



**Orange County
Board of Commissioners**

Agenda

RECEPTION – 6:00 p.m.-7:00 p.m.
Whitted Building

Regular Meeting

December 1, 2014

7:00 p.m.

Richard Whitted Meeting Facility

300 West Tryon Street

Hillsborough, NC 27278

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

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

Resolution of Commendation for Commissioner Alice M. Gordon (7:00-7:10)

Resolution Recognizing Orange County Register of Deeds Deborah Brooks (7:10-7:15)

Resolution Recognizing Orange County Sheriff Lindy Pendergrass (7:15-7:20)

Oaths of Office for Board Members (7:20-7:35)

- **Senator Valerie Foushee will administer the oath to Commissioner-Elect Mia Burroughs**
- **Judge Allan Baddour will administer the oath to Commissioner Barry Jacobs**
- **Senator Valerie Foushee will administer the oath to Commissioner Earl McKee**

Board Organization (7:35-7:50)

a. Election of Chair and Vice-Chair

• **CHAIR WILL ASK THE CLERK TO DISTRIBUTE BALLOTS FOR BOARD CHAIR**
(Chair will change seats, if needed)

- **CHAIR WILL ASK THE CLERK TO DISTRIBUTE BALLOTS FOR BOARD VICE – CHAIR**

b. Designation of Voting Delegate for all NCACC and NACo Meetings for Calendar Year December 1, 2014-2015

CHAIR

Appointments-CHAIR (7:50-8:00)

- a. Manager
- b. Attorney
- c. Clerk to the Board



1. Additions or Changes to the Agenda (8:00-8:05)

CHAIR

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) (8:05-8:20)

(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) (8:20-8:30)

4. Proclamations/ Resolutions/ Special Presentations (8:30-8:55)

- a. Voluntary and Enhanced Agricultural District Designation – Multiple Farms – Gledhill, McAdams, Anderson, McKnight/Hawley, and Scarlett
- b. Proclamation - Human Rights Day, Bill of Rights Day, and Human Rights Week
- c. Resolution in Support of Equal Access for Immigrant Children

5. Public Hearings (8:55-9:10)

- a. Comprehensive Plan and Unified Development Ordinance Text Amendments and Zoning Atlas Amendments to Establish Two New Zoning Overlay Districts in the Efland Area – Continue Public Hearing to April 7, 2015

6. Consent Agenda (9:10-9:20)

- Removal of Any Items from Consent Agenda
 - Approval of Remaining Consent Agenda
 - Discussion and Approval of the Items Removed from the Consent Agenda
- a. Minutes
 - b. Motor Vehicle Property Tax Releases/Refunds



- c. Property Tax Releases/Refunds
- d. Applications for Property Tax Exemption/Exclusion
- e. Resolution Adjusting the Salaries of the Sheriff and Register of Deeds Positions
- f. Schools Adequate Public Facilities Ordinance (Schools APFO) – Approval of Membership and Capacity Numbers
- g. Applications for Grants from the NC Agricultural Development and Farmland Preservation Trust Fund and the Federal Agricultural Conservation Easement Program for the Pope Farm Conservation Easement
- h. Cedar Grove Community Center Roof Replacement Bid Award

7. Regular Agenda

- a. Consideration of the Town of Chapel Hill’s Extraterritorial Jurisdiction (ETJ) Extension Request (9:20-9:35)
- b. Establishment of a New Full Time Position for the Orange County Sheriff’s Office – Legal Advisor to the Sheriff (9:35-9:45)
- c. Orange County/City of Durham Utility Service Agreement Amendment (9:45-10:00)

8. Reports

9. County Manager’s Report (10:00-10:05)

10. County Attorney’s Report (10:05-10:10)

11. Appointments(10:10-10:15)

- a. Triangle Transit Special Tax Board – Appointments

12. Board Comments (Three Minute Limit Per Commissioner) (10:15-10:30)

13. Information Items

- November 18, 2014 BOCC Meeting Follow-up Actions List
- Tax Collector’s Report - Numerical Analysis
- Tax Collector’s Report - Measure of Enforced Collections
- Tax Assessor’s Report - Releases and Refunds under \$100
- Update on Solarization Programs for Orange County
- BOCC Chair Letter Regarding Petitions from November 18, 2014 Regular Board Meeting

14. Closed Session

15. Adjournment

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

Orange County Board of Commissioners’ regular meetings and work sessions are available via live streaming video at orangecountync.gov/occlerks/granicus.asp and Orange County Gov-TV on channels 1301 or 97.6 (Time Warner Cable).

ORANGE COUNTY BOARD OF COMMISSIONERS

**RESOLUTION OF COMMENDATION
FOR
COMMISSIONER ALICE M. GORDON**

WHEREAS, the voters of Orange County elected Alice M. Gordon to the Board of County Commissioners in 1990 and re-elected her in 1994, 1998, 2002, 2006 and 2010; and

WHEREAS, Commissioner Alice Gordon was elected Chair of the Board of Commissioners in 1999; and

WHEREAS, Commissioner Gordon has proven to be a dedicated and effective public servant who, as she said on the campaign trail, "does her homework" including combing through every agenda item with keen focus on detail, gaining the respect of all who have known her in both the public and private sectors; and

WHEREAS, during her tenure as an Orange County Commissioner, Alice M. Gordon has shared her talent for leadership and public service through her work on numerous committees, boards, and task forces focusing on public education, environmental protection, and regional transportation; and

WHEREAS, Commissioner Gordon chaired the Schools and Land Use Council, the county-wide group of elected officials that crafted the Schools Adequate Public Facilities Ordinance to plan ahead for future school needs; and

WHEREAS, Commissioner Gordon chaired the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization's Transportation Advisory Committee (TAC), and has also served as Chair of the Triangle Transit Board of Trustees, the regional public transit agency; and

WHEREAS, Commissioner Gordon served as a member of the North Carolina Association of County Commissioners' Environment Steering Committee and the National Association of Counties' Environment, Energy and Land Use Steering Committee; and

WHEREAS, in 2006 Leadership Triangle honored Commissioner Gordon with the Goodmon Award for Exemplary Regional Leadership by an Elected Official for her contributions in the areas of environmental protection and regional transportation; and

WHEREAS, Commissioner Gordon was a key member of the Board when it launched the County's nationally recognized "Lands Legacy Program" as the first comprehensive county land acquisition program in North Carolina, an approach that won the Excellence in County Planning Award from the National Association of County Planners; and

WHEREAS, as Chair of the Transportation Advisory Committee of the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization in 2007 and 2008, Commissioner Gordon helped lead the effort to create the 2035 regional long range transportation plan, earning the MPO the National Award for Outstanding Achievement in Metropolitan Transportation Planning, which commended this collaborative effort for exemplary practice within the planning process; and

WHEREAS, the Orange County Board of Commissioners desires, on behalf of County officials and employees, and the residents of Orange County, to express to Commissioner Alice Gordon their deep appreciation and gratitude for the services rendered by her to the County over the past 24 years;

NOW THEREFORE, BE IT RESOLVED that the Orange County Board of Commissioners offers Commissioner Alice Gordon our very best wishes for success, happiness, prosperity and good health in her future endeavors.

This the first day of December 2014.

Barry Jacobs, Chair

Earl McKee, Vice Chair

Renee Price, Commissioner

Mark Dorosin, Commissioner

Bernadette Pelissier, Commissioner

Penny Rich, Commissioner

ORANGE COUNTY BOARD OF COMMISSIONERS

RESOLUTION RECOGNIZING ORANGE COUNTY
REGISTER OF DEEDS
DEBORAH BROOKS

WHEREAS, Deborah Brooks has served the residents of Orange County as Register of Deeds since her election to the office in 2010; and,

WHEREAS, Deborah Brooks started her career in the Register of Deeds Office in 1975; and,

WHEREAS, Ms. Brooks has served the residents of Orange County for 39 years in the Register of Deeds Office in an efficient, effective, and welcoming manner; and,

WHEREAS, Register Brooks truly represents “starting at the bottom and working to the top”, as her first job was during her high school years as a temporary employee and is now retiring as the Register of Deeds; and,

WHEREAS, in addition to recording and maintaining property related documents as required by law, she has also maintained vital records including marriage licenses, birth and death certificates and military discharges; and,

WHEREAS, Register of Deeds Brooks has been instrumental in training and guiding a highly competent staff, and has fostered a customer-service ethic that reflects well on all of Orange County government;

NOW, THEREFORE, be it resolved that the Orange County Board of Commissioners does hereby recognize Deborah Brooks for her 39 years of service to the people of Orange County and wishes her well in the future endeavors she undertakes with her customary determination, thoroughness and warmth.

This the 1st day of December 2014.

Barry Jacobs, Chair
Orange County Board of Commissioners

ORANGE COUNTY BOARD OF COMMISSIONERS

**RESOLUTION RECOGNIZING ORANGE COUNTY
SHERIFF LINDY PENDERGRASS**

WHEREAS, Lindy Pendergrass has served the residents of Orange County as Sheriff for 32 years; and,

WHEREAS, the Sheriff was elected by the voters of Orange County in 1982, 1986, 1990, 1994, 1998, 2002, 2006, and 2010; and,

WHEREAS, Sheriff Pendergrass joined the Chapel Hill Police Department in 1957; and,

WHEREAS, Sheriff Pendergrass has served the people of Orange County in a law enforcement capacity for 57 years; and,

WHEREAS, during Sheriff Pendergrass' tenure the number of sworn personnel in the department has grown from 20 to 100 and the capacity of the jail has expanded from 47 to 130 inmates; and,

WHEREAS, the Sheriff has promoted the importance of training by sending his staff to classes conducted by the Department of Homeland Security, the FBI, the DEA, as well as other training and certifying agencies to prepare his staff for the challenges of law enforcement; and,

WHEREAS, Sheriff Pendergrass has fostered a service-oriented approach to law enforcement that inspires trust and confidence in the general public, as well as collaborative relationships with other law enforcement entities;

NOW, THEREFORE, be it resolved that the Orange County Board of Commissioners does hereby recognize Sheriff Lindy Pendergrass for his 32 years as Sheriff, serving the people of Orange County and wishes him well as he embraces the benefits of life outside public service.

This the 1st day of December 2014.

Barry Jacobs, Chair
Orange County Board of Commissioners

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 1, 2014

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

SUBJECT: Voluntary and Enhanced Agricultural District Designation – Multiple Farms - Gledhill, McAdams, Anderson, McKnight/Hawley, and Scarlett

DEPARTMENT: Environment, Agriculture,
Parks and Recreation
(DEAPR); Soil & Water
Conservation

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

Applications and Maps

INFORMATION CONTACTS:

David Stancil, 919-245-2510
Gail M. Hughes, 919-245-2753
Peter Sandbeck, 919-245-2517

PURPOSE: To consider applications from multiple landowners/farms of certified qualifying farmland within the Cedar Grove, Schley/Eno, Efland/High Rock, and White Cross Voluntary Agricultural Districts; and enroll the lands in the Orange County Voluntary Agricultural District (VAD) and the Enhanced Voluntary Agricultural District (EVAD) programs.

BACKGROUND: Orange County's Voluntary Farmland Preservation Program was started in 1992. To date, 41 farms have enrolled in the Voluntary Agricultural District (VAD) program, and 10 farms have enrolled in the Enhanced Voluntary Agricultural District (EVAD) program, totaling 6,923 acres within the seven districts comprising the non-urban portions of the County.

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

1. Consist of the minimum number of contiguous acres to participate in the present-use-value taxation program (20 acres for forestry, 10 for agriculture and 5 for horticulture);
2. Be participating in the farm present-use-value taxation program established by N.C.G.S. §105-277.2 through §105-277.7, or is otherwise determined by the county to meet all the qualifications of this program set forth in G.S. 105-277.3;

3. Be certified by the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture as being a farm on which at least two-thirds of the land is composed of soils that:
 - a. Are best suited for providing food, seed, fiber, forage, timber, forestry products, horticultural crops and oil seed crops;
 - b. Have good soil qualities;
 - c. Are favorable for all major crops common to the county where the land is located;
 - d. Have a favorable growing season; and
 - e. Receive the available moisture needed to produce high yields for an average of eight out of ten years;

OR at least two-thirds of the land has been actively used in agricultural, horticultural or forestry operations as defined by N.C.G.S. §105-277.2 (1, 2, 3) during each of the five previous years, measured from the date on which the determination must be made as to whether the land in question qualifies;
4. Be managed, if highly erodible land exists on the farm, in accordance with the Natural Resources Conservation Service defined erosion-control practices that are addressed to said highly-erodible land; and
5. Be the subject of a non-binding conservation agreement, as defined in N.C.G.S. §121-35, between the County and the owner that prohibits non-farm use or development of such land for a period of at least ten years, except for the creation of not more than three lots that meet applicable County zoning and subdivision regulations.

