
26 He said a comparison can be made by looking at the average of those two values. He said
27 everything will go to fiscal year in the future.

28 John Tallmadge referred to Attachments 1-e and 1-f, which list all of Orange County
29 plan's revenues. He said this comparison shows the tradeoff between lower grant dollars and
30 higher sales tax values. He said this is offset with more borrowing.

31 Commissioner Gordon said the revenues include the half cent sales tax and the new
32 projected revenue of \$223 million. She asked if it is possible to provide more bus hours,
33 instead of just offsetting the lost bus capital revenue. She said the County was concerned with
34 getting more bus service hours.

35 John Tallmadge said at one level there is a link between the capital and the operating, in
36 that the capital is buying the buses. He said there would be some flexibility if Orange County,
37 Chapel Hill or TT saw an opportunity to move money from the capital side to the operating side.
38 He said this will be discussed and considered within the working group.

39 Commissioner Gordon asked if it is possible for him to tell the Board what the additional
40 sales tax dollars will be used for.

41 John Tallmadge said this is being used to replace the lost grant funds (both state and
42 federal). He said the first priority is to make the plan whole so that promises can be delivered.
43

44 John Tallmadge said the process involves a discussion at the staff level, and last week
45 a decision was made to move this to the manager for consideration. He said it is also
46 necessary to review and revise the text of the plan to incorporate the changed assumptions.
47 He said this would then come to all of the involved boards in the April/May timeframe. He said,
48 in the meantime, these revised assumptions are being used for fiscal year 2015 to tell all of the
49 partners how much money will be available in the upcoming year.

1 Commissioner McKee said he is assuming the reduction at the state and federal levels
2 was not expected.

3 John Tallmadge said that is correct.

4 Commissioner McKee said what makes him uneasy is that the projected growth rate in
5 sales tax revenue has increased by almost 25 percent. He asked how he can feel confident
6 that this is concrete when past projections on federal and state percentage have been thrown
7 out the window with massive reductions.

8 John Tallmadge said there are different forces acting on these current assumptions. He
9 said one is political policy and the other is economic. He said when the assumptions were
10 being worked on in 2011, it was during a deep recession, and there had been negative returns
11 in sales tax. He said this meant it was a very conservative budgeting time. He said the values
12 then still recognized that the longer term growth rate would be different than the first couple of
13 years. He said this new growth rate is consistent with long term growth rates in Orange County
14 in the last decades. He said more time can be spent on the analysis when this is brought to the
15 Board for a decision.

16 Michael Talbert said he would second what John Tallmadge said. He said these original
17 estimates were done coming out of the great recession. He said Clarence Grier has reviewed
18 these, and he feels these numbers are very realistic. He referred to the yellow sheet, and said
19 the revenue estimates are increasing by more than 5 percent, which should provide an
20 opportunity for the Board to approve a change in the plan.

21 Michael Talbert referred to attachment 1-e and 1-f and noted that the grand totals after
22 2035 increase by \$100 million. He said a large percentage of that increase is the removal of
23 federal and state money and the issuing of bonds. He said there is an issuance of \$126 million
24 in bonds and debt in 2012 that was not part of the original plan. He said much of the gap is
25 being filled with bonds.

26 Commissioner Price asked how the projected growth rate of the sales tax translates with
27 regard to the buses and hours for the Hillsborough and northern Orange bus routes and park
28 and ride. She asked for clarification on whether the earlier discussion was about buses on I-85
29 or Highway 70.

30 David King said he specifically said the I-85 corridor, but Highway 70 is also included.

31 Commissioner Price asked how this change in the funding formula affects the timeline
32 for getting buses in the northern part of the County.

33 John Tallmadge said the goal was for the financial plan not to be the driver. He said the
34 dollars will be there. He said this will depend on when the planning is done, when the park and
35 ride lots are leased or built, and when the vehicles are available for the service. He is hopeful
36 that this can start at the end of this calendar year.

37 Commissioner Price noted a reference to DR Commuter Rail, and she asked for an
38 explanation of this.

39 John Tallmadge said this is the Durham Raleigh Commuter Rail, and this is part of the
40 Durham plan.

41
42 Commissioner McKee referred to the operating costs per revenue hour listed on page 6.
43 He asked if Triangle Transit's cost increase of 11 percent is projected to be a continuous
44 increase at this rate, or if it is an anomaly.

45 John Tallmadge said an adjustment was made to the fiscal year 2013 actual values and
46 everyone is then inflated on a 3.1 percent rate. He said this is a recalibration and then in the
47 model, each future year grows 3.1 percent. He said these values are used to generate how
48 much service will cost, and then this backfills once a determination is made of how much local
49 money is needed to provide service. He said the set split agreement between Chapel Hill, TT,
50 OPT and Orange County means there is no advantage to an agency inflating its cost per hour.

1 Commissioner McKee said his concern centers on whether the available pot of money
 2 remains steady. He said if it does an increase in the per-hour cost will reduce the number of
 3 hours available. He is concerned that this will require an ever increasing amount of money to
 4 fund that continuous level of bus hours at an increasing rate per hour. He wonders if the
 5 available pot of money for buses will remain the same or increase at the same level of cost. He
 6 is concerned with maintaining the original number of bus hours proposed in the plan.

7 John Tallmadge said that is what is still affordable in the model. He said the growth in
 8 revenues is shown to keep up with the growth in cost.

9 Commissioner Pelissier said, as she understands it, there is also money in reserve that
 10 can be used in the event of a dip in revenues in one year. She said this prevents services from
 11 being cut.

12 John Tallmadge said that is one of the purposes of the reserve. He said the other
 13 reality is that if there is an abnormal situation all parties will get together to decide how to
 14 handle the situation.

15
 16 John Tallmadge reviewed the following PowerPoint slides:

17
 18 **What is the Central and Rural Orange County Bus Service Expansion Program?**

- 19 Joint five-year program between Orange County and Triangle Transit
 20 Year-by-year list of bus operating and capital projects for services provided by Orange
 21 County (OPT) and Triangle Transit to areas outside of Chapel Hill/Carrboro
 22 Bus program will be referenced in updated Orange County Transit Plan (Spring 2014)
 23

24 **Public Involvement**

- 25 Held four joint County/TTA public outreach meetings in Hillsborough, Cedar Grove, Efland,
 26 and Mebane
 27 83 attendees total
 28 Received 230 surveys at public meetings, on-board buses, and online
 29 Conducted survey of Duke employees who live in Orange/Alamance Counties
 30 Met with various stakeholders:
 31 OUTBoard
 32 Department on Aging
 33 Department of Social Services
 34

35 **Bus Services and Projects**

- 36 Continued funding of Hillsborough Circulator
 37 New OPT services and bus stop improvements
 38 New Triangle Transit service connecting western Orange County, Hillsborough and Durham
 39 Narrowing short and long term options for a Park-and-Ride facility along US-70 in
 40 Hillsborough
 41 Still determining potential stop location(s) in western Orange County/eastern Alamance
 42 County
 43 Potential funding/service coordination opportunities with PART and Burlington-Graham MPO
 44

45 **Timeline**

- 46 *February:* Completion of draft Five-Year Bus Service Expansion Program
 47 *March:* Presentation of draft Program to BOCC, TTA Board, and Hillsborough Town Council
 48 *April:* Requested approval or endorsement of final Program by BOCC and TTA Board
 49 *Fall 2014:* Earliest implementation of services
 50

1 Commissioner McKee asked if John Tallmadge could identify the potential locations of
2 park and ride sites in western Orange County. He wants to make sure that the park and ride
3 lots are located where it is convenient for the residents who will access the service.

4 John Tallmadge said locations are being considered in the vicinity of central to eastern
5 Mebane, Efland and Buckhorn.

6 Commissioner Gordon asked about the draft 5 year bus service expansion plan. She
7 asked how this relates to what is called for in the implementation agreement.

8 John Tallmadge said the plan now creates an envelope of how many hours or dollars
9 are available to implement service, and it describes it as expanding rural access to job centers
10 or activities. He said this describes a commuter connection from Mebane to Hillsborough to
11 Durham. He said this refines that and then puts it into specific services to be delivered on a
12 specific timeline.

13 Commissioner Gordon said the revenues have changed, and the plan is being reviewed
14 and revised. She wants to know when this will be done.

15 John Tallmadge said things should be aligned so that information is being brought at the
16 same time.

17 Commissioner Gordon said it would be helpful to look at the original bus and rail
18 investment program and then look at how the numbers have changed in the amended plan.
19 She said it would be better to have a comparison with the actual numbers in the same format.

20 John Tallmadge said he will try to do this.

21 Commissioner Price asked if Durham Tech is being considered in the plan.

22 John Tallmadge said he received an email today asking about the possibility of more
23 mid-day service connecting the campus and the new medical clinic to Chapel Hill. He said this
24 is part of what will be considered in the program of services.

25 Commissioner Rich thanked John Tallmadge for this update. She is excited to move
26 forward with this project.

27 Chair Jacobs said there had been some discussion about the Graham park and ride lot.
28 He said there is no local funding and only one route to UNC and Duke. He said public
29 transportation is needed in this area. He asked if the option of anchoring the Highway 70 route
30 in Graham is still an option.

31 John Tallmadge said there are some concerns about the Graham location, but there are
32 other options being considered with PART in that area.

33 Chair Jacobs referred to Commissioner Price's earlier question, and he said there was
34 no UNC Hospital at Waterstone when these conversations started. He mentioned the issue of
35 transportation options for students from Chapel Hill and Carrboro who are taking Middle College
36 classes at Durham Tech in Durham. He said there will be a huge change in the commuter
37 patterns between Hillsborough and Chapel Hill when and if Carolina North takes place. He said
38 these things will change the plan even more. He said there is really no way to make
39 predictions, and he thanked everyone involved for keeping things on track.

40 David King said financial projections make him queasy, and that is why there is an
41 implementation agreement. He said everyone is discovering how to do this, because this has
42 never been done in North Carolina before. He said the group budgets one year at a time and
43 corrections can be made as things move forward. He said this is a self correcting dynamic
44 process, and the early results are quite good. He said changes will always come back to the
45 various entities to review and approve.

46 He introduced several staff and committee members. He said the hourly cost for bus
47 service was down from \$107 to \$103.

48 David King said, with regard to the train station in Hillsborough, the town owns the
49 property, and it is the right property in the right place. He said the Town of Hillsborough funded
50 an environmental process to lock down any environmental issues. He said up to \$150,000 has

1 been pledged out of Orange County money. He said a capacity study must be completed in
2 order to get started, and this began about a month ago. He said once this is done later this
3 year there will be a clear picture of how many tracks will go past that point and where they will
4 go. He said this will then define where to put the platform and the station. He said the
5 competitor for federal and state money for this project is Lexington. He said \$8 million has
6 been budgeted for the Hillsborough project, and 10 percent or \$800,000 of that is from Orange
7 County's funding. He said Lexington's project is much higher, which provides an advantage to
8 Hillsborough. He said it will be possible to have a functional train station at half that cost, with a
9 modular unit and less landscaping. He said there are ways to get this project done, and TT will
10 keep the Board posted. He said the MPO (Metropolitan Planning Organization) has this as part
11 of their ranking at the state level and that comes out in early summer.

12 David King said there is a new program called Tiger that contains over \$600 million in
13 funds. He said funding could be requested from this program for the Hillsborough station if
14 preparation and planning can be completed.

15 David King said work is also being done on the Durham Light Rail project. He said a
16 request to enter project development was submitted in December. He said once a submission
17 is allowed in the Start process, the environmental process must be completed within a 24
18 month window. He said TT hopes to hear about this within the next 10 days.

19 Commissioner Gordon asked if the application and letter could be made available to
20 Orange County.

21 David King said yes, this is public information.

22 Commissioner Gordon asked if there could be an emphasis on bus hours for the transit
23 dependent population as the plan is modified. She thanked Triangle Transit for presenting
24 tonight and for bringing staff that have worked on this project.

25 David King said the staff working group is functioning smoothly.

26 He said one of the issues that needed fixing was the \$3.00 vehicle registration fee. He
27 said Commissioner Gordon and Commissioner Pelissier joined with others on the Special Tax
28 Board last week to work on this. He said the intent is that their board will be able to levy this tax
29 in both Durham and Orange County starting in March. He said there will be a public hearing in
30 February. He said Wake County has not moved forward, so authority was requested and
31 gained from the legislature to levy the tax in the other two counties.

32 Commissioner Pelissier said in the future it would be good to hear about the
33 implementation of some of the other bus services from Chapel Hill Transit.

34 Commissioner Pelissier said she would also like a report on what is happening on MLK.

35 Patrick McDonough said he participates on the steering committee for the MLK
36 alternatives analysis. He said a consulting firm was selected in the summer. He said Chapel
37 Hill was also looking at an ongoing fiscal capacity exercise for Chapel Hill Transit, due to the
38 age of their fleet. He said the goal was to start the MLK work in November, but this has been
39 postponed into 2014, and the exact date is not known. He said work will begin as soon as
40 Chapel Hill Transit is ready to move.

41 Commissioner McKee expressed thanks for the updated plan and the prioritization of
42 providing geographical equity. He said this is important to him, as someone who lives in the
43 northern rural part of the County. He said there was an announcement yesterday about a major
44 redevelopment project in Research Triangle Park. He read a statement regarding this and said
45 this may be a factor moving forward.

46 David King said the Research Triangle Foundation is creating a master plan for the next
47 50 years. He said this includes 3 mixed use development zones, and 2 of these are at
48 commuter rail stations. He said the Durham/Raleigh/Garner commuter rail system is part of the
49 regional plan, but it is not part of the Orange County plan. He said the point that was made in

1 the RTP announcement was that the RTP master plan requires rail service in order to be
2 successful.

3
4 **PUBLIC COMMENT:**

5 Alex Castro is a resident of Bingham Township and he said he had an answer to
6 Commissioner McKee's question. He said he has page 24 of the RTP master plan, which
7 covers the two proposed commuter rail stops and shows an internal light rail that would run
8 through the development.

9 Chair Jacobs said having a comprehensive report on the entire bus plan would be good.
10 He said it is important to refer to the corridor as I-85/Highway 70, instead of just 1-85 to avoid
11 causing concern on an issue that is important to the Board. He said a partnership is being built,
12 and it is good to see that progress is being made.

13
14 **b. Scheduling Public Hearings – Proposed Unincorporated County Recycling**
15 **Service District**

16 The Board considered dates and locations for two public hearings on the proposed
17 Recycling Service District for unincorporated Orange County and provided a summary of
18 possible financing alternatives for rural area recycling.

19 Gayle Wilson said this is a follow up to the January 23 meeting. He said the Board of
20 County Commissioners asked for more information on the four recycling options:

21 He referred to the proposed district map on the screen, and listed the following four
22 options:

- 23 • Tax district
- 24 • Subscription service- opt in or opt out – covers same area as the service district
- 25 • Rely exclusively on a network of existing and new Solid Waste Convenience Centers
- 26 • Fund rural recycling through the general fund (district, or combined urban and rural)

27
28 Gayle Wilson said the proposed tax district statutorily requires a public hearing and the
29 proposed dates are:

- 30 - March 18th at 6pm at Southern Human Services Center in Chapel Hill
- 31 - April 1- at DSS in Hillsborough starting at 6pm

32
33 Gayle Wilson said it was suggested to him by a resident that the mailing should include
34 a simpler single color map.

35 Michael Talbert said he would like for the Board to consider limiting the options to have
36 at these public hearings. He said these options have been discussed many times before, and a
37 couple of them are unrealistic. He said funding through the general fund is an insult to the town
38 partners. He said it is not fair for town residents to assist in paying for rural curbside.

39 He said the other idea that he feels could come off would be the idea of moving forward
40 with just convenience centers and eliminating curbside recycling. He said this would harm the
41 County's goal of moving toward 61 percent.

42 He said this would leave the tax district and the subscription service as the two options.
43 He noted that the subscription service was also discussed in detail in December, and the Board
44 decided not to go that route. He said a public hearing with four options would be difficult for the
45 Board and the citizens. He said he would like to bring closure to this discussion and move
46 forward to the public hearings.

47 Michael Talbert said these meetings would begin an hour early. He said this needs to
48 move toward a decision by April 15 in order to move toward implementation July 1.

1 Chair Jacobs said he and Michael Talbert have discussed this, and both of them feel
2 that in an effort to be accommodating, options were included that the Board of County
3 Commissioners has already rejected (the general fund and eliminating rural recycling).

4 He said there will be two public hearings. He encouraged the public and the Board of
5 County Commissioners to send factual questions to the manager ahead of time. He said this
6 will come back at the February 18th meeting, so that these questions and factual responses can
7 be shared with the Board and the public in a consolidated fashion.

8
9 A motion was made by Commissioner McKee, seconded by Commissioner Price to
10 remove the following two options from consideration:

11
12 *- Item #1. Eliminate Rural Curbside Recycling Services and rely on convenience centers for*
13 *all rural recycling; and*

14
15 *- Item #4: General Fund Support for:*

16 *a. Rural Curbside Recycling for the 13,700 existing customers.*

17 *b. Existing Urban, Rural Curbside, and Multifamily Recycling. Programs*

18
19 Commissioner Gordon asked if this should be done before the Board has heard the
20 public comments.

21 Michael Talbert said this has already been done at prior meetings, but public comment
22 can be heard before making a formal vote.

23 Chair Jacobs agreed with Michael Talbert.

24 Commissioner Rich said she recalled that when the Board discussed the public hearing
25 there was a heading of only one option, and that was the tax service district. She said all
26 comments on other options would still be welcome, but she feels that the public hearings should
27 be only on the one item the Board had voted on.

28 Commissioner McKee said he would prefer to keep his motion as is.

29 Commissioner Pelissier suggested calling the question.

30 Commissioner Gordon said her friendly amendment would be to state that this is
31 because the Board of County Commissioners has already rejected these options

32 Commissioner McKee agreed to this amendment.

33 Commissioner Price agreed to this amendment.

34
35 **PUBLIC COMMENT:**

36
37 Bonnie Hauser said at the Assembly of Government meeting, the towns were clear that
38 they were looking at a five year projection on fees and there was an indication that there would
39 be pressure on the County's cost. She said Chair Jacobs assured the towns that the County
40 would work with them. She said those negotiations have not occurred, and she asked if it is
41 possible that the towns will now put pressure on the County to provide this service at a higher
42 fee. She asked how the County would subsidize the service if this happens.

43 Chair Jacobs said there is an agenda item coming up soon on this issue.

44 Gayle Wilson said the cost for service for the urban programs is a separate cost center
45 from the rural curbside program. He said these are not subsidizing each other. He said, with
46 the 3-r fees, the solid waste department was instructed to keep very meticulous accounting of
47 those expenditures and those funds. He said those fees are set independently and have
48 nothing to do with each other. He cannot imagine that this would ever happen in the future.

49 He said the Town of Chapel Hill has asked for a five year price guarantee, and this is
50 being worked on. He said those numbers will include full funding for those services.

1 Michael Talbert said the County is working with all three towns to move this issue
2 forward.

3
4 VOTE: 6-0

5
6 Chair Jacobs said what was decided in December was to move forward with a public
7 hearing to place before the public the option of having a service tax district to pay for rural
8 curbside recycling. He said, in that public hearing process, the Board can hear comments on
9 the option of opt in/opt out. He said if the Board is being consistent with the motion made in
10 December, then this is simply a reaffirmation of their previous decision to move forward.

11
12 A motion was made by Commissioner Rich, seconded by Commissioner Pelissier to
13 move forward with the intent to create a service tax district for roadside recycling.

14
15 Commissioner Pelissier said she agrees with Commissioner Rich, but this does not
16 preclude the public from making any comments that they wish to make. She said there is a big
17 difference between providing information and having a public hearing that is focused on a
18 particular proposal.

19 Commissioner Gordon asked how this affects what the Board does tonight. She
20 referred to the notice on page 10 which talks about the hearing being on the creation of a solid
21 waste service district. She noted that the public can bring up other options. She asked if the
22 next to last paragraph on page 9 in the draft letter should be eliminated if this motion is passed.

23 Commissioner Rich said yes.

24 Commissioner McKee said most of the points made are correct. He said the last
25 meeting effectively supplanted the December motion with another motion stating that a public
26 hearing would be held to present all options. He said he again objects to the use of the word
27 intent, as it conveys a pre-conceived outcome prior to the public hearing. He thinks that the
28 public input received so far makes it fair to put both options in the public hearing.

29 Commissioner Gordon said she thinks there should be one motion handling the
30 substance and another motion handling the details. She asked to hear the motion again.

31 Chair Jacobs repeated the motion to move forward with the intent to create a service tax
32 district for roadside recycling and take it to public hearing.

33 Commissioner Rich asked if there was a vote at the last meeting to bring all four
34 options. She thought this was just a direction, but not a vote. She would like to go back to the
35 original motion in December. She said that is what her motion is for.

36 Michael Talbert said the four options were read off by Gayle Wilson at the end of his
37 presentation. He said there was no motion or vote, only an agreement that these items should
38 be considered. He said a motion to move forward with intent was made, voted on, and
39 approved. He said the process to establish a service district includes a public hearing. He said
40 if the Board wants to hold additional public hearings on other options, these would be
41 advertised in a separate fashion and a separate process. He said the other options can be
42 done with 10 days notice, like a normal public hearing.

43 Chair Jacobs clarified that the Board can still consider other options if the
44 Commissioners decide to do something different in April, based on the public hearings,

45 Commissioner Price read the unofficial summary regarding the recommendation. She
46 said she is concerned about this, because 98 percent of the people she has heard from are
47 against this tax district.

48 Commissioner Gordon asked if a decision to do an opt-out subscription service could
49 not be a result of the public hearing. She asked if this would require another public hearing.

50 Michael Talbert said there are separate processes for a service district. He said there

1 could be a separate advertisement to add a second item for consideration, and these public
2 hearings could be held concurrently.

3 John Roberts said there is no legal requirement for a public hearing for a subscription
4 service.

5 Commissioner Gordon clarified that if the Board chooses to move forward with public
6 hearings on the intent to create a tax service district, others can come and comment as they
7 want on any option, and then the Board can vote on any of these options on April 15th.

8 Michael Talbert said yes.

9 Commissioner Gordon said she just wants to make sure there is time to do other
10 options. She wants to make sure the public can come forward to make comments on all
11 viewpoints.

12 Commissioner Rich said the Board has not really heard from the public yet, only a few
13 members of the public. She called the question.

14
15 VOTE: Ayes, 4 (Chair Jacobs, Commissioner Rich, Commissioner Pelissier, and Commissioner
16 Gordon); Nays, 2 (Commissioner Price and Commissioner McKee)

17
18 Commissioner Gordon said it is okay with her to start the meetings at 6:00 p.m.;
19 however she would like a backup plan in case this hearing goes so long that it interferes with
20 the regular meeting.

21 Chair Jacobs said that was the pleasure of the majority of the Board and the backup
22 plan will be discussed.

23
24 A motion was made by Commissioner Pelissier seconded by Commissioner Rich to hold
25 the following two public hearings:

26
27 **Public Hearing #1**

28 Date: **March 18, 2014**

29 Time: **6:00 PM**

30 Location: **Southern Human Services**
31 **Center, Chapel Hill**

26
27 **Public Hearing #2**

28 Date: **April 1, 2014**

29 Time: **6:00PM**

30 Location: **OC Department of Social**
31 **Services, Hillsborough**

32
33 Commissioner McKee said he feels that a decision has already been made. He said the
34 motion was the intent to create a service district. He said residents can come to talk about
35 other options, but the Board just walked past another very viable option to have included in the
36 public hearing.

37 Commissioner Pelissier said they went astray at the last meeting when she asked for
38 some background information about the various options in a public hearing about a service
39 district. She said a decision has not been made yet.

40 Chair Jacobs said staff understands that the Board wants to be as open as possible and
41 there are other options that will be brought to the table. He said he wants to consider what he
42 has heard from the public, and he still has an open mind about both options.

43 Commissioner Gordon said she has not made up her mind.

44 Chair Jacobs encouraged the Board to submit any factual questions to the manager.

45
46 VOTE: UNANIMOUS

47
48 **PUBLIC COMMENT:**

49 Don O'Leary said he suggests that there be law enforcement at these public hearings.

1 Bonnie Hauser said the public has spoken out clearly on this item. She does not believe
 2 the public is interested in spending this much time on a topic that is so obvious to them.
 3

4 **8. Reports - NONE**

5
 6 **9. County Manager’s Report**

7 Michael Talbert said the Clerk will pass out information related to a process that he just
 8 became aware of regarding Guidelines for Commissioner Requests For Information from
 9 County Staff, which was adopted by the Board in 2002. He said this is for information only, and
 10 it could be added to a future work session if the Board would like to discuss it in more detail.

11 Chair Jacobs said he had asked the Clerk to include this process in the Board’s
 12 Procedure Book.

13 Donna Baker said this will be included at the very end of the Procedure Book.
 14

15 **10. County Attorney’s Report**

16
 17 NONE
 18

19 **11. Appointments**

20 **a. Advisory Board on Aging – Appointment**

21 The Board considered making an appointment to the Advisory Board on Aging.
 22

23 A motion was made by Commissioner Gordon, seconded by Commissioner Price to
 24 appoint Ms. Margaret Cohn to a first full term in the At-Large Position to the Advisory Board on
 25 Aging, with an expiration date of 6/30/2016.
 26

27 VOTE: UNANIMOUS
 28

29 **b. Arts Commission – Appointment**

30 The Board considered making an appointment to the Arts Commission.
 31

32 A motion was made by Commissioner Gordon seconded by Commissioner Price to
 33 appoint Natalie Ziemba to a first partial term in the At-Large position, with an expiration date of
 34 3/33/2014.
 35

36 VOTE: UNANIMOUS
 37

38 **c. Nursing Home Community Advisory Committee – Appointments**

39 The Board considered making appointments to the Nursing Home Community Advisory
 40 Committee.
 41

42 A motion was made by Commissioner Gordon, seconded by Commissioner Rich to
 43 appoint the following to the Nursing Home Community Advisory Committee:
 44

POSITION NO.	NAME	SPECIAL REPRESENTATIVE	EXPIRATION DATE
5	Ms. Sandra Jones	At-Large – Training	01/23/15
7	Ms. Sandra Lemons	At-Large – Training	01/23/15
11	Dr. Joanne Wilson	At-Large – Training	01/23/15

1 VOTE: UNANIMOUS

2
3 **12. Board Comments**

4
5 Commissioner Rich said last night she went to the Restaurant Association Awards,
6 which was held in Durham. She said it was very enjoyable and the board of directors from the
7 Visitors Bureau was well represented. She said one statistic was that there would be 83,000
8 new restaurant jobs in the next 10 years, and she found this pretty amazing.

9 Commissioner Pelissier said the legislative goals committee of the North Carolina
10 Association of County Commissioners (NCACC) met and narrowed down the priorities already
11 identified. She said the number one priority for this legislative session is to reinstate the lottery
12 funds for school construction.

13 She said the environmental steering committee met 2 weeks ago and received a
14 presentation from the Division of Water Infrastructure. She said there was a lot of talk about
15 the master plan for infrastructure needs for water and sewer.

16 Commissioner Pelissier said the ridership on Triangle Transit went up 11 percent from
17 December 2012 to December 2013.

18 Commissioner Pelissier said Project Engage is a project of the Advisory Board on Aging
19 and the goal is to develop a network of informed and engaged citizens. She said the goal is to
20 train these citizens to provide support to communities around the County, especially those with
21 low resources. She requested that the Board receive a report and provide some recognition for
22 this project.

23 Commissioner McKee said the 4-h event has been re-scheduled for February 6, from 6-
24 8 pm.

25 Commissioner Gordon – none

26 Commissioner Price attended the Board of Elections Board meeting today. She said the
27 board is still looking at sites on campus, and suggestions are still being accepted for sites near
28 or on campus. She said the library is also being considered, and the area between
29 Hillsborough and Efland. She said there were thoughts of northern Orange County, but Wi-Fi is
30 a concern. She said the goal is to find sites that could be permanent. She asked
31 Commissioner McKee for suggestions for northern sites. She said the board will make
32 decisions on March 4th for submission to the state on March 14th. She said there is funding
33 available for 4 sites.

34 Chair Jacobs said the Board has a meeting on March 11th if the BOE needs the
35 Commissioners to discuss other resources at that point.

36 Chair Jacobs said the majority of the Board attended the Chapel Hill Chamber of
37 Commerce annual event. He said this was a nice event with good recognition.

38 Chair Jacobs said there had been a school collaboration meeting that dealt with some
39 items that had been simmering. He said there was a report on charter schools.

40 Chair Jacobs said if people want to register for the Agricultural Summit on February 25th,
41 they should call cooperative extension.

42
43 **13. Information Items**

- 44 • January 23, 2014 BOCC Meeting Follow-up Actions List
45 • Tax Collector's Report – Numerical Analysis
46 • BOCC Follow-up Regarding Commercial Disposal at Convenience Centers

47
48 **14. Closed Session**

49 A motion was made by Commissioner McKee, seconded by Commissioner Rich to go
50 into closed session at 10:08 pm for the purpose below:

1
2 “To discuss matters related to the location or expansion of industries or other businesses in the
3 area served by the public body, including agreement on a tentative list of economic
4 development incentives that may be offered by the public body in negotiations,” NCGS § 143-
5 318.11(a)(4);

6
7 And

8
9 N.C.G.S. 143-318.11(a)(5)] : “To establish or instruct the staff or agent concerning the
10 negotiation of the price and terms of a contract concerning the acquisition of real property.”

11
12 **RECONVENE INTO REGULAR SESSION**

13 A motion was made by Commissioner Gordon, seconded by Commissioner Rich to
14 reconvene into regular session at 10:44 pm.

15
16 VOTE: UNANIMOUS

17
18 **15. ADJOURNMENT**

19 A motion was made by Commissioner Price, seconded by Commissioner Gordon to
20 adjourn the meeting at 10:44 pm.

21
22 VOTE: UNANIMOUS

23
24
25 Barry Jacobs, Chair

26
27
28 Donna S. Baker, CMC
29 Clerk to the Board

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: April 1, 2014

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

SUBJECT: Motor Vehicle Property Tax Releases/Refunds

DEPARTMENT: Tax Administration

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

Resolution
Releases/Refunds Data Spreadsheet
Reason for Adjustment Summary

INFORMATION CONTACT:

Dwane Brinson, Tax Administrator,
919-245-2726

PURPOSE: To consider adoption of a resolution to release motor vehicle property tax values for thirty-four (34) taxpayers with a total of thirty-six (36) bills that will result in a reduction of revenue.

BACKGROUND: North Carolina General Statute (NCGS) 105-381(a)(1) allows a taxpayer to assert a valid defense to the enforcement of the collection of a tax assessed upon his/her property under three sets of circumstances:

- (a) "a tax imposed through clerical error", for example when there is an actual error in mathematical calculation;
- (b) "an illegal tax", such as when the vehicle should have been billed in another county, an incorrect name was used, or an incorrect rate code (the wrong combination of applicable county, municipal, fire district, etc. tax rates) was used;
- (c) "a tax levied for an illegal purpose", which would involve charging a tax which was later deemed to be impermissible under state law.

NCGS 105-381(b), "Action of Governing Body" provides that "Upon receiving a taxpayer's written statement of defense and request for release or refund, the governing body of the taxing unit shall within 90 days after receipt of such a request determine whether the taxpayer has a valid defense to the tax imposed or any part thereof and shall either release or refund that portion of the amount that is determined to be in excess of the correct liability or notify the taxpayer in writing that no release or refund will be made".

For classified motor vehicles, NCGS 105-330.2(b) allows for a full or partial refund when a tax has been paid and a pending appeal for valuation reduction due to excessive mileage, vehicle damage, etc. is decided in the owner's favor.

FINANCIAL IMPACT: Approval of these release/refund requests will result in a net reduction of \$4,349.36 to Orange County, the towns, and school and fire districts. Financial impact year to date for FY 2013-2014 is \$71,053.77.

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

- Accept the report reflecting the motor vehicle property tax releases/refunds requested in accordance with the NCGS; and
- Approve the attached release/refund resolution.