At the August and October 2014 meetings, the Orange County Agricultural Preservation Board reviewed the findings of the staff assessments for the attached applications for the Orange County VAD program. All farm applications were reviewed and verified to have met or exceeded the minimum criteria for certification into the program. The Agricultural Preservation Board voted unanimously to recommend approval of the certification for the five (5) farms and 222.61 acres of farmland and their inclusion in the Voluntary and Enhanced Voluntary Agricultural District program. The certification documentation is on file in the DEAPR/Soil and Water Conservation District office. The farms are described briefly below:

Brief Farm Descriptions

- 1) Owners of the Cedar Grove Windy Hill Farm - Geoffrey and Jane Gledhill farm have submitted an application to enroll one (1) parcel of land totaling 38.88 acres as qualifying farmland for the Enhanced Voluntary Agricultural District program (EVAD) in the Cedar Grove Agricultural District. The farm operation is comprised of pasture land, beef cattle, dairy goats, and honeybees. The Gledhills also grow shiitake mushrooms, blueberries, and other fruit trees such as figs, sweet cherries, mulberries, elderberries, and Asian pears. The Gledhill Farm has been evaluated against the EVAD certification requirement standards and meets or exceeds all of the measures above.
- 2) Owners of the McAdams Farm - Howard and Karen McAdams - have submitted an application to enroll two (2) parcels of land totaling 13.42 acres as qualifying farmland for the Voluntary Agricultural District (VAD) program in the Efland/High Rock Agricultural District. The farm operation is comprised of fruit and vegetable

production crops such as strawberries, tomatoes, peppers and watermelons; and also shiitake mushrooms, beef cattle, pastureland, and managed forestry/woodland. The McAdams Farm has been evaluated against each of the VAD certification requirement standards and meets or exceeds all of the measures above.

- 3) Owners of the Nels and Nancy Anderson farm have submitted an application to enroll three (3) parcels of land totaling 95.95 acres as qualifying farmland for the Voluntary Agricultural District (VAD) program in the Schley/Eno Agricultural District. The farm operation is comprised of a hay crops and managed forestry/woodland. The Anderson Farm has been evaluated against each of the VAD certification requirement standards and meets or exceeds all of the measures above.
- 4) Owners of the Chapel Hill Creamery – Portia McKnight and Florence Hawley – have submitted an application to enroll one (1) parcel of land totaling 37.07 acres as qualifying farmland for the Enhanced Voluntary Agriculture District (EVAD) program in the White Cross Agricultural District. The farm operation is comprised of dairy cattle, hay, and pasture land. The McKnight/Hawley farm has been evaluated against each of the VAD certification requirement standards and meets or exceeds all of the measures above.
- 5) Owners of the Stephen and Marsha Scarlett farm have submitted an application to enroll three (3) parcels of land totaling 37.29 acres as qualifying farmland for the Voluntary Agricultural District (VAD) program in the Cedar Grove Agricultural District. The farm operation is comprised of beef cattle, hay and pasture land. The Scarlett farm has been evaluated against each of the VAD certification requirement standards and meets or exceeds all of the measures above.

To be formally designated as part of a Voluntary Agricultural District program, the Board of Commissioners must approve that the farms meet the certification requirements as per the Agriculture Preservation Board's findings.

FINANCIAL IMPACT: There is no fiscal impact associated with this item. Voluntary Agricultural Districts are non-monetary and non-binding conservation agreements. Enhanced Voluntary Agriculture Districts are non-monetary and are binding 10-year conservation agreements.

RECOMMENDATION(S): The Manager recommends that the Board certify the five (5) farm properties noted above totaling 146.66 acres (VAD) and 75.95 acres (EVAD) as denoted in the attached documentation as qualifying farmland, and designate them as Voluntary or Enhanced Voluntary Agricultural District farms within the Cedar Grove, Efland/High Rock, Schley/Eno, and White Cross Voluntary Agricultural Districts; and enroll the lands in the Orange County Voluntary Agricultural District (VAD) and the Enhanced Voluntary Agricultural District (EVAD) programs.

With approval of these additional acres, the Orange County Voluntary Agricultural District Program will have enrolled 56 farms; totaling 6,191 acres in the VAD and 953 acres in the EVAD for a total of 7,144 acres (rounded).



Orange County Agricultural Preservation Board

APPLICATION FOR CERTIFICATION AS QUALIFYING FARMLAND AND DESIGNATION AS AN ORANGE COUNTY VOLUNTARY AGRICULTURAL DISTRICT / ENHANCED VOLUNTARY AGRICULTURAL DISTRICT

INSTRUCTIONS: Before completing the application, please review the provisions of the Orange County Voluntary Farmland Preservation Program Ordinance, and fill out the form as accurately and completely as possible. Please sign and date the form, and return it to the Department of Environment, Agriculture, Parks and Recreation PO Box 8181 - 306 Revere Road, Hillsborough, NC 27278

APPLICANT:

Name: Geoffrey & Jane Bledhill
Address: 1319 Carr Store Rd
City: Cedar Grove State: NC Zip Code: 27231
Phone Number (Day): 919 619 2490 (Evening) same
E-Mail: cedargrovetwindyhillfarm@gmail.com

PROPERTY INFORMATION:

Property Location/Address: 1319 Carr Store Rd, Cedar Grove, NC 27231
Township: 2.33.35A Tax Map: Block: Lot:
Parcel Identification Number (PIN): 9858205907
Number of Acres: 38.88 Deed Book: 1074 Page: 435
Does this land have a plan on file with the Natural Resources Conservation Service or NC Forest Service? Yes: No: [checked]
Is this land listed for Present Use taxation with the Orange County Tax Office? Yes: [checked] No:

I [WE] ARE SEEKING DESIGNATION AS A VOLUNTARY AGRICULTURAL DISTRICT

I [WE] ARE SEEKING DESIGNATION AS AN ENHANCED VOLUNTARY AGRICULTURAL DISTRICT [checked]

OWNER[S] CERTIFICATION:

I [We], the applicant[s], hereby certify that, to the best of my [our] knowledge, the foregoing application is complete and accurate.

Signature: Geoffrey Bledhill Date: 6/23/2014
Signature: Jane Bledhill Date: 6/23/14



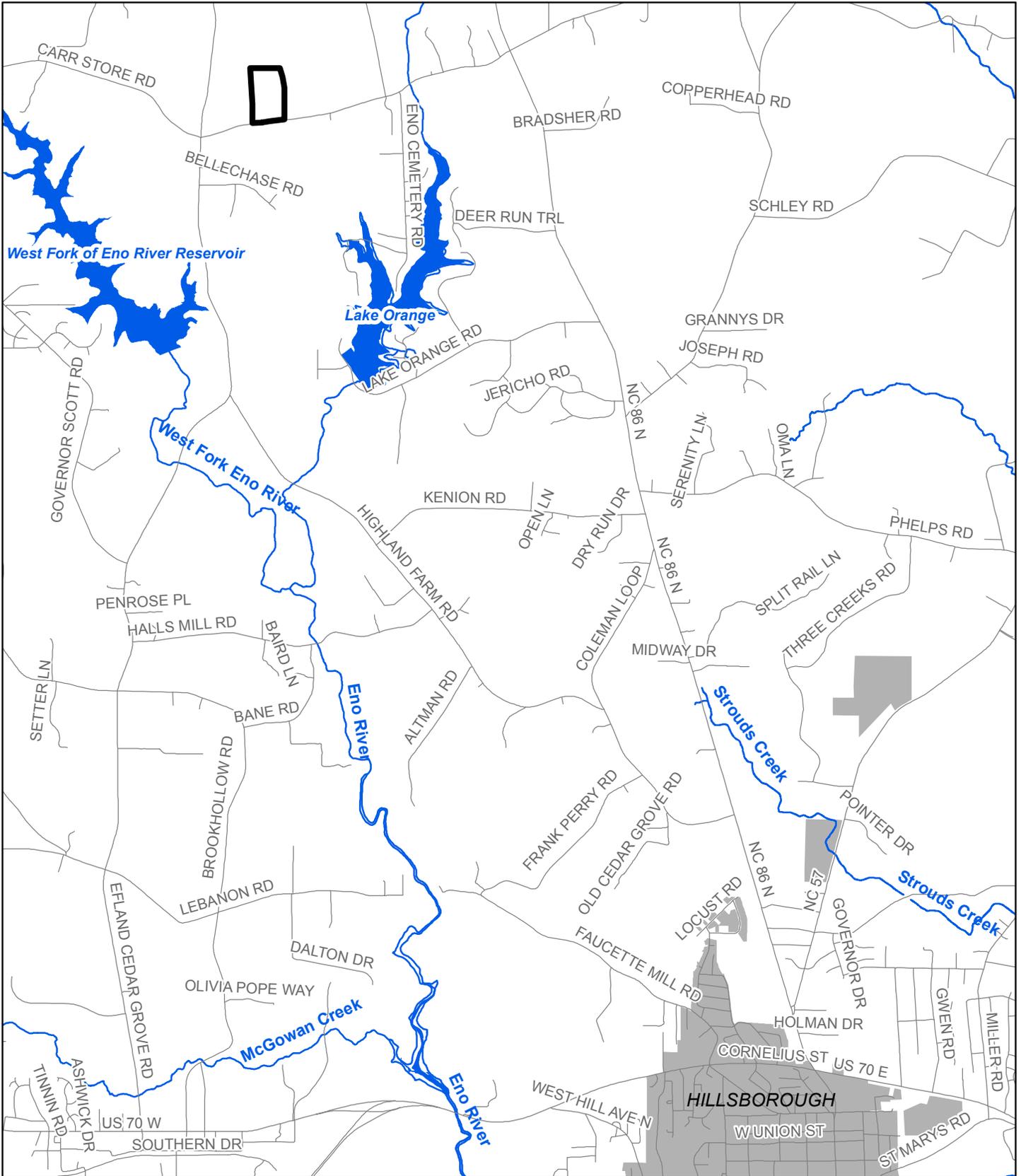
**Geoffrey & Jane Gledhill
Enhanced Voluntary Agricultural District
PIN 9858205907 (38.88 acres)
Aerial Map**

-  Gledhill Farm
 -  Parcel boundary
- 2013 Aerial images

 1 inch = 275 feet

Dept. of Environment, Agriculture,
Parks and Recreation Map prepared by
Land Records GIS Div. Jones 11/06/2014
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land_resource\VAD_Anderson.mxd





**Geoffrey & Jane Gledhill
Enhanced Voluntary Agricultural District
PIN 9858205907 (38.88 acres)
Exhibit A Vicinity Map**

-  Gledhill Farm
-  Municipal boundary
-  Major streams

 1 inch = 4,276 feet

Dept. of Environment, Agriculture,
Parks and Recreation Map prepared by
Land Records GIS Div. Jones 11/06/2014
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land_resource\VAD_Anderson.mxd



**APPLICATION FOR CERTIFICATION
AS QUALIFYING FARMLAND AND DESIGNATION AS AN ORANGE COUNTY
VOLUNTARY AGRICULTURAL DISTRICT
OR
ENHANCED VOLUNTARY AGRICULTURAL DISTRICT**

INSTRUCTIONS:

Before completing the application, please review the VAD/EVAD brochure provided;
Complete the form as completely as possible; sign and date the form, and return to:

Gail M. Hughes
Orange County Dept. of Environment, Agriculture, Parks and Recreation
Soil and Water Conservation Division
P.O. Box 8181 (306 Revere Road)
Hillsborough, NC 27278

APPLICANT:

Name: Howard H. McAdams Jr. and Karen McAdams

Address: 1616 Efland Cedar Grove Rd.

City: Efland State: NC Zip Code: 27243

Phone Number (Day): _____ (Evening): _____

E-Mail: mcadamsfarm@gmail.com

PROPERTY INFORMATION:

Property Location/Address(s): Efland Cedar Grove Rd.

Agriculture District /Township: High Rock/ Efland

Parcel Identification Number (PIN): 9845781509 Acres 10.17

Parcel Identification Number (PIN): 9845784355 Acres 3.25

Parcel Identification Number (PIN): _____ Acres _____

Total Number of Acres on all tracts of land: 13.42

Does this land have a plan on file with the USDA-Natural Resources Conservation Service or the NC Forest Service?

Yes: _____ No: _____ If "No", please complete back of form

Is the land enrolled in Present Use Value taxation program with Orange County Tax Office?

Yes: XX No: _____ If "No", please complete back of form

CONSERVATION AGREEMENT DETAIL of VAD and EVAD:

Voluntary Agricultural District (VAD) conservation agreements are for a period of ten years. The landowner may revoke the agreement through a written request to the Orange County Agricultural Preservation Board. A Conservation Agreement for land within a Voluntary Agricultural District shall be automatically renewed for an additional term of ten years unless either the Agricultural Preservation Board or the landowner(s) gives written notice to the contrary prior to the termination date of the Conservation Agreement. At the end of each ten-year term, the Conservation Agreement shall automatically renew for an additional ten-year term unless notice of termination is given.

Enhanced Voluntary Agricultural District (EVAD) conservation agreements are for a period of ten years, but cannot be revoked during the term of the agreement. EVAD enrollment, however, offers landowners additional benefits such as a higher percentage of cost-share funds under the Agricultural Cost Share Program. A Conservation Agreement for an Enhanced Voluntary Agricultural District shall be deemed automatically renewed for an additional term of three years unless either the Agricultural Preservation Board or the landowner(s) gives written notice to the contrary prior to the termination date of the Conservation Agreement. At the end of each three-year term the Conservation Agreement shall automatically renew for an additional three-year term unless notice of termination is given.

I [We] have read the Conservation Agreement details above and I [we] understand the benefits of the VAD and/or EVAD program.

SIGNATURE Howard H McEder DATE 8-20-14

I [WE] ARE SEEKING DESIGNATION AS A **VOLUNTARY AGRICULTURAL DISTRICT**

I [WE] ARE SEEKING DESIGNATION AS AN **ENHANCED VOLUNTARY AGRICULTURAL DISTRICT**

OWNER[S] CERTIFICATION:

I [We], the applicant[s] and landowner(s), hereby certify that, to the best of my [our] knowledge, the foregoing application is complete and accurate.

Signature: Karen J. McAdams Date: 8-20-14

Signature: Howard H McEder Date: 8-20-14

Signature: _____ Date: _____



-  Mc Adams Farm (13.42 acres)
-  Streams
-  Parcel boundary

2013 Aerial images

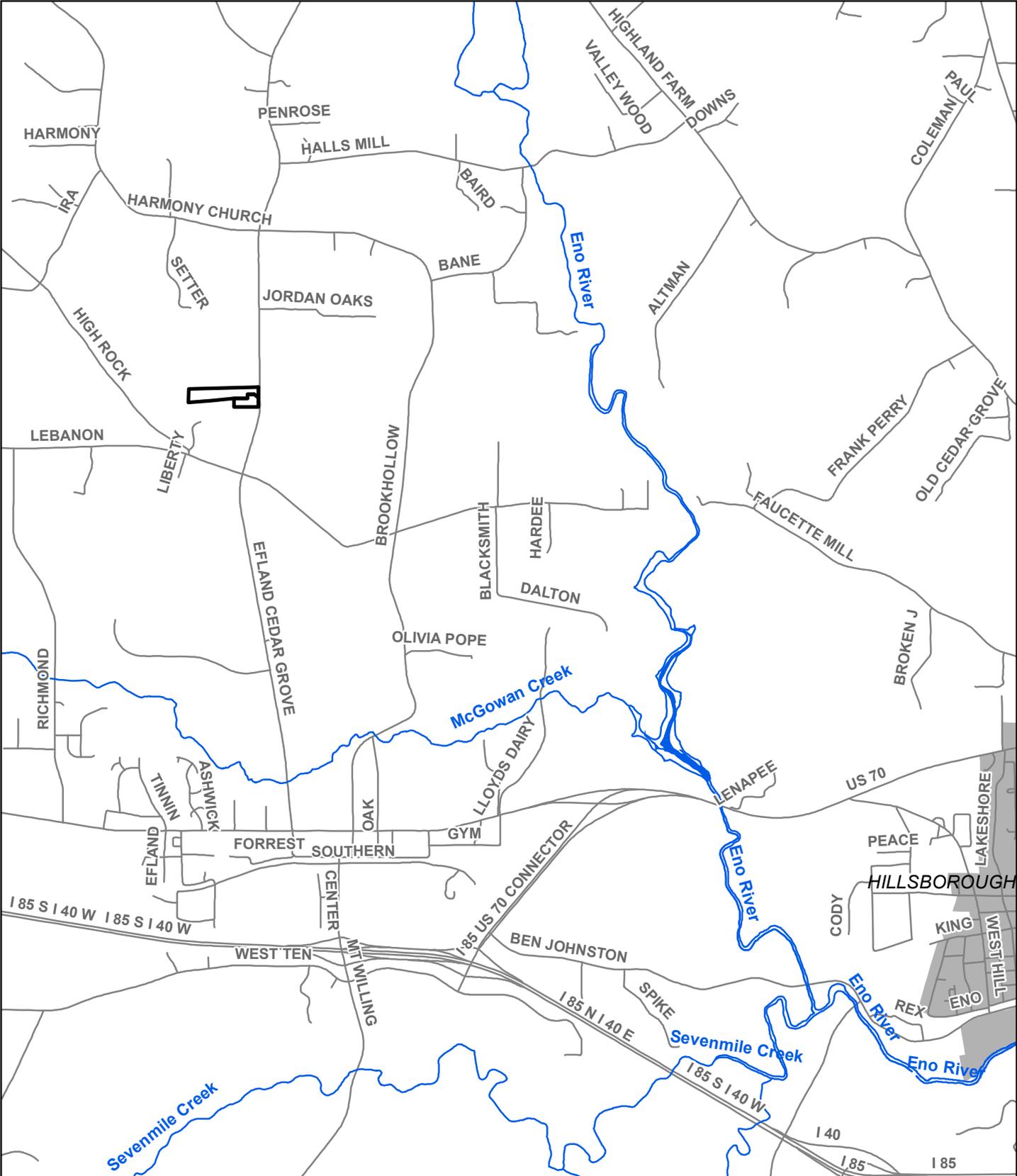
McAdams Farm
Voluntary Agricultural District
PIN 9845781509 (10.17 acres)
PIN 9845784355 (3.25 acres)
Exhibit B Site Map



1 inch = 282 feet

Dept. of Environment, Agriculture,
 Parks and Recreation Map prepared by
 Land Records GIS Div. Jones 11/14/2014
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 land_resource\VAD_McAdamsFarm.mxd





McAdams Farm
Voluntary Agricultural District
PIN 9845781509 (10.17 acres)
PIN 9845784355 (3.25 acres)
Exhibit A Vicinity Map

-  Mc Adams Farm (13.42 acres)
-  Major streams
-  Streets

 1 inch = 3,142 feet

Dept. of Environment, Agriculture,
 Parks and Recreation Map prepared by
 Land Records GIS Div. Jones 11/14/2014
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APPLICATION FOR CERTIFICATION
AS QUALIFYING FARMLAND AND DESIGNATION AS AN ORANGE COUNTY
VOLUNTARY AGRICULTURAL DISTRICT
OR
ENHANCED VOLUNTARY AGRICULTURAL DISTRICT

INSTRUCTIONS:

Before completing the application, please review the VAD/EVAD brochure provided;
Complete the form as completely as possible; sign and date the form, and return to:

Gail M. Hughes
Orange County Dept. of Environment, Agriculture, Parks and Recreation
Soil and Water Conservation Division
P.O. Box 8181 (306 Revere Road)
Hillsborough, NC 27278

APPLICANT:

Name: Nels and Nancy Anderson

Address: 3828 St. Mary's Rd.

City: Hillsborough State: NC Zip Code: 27278-9794

Phone Number (Day): _____ (Evening): _____

E-Mail: nels@ilsvideo.com

PROPERTY INFORMATION:

Property Location/Address(s): 3828 St. Mary's Rd.

Agriculture District /Township: Schley / Eno

Parcel Identification Number (PIN): 9885995648 Acres 58.42

Parcel Identification Number (PIN): 9896106963 Acres 27.22

Parcel Identification Number (PIN): 9885981825 Acres 10.31

Parcel Identification Number (PIN): _____ Acres _____

Parcel Identification Number (PIN): _____ Acres _____

Parcel Identification Number (PIN): _____ Acres _____

Total Number of Acres on all tracts of land: 95.95

Does this land have a plan on file with the USDA-Natural Resources Conservation Service or the NC Forest Service?

Yes: X No: _____ If "No", please complete back of form

Is the land enrolled in Present Use Value taxation program with Orange County Tax Office?

Yes: XX No: _____ If "No", please complete back of form

CONSERVATION AGREEMENT DETAIL of VAD and EVAD:

Voluntary Agricultural District (VAD) conservation agreements are for a period of ten years. The landowner may revoke the agreement through a written request to the Orange County Agricultural Preservation Board. A Conservation Agreement for land within a Voluntary Agricultural District shall be automatically renewed for an additional term of ten years unless either the Agricultural Preservation Board or the landowner(s) gives written notice to the contrary prior to the termination date of the Conservation Agreement. At the end of each ten-year term, the Conservation Agreement shall automatically renew for an additional ten-year term unless notice of termination is given.

Enhanced Voluntary Agricultural District (EVAD) conservation agreements are for a period of ten years, but cannot be revoked during the term of the agreement. EVAD enrollment, however, offers landowners additional benefits such as a higher percentage of cost-share funds under the Agricultural Cost Share Program. A Conservation Agreement for an Enhanced Voluntary Agricultural District shall be deemed automatically renewed for an additional term of three years unless either the Agricultural Preservation Board or the landowner(s) gives written notice to the contrary prior to the termination date of the Conservation Agreement. At the end of each three-year term the Conservation Agreement shall automatically renew for an additional three-year term unless notice of termination is given.

I [We] have read the Conservation Agreement details above and I [we] understand the benefits of the VAD and/or EVAD program.

SIGNATURE Nels Anderson

DATE 9-22-14

I [WE] ARE SEEKING DESIGNATION AS A **VOLUNTARY AGRICULTURAL DISTRICT**

I [WE] ARE SEEKING DESIGNATION AS AN **ENHANCED VOLUNTARY AGRICULTURAL DISTRICT**

OWNER[S] CERTIFICATION:

I [We], the applicant[s] and landowner(s), hereby certify that, to the best of my [our] knowledge, the foregoing application is complete and accurate.

Signature: Nancy Anderson

Date: 9-22-14

Signature: Nels Anderson

Date: 9-22-14

Signature: _____

Date: _____

SUPPLEMENTARY INFORMATION: Please complete this section for general information about your farm.

1. How long have you owned and your farm? 48 years
2. How long have you lived on your farm? 48 years
3. How many acres on your farm are under cultivation? 35 acres (estimated)
4. What are the major crops you plant each year?
Hay

6. How many acres on your farm are used for pasture? 15 acres (estimated)
7. How many acres on your farm are used for woodland/forestry? 35 acres (est.)