NORTH CAROLINA

RES-2014-016

ORANGE COUNTY

REFUND/RELEASE RESOLUTION (Approval)

Whereas, North Carolina General Statutes 105-381 and/or 330.2(b) allows for the refund and/or release of taxes when the Board of County Commissioners determines that a taxpayer applying for the release/refund has a valid defense to the tax imposed; and

Whereas, the properties listed in each of the attached "Request for Property Tax Refund/Release" has been taxed and the tax has not been collected: and

Whereas, as to each of the properties listed in the Request for Property Tax Refund/Release, the taxpayer has timely applied in writing for a refund or release of the tax imposed and has presented a valid defense to the tax imposed as indicated on the Request for Property Tax Refund/Release.

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY THAT the recommended property tax refund(s) and release(s) are approved.

Upon motion duly made and seconded, the foregoing resolution was passed by the following votes:

Ayes: Commissioners _____

Noes: _____

I, Donna Baker, Clerk to the Board of Commissioners for the County of Orange, North Carolina, DO HEREBY CERTIFY that the foregoing has been carefully copied from the recorded minutes of the Board of Commissioners for said County at a regular meeting of said Board held on _____, said record having been made in the Minute Book of the minutes of said Board, and is a true copy of so much of said proceedings of said Board as relates in any way to the passage of the resolution described in said proceedings.

WITNESS my hand and the corporate seal of said County, this _____ day of _____, 2014.

Clerk to the Board of Commissioners

Clerical error G.S. 105-381(a)(1)(a)
 Illegal tax G.S. 105-381(a)(1)(b)
 Appraisal appeal G.S. 105-330.2(b)

BOCC REPORT - REGISTERED MOTOR VEHICLES APRIL 1, 2014

NAME	ABSTRACT	BILLING	ORIGINAL	ADJUSTED	FINANCIAL	REASON FOR ADJUSTMENT
Barnhill, William Terry	1025471	2012	2,570	0	(77.30)	Changed county to Pender (Illegal tax)
Barnhill, William Terry	1032139	2013	2,670	0	(78.16)	Changed county to Pender (Illegal tax)
Baxter, Deandre	19329784	2013	8,995	8,995	(30.60)	Situs error (Illegal tax)
Bayless, Tony Bron	10762999	2013	3,540	3,540	(25.63)	Situs error (Illegal tax)
Burke, Jacqueline	19485548	2013	8,080	8,080	(92.40)	Situs error (Illegal tax)
Bury, Michael David	1040549	2013	12,730	0	(254.89)	Changed county to Durham (Illegal tax)
Carrington, Stacey	1035142	2013	1,674	0	(16.64)	Changed county to Durham (Illegal tax)
Craft, Gerald	1029656	2013	2,480	0	(71.26)	Changed county to Chatham (Illegal tax)
Crecelius, Gary Lee	1047950	2013	24,570	0	(443.54)	Changed county to Chatham (Illegal tax)
Dao, Hong Van Thi	10666675	2013	10,960	10,960	(32.91)	Situs error (Illegal tax)
Dawkins, Ricardo	1049437	2013	9,660	0	(95.95)	Changed county to Caswell (Illegal tax)
Dehart, Gary	19335089	2013	14,200	500	(127.63)	Antique auto plate (Appraisal appeal)
Elkins, Steven	19606882	2013	5,500	5,500	(69.04)	Situs error (Illegal tax)
Hamilton, James	5804617	2013	15,450	15,450	(274.17)	Bill released-Sold vehicle 24 hours after plate renewal (Illegal tax)
Hedrick, Nancy	9460607	2013	2,140	2,140	(46.20)	Situs error (Illegal tax)
Jackson, Christina	1049149	2013	6,190	0	(137.07)	Changed county to Franklin (Illegal tax)
Kennison, Douglas Howard	19646983	2013	23,900	500	(219.47)	Antique auto plate (Appraisal appeal)
Keogh, Renee	10729101	2013	9,590	8,439	(18.18)	High mileage adjustment (Appraisal appeal)
Leblanc, Kristen	1028000	2012	10,790	0	(194.20)	Changed county to Alamance (Illegal tax)
Mcbroom, Jerry	19538404	2013	800	800	(35.80)	Situs error (Illegal tax)
Mcghee, Judith	10759378	2013	8,940	8,940	(94.74)	Situs error (Illegal tax)
Orange County ABC Board	19464001	2013	2,500	0	(71.40)	Tax exempt (Illegal tax)
Orange County ABC Board	19459996	2013	21,300	0	(382.68)	Tax exempt (Illegal tax)
Pherribo, Valinda	19613399	2013	7,470	7,470	(84.10)	Situs error (Illegal tax)
Pope, Roger	19349656	2013	500	500	(33.64)	Situs error (Illegal tax)
Robinson, Diane Howell	10274908	2013	11,320	11,320	(111.98)	Situs error (Illegal tax)
Rogers, Nathaniel	19515517	2013	9,330	313	(82.77)	Condition adjustment (Appraisal appeal)
Shiffman, Ronald Hilton	19532195	2013	8,690	0	(167.34)	Double billed (Illegal tax)
Snethen, Paul Emerson	19345273	2013	18,600	500	(168.62)	Antique auto plate (Appraisal appeal)
Snipes, Donald Laws	19351013	2013	4,140	4,140	(62.71)	Situs error (Illegal tax)
Stuart, Keith	19416767	2013	18,600	500	(168.62)	Antique auto plate (Appraisal appeal)
Thompson, William Lee	19349377	2013	4,820	3,820	(15.80)	Damage adjustment (Appraisal appeal)
Uyenoyama, Marcy	10505286	2013	22,499	0	(402.54)	Changed county to Durham (Illegal tax)
Vierra, Tammie	5745679	2013	6,280	250	(53.06)	Price paid (Appraisal appeal)
Wheeler, David Arthur	653008	2013	9,950	8,110	(19.73)	Incorrect model (Illegal tax)
Woodward, Williams	10073991	2013	8,090	8,090	(88.59)	Situs error (Illegal tax)
				Total	(4,349.36)	

February 13, 2014 thru
 March 14, 2014

Military Leave and Earning Statement: Is a copy of a serviceman's payroll stub covering a particular pay period. This does list his home of record, which is his permanent state of residence where he would pay any state income taxes.

Vehicle Titles

Salvaged and Salvage Rebuilt: Any repairs that exceed 75% of the vehicle's market value using NADA, Kelly Blue Book and various other publications. When the insurance company has totaled the vehicle, and the customer has received the claim check, four things can happen:

- Insurance company can keep the vehicle.
- Customer can keep the vehicle. The customer is instructed to contact the local DMV inspector to have an initial inspection done, for vehicles 2001 to 2006 (these dates change yearly, example in 2007 the models will be 2002-2007).
- Affidavit of Rebuilder- The inspector lists each part that needs to be repaired.
- Final inspection- if all work is cleared and approved by the inspector then the rebuilt status is then removed (salvaged status remains).

Note: Finance companies will not finance a salvaged vehicle.

Total Loss: Repairs were more than the market value of the vehicle and the insurance company is unwilling to pay for the repairs.

Total Loss/Rebuilt: Whatever the repairs were to make the vehicle road worthy after a Total Loss status has been given. Vehicle must be 5 years old or older. Vehicle status then remains as salvaged or rebuilt.

Certificate of Reconstruction: When work has been done on (vehicles 2001-2006 in year 2006) this is issued when the inspector didn't see the original damaged and the vehicle has been repaired.

Certificate of Destruction: NC DMV will not register this type of vehicle. It is not fit for North Carolina roads.

Custom Built: When the customer has built this vehicle himself or herself. Ex. parts taken from various vehicles to build one vehicle. Three titles are required from the DMV in this case. 1) Frame 2) Transmission 3) Engine. Then an indemnity bond must be issued. An indemnity bond must also be issued when the vehicle does not have a title at all.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: April 1, 2014

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

SUBJECT: Property Tax Releases/Refunds

DEPARTMENT: Tax Administration

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

Resolution
Spreadsheet

INFORMATION CONTACT:

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

PURPOSE: To consider adoption of a resolution to release property tax values for seventeen (17) taxpayers with a total of (29) twenty-nine bills that will result in a reduction of revenue.

BACKGROUND: The Tax Administration Office has received seventeen taxpayer requests for release or refund of property taxes. North Carolina General Statute 105-381(b), "Action of Governing Body" provides that "upon receiving a taxpayer's written statement of defense and request for release or refund, the governing body of the Taxing Unit shall within 90 days after receipt of such a request determine whether the taxpayer has a valid defense to the tax imposed or any part thereof and shall either release or refund that portion of the amount that is determined to be in excess of the correct liability or notify the taxpayer in writing that no release or refund will be made". North Carolina law allows the Board to approve property tax refunds for the current and four previous fiscal years.

FINANCIAL IMPACT: Approval of this change will result in a net reduction in revenue of \$29,972.98 to the County, municipalities, and special districts. The Tax Assessor recognized that refunds could impact the budget and accounted for these in the annual budget projections.

RECOMMENDATION(S): The Manager recommends the Board approve the attached resolution approving these property tax release/refund requests in accordance with North Carolina General Statute 105-381.

NORTH CAROLINA

RES-2014-017

ORANGE COUNTY

REFUND/RELEASE RESOLUTION (Approval)

Whereas, North Carolina General Statutes 105-381 and/or 330.2(b) allows for the refund and/or release of taxes when the Board of County Commissioners determines that a taxpayer applying for the release/refund has a valid defense to the tax imposed; and

Whereas, the properties listed in each of the attached "Request for Property Tax Refund/Release" has been taxed and the tax has not been collected: and

Whereas, as to each of the properties listed in the Request for Property Tax Refund/Release, the taxpayer has timely applied in writing for a refund or release of the tax imposed and has presented a valid defense to the tax imposed as indicated on the Request for Property Tax Refund/Release.

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY THAT the recommended property tax refund(s) and release(s) are approved.

Upon motion duly made and seconded, the foregoing resolution was passed by the following votes:

Ayes: Commissioners _____

Noes: _____

I, Donna Baker, Clerk to the Board of Commissioners for the County of Orange, North Carolina, DO HEREBY CERTIFY that the foregoing has been carefully copied from the recorded minutes of the Board of Commissioners for said County at a regular meeting of said Board held on _____, said record having been made in the Minute Book of the minutes of said Board, and is a true copy of so much of said proceedings of said Board as relates in any way to the passage of the resolution described in said proceedings.

WITNESS my hand and the corporate seal of said County, this _____ day of _____, 2014.

Clerk to the Board of Commissioners

Clerical error G.S. 105-381(a)(1)(a)
 Illegal tax G.S. 105-381(a)(1)(b)
 Appraisal appeal G.S. 105-330.2(b)

BOCC REPORT - REAL/PERSONAL
APRIL 1, 2014

NAME	ABSTRACT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
Barrera-Luna, Imelda	311773	2012	1,070	0	(101.67)	Illegal tax (Double billed)
Byrd, Jeff	219157	2013	6,970	0	(73.03)	Illegal tax (Double billed)
Church of God	988581	2012	294,800	0	(5,428.87)	Illegal tax (Exempt Property)
Church of God	988581	2013	294,800	0	(5,052.14)	Illegal tax (Exempt Property)
Church of God	988583	2012	149,500	0	(2,754.96)	Illegal tax (Exempt Property)
Church of God	988583	2013	149,500	0	(2,562.06)	Illegal tax (Exempt Property)
Daniels, Nathan Forrest	256003	2013-2012	6,360	0	(71.10)	Illegal tax (Double billed)
Daniels, Nathan Forrest	256003	2013	5,650	0	(57.91)	Illegal tax (Double billed)
Diamant, Leif Robert	1020248	2013	300	0	(5.21)	Illegal tax (Sold-Not January 1 owner)
GB Street, LLC	317627	2013	12,163	0	(229.29)	Illegal tax (Sold-Not January 1 owner)
Hernandez, Ciro	294909	2008	3,270	0	(56.06)	Illegal tax (Double billed)
Hernandez, Ciro	294909	2009	3,050	0	(42.74)	Illegal tax (Double billed)
Hernandez, Ciro	294909	2010	2,850	0	(37.34)	Illegal tax (Double billed)
Hernandez, Ciro	294909	2011	2,708	0	(33.00)	Illegal tax (Double billed)
Hernandez, Ciro	294909	2012	2,650	0	(29.90)	Illegal tax (Double billed)
Hernandez, Ciro	294909	2013	2,360	0	(25.02)	Illegal tax (Double billed)
Hernandez, Floratina Garcia	993012	2012	8,520	0	(95.74)	Illegal tax (Double billed)
Hernandez, Floratina Garcia	993012	2013	7,580	0	(79.82)	Illegal tax (Double billed)
Jones, John Samuel	84492	2013	17,657	0	(171.63)	Illegal tax (Double billed)
Levin, Richard	1022807	2013	67,450	0	(865.42)	Illegal tax (Double billed)
Martinez, Margarita	1029198	2013	3,890	0	(41.24)	Illegal tax (Double billed)
Mitchell, Hulin D.	955303	2013	3,640	0	(38.33)	Illegal tax (Double billed)
Morales, Marilyn	1042996	2013	5,000	0	(89.31)	Illegal tax (Double billed)
Noodles And Company #853	312422	2011	807,921	448,626	(5,789.68)	Illegal tax (Double billed)
Noodles And Company #853	312422	2012	595,424	398,509	(3,173.09)	Illegal tax (Double billed)
OCE Financial Services, Inc.	968958	2013	20,303	0	(345.42)	Illegal tax (Double billed)
State of North Carolina	987594	2013	182,095	0	(1,767.65)	Illegal tax (Exempt Property)
State of North Carolina	246821	2013	87,028	0	(852.09)	Illegal tax (Exempt Property)
Timeless Beauty	968858	2013	10,710	0	(103.26)	Clerical error (Billed in error)
				Total	(29,972.98)	

February 13, 2014 thru
 March 14, 2014

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: April 1, 2014

Action Agenda

Item No. 6-d

SUBJECT: Notice of Public Hearing on Orange County's 2014 Legislative Agenda

DEPARTMENT: County Commissioners

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

INFORMATION CONTACT:

Commissioner Earl McKee, 245-2130

Commissioner Renee Price, 245-2130

PURPOSE: To provide notice of the Board of County Commissioners' plans to hold a public hearing on April 15, 2014 on potential items for inclusion in Orange County's legislative agenda package for the 2014 North Carolina General Assembly Session.

BACKGROUND: Prior to adoption of its legislative agenda each year, the Board of County Commissioners conducts a public hearing to receive input from the public. This agenda item provides the opportunity for the Board of Commissioners to schedule a public hearing during its regular meeting on Tuesday, April 15, 2014 at 7:00 p.m. at the Southern Human Services Center at 2501 Homestead Road in Chapel Hill, North Carolina. The purpose of the public hearing will be to receive public comments on potential items for inclusion in Orange County's legislative agenda package for the 2014 North Carolina General Assembly Session.

The County's Legislative Issues Work Group, consisting of Commissioner Earl McKee, Commissioner Renee Price, and County staff, is reviewing items for possible inclusion in a recommended legislative package. Information on the proposed items will be provided to the BOCC and the public prior to the April 15 meeting.

It should also be noted that the Clerk to the Board has scheduled a joint legislative breakfast for the BOCC and Orange County's legislative delegation for April 28, 2014.

FINANCIAL IMPACT: Any funds necessary to provide the public notice are included in the Clerk to the Board's budget for the current year.

RECOMMENDATION(S): The Manager recommends the Board direct the Clerk to the Board and the County Manager to publish a notice of the Board's intent to hold a public hearing during its regular meeting on April 15, 2014 at 7:00 p.m. at the Southern Human Services Center at 2501 Homestead Road in Chapel Hill, North Carolina to receive public comments on potential items for inclusion in Orange County's legislative agenda package for the 2014 North Carolina General Assembly Session.

ORD-2014-013

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: April 1, 2014

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

SUBJECT: Approval of Budget Amendment #6-A Reallocating Current Available County Capital Funds to Proposed New County Capital Project

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

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

INFORMATION CONTACT:
David Stancil, 245-2510

PURPOSE: To approve Budget Amendment #6-A reallocating \$55,000 in current available County Capital funds to a newly created County Capital Project.