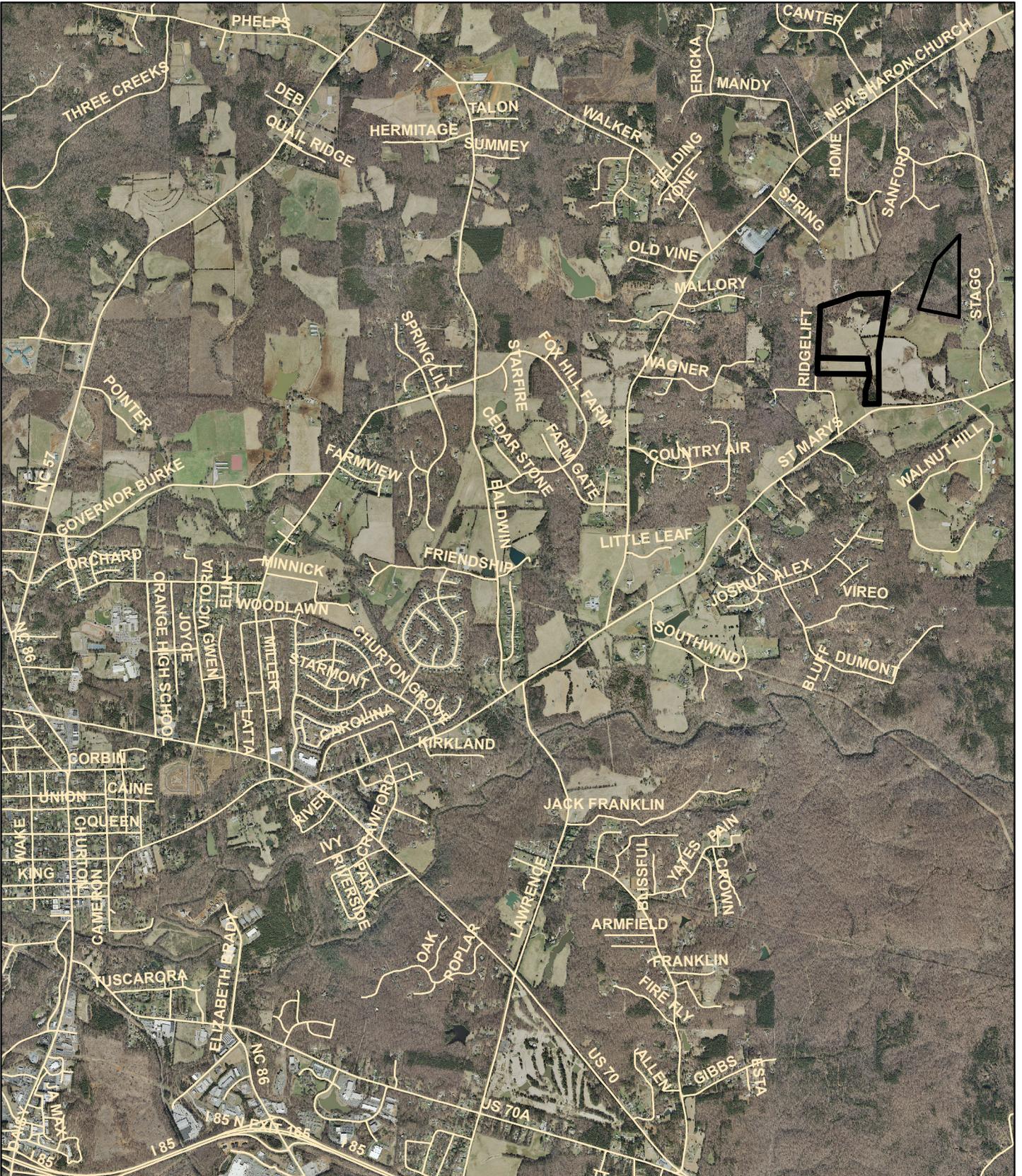
For questions or more information, please contact:

Gail M. Hughes

Orange County Department of Environment, Agriculture, Parks and Recreation
 Soil and Water Conservation Division
 P.O. Box 8181 (306 Revere Road)
 Hillsborough, NC 27278
 (919) 245-2753 (Office)
 (919) 644-3351 (fax)
ghughes@orangecountync.gov

For more detailed information about the Voluntary Farmland Program:

Please refer to the Orange County Voluntary Farmland Preservation Program Ordinance, which can be found in Chapter 48 of the Orange County Code of Ordinances, at the following link: <http://library.municode.com/index.aspx?clientId=14983> or staff can provide a copy for you.



Nels & Nancy Anderson
Voluntary Agricultural District
PIN 9896106963 (27.22 acres)
PIN 9885995648 (58.42 acres)
PIN 9885981825 (10.31 acres)
Exhibit A Vicinity Map

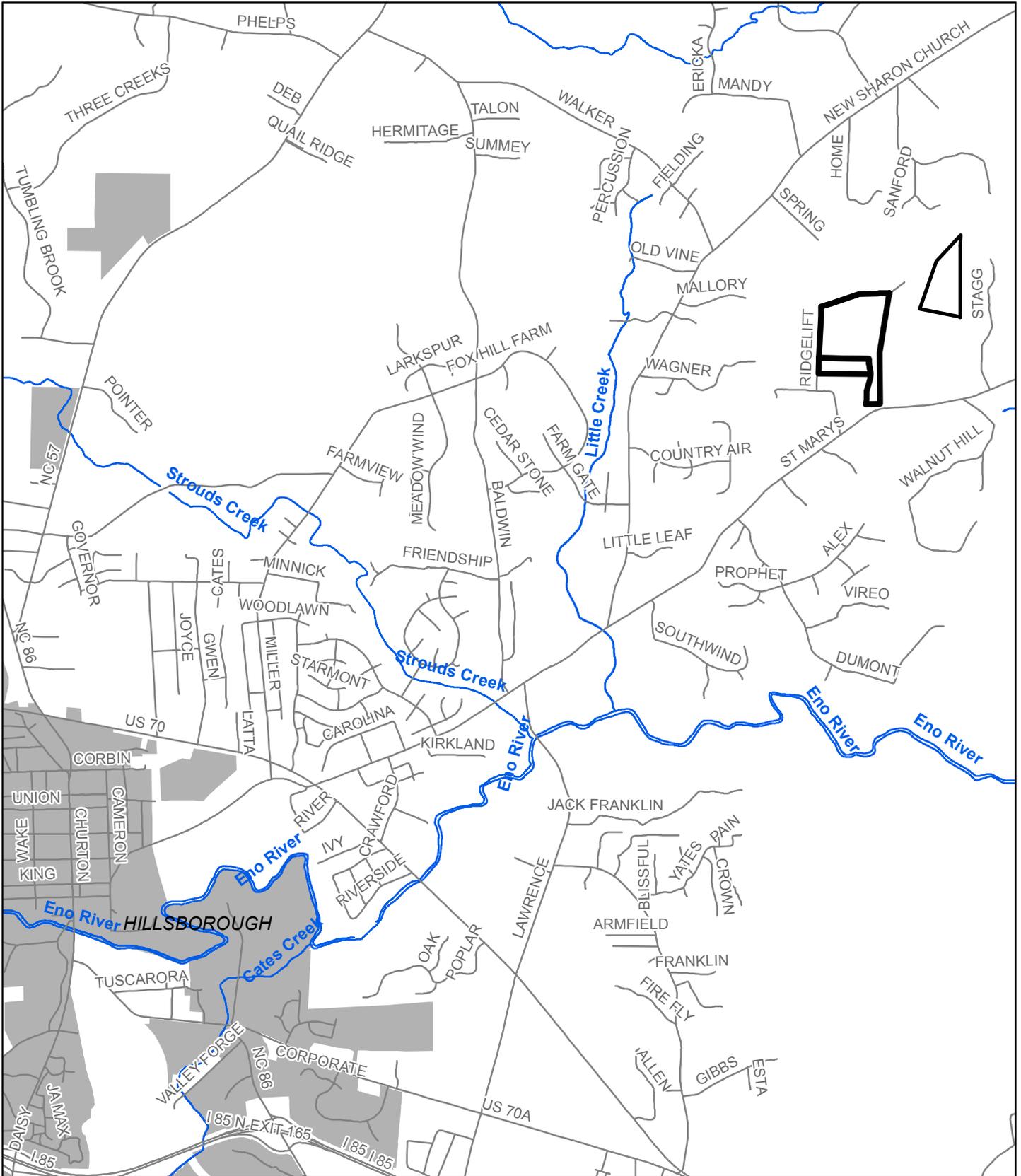
 **Anderson Farm (95.95 acres)**



1 inch = 468 feet

Dept. of Environment, Agriculture,
 Parks and Recreation Map prepared by
 Land Records GIS Div. Jones 11/06/2014
 OC 220K <O:\gishome\gisprojects\
 land_resource\VAD_Anderson.mxd





Nels & Nancy Anderson
Voluntary Agricultural District
PIN 9896106963 (27.22 acres)
PIN 9885995648 (58.42 acres)
PIN 9885981825 (10.31 acres)
Exhibit A Vicinity Map

-  Anderson Farm (95.95 acres)
-  Municipal boundary
-  Major streams

 1 inch = 482 feet

Dept. of Environment, Agriculture,
 Parks and Recreation Map prepared by
 Land Records GIS Div. Jones 11/06/2014
 OC 220K <O:\gishome\gisprojects\
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APPLICATION FOR CERTIFICATION
AS QUALIFYING FARMLAND AND DESIGNATION AS AN ORANGE COUNTY
VOLUNTARY AGRICULTURAL DISTRICT
OR
ENHANCED VOLUNTARY AGRICULTURAL DISTRICT

INSTRUCTIONS:

Before completing the application, please review the VAD/EVAD brochure provided;
Complete the form as completely as possible; sign and date the form, and return to:

Gail M. Hughes
Orange County Dept. of Environment, Agriculture, Parks and Recreation
Soil and Water Conservation Division
P.O. Box 8181 (306 Revere Road)
Hillsborough, NC 27278

APPLICANT:

Name: Portia McKnight and Florence Hawley

Address: 615 Chapel Hill Creamery Rd.

City: Chapel Hill State: NC Zip Code: 27516-4879

Phone Number (Day): 919-360-4213 (Evening): _____

E-Mail: portiamcknight@bellsouth.net

PROPERTY INFORMATION:

Property Location/Address(s): 615 Chapel Hill Creamy Rd. , Chapel Hill

Agriculture District /Township: White Cross District

Parcel Identification Number (PIN): 9769159837 Acres 37.07 acres

Parcel Identification Number (PIN): _____ Acres _____

Total Number of Acres on all tracts of land: 37.07 acres

Does this land have a plan on file with the USDA-Natural Resources Conservation Service or the NC Forest Service?

Yes: xx No: _____ If "No", please complete back of form

Is the land enrolled in Present Use Value taxation program with Orange County Tax Office?

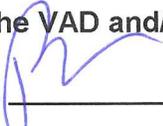
Yes: xx No: _____ If "No", please complete back of form

CONSERVATION AGREEMENT DETAIL of VAD and EVAD:

Voluntary Agricultural District (VAD) conservation agreements are for a period of ten years. The landowner may revoke the agreement through a written request to the Orange County Agricultural Preservation Board. A Conservation Agreement for land within a Voluntary Agricultural District shall be automatically renewed for an additional term of ten years unless either the Agricultural Preservation Board or the landowner(s) gives written notice to the contrary prior to the termination date of the Conservation Agreement. At the end of each ten-year term, the Conservation Agreement shall automatically renew for an additional ten-year term unless notice of termination is given.

Enhanced Voluntary Agricultural District (EVAD) conservation agreements are for a period of ten years, but cannot be revoked during the term of the agreement. EVAD enrollment, however, offers landowners additional benefits such as a higher percentage of cost-share funds under the Agricultural Cost Share Program. A Conservation Agreement for an Enhanced Voluntary Agricultural District shall be deemed automatically renewed for an additional term of three years unless either the Agricultural Preservation Board or the landowner(s) gives written notice to the contrary prior to the termination date of the Conservation Agreement. At the end of each three-year term the Conservation Agreement shall automatically renew for an additional three-year term unless notice of termination is given.

I [We] have read the Conservation Agreement details above and I [we] understand the benefits of the VAD and/or EVAD program.

SIGNATURE   DATE 9/4/14

I [WE] ARE SEEKING DESIGNATION AS A VOLUNTARY AGRICULTURAL DISTRICT or

I [WE] ARE SEEKING DESIGNATION AS AN ENHANCED VOLUNTARY AGRICULTURAL DISTRICT

OWNER[S] CERTIFICATION:

I [We], the applicant[s] and landowner(s), hereby certify that, to the best of my [our] knowledge, the foregoing application is complete and accurate.

Signature: <u></u>	Date: <u>9/4/14</u>
Signature: <u></u>	Date: <u>9/4/14</u>
Signature: _____	Date: _____

SUPPLEMENTARY INFORMATION: Please complete this section for general information about your farm. Information will be used when presenting farm to the Ag. Preservation Board and County Commissioners.

1. How long have you owned and your farm? 12 years
2. How long have you lived on your farm? 14 years
3. How many acres on your farm are under cultivation? 25 acres (estimated)
4. What are the major crops you plant each year?
grass

6. How many acres on your farm are used for pasture? 25 acres (estimated)
7. How many acres on your farm are used for woodland/forestry? _____ acres (est.)

For questions or more information, please contact:

Gail M. Hughes

Orange County Department of Environment, Agriculture, Parks and Recreation
 Soil and Water Conservation Division
 P.O. Box 8181 (306 Revere Road)
 Hillsborough, NC 27278
 (919) 245-2753 (Office)
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or staff can provide a copy for you.



-  Chapel Hill Creamery
 -  Parcel boundary
 -  Streams
- 2013 Aerial images

**Chapel Hill Creamery
Enhanced Voluntary Agricultural District
PIN 9769159837 (37.07 acres)
Aerial Map**



1 inch = 391 feet

Dept. of Environment, Agriculture,
Parks and Recreation Map prepared by
Land Records GIS Div. Jones 11/04/2014
OC 220K <O:\gishome\gisprojects\
land_resource\EVAD_McKnightHawley.mxd





**Chapel Hill Creamery
Enhanced Voluntary Agricultural District
PIN 9769159837 (37.07 acres)
Exhibit A Vicinity Map**

-  Chapel Hill Creamery
-  Parcel boundary

 1 inch = 1,020 feet

Dept. of Environment, Agriculture,
Parks and Recreation Map prepared by
Land Records GIS Div. Jones 11/04/2014
OC 220k <O:\gishome\gisprojects\
land_resource\EVAD_McKnightHawley.mxd



**APPLICATION FOR CERTIFICATION
AS QUALIFYING FARMLAND AND DESIGNATION AS AN ORANGE COUNTY
VOLUNTARY AGRICULTURAL DISTRICT
OR
ENHANCED VOLUNTARY AGRICULTURAL DISTRICT**

INSTRUCTIONS:

Before completing the application, please review the VAD/EVAD brochure provided;
Complete the form as completely as possible; sign and date the form, and return to:

Gail M. Hughes
Orange County Dept. of Environment, Agriculture, Parks and Recreation
Soil and Water Conservation Division
P.O. Box 8181 (306 Revere Road)
Hillsborough, NC 27278

APPLICANT:

Name: Stephen and Marsha Scarlett

Address: 1600 Allen Jarrett Dr.

City: Mebane State: NC Zip Code: 27302

Phone Number (Day): 919-619-6200 (Evening): _____

E-Mail: Stephen_Scarlett@abss.K12.nc.us

PROPERTY INFORMATION:

Property Location/Address(s): Corbett Ridge & Claiborne Rd.

Agriculture District /Township: Cedar Grove

Parcel Identification Number (PIN): 9920848334 Acres 28.04

Parcel Identification Number (PIN): 9920854505 Acres 6.62

Parcel Identification Number (PIN): 9920862228 Acres 2.63

Parcel Identification Number (PIN): _____ Acres _____

Parcel Identification Number (PIN): _____ Acres _____

Parcel Identification Number (PIN): _____ Acres _____

Total Number of Acres on all tracts of land: 37.29

Does this land have a plan on file with the USDA-Natural Resources Conservation Service or the NC Forest Service?

Yes: xx No: _____ If "No", please complete back of form

Is the land enrolled in Present Use Value taxation program with Orange County Tax Office?

Yes: xx No: _____ If "No", please complete back of form

CONSERVATION AGREEMENT DETAIL of VAD and EVAD:

Voluntary Agricultural District (VAD) conservation agreements are for a period of ten years. The landowner may revoke the agreement through a written request to the Orange County Agricultural Preservation Board. A Conservation Agreement for land within a Voluntary Agricultural District shall be automatically renewed for an additional term of ten years unless either the Agricultural Preservation Board or the landowner(s) gives written notice to the contrary prior to the termination date of the Conservation Agreement. At the end of each ten-year term, the Conservation Agreement shall automatically renew for an additional ten-year term unless notice of termination is given.

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I [We] have read the Conservation Agreement details above and I [we] understand the benefits of the VAD and/or EVAD program.

SIGNATURE Stephen B. Seal
Marsha K. D. Seal

DATE 10-1-14

I [WE] ARE SEEKING DESIGNATION AS A **VOLUNTARY AGRICULTURAL DISTRICT**

I [WE] ARE SEEKING DESIGNATION AS AN **ENHANCED VOLUNTARY AGRICULTURAL DISTRICT**

OWNER[S] CERTIFICATION:

I [We], the applicant[s] and landowner(s), hereby certify that, to the best of my [our] knowledge, the foregoing application is complete and accurate.

Signature: Stephen B. Seal

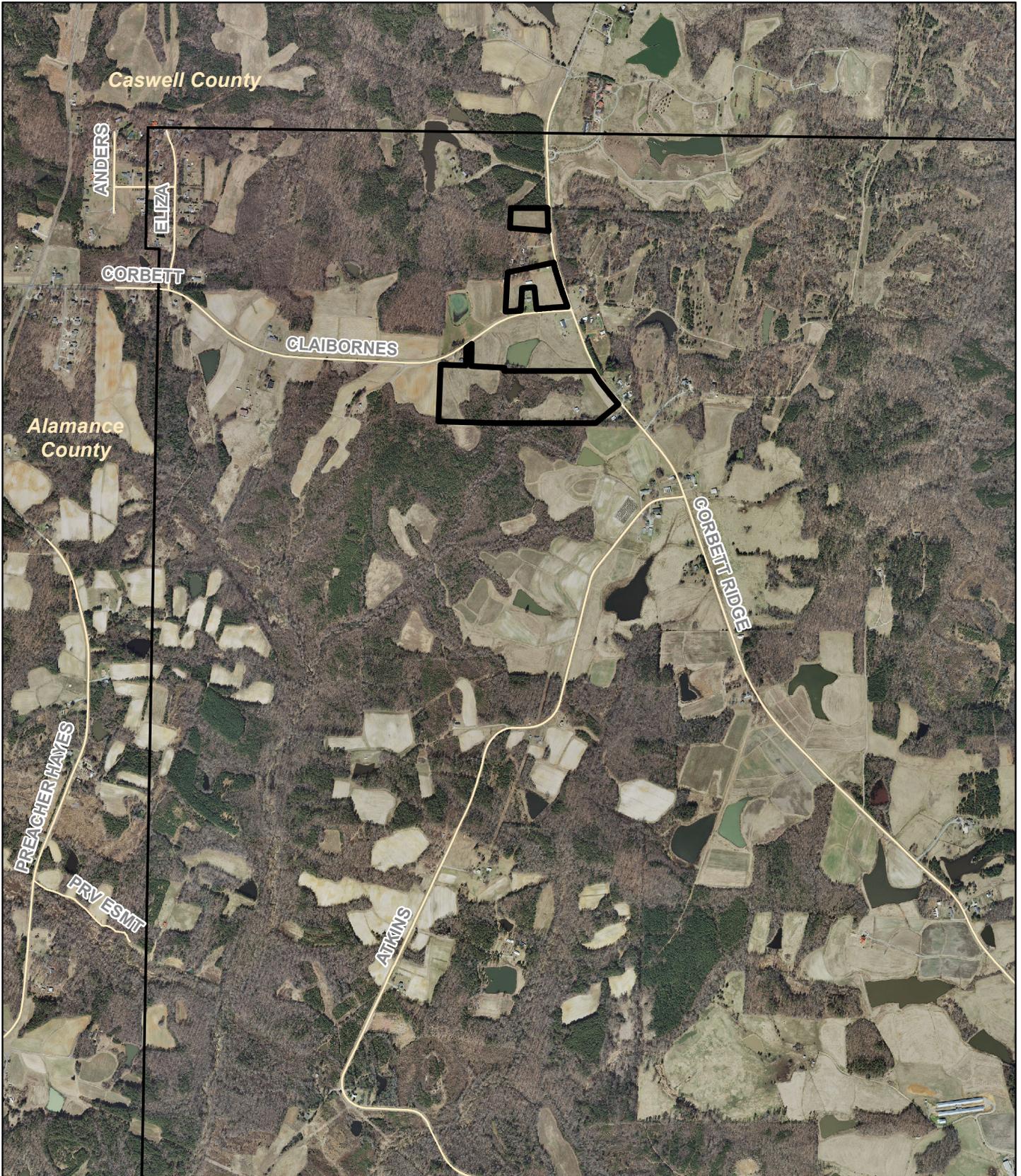
Date: 10-1-14

Signature: Marsha K. D. Seal

Date: 10-1-14

Signature: _____

Date: _____



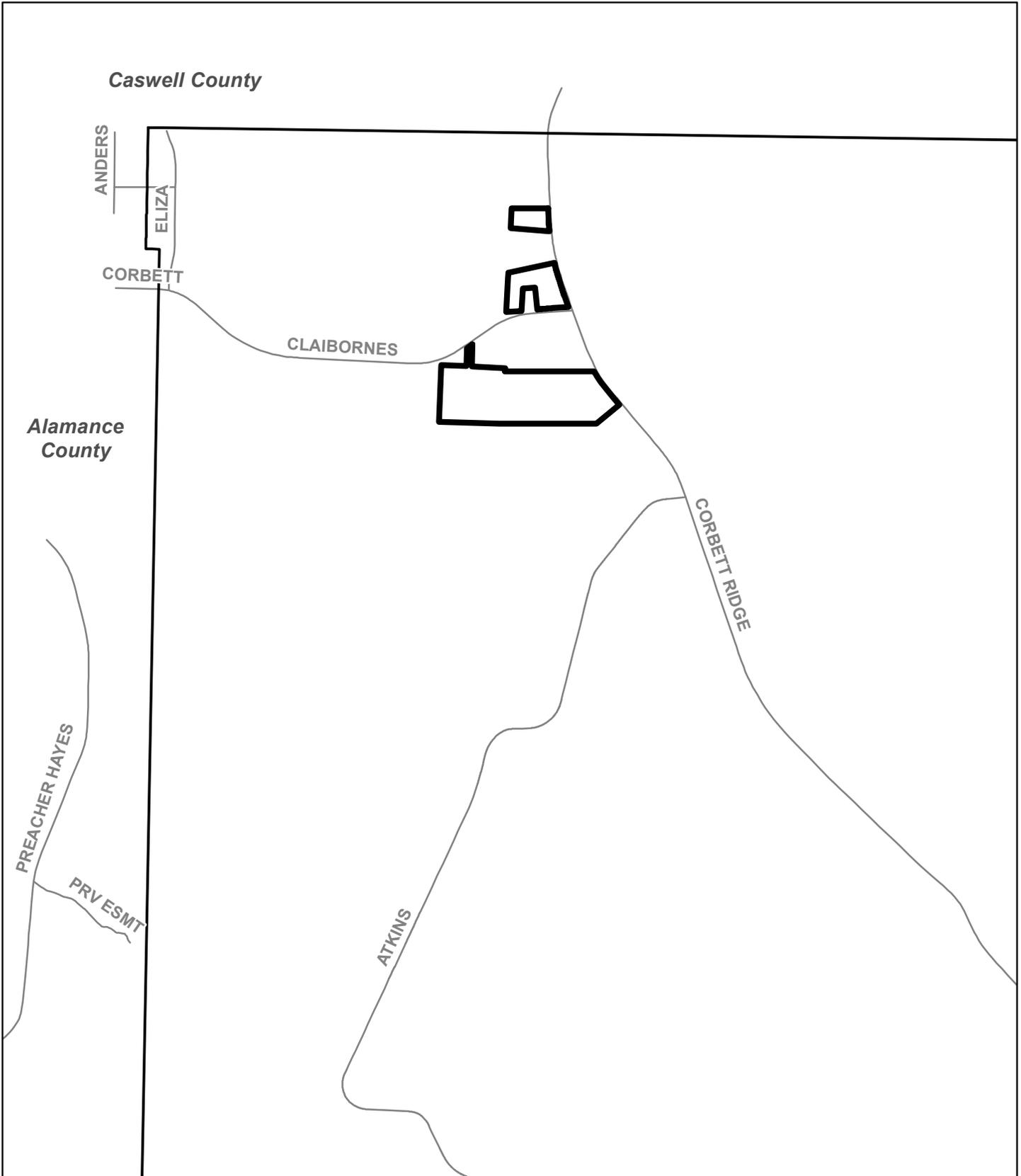
Stephen & Marsha Scarlett
Voluntary Agricultural District
PIN 9920848334 (28.04 acres)
PIN 9920854505 (6.62 acres)
PIN 9920862228 (2.63 acres)
Exhibit A Vicinity Map

 1 inch = 1,559 feet

-  County boundary
-  Scarlett Farm (37.29 acres)

Dept. of Environment, Agriculture,
 Parks and Recreation Map prepared by
 Land Records GIS Div. Jones 11/07/2014
 OC 220K <O:\gishome\gisprojects\
 land_resource\VAD_Scarlett.mxd





**Stephen & Marsha Scarlett
 Voluntary Agricultural District
 PIN 9920848334 (28.04 acres)
 PIN 9920854505 (6.62 acres)
 PIN 9920862228 (2.63 acres)
 Exhibit A Vicinity Map**

-  Scarlett Farm (37.29 acres)
-  County boundary
-  Streets

 1 inch = 1,559 feet

Dept. of Environment, Agriculture,
 Parks and Recreation Map prepared by
 Land Records GIS Div. Jones 11/07/2014
 OC 220K <O:\gishome\gisprojects\
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**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 1, 2014

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

SUBJECT: Proclamation - Human Rights Day, Bill of Rights Day, and Human Rights Week

DEPARTMENT: Housing, Human Rights, and
Community Development

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

HRC Recommendation and Proposed
Proclamation

INFORMATION CONTACT:

James Davis, (919) 245-2488

PURPOSE: To officially recognize Human Rights Day, Bill of Rights Day and Human Rights Week in Orange County during the month of December.