BACKGROUND: As noted in the draft Parks and Recreation Master Plan 2030, a number of the County's park facilities (and future park sites) are approaching the age of 10-15 years. Accordingly, facility repairs and site management work is beginning to accumulate in a manner that warrants a new capital project to address these items. Existing funds of smaller amounts exist in a number of completed park capital projects, and staff is proposing to transfer these residual amounts to the proposed new "Park and Recreation Facility Renovations and Repairs" project to address existing needs that can be handled in the current fiscal year. This will require the Board to approve Budget Amendment #6-A to move the funds from their current completed projects to the proposed new project.

Examples of the types of work that will be needed include:

- Resurfacing of courts and tracks
- Replacement of park signs
- Culvert repair
- Trash and debris removal
- Replace stair rails, bollards and fencing
- Gutters on picnic shelters and drainage work
- Xeriscaping, and
- Security cameras and other security features

DEAPR staff has worked with Financial Services to develop a list of work projects both for the current fiscal year 2013-14 (to be addressed by the transfer of funds proposed herein) and for needs in future fiscal years (which will be funded through the recommended Capital Investment Plan (CIP). Accordingly, there is a new CIP project for items in future years included in the

Manager's Recommended FY 2014-19 CIP that the Board has received (Park and Recreation Facility Renovations and Repairs, page 59 in the CIP).

The \$55,000 in funds needed in the current fiscal year and proposed for transfer would fund the following work:

- Culvert repairs and building stabilization at Blackwood Farm and Twin Creeks park sites;
- Trash and debris removal from Blackwood Farm, Twin Creeks and the Vincent property (County-owned land across from Cedar Grove Park);
- Repairs to the pond dam at Blackwood Farm Park;
- Removal and disposal of an old abandoned and dilapidated mobile home on the Twin Creeks site;
- Resurface basketball courts and walking track at Efland-Cheeks Park.

Budget Amendment #6-A provides for the reallocation of current available County Capital project funds, creates a new "Park and Recreation Facility Renovations and Repairs" County Capital project, and amends the following County Capital Project Ordinances:

County Capital Projects (\$55,000):

Fariview Park (-\$8,805) – Project # 20005

Revenues for this project:

	Current FY 2013-14	FY 2013-14 Amendment	FY 2013-14 Revised
Alternative Financing	\$700,000	\$0	\$700,000
2001 Bonds	\$150,000	\$0	\$150,000
PARTF Grant Funds	\$500,000	\$0	\$500,000
Contribution from Hillsborough	\$15,000	\$0	\$15,000
From Subdivision Payment-in-Lieu	\$175,023	\$0	\$175,023
From County Capital Reserve	\$75,000	(\$8,805)	(\$8,805)
Total Project Funding	\$1,615,023	(\$8,805)	\$1,606,218

Appropriated for this project:

	Current FY 2013-14	FY 2013-14 Amendment	FY 2013-14 Revised
Professional Services	\$129,350	\$0	\$129,350
Construction	\$1,456,173	(\$8,805)	\$1,447,368
Athletic Fields	\$29,500	\$0	\$29,500
Total Costs	\$1,615,023	(\$8,805)	\$1,606,218

Seven Mile Creek Preserve (-\$5,311) – Project # 20019

Revenues for this project:

	Current FY 2013-14	FY 2013-14 Amendment	FY 2013-14 Revised
From Other Projects	\$151,000	(\$5,311)	\$145,689
Total Project Funding	\$151,000	(\$5,311)	\$145,689

Appropriated for this project:

	Current FY 2013-14	FY 2013-14 Amendment	FY 2013-14 Revised
Seven Mile Creek Access Area	\$151,000	(\$5,311)	\$145,689
Total Costs	\$151,000	(\$5,311)	\$145,689

Central Recreation Repairs (-\$2,539) – Project # 20030

Revenues for this project:

	Current FY 2013-14	FY 2013-14 Amendment	FY 2013-14 Revised
2/3 Net Debt	\$416,980	(\$2,539)	\$414,441
Total Project Funding	\$416,980	(\$2,539)	\$414,441

Appropriated for this project:

	Current FY 2013-14	FY 2013-14 Amendment	FY 2013-14 Revised
Design	\$33,040	(\$2,539)	\$30,501
Construction	\$383,940	\$0	\$383,940
Total Costs	\$416,980	(\$2,539)	\$414,441

Millhouse Road Park (-\$5,990) – Project # 20034

Revenues for this project:

	Current FY 2013-14	FY 2013-14 Amendment	FY 2013-14 Revised
From General Fund	\$76,090	(\$5,990)	\$70,100
From Other Projects	\$188,712	\$0	\$188,712
Total Project Funding	\$264,802	(\$5,990)	\$258,812

Appropriated for this project:

	Current FY 2013-14	FY 2013-14 Amendment	FY 2013-14 Revised
Land & Associated Costs	\$188,712	\$0	\$188,712
Construction	\$76,090	(\$5,990)	\$70,100
Total Costs	\$264,802	(\$5,990)	\$258,812

Parkland and Recreation Facilities (-\$3,518) – Project # 20017

Revenues for this project:

	Current FY 2013-14	FY 2013-14 Amendment	FY 2013-14 Revised
From General Fund	\$159,960	(\$3,518)	\$156,442
From Subdivision Payment-in-Lieu	\$10,000	\$0	\$10,000
From Other Projects	\$8,570	\$0	\$8,570
Total Project Funding	\$178,530	(\$3,518)	\$175,012

Appropriated for this project:

	Current FY 2013-14	FY 2013-14 Amendment	FY 2013-14 Revised
Playgrounds	\$50,000	\$0	\$50,000
General Renovations	\$25,000	(\$3,518)	\$21,482
Re-Seeding, Other	\$28,530	\$0	\$28,530
Transfer to General Fund	\$75,000	\$0	\$75,000
Total Costs	\$178,530	(\$3,518)	\$175,012

Twin Creeks Park (-\$28,837) – Project # 20003

Revenues for this project:

	Current FY 2013-14	FY 2013-14 Amendment	FY 2013-14 Revised
General Government Revenue	\$900,000	(\$28,837)	\$871,163
Alternative Financing	\$700,000	\$0	\$700,000
2001 Bonds	\$550,000	\$0	\$550,000
NCDOT Funds	\$429,457	\$0	\$429,457
Total Project Funding	\$2,579,457	(\$28,837)	\$2,550,620

Appropriated for this project:

	Current FY 2013-14	FY 2013-14 Amendment	FY 2013-14 Revised
Land & Associated Costs	\$50,814	\$0	\$50,814
Design	\$45,000	\$0	\$45,000
Construction	\$2,483,643	(\$28,837)	\$2,454,806
Total Costs	\$2,579,457	(\$28,837)	\$2,550,620

Park and Recreation Facility Renovations and Repairs (\$55,000) – New Project # 20039

Revenues for this project:

	Current FY 2013-14	FY 2013-14 Amendment	FY 2013-14 Revised
From Other Projects	\$0	\$55,000	\$55,000
Total Project Funding	\$0	\$55,000	\$55,000

Appropriated for this project:

	Current FY 2013-14	FY 2013-14 Amendment	FY 2013-14 Revised
Facility Renovations and Repairs	\$0	\$55,000	\$55,000
Total Costs	\$0	\$55,000	\$55,000

FINANCIAL IMPACT: The proposed Budget Amendment #6-A provides for the reallocation of \$55,000 from existing County capital projects into a newly created County capital project to fund repairs and renovations needed for the current fiscal year 2013-14. Future year repairs and renovations would be addressed in the CIP (including a future budget amendment to transfer other residual parks capital funds in FY 2014-15) and approved by the Board on an annual basis as part of the budget and CIP approval process.

RECOMMENDATION(S): The Manager recommends that the Board approve Budget Amendment #6-A for the reallocation of \$55,000 from currently available capital project funds as shown in the above budget ordinance amendments to address repairs, renovations and site management needs in the current fiscal year 2013-14, and authorize the Manager to close the projects.

ORD-2014-014

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: April 1, 2014

Action Agenda

Item No. 6-f

SUBJECT: Application for North Carolina Education Lottery Proceeds for Chapel Hill – Carrboro City Schools (CHCCS) and Contingent Approval of Budget Amendment # 6-B Related to CHCCS Capital Project Ordinances

DEPARTMENT: Financial Services

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

Attachment 1. CHCCS – Debt Service Application

INFORMATION CONTACT:

Clarence Grier, (919) 245-2453

PURPOSE: To approve an application to the North Carolina Department of Public Instruction (NCDPI) to release funds from the NC Education Lottery account related to FY 2013-14 debt service payments for Chapel Hill – Carrboro City Schools, and to approve Budget Amendment #6-B (amended School Capital Project Ordinances), contingent on the State's approval of the application.

BACKGROUND: Both School Systems have previously presented approved resolutions from their respective Boards requesting that the County modify its Capital Funding Policy by applying accumulated lottery funds for debt service payments, and permitting current year withdrawals immediately after the State's quarterly lottery fund allocations. This expedites both the application process and the receipt of funds for the school systems.

Currently, the accumulated available lottery funds for Chapel Hill – Carrboro City Schools (CHCCS) is \$218,012. The attached application requests the State to release lottery funds to cover debt service for the Chapel Hill – Carrboro City School system.

Budget Amendment #6-B provides for the receipt of the Lottery Funds, contingent on State approval of the application, and substitutes the amount of Lottery Funds approved for debt service as additional Pay-As-You-Go (PAYGO) funds for FY 2013-14 for CHCCS capital needs and projects, and amends the budgets for the following CHCCS capital projects:

Chapel Hill – Carrboro City Schools (\$218,012):**Mechanical Systems (\$120,000) – Project # 54006**

Revenues for this project:

	Current FY 2013-14	FY 2013-14 Amendment	FY 2013-14 Revised
From General Fund (PAYG)	\$1,102,352	\$120,000	\$1,222,352
Lottery Proceeds	\$959,247	\$0	\$959,247
Total Project Funding	\$2,061,599	\$120,000	\$2,181,599

Appropriated for this project:

	Current FY 2013-14	FY 2013-14 Amendment	FY 2013-14 Revised
Equipment	\$2,061,599	\$120,000	\$2,181,599
Total Costs	\$2,061,599	\$120,000	\$2,181,599

Classroom/Building Improvements (\$98,012) – Project # 53025

Revenues for this project:

	Current FY 2013-14	FY 2013-14 Amendment	FY 2013-14 Revised
From General Fund (PAYG)	\$1,045,711	\$98,012	\$1,143,723
Total Project Funding	\$1,045,711	\$98,012	\$1,143,723

Appropriated for this project:

	Current FY 2013-14	FY 2013-14 Amendment	FY 2013-14 Revised
Construction	\$1,045,711	\$98,012	\$1,143,723
Total Costs	\$1,045,711	\$98,012	\$1,143,723

FINANCIAL IMPACT: The total Lottery Fund amounts requested from the State for Chapel Hill–Carrboro City Schools is \$218,012.

RECOMMENDATION(S): The Manager recommends the Board approve and authorize the Chair to sign the application for NC Education Lottery Proceeds; and approve Budget Amendment #6-B receiving the Lottery Funds and the amended CHCCS Capital Project Ordinances, contingent on the State’s approval of the application.

**APPLICATION
PUBLIC SCHOOL BUILDING CAPITAL FUND
NORTH CAROLINA EDUCATION LOTTERY**

Approved: _____

Date: _____

County: Orange County

Contact Person: Clarence Grier

LEA: Chapel Hill-Carrboro City Schools

Title: Assistant County Mgr/CFO

Address: P.O. Box 8181, Hillsborough, NC

Phone: (919) 245-2453

Project Title: FY 2013-14 Debt Service (Spring 2006 Private Placement)

Location: _____

Type of Facility: _____

North Carolina General Statutes, Chapter 18C, provides that a portion of the proceeds of the North Carolina State Lottery Fund be transferred to the Public School Building Capital Fund in accordance with G.S. 115C-546.2. Further, G.S. 115C-546.2 (d) has been amended to include the following:

- (3) No county shall have to provide matching funds...
- (4) A county may use monies in this Fund to pay for school construction projects in local school administrative units and to retire indebtedness incurred for school construction projects.
- (5) A county may not use monies in this Fund to pay for school technology needs.

As used in this section, "Public School Buildings" shall include only facilities for individual schools that are used for instructional and related purposes, and does not include central administration, maintenance, or other facilities. **Applications must be submitted within one year following the date of final payment to the Contractor or Vendor.**

Short description of Construction Project: Debt Service associated with Spring 2006 Private Placement - issued June 2007 for Chapel Hill-Carrboro City Schools Elementary #10 (Morris Grove Elementary)

Estimated Costs:

Purchase of Land	_____	\$	_____
Planning and Design Services	_____		_____
New Construction	_____		_____
Additions / Renovations	_____		_____
Repair	_____		_____
Debt Payment / Bond Payment	_____		218,012.00
TOTAL	_____	\$	218,012.00

Estimated Project Beginning Date: July 2013 Est. Project Completion Date: June 2014

We, the undersigned, agree to submit a statement of state monies expended for this project within 60 days following completion of the project.

The County Commissioners and the Board of Education do hereby jointly request approval of the above project, and request release of \$ 218,012.00 from the Public School Building Capital Fund (Lottery Distribution). We certify that the project herein described is within the parameters of G.S. 115C-546.

(Signature — Chair, County Commissioners) (Date)

(Signature — Chair, Board of Education) (Date)

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: April 1, 2014

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

SUBJECT: Delegation of Property Tax Release/Refund Authority Based on North Carolina General Statute (NCGS) 105-381

DEPARTMENT: Tax Administration

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

Resolution
NCGS 105-381

INFORMATION CONTACT:

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

PURPOSE: To consider delegation of authority as authorized under North Carolina General Statute (NCGS) 105-381(b) and approve a resolution thereby allowing the Finance Officer to approve requests for release or refund of property taxes less than one hundred dollars (\$100.00).

BACKGROUND: The Tax Office routinely receives requests for release or refund of property taxes. Many of the requests result in releases or refunds of less than one hundred dollars (\$100.00) thereby qualifying for review by the Finance Officer under the NCGS. It is proposed that the Tax Administrator, on a weekly basis, submit and discuss with the Finance Officer release and refund requests under one hundred dollars (\$100.00). As required by NCGS 105-381, a monthly report on all decisions would be provided to the BOCC as information and entered into the minutes of the meeting to comply with law.

FINANCIAL IMPACT: None.

RECOMMENDATION(S): The Manager recommends the Board approve the attached resolution to formally delegate authority to the Finance Officer to review and approve or deny release and refund requests under one hundred dollars (\$100.00) in accordance with North Carolina General Statute 105-381.

RES-2014-018

**NORTH CAROLINA
ORANGE COUNTY**

**RESOLUTION DELEGATING AUTHORITY TO FINANCE OFFICER TO APPROVE
REQUESTS FOR RELEASE OR REFUND OF PROPERTY TAXES UNDER \$100.00**

WHEREAS, the Orange County Tax Administrator has determined certain taxpayers may have a valid claim for releases or refunds of property taxes; and

WHEREAS, such requests often are less than one hundred dollars (\$100.00): and

WHEREAS, N.C.G.S. 105-381 states that the Governing Body may, by resolution, delegate its authority to determine requests for a release or refund of tax less than one hundred dollars (\$100.00) to the Finance Officer, County Manager or County Attorney of the taxing unit; and

WHEREAS, N.C.G.S. 105-381 states that the Finance Officer, County Manager or County Attorney to whom this authority is delegated shall report monthly to the Governing Body the actions taken by him or her on requests for release or refund; and

WHEREAS, N.C.G.S. 105-381 also states all actions taken by the Governing Body, Finance Officer, County Manager or County Attorney on requests for release or refund shall be recorded in the official minutes of the Governing Body;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY THAT this resolution is hereby adopted pursuant to N.C.G.S. 105-381 giving the Finance Officer authority to determine requests for a release or refund of property tax less than one hundred dollars (\$100.00).

Upon motion duly made and seconded, the foregoing resolution was passed by the following votes:

Ayes: Commissioners _____

Noes: _____

I, Donna Baker, Clerk to the Board of Commissioners for the County of Orange, North Carolina, DO HEREBY CERTIFY that the foregoing has been carefully copied from the recorded minutes of the Board of Commissioners for said County at a regular meeting of said Board held on _____, said record having been made in the Minute Book of the minutes of said Board, and is a true copy of so much of said proceedings of said Board as relates in any way to the passage of the resolution described in said proceedings.