BACKGROUND: On December 10, 1948, the members of the United Nations signed the Universal Declaration of Human Rights and countries of different political, economic, and social systems agreed to the fundamental rights that all people share solely on the basis of their common humanity. Two years later, the United Nations General Assembly proclaimed December 10th as Human Rights Day. Henceforth, this “common standard of achievement for all peoples and all nations” is recognized and celebrated by the United States and countries in all regions of the world on this date.

First proclaimed on December 15, 1941 by President Franklin D. Roosevelt, Bill of Rights Day recognizes the first ten amendments of the Constitution of the United States as the “great American charter of personal liberty and human dignity”. Throughout the nation the dates of December 10 – 16th are recognized as Human Rights Week, encompassing Human Rights Day and Bill of Rights Day.

The Orange County Human Relations Commission (HRC) will participate in a Human Rights Program on Wednesday, December 10, 2014 from 2:00 to 3:00 p.m. The program, presented by the County’s Department on Aging and hosted at the Seymour Center, will feature a showing of the film, *Story of Human Rights: A Historical View*, followed by discussion. The HRC hopes that the acknowledgment of Human Rights will encourage 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.

FINANCIAL IMPACT: None

RECOMMENDATION(S): The Manager recommends the Board adopt the Proclamation regarding Human Rights Day, Bill of Rights Day and Human Rights Week and authorize the Chair to sign the Proclamation.

ORANGE COUNTY BOARD OF COMMISSIONERS

PROCLAMATION

WHEREAS, on December 10, 1948, the member states of the United Nations signed the Universal Declaration of Human Rights and countries of different political, economic and social systems agreed on the fundamental rights that all people share solely on the basis of their common humanity; and

WHEREAS, Human Rights Day and Human Rights Week were adopted by the United Nations in connection with the Universal Declaration of Human Rights; and

WHEREAS, Bill of Rights Day was first declared in 1941 by President Franklin Delano Roosevelt to commemorate the 1791 Ratification of the Bill of Rights; and

WHEREAS, it was the North Carolina convention, held in Hillsborough, which was instrumental regarding the inclusion of a Bill of Rights as part of ratifying the United States Constitution; and

WHEREAS, the Bill of Rights guarantees, among other basic liberties, freedom of speech and of the press as well as freedom of religion and association; and

WHEREAS, the Bill of Rights states that no person shall be deprived of life, liberty or property without due process of law and establishes fundamental rules of fairness in judicial proceedings, including the right to trial by jury; and

WHEREAS, the primary responsibility to promote respect for these rights and freedoms lies with each individual in Orange County, and each of us can play a major role in enhancing human rights; and

WHEREAS, the residents of Orange County support Human Rights and recognize that the “inherent dignity and the equal and inalienable rights of all members of the human family are the foundation of freedom, justice and peace;”

NOW, THEREFORE, We, The Board of County Commissioners of Orange County, North Carolina, do hereby proclaim

December 10, 2014 as **Human Rights Day**

and

December 15, 2014 as **Bill of Rights Day**

and

December 10 – 16, 2014 as **Human Rights Week**

in Orange County and challenge residents to study and promote the ideas contained in these documents to the end that freedom, justice, and equality shall not perish but will flourish and be made available to all.

This the 1st day of December 2014.

Chair

Orange County Board of Commissioners

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 1, 2014

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

SUBJECT: Resolution in Support of Equal Access for Immigrant Children

DEPARTMENT: Housing, Human Rights, and
Community Development

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

Resolution in Support of Equal Access for
Immigrant Children

INFORMATION CONTACT:

James Davis, (919) 245-2488
Commissioner Mark Dorosin, (919)
245-2130

PURPOSE: To adopt a resolution declaring that Orange County, North Carolina, is a welcoming community in support of equal access to the fundamental right of public education, basic health care, and the protection of law enforcement for immigrant children.

BACKGROUND: The United States Civil Rights Act of 1964 provides certain rights and protections to all children regardless of their nation of origin. To wit, Title IV prohibits discrimination with regard to a child's equal access to a basic public elementary and secondary education regardless of their actual or perceived race, color, national origin, citizenship, immigration status, or the status of their parents/guardians. The Department of Justice provides guidance stating that school districts that either prohibit or discourage, or maintain policies that have the effect of prohibiting or discouraging, children from enrolling in schools because they or their parents/guardians are not U.S. citizens or are undocumented may be in violation of Federal law.

The American Immigration Council has compiled resources that explain why there has been a recent influx of unaccompanied children fleeing to the United States from South American countries. Reports show that the reasons include extreme poverty, crime, gang threats, or violence. According to these reports, the majority of Salvadoran girls reported fear of rape or disappearance at the hands of gangs as their reason for emigrating.

The Orange County Board of County Commissioners has asserted that the right to public education, access to basic health care and the protection of law are human rights that should be availed to every child without discrimination (in intent or effect) based on national origin. The Board of Commissioners, therefore, desires Orange County, North Carolina, to be a welcoming community where public education, health care and the protection of law is available to immigrant youth.

FINANCIAL IMPACT: There is no direct financial impact resulting from the adoption of the resolution. However, there may be a financial impact associated with the County's departments' efforts to make services and resources available to help welcome children into the community who are seeking refuge from violence in their home countries.

RECOMMENDATION(S): The Manager recommends the Board adopt and authorize the Chair to sign the Resolution in Support of Equal Access for Immigrant Children.

ORANGE COUNTY BOARD OF COMMISSIONERS

RESOLUTION IN SUPPORT OF EQUAL ACCESS FOR IMMIGRANT CHILDREN

WHEREAS, Orange County, North Carolina, is a compassionate and caring community that is committed to creating a welcoming atmosphere that values equality and social justice; and

WHEREAS, the number of unaccompanied children and minors from Central American nations seeking refuge in the United States has dramatically risen over the last three years; and

WHEREAS, the vast majority of the children seeking refuge in the United States are fleeing extreme violence and poverty, including from Guatemala, El Salvador, and Honduras; and

WHEREAS, Honduras is the country with the world's highest murder rate, while El Salvador's murder rate is the fourth highest in the world; and

WHEREAS, the majority of the children entering the United States are returning to parents or other family members who are present in the United States, including those children coming to North Carolina; and

WHEREAS, approximately 1,429 of these children have been placed in North Carolina since January 2014; and

WHEREAS, those children arriving in our community have the right under the United States Constitution to equal access to a public education, basic health care, and the protection of law enforcement;

NOW THEREFORE, be it resolved that the Orange County Board of Commissioners hereby:

- Affirms that Orange County is a welcoming community to children seeking refuge from violence in their home countries and to the sponsors of these children;
- Affirms the rights of children to attend public schools and to access basic health care in the county they reside, without regards to their immigration status;
- Urges our congressional representatives, the Obama Administration, the Department of Homeland Security, and Governor Pat McCrory to ensure that the thousands of minors seeking safety within our borders and being apprehended by Border Patrol receive due process and legal representation in court hearings;
- Directs the County Manager and all county departments to make services and resources available to help welcome children into our community who are seeking refuge from violence in their home countries;
- Encourages continuing collaboration between Orange County and other local governmental entities and advocacy organizations to support and protect these children; and
- Directs the Chair of the Board and the Clerk to forward this Resolution to each of the local governments in Orange County, including both Boards of Education, and respectfully requests that each consider adopting similar resolutions, and also forward this resolution to our state legislative delegation, and to the North Carolina Association of Counties.

ADOPTED THIS THE 1st DAY OF DECEMBER, 2014.

Chair
Orange County Board of Commissioners

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 1, 2014

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

SUBJECT: Comprehensive Plan and Unified Development Ordinance Text Amendments and Zoning Atlas Amendments to Establish Two New Zoning Overlay Districts in the Efland Area – Continue Public Hearing to April 7, 2015

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N)

Yes

ATTACHMENT(S):

INFORMATION CONTACT:

Perdita Holtz, Planner III, 919-245-2578
Craig Benedict, Director, 919-245-2592

PURPOSE: To continue the public hearing until April 7, 2015 on Planning Director initiated amendments to the Comprehensive Plan, Unified Development Ordinance, and Zoning Atlas to establish two new zoning overlay districts in the Efland area (The primary purpose of the overlay districts is to provide for a more village and urban style of development in an area of the county served, or intended to be served, by public water and sewer systems.).

BACKGROUND: The proposed amendments were heard at the February 24, 2014 Quarterly Public Hearing (materials available at: <http://orangecountync.gov/occlerks/140224.pdf>). As a result of comments made at the hearing, staff was instructed by the Board of County Commissioners (BOCC) to hold a meeting in the community and the public hearing was adjourned to September 8, 2014 (<http://orangecountync.gov/occlerks/140908.pdf>).

Staff held a public information meeting about the proposed zoning overlay districts on April 7, 2014 at Efland-Cheeks Elementary School. The materials used/presented at the public information meeting are available at: <http://orangecountync.gov/planning/includes/ProposedEflandZoningOverlayDistrict.asp>.

At the September 8th Quarterly Public Hearing, the hearing was continued to December 1, 2014 with the expectation that the hearing would be continued again until a March 2015 BOCC meeting date. The extensions of the hearing are occurring to allow time for staff to meet with community members to discuss the proposed overlay districts and to meet requirements that public hearings be continued to a date/time certain.

Planning staff has been attending meetings a group of community members have been holding at the Ruritan Club in Efland. In depth discussions about the proposed requirements of the overlay districts have occurred and meetings are likely to continue into early 2015. If the proposed text is changed significantly as a result of these community-sponsored meetings, Planning staff intends to reconvene the Efland-Mebane Small Area Plan Implementation Focus

Group, an advisory board appointed by the BOCC, to discuss the changes and to hold a County-sponsored meeting in the community to explain the changes.

Instead of a BOCC meeting in March 2015, as was indicated on September 8th, staff is suggesting adjournment of the public hearing to the April 7, 2015 BOCC meeting in order to allow ample time for necessary meetings to occur.

FINANCIAL IMPACT: There is no financial impact to extend the public hearing to a new date/time certain.

RECOMMENDATION(S): The Manager recommends the Board:

1. Open the public hearing that was adjourned at the September 8, 2014 Quarterly Public Hearing;
2. Accept any oral comments that are also submitted in writing (as required by Section 2.8.8 and 2.8.9 of the Unified Development Ordinance); and
3. Adjourn the public hearing until April 7, 2015.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 1, 2014

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

SUBJECT: MINUTES

DEPARTMENT:

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

INFORMATION CONTACT:

Draft Minutes

Donna Baker, 245-2130

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

October 16, 2014

Joint Meeting with Carrboro

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

FINANCIAL IMPACT: NONE

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

1
2
3
4 DRAFT

5 **MINUTES**
6 **ORANGE COUNTY BOARD OF COMMISSIONERS**
7 **CARRBORO BOARD OF ALDERMEN**
8 **JOINT MEETING**
9 **October 16, 2014**

10 The Orange County Board of Commissioners met in a joint meeting with the Town of
11 Carrboro Aldermen on Thursday, October 16, 2014 at 7:00 p.m. at the Southern Human
12 Services Center, in Chapel Hill, N.C.

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

16 **COUNTY COMMISSIONERS ABSENT:**

17 **COUNTY ATTORNEYS PRESENT:** James Bryan, Staff Attorney

18 **COUNTY STAFF PRESENT:** County Manager Bonnie Hammersley, Assistant County
19 Managers Clarence Grier and Cheryl Young and Clerk to the Board Donna Baker (All other
20 staff members will be identified appropriately below)

21 **CARRBORO BOARD OF ALDERMEN MEMBERS PRESENT:** Mayor Lydia Lavelle and
22 Aldermen Bethany Chaney, Randee Haven-O'Donnell, Michelle Johnson, Sammy Slade,
23 Jacquelyn Gist, and David Andrews, Town Manager

24 **CARRBORO BOARD OF ALDERMEN MEMBERS ABSENT:** Damon Seils

25
26 **Welcome/Introductions and Opening Remarks** (Carrboro Mayor Lydia Lavelle and BOCC
27 Chair Barry Jacobs)

28
29 Chair Jacobs called the meeting to order at 7:04 p.m.
30 Introductions were made.

31
32 **1. Update on Southern Branch Library – Carrboro Partnership**

33 Jeff Thompson said there is a timeline included in their packets. He reviewed the
34 following background information:

35
36 On May 13, 2014 the Board of County Commissioners (BOCC) authorized staff to engage in
37 negotiations with Main Street Partners of Chapel Hill ("Main Street") regarding the potential
38 Southern Branch Library location adjacent to the 300 Main Street development located in
39 Carrboro. At its October 21, 2014 regular meeting, the BOCC will consider authorizing the Chair
40 to execute a non-binding Letter of Intent with regards to a potential Orange County Southern
41 Branch Library.

42
43 Should the BOCC authorize this non-binding Letter of Intent, the estimated timeline regarding
44 the project activity is noted below. It is still planned that as the process for the new Southern
45 Branch Library goes forward the staff will begin preparation for the closure of the two (2) current
46 locations and the transfer of operations, services and staff. For at least the last 10 years the
47 Library, County, the Town of Carrboro has maintained a mutually beneficial partnership in
48 providing library services to the residents of Carrboro. While the County has always funded the
49 majority of operating funds, the Town has given the Carrboro McDougle Library an annual
50 contribution of \$4000 that primarily goes towards new materials for the collection. The Cybrary

1 has received in-kind contributions from the Town of 1,000 square feet of space in the Century
 2 Center, plus utilities, phone, internet and other technology support. The value of this cash and
 3 in-kind contribution is approximately \$30,000 per year.
 4 The County looks forward to continuing and expanding this partnership for the Orange County's
 5 new Southern Branch Library.
 6

7 **Southern Branch Library - Estimated Project Activity Timeline**

	Estimated Completion Date
This estimated timeline for the development, construction, and operation of the potential Southern Branch Library is as follows. A conservative 4-6 month contingency interval for is reasonable for planning purposes and process delays. Bolded activities signify Board of County Commissioner actions. Event	
Board of County Commissioners Action: Approval of Letter of Intent between Orange County and Developer	October, 2014
Board of County Commissioners Action: Development Agreement, Ground Lease approval	December, 2014
Board of County Commissioner Action: Designer, Construction Manager at Risk firms selected through RFQ process	April, 2015
Carrboro CUP process (est. 9 months)	September, 2015
Board of County Commissioners Action: Design approval; Authorization to finalize construction documents and solicit Guaranteed Maximum Price; Regulatory review & construction permitting; Acceptance of LGC financing review and approval	November, 2016
Board of County Commissioners Action: Approval of Guaranteed Maximum Price	April, 2016
Project construction & systems commissioning (est. 8 months)	December, 2016
Board of County Commissioners Action: Condominium Declaration & Associated Agreements; Dissolution of Ground Lease	February, 2017
Library Occupancy; Library operations start-up	February, 2017
Opening	April, 2017

8 Jeff Thompson said space planning and programming has been put off until after the
 9 contract negotiations are complete. He thanked staff members who have participated in this
 10 process.

11 Commissioner Price asked about the Carrboro Conditional Use Permit (CUP) process.

12 Jeff Thompson said the CUP process will happen parallel to the schematic design work.

13 Commissioner Price asked about the guaranteed maximum price, which is listed prior to
 14 the date of completed design work.

15 Jeff Thompson said he will look into this.

1 Commissioner McKee said Carrboro contributes a significant amount of money and
2 other resources for the current Cybrary and the McDougale library. He expressed appreciation
3 for this and said he hopes this collaboration will continue.

4 David Andrews said he hoped to continue this relationship.

5 Mayor Lavelle said it is exciting to see some dates. She said everyone is happy to be
6 moving forward collaboratively.

7 Alderman Haven O'Donnell thanked Lucinda Munger for all of her hard work on this
8 project.

9 Alderman Chaney said she hopes that this project can stick with a 9 month CUP
10 process, and she encouraged County staff to be candid with them in helping keep things on
11 track.

12 **2. Article 46 One-Quarter (1/4) Cent Sales Tax Revenues**

13 Steve Brantley referenced the information provided in their packets. He said article 46
14 was approved by Orange County residents in 2011, and it provides additional funding for
15 education and for economic development for 10 years. He said \$1.25 million is designated for
16 each of these two items.

17 He said in December 2011 the Board of County Commissioners adopted a resolution on
18 the uses and expenditures of this collection, and in spring of 2012 the County began to receive
19 the proceeds of the tax.

20 Steve Brantley said Orange County also began to approve major water and sewer
21 contracts in the Economic Development Districts (EDDs). He said this was the largest
22 expenditure of the article 46 funds, at approximately \$600,000 to \$700,000 per year. He said
23 this water and sewer structure attracts new businesses. He said these EDDs make up 3
24 percent of Orange County's property along the interstate.

25 Steve Brantley said the Town and County previously collaborated and signed an
26 Interlocal Agreement to establish joint 50/50 co-pay for the repair of the privately owned sewer
27 line on Roberson Street, serving over 20 businesses. He said the primary repair cost to replace
28 this sewer line was funded by a State of North Carolina "Community Development Block Grant"
29 (CDBG) through the N.C. Department of Commerce. He said the County's 50 percent portion of
30 the remaining cost was originally estimated at \$37,500 - \$40,000, and was later increased up to
31 an additional \$40,000 to cover the increased repair estimate. He said the County's portion will
32 be paid by Article 46 half cent sales tax proceeds for economic development. He said the
33 construction of the new sewer line is now complete, most of the existing businesses have since
34 reconnected to the new line, and in the next 30 days the Town expects to invoice the County for
35 the actual co-pay amount.

36 Steve Brantley said article 46 has another category for small business loans.

37 He said another category is the business investment grant. He said when this article
38 was passed and funds started coming in, he realized there was no policy in place to make
39 these grants. He said the Economic Development Advisory Board has worked for the past year
40 on a draft proposed application and multi-tiered structure for evaluating small business grant
41 applicants. He said if this is approved, it will also provide a blueprint for the subsequent
42 agricultural investment grant.

43 *Alderman Johnson arrived at 7:20.*

44 Steve Brantley reviewed some other possible uses of this funding.

45 Mayor Lavelle said \$1.25 million of the revenues received per year for the ten year
46 period are designated for economic development. She asked if the \$600,000 - \$700,000 going
47 to water and sewer would be for all ten years.

48 Steve Brantley said the sales tax is permanent, but the economic development use is for
49 ten years.
50

1 Mayor Lavelle asked if the water and sewer infrastructure target is for all ten years.

2 Steve Brantley said those categories represent the framework for what was voted on.
3 He said staff worked with the planning and inspections department, which was a chief
4 participant in prioritizing water and sewer.

5 Mayor Lavelle said she is trying to understand if this means there is roughly \$400,000 -
6 \$500,000 for the remaining 7 years. She is trying to see how this projects out over the ten
7 years.

8 Steve Brantley said there is a huge demand in several categories, but there were certain
9 categories where reserves had built up. He said he is trying to find ways to get all of the
10 categories engaged so that nothing is unused. He said there are individuals who can explain
11 more details of the charts.

12 Alderman Chaney asked about the size and deployment rate of the small business loan
13 funds.

14 Steve Brantley said \$200,000 annually would be the equivalent of making 4 maximum
15 size loans in a calendar year. He said the program allows for 5 year term loans of up to
16 \$50,000, and there are a few borrowers who do this. He said when the recession hit, there was
17 some difficulty in finding applicants. He said staff has tried to find ways to expand knowledge of
18 the program and increase demand. He said there have been some policies and procedures
19 that have been amended to allow lending to non-profits, and remove some questions related to
20 probation issues, and this was at the request of the Commissioners.

21 Alderman Chaney asked how much has not been deployed for this program.

22 Steve Brantley said \$360,000 in funds is kept in the bank, and the origin of this is the
23 movement of money from the Visitor's Bureau fund balance into the small business loan
24 program in 2011. He said this was the seed money, and the article 46 funds are there for use
25 after the seed money is depleted.

26 Alderman Chaney said the town also has a lot of undeployed money, and they are
27 struggling with demand too. She said if there are questions of how these funds are being
28 allocated, maybe staff should take a look at the assets in the small business loan program
29 within the County as a whole to see if these funds are being used efficiently. She said perhaps
30 the funds could be combined to create a niche to meet different markets or the amount in the
31 funds could be reduced and this money could be used them elsewhere.

32 Alderman Gist asked if the small business loan program is working directly with
33 LAUNCH.

34 Steve Brantley said LAUNCH is a prospect and an incubator. He said the goal is to find
35 promising entrepreneurial prospects that could be considered for a small grant as well as for a
36 loan. He said many of the LAUNCH companies have been so successful at raising venture
37 capital that they have not needed the funds.

38 Alderman Gist said the aldermen hear different but true things in Carrboro. She said
39 those who want to build residential say there is very little demand for commercial, but
40 businesses say there is no affordable place to rent, so they take their business to other cities.
41 She said maybe what is being learned through the small business program can be applied to
42 the development and approval process with new mixed use development. She said perhaps
43 there needs to be a requirement of a certain percentage of affordable office and commercial
44 space in new mixed use developments. She would like for this to be considered.

45 Steve Brantley said there is an 18,000 square foot office building sitting next to the old
46 Orange County Health Department. He said this is a great space for offices and incubator type
47 tenants.

48 Alderman Gist said maybe this needs to be marketed more as a small business startup
49 center.

1 Commissioner Price asked if there is a maximum grant amount one person can apply
2 for, and if the grants can be used in cooperation with a loan from the County or the Town of
3 Carrboro.

4 Steve Brantley said the current proposal has a multi-tiered application for grants as low
5 as \$1000 with limited required information, and up to as much as a \$10,000 grant with greater
6 proof of how a potential business will deliver. He said there could be a combination of grants
7 and loans.

8 Chair Jacobs said in this last budget cycle the Board approved a position for business
9 retention. He said the Board hopes that this person would go and see if someone needs
10 assistance. He said if the relationships were good, then perhaps there could be better retention
11 of small and larger businesses.

12 Commissioner Gordon said it is an excellent idea to have an integrative approach. She
13 said if all of the resources could work together, more businesses could be attracted to the
14 County.

15 Commissioner McKee said he sits on this loan committee, and the applications he has
16 seen have run the gamut in terms of focus and detail. He said the committee has gone out of
17 their way to make sure loans are approved. He said there is also a realization that these are
18 tax funds, and the committee does not want the County to be in the position of having to take
19 someone's home, since people use that as collateral. He said once the application and rules
20 are in place for the grant, it may be possible to do a combination of a grant and an additional
21 loan. He said it might be possible to collaborate with the towns if the amount was too large for
22 one entity.

23 Steve Brantley said he and Bonnie Hammersley met with the Chair and Vice Chair to
24 provide direction. He said there is a draft of the kind of document that Commissioner Gordon
25 referred to. He said this will touch on state areas of assistance, as well as non-profits in order
26 to create a comprehensive view of the services that are available.

27 Commissioner Pelissier asked if Hillsborough is more affordable than the American
28 Tobacco space or the other towns.

29 Steve Brantley said incubator space can be well served in Carrboro and Hillsborough.
30 He said Hillsborough has a healthy menu of products and space. He said anything that adds
31 space to Carrboro will affect market rate and give businesses an opportunity to be there.

32 Alderman Haven O'Donnell said one of the things that has been learned about loans in
33 Carrboro is that people come there as the last possible resort. She said many of the people
34 who come for loans lack business experience, and there is a need to provide training for loan
35 applicants. She said they need mentorship during the first 3-5 years. She questioned whether
36 funds in the small business loan program can be used throughout the County. She said that
37 businesses get started in Carrboro and then they reach certain size and the space rate is too
38 expensive, so they move elsewhere. She said there is no graduation of space within Carrboro,
39 and this is a retention issue.

40 She said incubators say that they need to reduce costs with the space, and there is no
41 public private partnership to provide this. She said the other piece is to have a shared space
42 with shared administrative assistance.

43 Bonnie Hammersley asked Steve Brantley to provide an update on the business
44 retention and recruitment position.

45 Steve Brantley said this position was approved in the spring. He said this person would
46 be calling on existing large and small businesses to develop a relationship and help provide any
47 needed assistance. He said the job has been posted, and staff is screening applicants now.

48 Commissioner McKee said the committee has had some discussion regarding ways to
49 direct these applicants on where to get help with their business plan.

1 Commissioner Rich asked about the rate of failure on the loans that have been given
2 out.

3 Steve Brantley said one company moved to Alamance County for larger space. He said
4 the bylaws require payment of the loan balance if a business moves out of the County. He said
5 no one has failed yet, however not everyone who starts through the application process
6 completes it.