WITNESS my hand and the corporate seal of said County, this _____ day of _____, 2014.

Clerk to the Board of Commissioners

§ 105-381. Taxpayer's remedies.

(a) Statement of Defense. - Any taxpayer asserting a valid defense to the enforcement of the collection of a tax assessed upon his property shall proceed as hereinafter provided.

(1) For the purpose of this subsection, a valid defense shall include the following:

a. A tax imposed through clerical error;

b. An illegal tax;

c. A tax levied for an illegal purpose.

(2) If a tax has not been paid, the taxpayer may make a demand for the release of the tax claim by submitting to the governing body of the taxing unit a written statement of his defense to payment or enforcement of the tax and a request for release of the tax at any time prior to payment of the tax.

(3) If a tax has been paid, the taxpayer, at any time within five years after said tax first became due or within six months from the date of payment of such tax, whichever is the later date, may make a demand for a refund of the tax paid by submitting to the governing body of the taxing unit a written statement of his defense and a request for refund thereof.

(b) Action of Governing Body. - Upon receiving a taxpayer's written statement of defense and request for release or refund, the governing body of the taxing unit shall within 90 days after receipt of such request determine whether the taxpayer has a valid defense to the tax imposed or any part thereof and shall either release or refund that portion of the amount that is determined to be in excess of the correct tax liability or notify the taxpayer in writing that no release or refund will be made. **The governing body may, by resolution, delegate its authority to determine requests for a release or refund of tax of less than one hundred dollars (\$100.00) to the finance officer, manager, or attorney of the taxing unit. A finance officer, manager, or attorney to whom this authority is delegated shall monthly report to the governing body the actions taken by him on requests for release or refund. All actions taken by the governing body or finance officer, manager, or attorney on requests for release or refund shall be recorded in the minutes of the governing body. If a release is granted or refund made, the tax collector shall be credited with the amount released or refunded in his annual settlement.**

(c) Suit for Recovery of Property Taxes. -

(1) Request for Release before Payment. - If within 90 days after receiving a taxpayer's request for release of an unpaid tax claim under (a) above, the governing body of the taxing

unit has failed to grant the release, has notified the taxpayer that no release will be granted, or has taken no action on the request, the taxpayer shall pay the tax. He may then within three years from the date of payment bring a civil action against the taxing unit for the amount claimed.

(2) Request for Refund. - If within 90 days after receiving a taxpayer's request for refund under (a) above, the governing body has failed to refund the full amount requested by the taxpayer, has notified the taxpayer that no refund will be made, or has taken no action on the request, the taxpayer may bring a civil action against the taxing unit for the amount claimed. Such action may be brought at any time within three years from the expiration of the period in which the governing body is required to act.

(d) Civil Actions. - Civil actions brought pursuant to subsection (c) above shall be brought in the appropriate division of the general court of justice of the county in which the taxing unit is located. If, upon the trial, it is determined that the tax or any part of it was illegal or levied for an illegal purpose, or excessive as the result of a clerical error, judgment shall be rendered therefor with interest thereon at six percent (6%) per annum, plus costs, and the judgment shall be collected as in other civil actions. (1901, c. 558, s. 30; Rev., s. 2855; C. S., s. 7979; 1971, c. 806, s. 1; 1973, c. 564, s. 3; 1977, c. 946, s. 2; 1985, c. 150, s. 1; 1987, c. 127.)

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: April 1, 2014

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

SUBJECT: Change in BOCC Regular Meeting Schedule for 2014

DEPARTMENT: County Commissioners

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

INFORMATION CONTACT:

Donna Baker, 245-2130
Clerk to the Board

PURPOSE: To consider one change in the County Commissioners' regular meeting calendar for 2014.

BACKGROUND: Pursuant to North Carolina General Statute 153A-40, the Board of County Commissioners must fix the time and place of its meetings or provide a notice of any change in the Regular Meeting Schedule by:

- Adding a dinner meeting with the Board of Social Services for Tuesday, April 29, 2014 starting at 5:30pm (prior to the 7:00pm joint meeting with school boards) at the Southern Human Services Center, 2501 Homestead Road in Chapel Hill. This meeting is a re-scheduled meeting from March 11th (due to a closed session).

RECOMMENDATION (S): The Manager recommends the Board amend its regular meeting calendar for 2014 by:

- Adding a dinner meeting with the Board of Social Services for Tuesday, April 29, 2014 starting at 5:30pm (prior to the 7:00pm joint meeting with school boards) at the Southern Human Services Center, 2501 Homestead Road in Chapel Hill. This meeting is a re-scheduled meeting from March 11th (due to a closed session).

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: April 1, 2014

**Action Agenda
Item No.** 7-a

SUBJECT: Rogers-Eubanks Neighborhood Association Community Center Construction Bid Award

DEPARTMENT: Asset Management Services,
Finance and Administrative
Services

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

- 1) Presentation
- 2) Certified Bid Tabulation
- 3) Construction Agreement

INFORMATION CONTACT:

Jeff Thompson, (919) 245-2658
Clarence Grier, (919) 245-2453
David Cannell, (919) 245-2651

PURPOSE: To:

- 1) Award a bid to Riggs-Harrod Builders, Inc. of Durham, North Carolina in the amount of \$552,488 for the construction of the Rogers Eubanks Neighborhood Association Community Center;
- 2) Authorize the Chair to sign the necessary paperwork upon final approval of the County Attorney; and
- 3) Authorize the County Manager to execute change orders for the project up to the project budget.

BACKGROUND: On April 9, 2013 the Board approved schematic plans and authorized the Manager to generate construction documents, solicit bids and award the construction bid for the Rogers Eubanks Neighborhood Association (“RENA”) Community Center up to the authorized budget of \$650,000 during the summer break.

On September 17, 2013 Orange County held a public bid opening for the RENA Community Center. Seven firms submitted bids that were all substantially over budget.

Patric LeBeau, the project designer with Perkins + Will, worked closely with County staff to complete a full re-design of the project that could be constructed within the FY2012-13 Board appropriated capital project budget.

The design maintains the facility’s 4,000 square feet while incorporating more standard architectural and engineering features. These standard elements maintain a durable, reliable, useful facility while lowering construction costs. Significant re-designed elements include: 1) a more efficient and compact site that eliminates site work; 2) a more conventional structure and

roof design; 3) more conventional heating and cooling systems; and 4) standard building materials and components such as windows, exterior siding, and kitchen equipment.

Attachment 1, "Presentation", illustrates the main components and renderings of the facility design. Mr. Lebeau will present during the meeting to provide an overview of the design to the Board and answer questions.

Competitive bids from ten (10) firms were opened on March 13, 2014. After a period of review of the bid documents by County staff and the project designer, Riggs-Harrod Builders, Inc. of Durham, NC was determined to be the lowest responsive, responsible bidder for this project (see Attachment 2, "Certified Bid Tabulation"). Attachment 3, "Construction Agreement", is the document prepared by the County Attorney that will govern the project if and when the Board authorizes the Chair to sign the Agreement.

Should the Board of County Commissioners award the bid, the projected construction period is eight (8) months. Depending upon construction progress, management of unforeseen conditions and the facility commissioning process, the center may be available before the end of the 2014 calendar year.

Both the Ground Lease with Habitat for Humanity and the Operating Agreement with the Rogers Eubanks Neighborhood Association have been approved by the Board of County Commissioners.

FINANCIAL IMPACT: The BOCC has approved \$650,000 for this project as part of the FY2012-13 Capital Investment Plan. Expenditures for this project are as follows:

Construction Materials Testing Services	\$3,500
Construction	\$552,488
Owner Costs – Site, Furniture, Kitchen Equipment Cabinetry	\$33,900
Owner Costs – Orange Water and Sewer Authority Utility Connection Fees	\$50,103
Owner Contingency and Unforeseen Conditions	\$20,000
Total	\$650,000

RECOMMENDATION(S): The Manager recommends the Board:

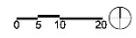
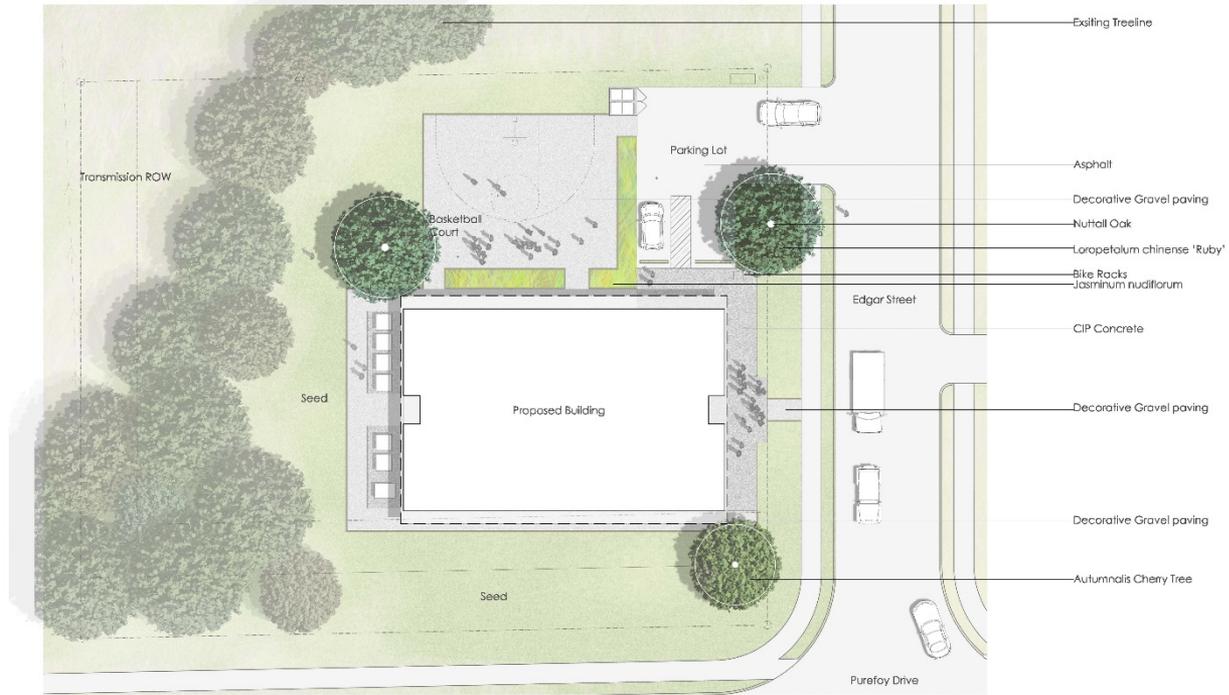
- 1) Award a bid to Riggs-Harrod Builders, Inc. of Durham, North Carolina in the amount of \$552,488 for the construction of the Rogers Eubanks Neighborhood Association Community Center;
- 2) Authorize the Chair to sign the necessary paperwork upon final approval of the County Attorney; and
- 3) Authorize the County Manager to execute change orders for the project up to the project budget.

ROGERS ROAD COMMUNITY CENTER

ORANGE COUNTY, NC / APRIL 1, 2014

Area Locator





RENA Community Center
 Landscape Schematic Design
 2014-01-13



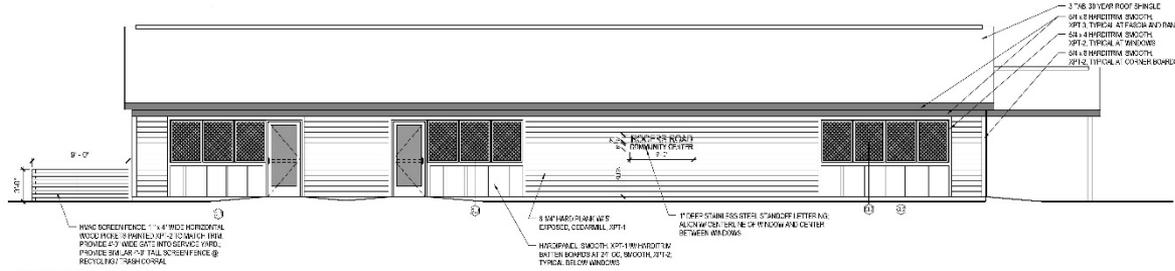
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SPT 3 - 5/8" WIDE THICKER GRAY

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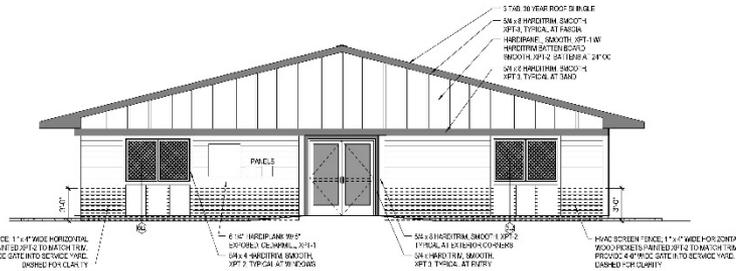
RENA
Community
Center

Orange
County

101 Edgar St., Chapel Hill, NC
27516



B4 SOUTH ELEVATION
1/2" = 1'-0"



A4 WEST ELEVATION
1/2" = 1'-0"



Revisions

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Sheet Information

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Drawn	JK
Checked	JK
Approved	P.
Title	

ELEVATIONS

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A-04

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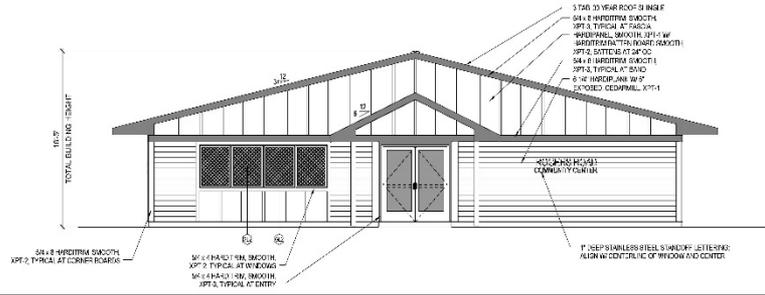
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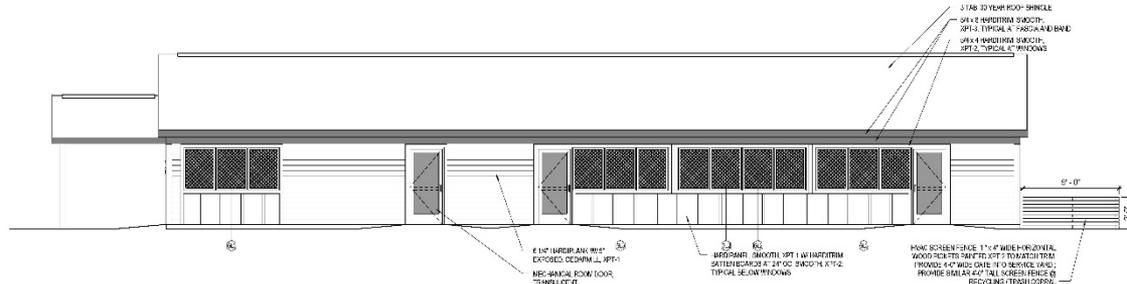
RENA
Community
Center

Orange
County

101 Edgar St., Chapel Hill, NC
27516



B4 EAST ELEVATION
1/8" = 1' 0"



A4 NORTH ELEVATION
1/8" = 1' 0"



Revisions

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Sheet Information

Date	01/11/16
Job Number	01021210
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ELEVATIONS

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A-05

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Ideas + buildings that honor the
broader goals of society

**BID TABULATION
ORANGE COUNTY BID NUMBER 367-292
RENA COMMUNITY CENTER - REBID
MARCH 13, 2014; 2:00 PM**

NAME OF BIDDER	LICENSE #	BID BOND	ADDENDUM 1, 2, 3	MBE	SAFETY INFO	E- VERIFY	BASE BID	ALT G3-Concrete Drive	Total Bid Amount
Riggs-Harrod Builders, Inc. , 1117 East Geer St., Durham, NC 27707	18667	X	X	X	X	X	\$ 544,328.00	\$ 8,160.00	\$ 552,488.00
M&R Associates of Sanford, NC, Inc. , 3484 Cameron Dr., Sanford, NC 27332	32794	X	X	X	X	X	\$ 560,000.00	\$ 8,000.00	\$ 568,000.00
L.A. Downey & Son, Inc. , P.O. Box 1688, Durham, NC 27702	1774	X	X	X	X	X	\$ 572,535.00	\$ 12,908.00	\$ 585,443.00
Central Builders Inc., of Mebane , P.O. Box 400, Haw River, NC 27258	4176	X	X	X	X	X	\$ 590,000.00	\$ 7,600.00	\$ 597,600.00
David Hill Builders, Inc. , P.O. Box 6050, Mt. Airy, NC 27030	32728	X	X	X	X	X	\$ 595,000.00	\$ 11,525.00	\$ 606,525.00
Burney & Burney Construction, Inc. , P.O. Box 340, Greenville, NC 27835	30238	X	X	X	X	X	\$ 605,000.00	\$ 9,400.00	\$ 614,400.00
S&S Building and Development LLC , 612 Industrial Avenue, Greensboro, NC 27406	61690	X	X	X	X	X	\$ 599,700.00	\$ 16,200.00	\$ 615,900.00
DanCo Builders, Inc. , 2475 Hurt Dr., Rocky Mount, NC 27804	23259	X	X	X	X	X	\$ 626,000.00	\$ 4,275.00	\$ 630,275.00
W.C. Construction Co., LLC , P.O. Box 25051, Winston-Salem, NC 27114	63557	X	X	X	X	X	\$ 629,800.00	\$ 12,500.00	\$ 642,300.00
Southeastern Properties and Development Co. , 2505 Dalrymple St., Sanford, NC 27332	65299	X	X	X	X	X	\$ 637,197.00	\$ 9,821.00	\$ 647,018.00

All Bids above were received on time by 2:00 pm March 13, 20014. They have been validated and are hereby certified as acceptable.

Patric le Beau, AIA
Perkins+Will
2014.03.18



[Departmental Use Only]
 TITLE RENA Community Center
 FY FY2012-13

NORTH CAROLINA

CONSTRUCTION AGREEMENT OVER \$250,000.00

ORANGE COUNTY

THIS CONSTRUCTION AGREEMENT (hereinafter called "Agreement"), made as of the 1st day of April, 2014, by and between Riggs-Harrod Builders, Inc., (hereinafter called the "Contractor"), and Orange County, a body politic and a political subdivision of the State of North Carolina, (hereinafter called the "Owner").

WITNESSETH:

That the Contractor and the Owner, for the consideration herein named, agree as follows:

1. CONTRACT DOCUMENTS; PRIORITY

The Contract Documents consist of this Agreement, the General Conditions which are fully incorporated in this Agreement, the Request for Proposals, designer approved communications and/or field orders, the Proposal, Construction Documents and Drawings and Written Specifications. The Contract Documents form the Contract. In the event of any inconsistency between or among the Contract Documents the Contract Documents shall be interpreted in the following order of priority:

- a. This Agreement with incorporated General Conditions.
- b. Designer approved and stamped construction documents and drawings and written specifications.
- c. Designer approved communications and/or field orders.
- d. Request for Proposals and addenda thereto.
- e. Proposal.

2. SCOPE OF WORK

The Contractor shall furnish and deliver all of the materials, and perform, and be fully responsible for all of the Work required by this Agreement within the time period stipulated in a written Notice-to-Proceed to be executed by the Contractor and Owner and in accordance with the following enumerated documents, which are made a part hereof as if fully contained herein:

- a. Construction Drawings prepared by Perkins+Will Architects (Sheet Index, General Specifications Contents, and Addendums #1, #2, and #3 described in Attachment 1 dated 2-14-2014 for addendum #1; 3-5-2014 for addendum #2; and 3-7-2-14 for addendum #3)
- b. Written specifications prepared by the Designer.
- c. Contractor Bid proposal dated March 13, 2014 described in Attachment 2 which fully describes the work to be performed, such work (hereinafter called the "Work").
- d. Related documents listed under Section 2 above.

3. TERM AND SCHEDULING

- a. The Contractor agrees to commence work pursuant to the written Notice-to Proceed.
- b. The Contractor agrees to complete substantially all Work included by November 30, 2014.
- c. Time is of the essence with respect to all dates specified in the Contract Documents as Completion Dates.
- d. The Contractor shall perform the Work in the time, manner and form required by the Contract Documents and as stipulated in a written Notice-to-Proceed to be executed by the Contractor and Owner.

4. STANDARD OF CARE AND DUTIES OF CONTRACTOR

- a. The Contractor shall exercise reasonable care and diligence in performing the Work in accordance with the generally accepted standards of this type of Contractor practice throughout the United States and in accordance with applicable federal, state and local laws and regulations applicable to the performance of these services. Contractor is solely responsible for the professional quality, accuracy and timely completion and/or submission of all work.
- b. The Contractor shall not load or permit any part of the Work to be loaded with a weight that will endanger its safety, intended performance or configuration.
- c. Contractor shall be responsible for all Contractor, Subcontractor, and Sub-subcontractor errors or omissions, in the performance of the Agreement together with the errors and omissions of any agent or employee of the Contractor or any Subcontractor or Sub-subcontractor. Contractor shall correct any and all errors, omissions, discrepancies, ambiguities, mistakes or conflicts at no additional cost to the Owner.
- d. Contractor is an independent contractor of Owner. Any and all employees of the Contractor engaged by the Contractor in the performance of any work or services required of the Contractor under this Agreement, shall be considered employees or agents of the Contractor only and not of the Owner, and any and all claims that may or might arise under any workers compensation or other law or contract on behalf of said employees while so engaged shall be the sole obligation and responsibility of the Contractor.
- e. Contractor agrees that Contractor, its employees, agents and its subcontractors, if any, shall be required to comply with all federal, state and local antidiscrimination laws, regulations and policies that relate to the performance of Contractor's services under this Agreement.
- f. If activities related to the performance of this Agreement require specific licenses, certifications, or related credentials Contractor represents that it and/or its employees, agents and subcontractors engaged in such activities possess such licenses, certifications, or credentials and that such licenses certifications, or credentials are current, active, and not in a state of suspension or revocation.
- g. The Contractor shall supervise and direct the Work efficiently and with the Contractor's best skill and attention. Except as specifically set forth in the Contract Documents the Contractor shall be solely responsible for the means, methods, techniques, sequences and procedures of construction, and for safety precautions and programs in connection with the Work. The Contractor shall be responsible to see that the finished Work complies accurately with the

Contract Documents.

- h. The Contractor shall appoint a competent Project Manager with general authority to manage the Project for the Contractor. The Contractor shall also keep on the Project at all times during the Work of the Contractor a competent Resident Superintendent and necessary assistants who shall not be replaced without prior written approval by the Designer or by the Owner if a Designer is not retained for the Project.
- i. If, in the opinion of the Designer, any Subcontractor on the Project is incompetent or otherwise unsatisfactory, such Subcontractor shall be replaced by the Contractor with no increase in the Contract Price if and when directed by the Designer.
- j. The Contractor shall attend all progress conferences and all other meetings or conferences. The Contractor shall be represented at these progress conferences by a representative having the authority of the Project Manager and by such other representatives as the Designer may direct.
- k. Costs and expenses of providing samples for and assistance in any testing shall be borne by the Contractor. Any Work in which untested materials are used without approval or written permission of the Owner and/or Designer shall be removed and replaced at Contractor's expense.

5. PAYMENT & TAXES

- a. The Owner hereby agrees to pay to the Contractor for the faithful performance of this Agreement, and the Contractor hereby agrees to perform all of the Work for a sum not-to-exceed Five Hundred Fifty Two Thousand Four Hundred Eighty Eight Dollars (\$552,488). Not later than the fifth (5th) day of each calendar month the Contractor shall submit to the Owner's Representative, generally the Designer if a Designer is retained on the Work, a Request for Payment for work done during the previous calendar month.
 - (i) The Request for Payment shall be in form of a standardized invoice or AIA Document G702-703 appropriately addressed to Owner's Representative at PO Box 8181, Hillsborough NC 27278 and shall show substantially the value of work done during the previous calendar month.
 - (ii) The amount due for payment shall be ninety-five percent (95%) of the value of work completed since the last Request for Payment and this amount shall be paid by the Owner on or before the last business day of the month. Owner shall retain five percent (5%) (the "Retainage").
 - (1) Upon Owner's Representative's certification that fifty percent (50%) of the Work has been satisfactorily completed Retainage shall be reduced to two and one half percent (2½%).
 - (2) Upon Owner's Representative's certification that ninety percent (90%) of the Work has been satisfactorily completed Retainage may be discontinued. Retainage may be discontinued, at Owner's Discretion, so long as work continues to be completed satisfactorily and on schedule.

- (iii) Final payment shall not be due to the Contractor until thirty (30) days after Final Completion of the Work, including punch list work, has been satisfactorily completed and an appropriate Affidavit, Indemnification, and Release as required in Section 8(d) below has been received by Owner.
- b. Should Owner reasonably determine that Contractor has failed to perform the Work related to a Request for Payment, Owner, at its discretion may provide the Contractor ten (10) days to cure the breach. Owner may withhold the accompanying payment without penalty until such time as Contractor cures the breach.
 - (i) Should Contractor or its representatives fail to cure the breach within ten (10) days, or fail to reasonably agree to such modified schedule, Owner may immediately terminate this Agreement in writing, without penalty or incurring further obligation to Contractor.
 - (ii) This section shall not be interpreted to limit the definition of breach to the failure to perform the Work related to a Request for Payment.
 - c. The Contractor has included in the Contract Price and shall pay all taxes assessed by any authority on the Work or the labor and materials used therein. It shall be the Contractor's responsibility to furnish the Owner documentary evidence showing the materials used and sales and use tax paid by the Contractor and each of its subcontractors.
 - d. Should the Owner receive notice that the Contractor has failed to pay a Subcontractor for the Work performed related to a Request for Payment, Owner shall have the authority to withhold payment of the disputed amount until parties resolve their dispute. Failure to pay the Contractor pursuant to this section of the Agreement shall not be deemed to be a breach of the Agreement.

6. NON-APPROPRIATION

- a. Contractor acknowledges that Owner is a governmental entity, and the validity of this Agreement is based upon the availability of public funding under the authority of its statutory mandate.
- b. In the event that public funds are unavailable and not appropriated for the performance of Owner's obligations under this Agreement, then this Agreement shall automatically expire without penalty to Owner immediately upon written notice to Contractor of the unavailability and non-appropriation of public funds. It is expressly agreed that Owner shall not activate this non-appropriation provision for its convenience or to circumvent the requirements of this Agreement, but only as an emergency fiscal measure during a substantial fiscal crisis.
- c. In the event of a change in the Owner's statutory authority, mandate and/or mandated functions, by state and/or federal legislative or regulatory action, which adversely affects Owner's authority to continue its obligations under this Agreement, then this Agreement shall automatically terminate without penalty to Owner upon written notice to Contractor of such limitation or change in Owner's legal authority.

7. NOTICES

Any notice required by this Agreement shall be in writing and delivered by certified or registered mail, return receipt requested to the following:

Owner:
 Orange County
 Attn: Jeff Thompson
 P.O. Box 8181
 Hillsborough, NC 27278

Contractor:
 Riggs-Harrod Builders, Inc.
 1117 East Geer Street
 Durham, NC 27707

8. MISCELLANEOUS

- a. Duties and Obligations imposed by the Contract Documents shall be in addition to any Duties and Obligations imposed by state, federal or local law, rules, regulations and ordinances.
- b. No act or failure to act by the Owner or Contractor shall constitute a waiver of any right or duty granted them under the Contract Documents, nor shall any act or failure to act constitute any approval except as specifically agreed in writing.
- c. The Work shall be tested and inspected as required by the Contract Documents and as required by law. Unless prohibited by law the costs of all such tests and inspections related to state and federal codes such as ADA, Administrative, Electrical, Plumbing, Mechanical and Building Codes shall be borne by the Contractor. The costs for material and structural testing shall be conducted by an independent third party at the expense of the Owner. Delays related to any of the aforementioned tests and inspections shall not be grounds for delaying the completion of the work. If any such tests and inspections reveal deficiencies in the Work such that the Work does not comply with terms or requirements of the Contract Documents and/or the requirements of any code or law the Contractor is solely responsible for the cost of bringing such deficiencies into compliance with the terms of the Contract Documents and/or any code or law.
- d. Should the Designer, if a Designer is retained for the project involving the Work, or Owner reject any portion of the Work for failing to comply with the Contract Documents Contractor shall immediately, at Contractor's expense, correct the Work. Any such rejection may be made before or after substantial completion. If applicable, any additional expense borne by the Designer under this section shall be paid at Contractor's expense.
- e. The Contractor shall not assign any portion of this Agreement nor subcontract the Work in its entirety without the prior written consent of the Owner.

9. CONSEQUENTIAL DAMAGES

- a. Owner and Contractor mutually waive any claim against each other for consequential damages. Consequential Damages include:
 - (i) Damages incurred by Owner for loss of use, income, financing, or business.
 - (ii) Damages incurred by Contractor for office expenses, including personnel, loss of financing, profit, income, business, damage to reputation, or any other non-direct damages.

10. ENTIRE AGREEMENT

All of the documents listed, referenced or described in this Agreement, the written Notice-to-Proceed, together with Modifications made or issued in accordance herewith are the Contract Documents, and the work, labor, materials and completed construction required by the Contract Documents and all parts thereof is the

Work. The Contract Documents constitute the entire agreement between Owner and Contractor. This Agreement may be amended only by written instrument signed by both parties. Modifications may be evidenced by facsimile signatures. If any provision of the Agreement shall be declared invalid or unenforceable, the remainder of the Agreement shall continue in full force and effect.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the day and date first above written in a number of counterparts, each of which shall, without proof or accounting for other counterparts, be deemed an original contract.

ORANGE COUNTY

CONTRACTOR

Signature

Signature

Attest:

Printed Name and Title

Donna Baker, Clerk to the Board

This instrument has been approved as to technical content.

Jeff Thompson, Department Director

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

Office of the Chief Financial Officer

This instrument has been approved as to legal form and sufficiency.

Office of the County Attorney

Attachment 1**Rogers Eubanks Neighborhood Association Construction Documents****SHEET INDEX**

01-General

G-01 COVER SHEET & DRAWING INDEX 2014.01.20

G-02 ARCHITECTURAL ABBREVIATIONS, SYMBOLS, NOTES, AND PARTITION TYPES 2014.01.20

G-03 CODE COMPLIANCE DATA 2014.01.20

G-04 CODE COMPLIANCE DATA 2014.01.20

LS-01 LIFE SAFETY 2014.01.20

02-Civil

AS-01 ARCHITECTURAL SITE PLAN 2014.01.20

C-100 EXISTING CONDITIONS 2014.01.20

C-200 GRADING & EROSION CONTROL 2014.01.20

C-300 SITE WATER, SANITARY & STORM 2014.01.20

C-400 DETAILS 2014.01.20

C-401 DETAILS 2014.01.20

C-401.1 DETAILS 2014.01.20

C-401.2 DETAILS 2014.01.20

C-401.3 DETAILS 2014.01.20

C-402 DETAILS 2014.01.20

C-402.1 DETAILS 2014.01.20

C-403 DETAILS 2014.01.20

C-404 SPECIFICATIONS 2014.01.20

C-405 SPECIFICATIONS 2014.01.20

C-406 SPECIFICATIONS 2014.01.20

03-Landscape

L1.00 LAYOUT & MATERIAL PLAN 2014.01.20

L2.00 PLANTING PLAN 2014.01.20

L2.01 PLANTING DETAILS & SPECIFICATIONS 2014.01.20

L3.00 DETAILS & SPECIFICATIONS 2014.01.20

04-Structural

S-01 STRUCTURAL GENERAL NOTES 2014.01.20

S-02 FOUNDATION PLAN 2014.01.20

S-03 ROOF FRAMING PLAN 2014.01.20

S-04 TYPICAL FOUNDATION DETAILS 2014.01.20

S-05 TYPICAL WOOD DETAILS 2014.01.20

S-06 SECTIONS & DETAILS 2014.01.20

S-07 SECTIONS & DETAILS 2014.01.20

S-08 SPECIFICATIONS 2014.01.20

05-Architectural

A-01 FLOOR PLAN 2014.01.20

A-02 REFLECTED CEILING PLAN 2014.01.20

A-03 FLOOR FINISH & FURNITURE PLAN 2014.01.20

A-04 ELEVATIONS 2014.01.20

A-05 ELEVATIONS 2014.01.20

A-06 BUILDING SECTIONS 2014.01.20

A-07 WALL SECTIONS & PLAN DETAILS 2014.01.20

A-08 DOOR & WINDOW SCHEDULE 2014.01.20

A-09 SPECIFICATIONS 2014.01.20

A-10 SPECIFICATIONS 2014.01.20

A-11 SPECIFICATIONS 2014.01.20

A-12 SPECIFICATIONS 2014.01.20

07-Mechanical

M-000 HVAC LEGEND, ABBREVIATIONS & GENERAL NOTES 2014.01.20

M-101 HVAC FLOOR PLAN 2014.01.20

M-501 HVAC SCHEDULES 2014.01.20

08-Plumbing

P-000 PLUMBING LEGEND, GENERAL NOTES & SCHEDULES 2014.01.20

P-001 PLUMBING SPECIFICATIONS 2014.01.20

P-002 PLUMBING SPECIFICATIONS 2014.01.20

P-003 PLUMBING SPECIFICATIONS 2014.01.20

P-004 PLUMBING SPECIFICATIONS 2014.01.20

P-101 PLUMBING FLOOR PLAN - WATER 2014.01.20

P-201 PLUMBING FLOOR PLAN - WASTE & VENT 2014.01.20

P-301 PLUMBING RISER DIAGRAMS 2014.01.20

P-601 PLUMBING DETAIL 2014.01.20

10-Electrical

E-000 ELECTRICAL LEGEND, ABBREVIATIONS & GENERAL NOTES 2014.01.20

E-001 ELECTRICAL SPECIFICATIONS 2014.01.20

E-010 ELECTRICAL SITE PLAN 2014.01.20

E-101 ELECTRICAL POWER FLOOR PLAN 2014.01.20

E-201 ELECTRICAL LIGHTING FLOOR PLAN 2014.01.20

E-501 ELECTRICAL SCHEDULES 2014.01.20

E-601 ELECTRICAL DETAILS 2014.01.20

E-602 ELECTRICAL DETAILS 2014.01.20

E-603 ELECTRICAL DETAILS 2014.01.20

12-Fire Alarm

FA-000 FIRE ALARM LEGEND, ABBREVIATIONS & GENERAL NOTES 2014.01.20

FA-101 FIRE ALARM FLOOR PLAN 2014.01.20

Rogers Eubanks Neighborhood Association Construction Documents**General Specifications****Table of Contents**

ITEM	Page(s)
Copy of advertisement	3
Instructions to Bidders	5
General Conditions (this section includes its own table of contents)	9
Template Contract	55
Form of Performance Bond	62
Form of Payment Bond	64
Request for Substitution Form	66
*Form of Bid Bond	68
*Form of Proposal	69
*Orange County MBE/HUB Policy and forms	71
*Contractor's Safety Record Information	82
*E-Verify Affidavit	86
Construction Documents	Separate pdf File

***to be included in bid submittal**



Orange County
Financial Services Department
ADDENDUM #1
February 14, 2014

Bid 367-292
RENA Community Center (RE-ADVERTISEMENT) - FOR ORANGE COUNTY, N.C.

To all Vendors:

Modifications to bid documents for the above named Request for Bids are made as follows and shall be included in the proposed amount.

1. Please note this is a re-advertisement. The plans/specs and project manual have changed.
2. A copy of the plan holders is available at <http://www.co.orange.nc.us/purchasing/bids.asp> and will be updated until bid opening. If you wish to be listed on that list please email dcannell@orangecountync.gov with your company's information
3. See attached revised drawings. They replace the following sheets in the plans: C 300, L1.00, L2.00, L2.01 & L3.00

All other terms and conditions shall remain the same

By: David E. Cannell, Purchasing Agent; dcannell@co.orange.nc.us ~ (919) 245-2651

You must acknowledge receipt of this (and all) addendum in the space provided on the form of proposal

Company Name: _____

By: _____

Date Received: _____

P.O. Box 8181 200 South Cameron Street Hillsborough, North Carolina 27278
Telephones: Area Code 919 245-2651 Fax: 919 644-3324



Revisions

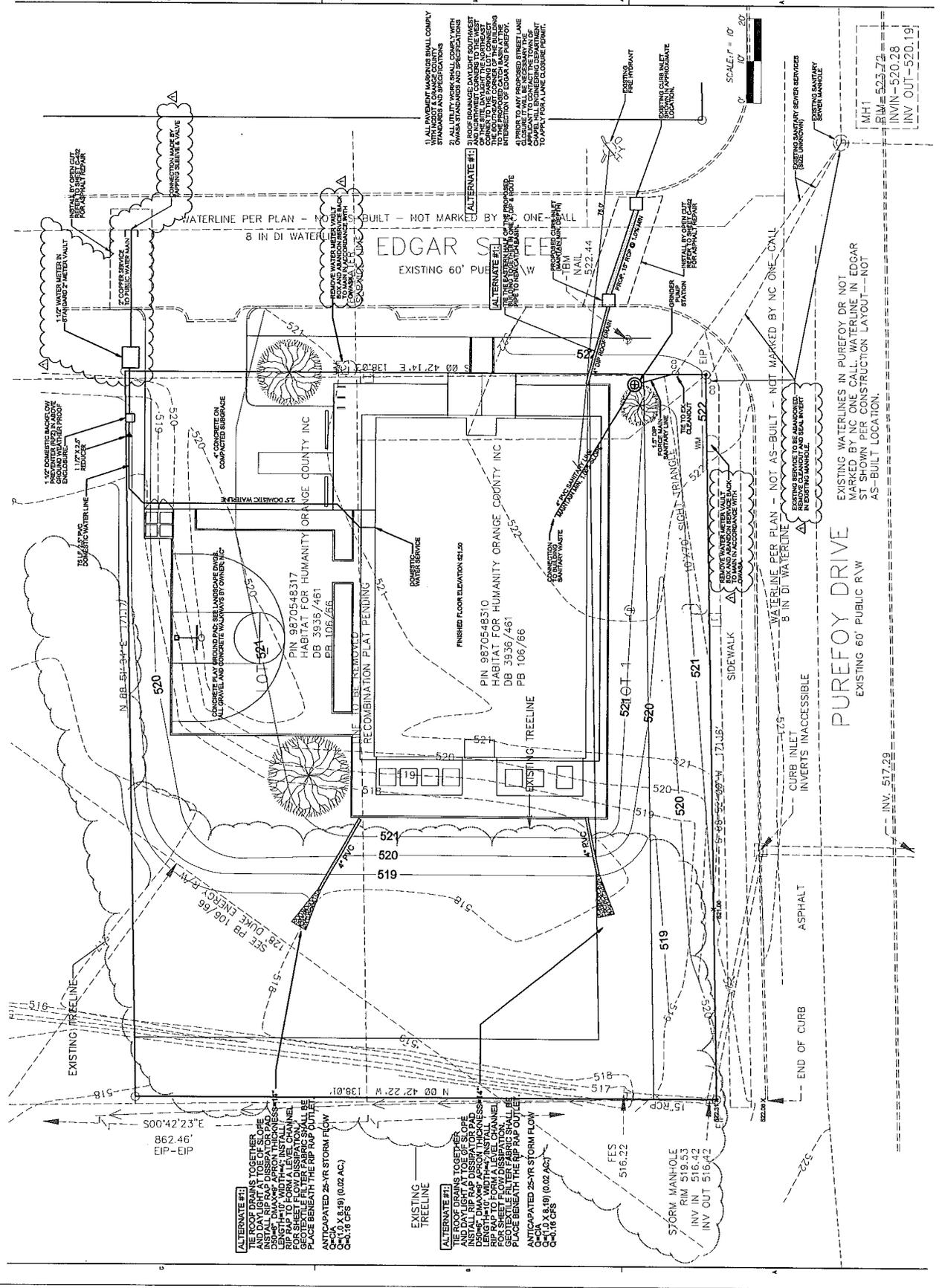
No.	DATE	DESCRIPTION
1.	08/15/17	ADD PLAN

NO.	DATE	DESCRIPTION
1.	08/15/17	ADD PLAN

SITE WATER, SANITARY & STORM

Sheet **C-300**

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EXISTING TREELINE
 862.46' EIP - EIP
 S00°42'23"E

ALTERNATE #1:
 THE ROOF DRAINS TOGETHER AND DAYLIGHT AT TOE OF SLOPE. INSTALL RIP RAP DISSEMINATION CHANNEL WITH 18" DIA. RIP RAP. CHANNEL RIP RAP TO FORM A LEVEL CHANNEL. 60" BENEATH THE DISSEMINATION CHANNEL. PLACE BENEATH THE RIP RAP OUTLET PLACE BENEATH THE RIP RAP OUTLET.
 ANTICIPATED 25-YR STORM FLOW: C=0.10, X=8.89 (0.02 AC), C=0.16 CFS

ALTERNATE #2:
 THE ROOF DRAINS TOGETHER AND DAYLIGHT AT TOE OF SLOPE. INSTALL RIP RAP DISSEMINATION CHANNEL WITH 18" DIA. RIP RAP. CHANNEL RIP RAP TO FORM A LEVEL CHANNEL. 60" BENEATH THE DISSEMINATION CHANNEL. PLACE BENEATH THE RIP RAP OUTLET PLACE BENEATH THE RIP RAP OUTLET.
 ANTICIPATED 25-YR STORM FLOW: C=0.10, X=8.89 (0.02 AC), C=0.16 CFS

EXISTING WATERLINES IN PUREFOY DR NOT MARKED BY NC ONE CALL. WATERLINE IN EDGAR ST SHOWN FOR CONSTRUCTION LAYOUT - NOT AS-BUILT LOCATION.

PUREFOY DRIVE
 EXISTING 60" PUBLIC R/W



Revisions

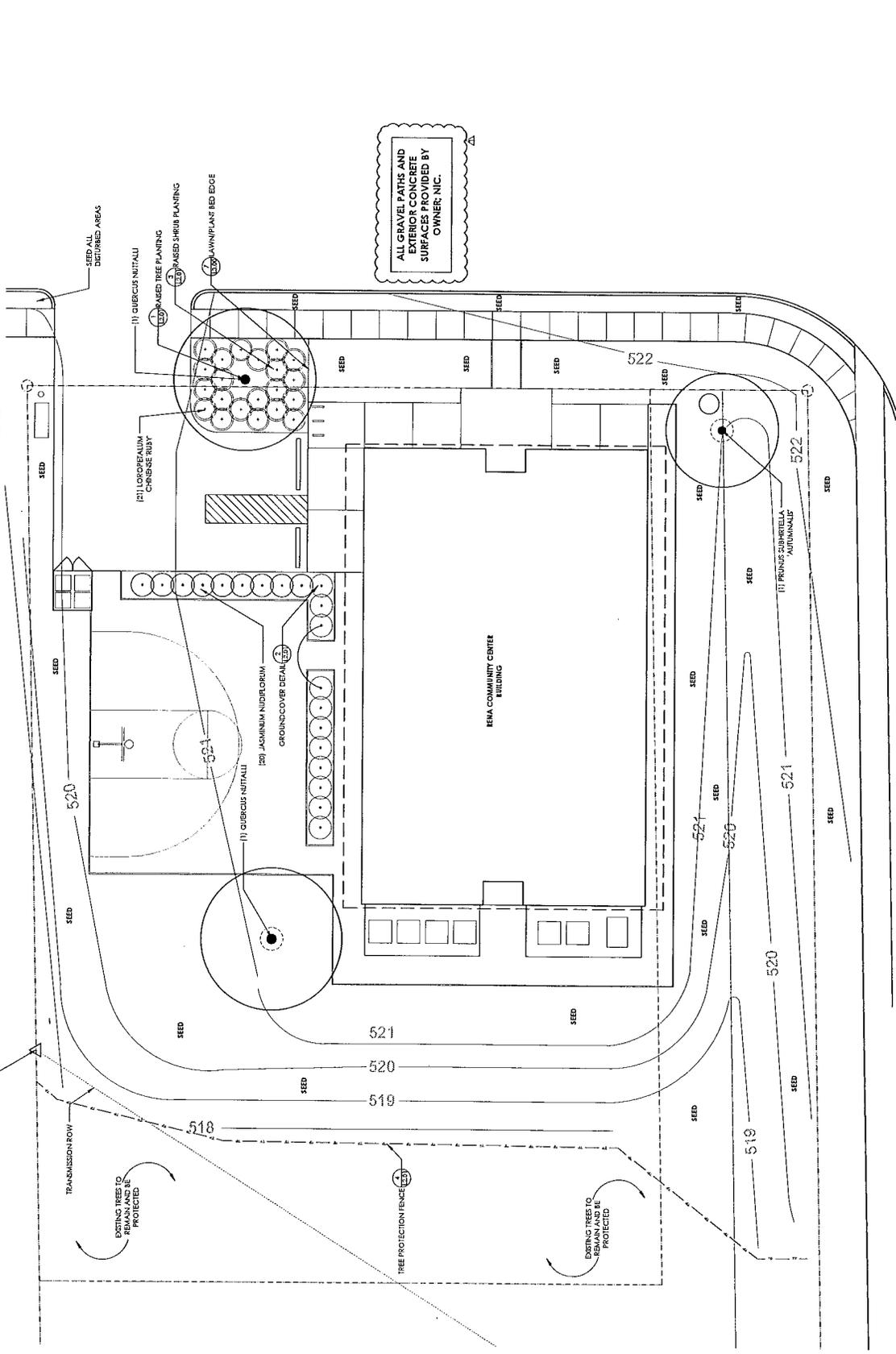
ADDENDUM #1	2014-02-10
NO.	DATE
Sheet Information	
Date	2/10/14
Job Number	00000
Drawn	CMG
Checked	MEG
Approved	MEG
Title	

PLANTING PLAN

Sheet
L2.00

Copyright © 2014 Perkins + Will

STY	BOTANICAL NAME	COMMON NAME	CAURIT	MIN HT	MIN SFR	REMARKS
1	PRUNUS SUBPARIETELLA AUTUMNALS	AUTUMNAL HOGAN CHERRY	248	8'	4'	STRONG CENTRAL LEADER
2	QUERCUS NITALLI	HOPPOON NUTTALL OAK	248	14'	8'	STRONG CENTRAL LEADER
3	QUERCUS NITALLI	WINTER JASMINE	3 GAL	12"		42" O.C.
20	JASMINUM NIDIFLORUM	CHINESE VITICLIMB	3 GAL	12"		42" O.C.
21	LOXCOTYLIUM CHINENSE RUBY	SEED: NEROLI TALL TYPE FERGIE				



1 LAYOUT AND MATERIALS PLAN
1/2" = 1'-0"



Orange County
Financial Services Department
ADDENDUM #2
March 5, 2014

Bid 367-292
RENA Community Center (RE-ADVERTISEMENT) - FOR ORANGE COUNTY, N.C.

To all Vendors:

Modifications to bid documents for the above named Request for Bids are made as follows and shall be included in the proposed amount.

1. "The following deviations from specifications are acceptable; PEX piping in lieu of copper piping."
2. See page 2 for questions received, with answers
3. See attached revised drawings. They replace the following sheets in the plans: E-000, E-010, & E-501

All other terms and conditions shall remain the same

By: David E. Cannell, Purchasing Agent; dcannell@co.orange.nc.us ~ (919) 245-2651

You must acknowledge receipt of this (and all) addendum in the space provided on the form of proposal

Company Name: _____

By: _____

Date Received: _____

P.O. Box 8181 200 South Cameron Street Hillsborough, North Carolina 27278
Telephones: Area Code 919 245-2651 Fax: 919 644-3324

RENA Community Center Pre-Bid Questions

Addenda #2 – March 04, 2014

1. I am looking for the duration & liquidated damages for this project in the specs & I cannot seem to find either. Could you please help me with that?
<Orange County Response> 180 days, Contractor will be fined \$100 a day for every day over 180 days.
2. I have been looking in the contract documents for information on temporary power and lighting and have been unable to locate the information. Can you please direct me to where I can find this information?
< Orange County Response > Contractor's responsibility
3. Refer to Electrical Sheet E-101; Gen Note 2. "Electrical conduits shall be routed underneath the slab where possible." Per our discussion at the Pre-Bid Conference, you indicated that conduit would not be allowed to run below slab. Please clarify what is allowed to be run below slab.
<N+B Response> Conduits should run below slab wherever possible as stated on Electrical drawings.
4. Per discussion at the Pre-Bid Conference, you indicated that it would be acceptable to use MC cable in lieu of conduit. Please clarify if MC cable is acceptable and in which locations it may be used.
<N+B Response> MC cable is acceptable for branch circuiting.
5. Will the following closets require a single shelf & rod or a full-height shelving unit with five shelves? <P+W Response>

#02A = single shelf & rod

#02B = single shelf & rod

#05A = single shelf & rod

#06A = single shelf & rod

#07A = single shelf & rod

#07B = single shelf & rod

#07C = single shelf & rod



Orange County
Financial Services Department
ADDENDUM #3
March 7, 2014

Bid 367-292
RENA Community Center (RE-ADVERTISEMENT) - FOR ORANGE COUNTY, N.C.

To all Vendors:

Modifications to bid documents for the above named Request for Bids are made as follows and shall be included in the proposed amount.

1. Please clarify Alternate 3 on what you want regarding the asphalt being in the base bid? The plans indicate the asphalt is included in the base bid amount, but the alternate 3 has it separated.
See updated AS-01 (attached)
2. Grinder Pump - I do not see any details or specification for the grinder pump. The Civil drawings and the Plumbing drawing have very different piping layouts to the pump. Please advise.
Please see updated sheet C-300 sheet with pump grinder info attached (supersedes drawing from addendum #1 also)
3. Sheet A-01 shows a 18' & a 20' Markersurface Board, some Marker Boards, and some Tack Boards. There is no specifications for these products. Are these to be included in the bid? If some, please provide some product data for desired products.
These items will be furnished and installed by the owner

All other terms and conditions shall remain the same

By: David E. Cannell, Purchasing Agent; dcannell@co.orange.nc.us ~ (919) 245-2651

You must acknowledge receipt of this (and all) addendum in the space provided on the form of proposal

Company Name: _____

By: _____

Date Received: _____

P.O. Box 8181 200 South Cameron Street Hillsborough, North Carolina 27278
Telephones: Area Code 919 245-2651 Fax: 919 644-3324

ATTACHMENT 2

FORM OF PROPOSAL

RENA Community Center _____
Orange County _____

Contract: Single Prime
Bidder: Riggs-Harrod Builders, Inc.
Date: March 13, 2014

The undersigned, as bidder, hereby declares that the only person or persons interested in this proposal as principal or principals is or are named herein and that no other person than herein mentioned has any interest in this proposal or in the contract to be entered into; that this proposal is made without connection with any other person, company or parties making a bid or proposal; and that it is in all respects fair and in good faith without collusion or fraud. The bidder further declares that he has examined the site of the work and the contract documents relative thereto, and has read all special provisions furnished prior to the opening of bids; that he has satisfied himself relative to the work to be performed.

The Bidder proposes and agrees, if this Proposal is accepted, to contract with the Owner in the form of contract specified, to furnish all necessary materials, equipment, machinery, tools, apparatus, means of transportation and labor necessary to complete all construction of the subject project in accordance with the Drawings, Specifications, and Contract Documents, to the full and entire satisfaction of the Owner and the Architect, with a definite understanding that no money will be allowed for extra work, except as set forth in the General Conditions and Contract Documents for the sum of:

SINGLE PRIME CONTRACT:

Base Bid: Five Hundred Forty Four Thousand Three Hundred Twenty Eight + Dollars (\$) 544,328.00

General Subcontractor:
Riggs-Harrod Builders, Inc. Lic 18667

Plumbing Subcontractor:
ABC Plumbing Lic 27528

Mechanical Subcontractor:
Bagby Equipment Co. Lic 2701-0283
63A

Electrical Subcontractor:
Quality Electric Lic 03495-u

GS143-128(d) requires all single prime bidders to identify their subcontractors for the above subdivisions of work. A contractor whose bid is accepted shall not substitute any person as subcontractor in the place of the subcontractor listed in the original bid, except (i) if the listed subcontractor's bid is later determined by the contractor to be non-responsible or non-responsive or the listed subcontractor refuses to enter into a contract for the complete performance of the bid work, or (ii) with the approval of the awarding authority for good cause shown by the contractor.

ALTERNATES:

Should any of the alternates as described in the contract documents be accepted, the amount written below shall be the amount to be "deducted from" the base bid.

GENERAL CONTRACT:

Alternate No. G-1 Delete all gutter, downspout and roof stormwater conveyance..

(Deduct) Five Thosuaned Four Hundred ----- Dollars(\$) 5,400.00

Alternate No. G-2A Delete basketball goal..

(Deduct) Five Hundred ----- Dollars(\$) 500.00

Alternate No. G-3 Provide separate breakout cost for parking lot paving surface; provide cost as concrete and provide cost as asphalt.

Concrete Eight Thousand One Hundred Sixty-----Dollars(\$) 8,160.00

Asphalt Eight Thousand One Hundred Twelve-----Dollars(\$) 8,112.00

The bidder further proposes and agrees hereby to commence work under this contract on a date to be specified in a written order of the designer and shall fully complete all work thereunder within the time specified in the General Conditions Article 13. Applicable liquidated damages amount is also stated in the General Conditions Article 13.

Proposal Signature Page

The undersigned further agrees that in the case of failure on his part to execute the said contract and the bonds within ten (10) consecutive calendar days after being given written notice of the award of contract, the certified check, cash or bid bond accompanying this bid shall be paid into the funds of the owner's account set aside for the project, as liquidated damages for such failure; otherwise the certified check, cash or bid bond accompanying this proposal shall be returned to the undersigned.

Respectfully submitted this day of March 13, 2014

Riggs-Harrod Builders, Inc.

(Name of firm or corporation making bid)

WITNESS:

By: [Signature]
Signature

(Proprietorship or Partnership)

Name: Alan Kozar
Print or type

Title Vice President
(Owner/Partner/Pres./V.Pres)

Address 1117 E. Geer Street

Durham, NC 27704

ATTEST:

By: [Signature]
Lafonya Tilson
Title: Assistant Secretary
(Corp. Sec. or Asst. Sec. only)

License No. 18667

Federal I.D. No. 56-1470287

Email Address: akozar@riggsharrod.com

(CORPORATE SEAL)

Addendum received and used in computing bid.

Acknowledged
Addendum No. 1 [Signature] dated 2/14/14 Addendum No. 3 [Signature] dated 3/7/14 Addendum No. 5 _____ Addendum No. 6 _____
Addendum No. 2 [Signature] dated 3/5/14 Addendum No. 4 [Signature] Addendum No. 6 _____ Addendum No. 7 _____

BOCC Meeting Follow-up Actions

(Individuals with a * by their name are the lead facilitators for the group of individuals responsible for an item)

Meeting Date	Task	Target Date	Person(s) Responsible	Status
3/18/14	Review and consider request from Commissioner Pelissier that all applicants for potential appointment to the Boards with specialized questions be required to answer those additional questions	4/1/2014	Chair/Vice Chair/Manager	DONE Staff pursued application updates several months ago; additional soliciting for updated applications has recently occurred; no applications will be discarded regardless of update status
3/18/14	Review and consider request from Commissioner McKee that staff provide information/an update to the Board on impervious cover provisions/limitations/etc.	5/8/2014	Chair/Vice Chair/Manager	Chair/Vice Chair/Manager have discussed – Staff will provide Information Item along with recent Planning Department letter
3/18/14	Review and consider request from Commissioner Dorosin that staff participate in the Building Integrated Communities webinar on March 19 and provide information to the Board on grant opportunities	5/8/2014	Chair/Vice Chair/Manager	Staff pursued participation in webinar, but was not able to participate due to access issues; information from webinar, grant information, etc. has been pursued and will be shared with the Board when received
3/18/14	Review and consider request from Commissioner Rich that the Board recognize the Chapel Hill High School Tigers Basketball team on its State championship	4/15/2014	Chair/Vice Chair/Manager	Chair/Vice Chair/Manager had previously discussed; Scheduled for April 15 Board meeting
3/18/14	Review and consider request from Commissioner Jacobs that staff follow-up on what the County is doing in communicating to Google regarding bringing high speed internet to Orange County	5/8/2014	Chair/Vice Chair/Manager	Staff submitted application to Google two years ago; no feedback received; Planning staff will follow-up
3/18/14	Follow-up on questions and comments from first Solid Waste Tax District public hearing to develop updated FAQ's and address issues raised	4/1/2014	*Gayle Wilson Michael Talbert	DONE Updated FAQ's included in April 1 Board meeting agenda item

Meeting Date	Task	Target Date	Person(s) Responsible	Status
3/18/14	Follow-up on questions and comments related to storage, total available storage square footage, used storage square footage, etc. based on Board discussion	5/8/2014	Jeff Thompson	Staff to compile information on storage and provide to Board

INFORMATION ITEM

Tax Collector's Report - Numerical Analysis

Effective Date of Report: March 18, 2014						
Tax Year 2013	Amount Charged in FY 13-14	Amount Collected	Accounts Receivable*	Amount Budgeted in FY 13-14	Remaining Budget	% of Budget Collected
Current Year Taxes	\$ 137,868,792.00	132,081,403.99	\$ 3,389,165.96	\$ 137,868,792.00	\$ 2,516,262.89	98.17%
*Current Year VTS Taxes		3,271,125.12				
Prior Year Taxes	\$ 4,163,721.00	1,470,414.07	\$ 2,567,107.27	\$ 994,130.00	\$ (476,284.07)	147.91%
Total	\$ 142,032,513.00	136,822,943.18	\$ 5,956,273.23	\$ 138,862,922.00	\$ 2,039,978.82	98.53%
Tax Year 2012	Amount Charged in FY 12-13	Amount Collected	Accounts Receivable	Amount Budgeted in FY 12-13	Remaining Budget	% of Budget Collected
Current Year Taxes	\$ 135,068,463.00	132,077,854.74	\$ 4,299,098.05	\$ 135,068,463.00	\$ 2,990,608.26	97.79%
Prior Year Taxes	\$ 4,026,736.27	1,379,270.05	\$ 2,295,682.47	\$ 994,130.00	\$ (385,140.05)	138.74%
Total	\$ 139,095,199.27	133,457,124.79	\$ 6,594,780.52	\$ 136,062,593.00	\$ 2,605,468.21	98.09%
Current Year Overall Collection Percentage Tax Year 2013			97.50%			
Current Year Overall Collection Percentage Tax Year 2012			96.86%			

**Effective with September 2013 vehicle registration renewals, the Orange County Tax Office will generally no longer bill and collect for registered motor vehicles. This is in accordance with new State law, House Bill 1779. In an effort of full transparency, the tax office has modified its Collector's Report format to include taxes billed and collected through the new Vehicle Tax System (VTS). Including this figure will show the Collector's progress toward meeting the overall tax revenue budget. Note that reconciliation for these taxes is monthly, so this figure may not change with each report.*

Changed calculation for Remaining Budget to include subtracting the VTS Collections

INFORMATION ITEM

Tax Collector's Report - Measures of Enforced Collections

Fiscal Year 2013-2014

Effective Date of Report: February 28, 2014													
	July	August	September	October	November	December	January	February	March	April	May	June	YTD
Wage garnishments	75	19	13	51	30	38	43	273					542
Bank attachments	17	1	-	6	4	4	18	38					88
Certifications	1	2	-	-	-	-	-						3
Rent attachments	1	-	-	-	-	-	3	7					11
Housing/Monies	-	1	-	-	-	-	37	40					78
DMV blocks	1,030	*	*	5,101	1,817	1,827	1,712	1,625					13,112
Levies	-	-	2	-	3	-	3	3					11
Foreclosures initiated	6	-	-	4	-	-	2	2					14
NC Debt Setoff collections	\$ 547.20	\$ 705.25	\$ -	\$ 556.70	\$ 1,662.40	\$ 466.92	\$ -	\$ 508.35					\$ 4,446.82

This report shows the Tax Collector's efforts to encourage and enforce payment of taxes for the fiscal year 2013-2014. It gives a breakdown of enforced collection actions by category, and it provides a year-to-date total.

The Tax Collector will update these figures once each month, after each month's reconciliation process.

* No blocks were issued due to a system error.

As a further note, this enforcement method will soon be obsolete. Beginning with September 2013 license plate renewals, vehicle taxes will be paid to the NCDMV license plate agency along with the license renewal fee. After blocking delinquent vehicle tax bills created for August 2013 renewals, blocks will no longer be used as an enforcement method.

INFORMATION ITEM

BARRY JACOBS, CHAIR
EARL MCKEE, VICE CHAIR
MARK DOROSIN
ALICE M. GORDON
BERNADETTE PELISSIER
RENEE PRICE
PENNY RICH

Orange County Board of Commissioners
Post Office Box 8181
200 South Cameron Street
Hillsborough, North Carolina 27278



March 19, 2014

Dear Commissioners,

At the Board's March 6, 2014 regular meeting, several petitions were brought forth which were reviewed by the Chair/Vice Chair/Manager Agenda team. The petitions and responses are listed below:

- 1) Review and consider a request from an Orange County resident regarding the County implementing changes on the elections website regarding links to candidate web pages and establishing a "VoteOrange" web site to enhance voter education on candidates.

Response: This request will be referred to the County Attorney and the Board of Elections.

- 2) Review and consider a request by Commissioner Pelissier that the Chair write a follow-up letter to the Town of Chapel Hill regarding plans for affordable housing as it relates to transit development.

Response: Follow-up Letter from the Chair to be drafted and forwarded to the Town of Chapel Hill.

- 3) Review and consider a request from Commissioner Rich that the Board recognize the Chapel Hill High School fencing team on its State championship.

Response: This presentation is scheduled for March 18, 2014 BOCC Meeting.

- 4) Review and consider a request from Commissioner Gordon that staff be directed to provide a presentation on agricultural support enterprises as part of the joint meeting with Chapel Hill after the JPA public hearing.

Response: Agricultural support enterprises text amendments presentation will not be pursued.

- 5) Review and consider a request from Commissioner Jacobs that the Board receive a presentation of the County's Social Justice Goal.

Response: Manager to consult with Assistant County Manager and staff and Human Relations Commission regarding presentation to BOCC.

This letter will be provided as an Information Item on the April 1, 2014 agenda for public information.

Best,

Barry Jacobs, Chair
Board of County Commissioners

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Protecting and preserving – People, Resources, Quality of Life
Orange County, North Carolina – You Count!
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INFORMATION ITEM

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March 26, 2014

Dear Commissioners,

At the Board's March 18, 2014 regular meeting, several petitions were brought forth which were reviewed by the Chair/Vice Chair/Manager Agenda team. The petitions and responses are listed below:

- 1) Review and consider a request from Commissioner Pelissier that all applicants for potential appointment to the Boards with specialized questions be required to answer those additional questions.

Response: Staff pursued application updates several months ago. Additional solicitation for updated applications occurred recently. Going forward, all applications will be included regardless of update status, and Board may choose candidates at its discretion.

- 2) Review and consider a request from Commissioner McKee that staff provide information/an update to the Board on impervious cover provisions/limitations/etc.

Response: Staff will provide Information Item along with recent Planning Department letter on the May 8th BOCC regular meeting agenda.

- 3) Review and consider a request from Commissioner Dorosin that staff participate in the Building Integrated Communities webinar on March 19 and provide information to the Board on grant opportunities.

Response: Staff pursued participation in webinar, but was unable to participate due to access issues. Information from webinar, grant information, etc. has been solicited and will be shared with the Board when received.

- 4) Review and consider a request from Commissioner Rich that the Board recognize the Chapel Hill High School Tigers Basketball team on its State championship.

Response: Chair/Vice Chair/Manager had previously discussed; this is scheduled for the April 15th regular Board meeting.

- 5) Review and consider a request from Commissioner Jacobs that staff follow-up on what the County is doing in communicating to Google regarding bringing high speed internet to Orange County.

Response: Staff submitted application to Google two years ago. No feedback was received. Planning staff will follow-up.

This letter will be provided as an Information Item on the April 1, 2014 agenda for public information.

Best,

Barry Jacobs, Chair
Board of County Commissioners