7 Chair Jacobs said the Board has been approached by Chapel Hill with a request to use
8 some of the article 46 funds for the Ephesus Fordham area. He said the Board has agreed to
9 discuss this.

10

11 **3. Update on Solid Waste Advisory Group (SWAG) Discussions**

12 Chair Jacobs said the agenda states that there have been discussions about the
13 development of a local transfer station, but in fact there not been any discussions about this. He
14 said the goal at this point is to have an agreement regarding recycling and construction waste
15 disposal and to understand a fee schedule.

16 Mayor Lavelle said it has been helpful to have UNC and UNC Hospitals in the group.
17 She said the goal is to have an update at the Assembly of Governments.

18 Chair Jacobs said the group will be updating all four boards next month. He said there
19 are a lot of issues still to come, including a decision on how much longer this group needs to
20 exist.

21 Alderman Gist thanked all of the representatives on this group.

22

23 **4. Update on Possible Bond Referendum**

24 Clarence Grier said in recent months the Board has been discussing a General
25 Obligation Bond (GOB) referendum. He reviewed the following history of the 2001 bond
26 referendum:

27

28 The most recent Orange County general obligation bond referendum occurred in November
29 2001. That bond referendum totaled \$75 million and the items included on the referendum were
30 as follows:

- 31 ♦ School related projects totaling \$47 million.
- 32 ♦ Parks and Recreation projects totaling \$20 million
- 33 ♦ Senior Center projects totaling \$ 4 million
- 34 ♦ Low and moderate income projects (Affordable Housing) totaling \$4 million

35

36 All of the individual items on the bond referendum were approved by the voters in the
37 November 2001. The total bond referendum passed with an average approval rate of
38 approximately 55 percent.

1 Due to recent changes enacted by the North Carolina General Assembly related to the dates in
2 which a general obligation bond referendum can be held, a general obligation bond referendum
3 can only be held on even numbered years. Therefore, the two possible closest upcoming dates
4 for the Board of County Commissioners to conduct a voter approved general obligation bond
5 referendum are May 2016 and November 2016. If not held at one of these dates, a potential
6 general obligation bond referendum would be required to be held in May 2018 or November
7 2018 or in subsequent even numbered years.
8

9 At the September 11, 2014 Board of County Commissioners Work Session, the recommended
10 sizing of the potential general obligation bond referendum was discussed at a range between
11 \$100 and \$125 million over a period of 20 years. At current AAA municipal bond interest rates,
12 the total combined debt service for \$100 million is estimated to be \$6.1 million annually. This
13 would represent 4.00 cents on the current property tax rate. At current AAA municipal bond
14 interest rates, the total combined debt service for \$125 million is estimated to be \$7.6 million
15 annually. This would represent 4.67 cents on the current property tax rate.
16

17 Mayor Lavelle said the blue sheet refers to the breakdown from the 2001 bond
18 referendum.

19 Clarence Grier said there have been some preliminary discussions with the local
20 government commission, and they are generally in favor of the current sizing of the debt.

21 Alderman Gist asked about the progress of paying off the bond from 2001.

22 Clarence Grier said there are 5 more years to pay off that debt. He said there was a
23 recent refinancing of that debt that will save an additional \$830,000 over the next 5 years.

24 Alderman Gist asked if the tax burden to citizens will be decreased when this debt is
25 paid off.

26 Clarence Grier said that is a Board of County Commissioners decision, though in theory
27 this could happen.

28 Alderman Gist said if one was passed two years from now, then residents would be
29 paying on two bonds for a two or three year period.

30 Clarence Grier said the current outstanding general obligation debt is \$86.5 million, but
31 this will all be extinguished in the next 10 years. He said if this referendum is passed in 2016,
32 the existing debt will be gone within 10 years, and the bond referendum will be the only
33 outstanding debt.

34 Alderman Gist said her problem is that money is borrowed to pay the bond, and then
35 when the bond is paid off residents keep paying. She said 4.5 cents on the tax rate is real
36 money for some people. She wonders if there is some way to cut some of this.

37 Clarence Grier said this rate is at current economic conditions. He said this can go up
38 or down.

39 Alderman Gist said this depends on how you define current economic conditions. She
40 said sometimes the economy may only be getting better for a small group of people, but the
41 middle class is not getting better.

42 Chair Jacobs said one of the key components of a proposed bond package would be
43 parks and open space. He said the Commission for the Environment has proposed that 12
44 percent of the County's land be preserved, and currently this number is about 10 percent.

45 Chair Jacobs said the main drivers of this bond are the schools. He said the two school
46 systems have identified a combined total of \$300 million in needed safety improvements,
47 repairs and upgrades to improve capacity. He said there may need to be more than one bond
48 issue in order to swallow this amount of school needs.

1 Chair Jacobs said the County has been borrowing at low interest rates. He said it is
2 important to educate voters upfront when asking them to agree to these bonds. He said these
3 bonds will be a burden to the community, not a bad burden, but an expensive burden.

4 Chair Jacobs noted that there is a March presidential primary in 2016. He questioned
5 whether that is a date that qualifies for a bond under N.C. law.

6 Bob Jessup says if this stays in March then the bond can be on that date, but the
7 presidential primaries are subject to change on short notice.

8 Alderman Chaney said many areas got hammered by the legislature this year. She
9 questioned where else they might get squeezed. She asked if there would be an opportunity
10 cost for not doing a bond in 2016 due to the political environment. She wonders about the
11 appetite for affordable housing, especially for seniors. She is very interested in housing, and
12 she said there are no other resources available to subsidize seniors' housing except at the local
13 level.

14 Clarence Grier said the biggest concern would be additional costs being passed on from
15 the state or any restrictions on revenue or debt. He said this is going to be hard to predict. He
16 said the state has been limiting the County's ability to generate or raise certain revenues. He
17 said there has been an appetite to pass on state funded expenses to local governments and
18 counties. He said there were funds expended for senior housing on the last bond. He said this
19 would depend on the components of this next bond.

20 Alderman Haven O'Donnell asked if anyone in Orange County has looked at the
21 projected number of fixed income people that are going to be retiring in the next few years. She
22 feels there is going to be an unprecedented baby boom bump. She would love to see any
23 projections that staff have on this, as this will drive demand for services.

24 Chair Jacobs said three reiterations of the master aging plan have just been completed.
25 He said the Department on Aging is on top of these trends, and seniors would be one of the
26 groups that would be a big part of the bond committee. He said the bulk of the bond money will
27 go to schools, but he does not know what else will come out of that process. He said all four
28 governments will be represented in that discussion, as well as a lot of different interest groups.

29 Commissioner Price said affordable can mean many different things. She said she is
30 concerned about younger families that are living on the edge. She said there is a need for
31 housing for the lower wealth population.

32 Commissioner Pelissier said she agrees with Chair Jacobs that the senior community is
33 really on top of these issues. She said the most participation she has seen in County public
34 input sessions has been with the master aging plan.

35 She said she also wants to mention those who are at risk for homelessness. She noted
36 that the County had rapid re-housing money available, but there was no housing to be had.
37 She said this homeless population is coming in and out of the jails, and that is not going to
38 solve any problems. She said the provision of housing is key, and something needs to be done
39 at a local level.

40 Commissioner Rich said this is a cause and effect process. She said if the bond is not
41 placed, and the community is not involved in the decision, the County will still wind up building
42 the schools and spending the money. She said residents will then be taxed and not have a
43 choice. She said you have to build schools. She said the discussion of bonds allows the
44 community to be involved in the process.

45 Alderman Gist said it is the middle class that keeps getting squeezed, and that is very
46 real. She said the part she has trouble with is that the bond referendum is never really paid off,
47 because you never stop charging the tax, even after it is over. She questioned whether there is
48 a way to cut down on how much is being spent on the schools.

49 Chair Jacobs said these are good points. He gave some history of the past school
50 building process. He said the school systems are a huge part of the community's value. He

1 said the schools are trying to promote the fact that they can add capacity and age in place. He
2 said all of the past bonds have been approved by the voters.

3 Commissioner Gordon said the County has an obligation to build schools. She said
4 there are a few new schools and then some much older schools, and this difference is what is
5 being addressed. She said one proposal for this bond is to renovate the older schools to make
6 them equivalent to the new schools, and this will also allow for the addition of capacity in
7 several schools.

8 Commissioner McKee said there is a normal escalation in cost for household expenses
9 and County expenses, and this helps somewhat offset the tax increases that are not
10 discontinued.

11 Commissioner Dorosin said if you get to the end of the bond, you still have continuing
12 costs associated with what was purchased.

13 Clarence Grier said when staff has done any debt issuance in the past, they have
14 worked hard to prevent a tax increase. He said staff has done financial models going forward if
15 there is a bond, and they would work hard to do what is prudent for the residents of Orange
16 County.

17 18 **5. Update on Orange County Bus and Rail Investment Plan (OCBRIP) Status**

19 Chair Jacobs said he talked to the County manager about this, and the Board stands
20 ready to work with Carrboro to better coordinate transit planning with them.

21 Craig Benedict said this project was passed by referendum in 2012, and the monies for
22 this are from the half cent sales tax, as well as increases in registration fees. He said these
23 monies came in 2013. He reviewed the following summary of projects:

24 25 **Summary of Orange County Bus and Rail Investment Plan (OCBRIP) Status**

26 Light Rail Transit (LRT) - Accepted by FTA into the 'project development stage' to be complete
27 by Feb 2016. Triangle Transit will be holding workshops in November to provide information
28 and collect comments on the environmental work that's underway. The November 18th
29 workshop will be held from 4:00-7:00pm at the UNC Friday Center, Chapel Hill.

30 North-South Corridor Study - A transit service planning initiative being completed by Chapel Hill
31 and its consultant for the corridor linking Martin Luther King Jr. Boulevard, South Columbia
32 Street and US Highway 15-501 South. The study will identify and evaluate improved
33 accessibility, capacity, convenience and travel-time for riders.

34 Amtrak Train Station in Hillsborough - A capacity study on the rail corridor to help determine
35 future needs, which could impact the station or its location, is underway and anticipated to be
36 complete by the end of this year. Following the capacity study, the Town and Triangle Transit
37 will pursue environmental documentation.

38 **Bus Services:**

39 Triangle Transit -

- 40 • On August 18, 2014, Triangle Transit initiated Phase I (Hillsborough to Durham) of
41 the Orange-Durham Express (ODX) service and Phase II (extension to Mebane)
42 is expected to commence in early 2015.
 - 43 • Introduce Saturday night and Sunday service for first time on routes serving
44 and connecting Chapel Hill to other Triangle Area destinations
 - 45 - Starting August 2014
 - 46 - 1,442 FY 2015 service hours in Orange County
- 47
 - 48 • Additional frequency between Southpoint Mall and UNC
 - 49 - Continuation of August 2013 implementation
 - 50 - 1,228 annual service hours in Orange County

1
2 Chapel Hill Transit -

- 3 • Additional peak trips on busiest routes
4 • Later service on two Saturday routes
5 • Continuation of evening service during former “reduced service periods
6 - Introduced 2013
7 - 1,690 annual service hours
8 • Offsetting increased cost of existing service
9 • Financing new buses

10
11 Orange Public Transit - Increasing its service incrementally over the next 5-years.
12 Approximately 2,600 additional bus hours will be provided by OPT during year one and
13 increasing to a total of 7,500 additional bus hours thereafter. The BOCC will consider
14 program specifics at its October 21 meeting, which to date include:

- 15 • Expanded dial-a-ride, rural general public demand response service
16 • Expanded senior center transportation
17 • Initiation of a midday (10am-3pm) local fixed-route service connecting Mebane,
18 Efland, Hillsborough and Durham
19 • Extension of the existing Route 420 midday service (currently connecting
20 Hillsborough and Chapel Hill) to Cedar Grove with more frequent service; and
21 • Continuation of the existing Hillsborough Circulator service and expansion to an
22 additional hour of service.
23

24 Carrboro – The Bus and Rail Investment Plan (BRIP) includes a new regional bus service from
25 White Cross to Carrboro to Chapel Hill Express as an “Unfunded Future Priority After Year
26 2020”. This service is divided into the following two phases: Phase I – A new express route
27 serving Alamance County/Carrboro/Chapel Hill (via NC-54) at an hourly frequency; and Phase
28 II - A new express route serving Alamance County/Carrboro/Chapel Hill (via NC-54) at a 30-
29 minute frequency. A site for a park and ride lot would need to be identified and developed in the
30 White Cross area before this new service could be implemented. The Piedmont Authority for
31 Regional Transportation (PART) presently provides weekday service from Alamance County to
32 UNC Hospital via NC-54, which may present an opportunity to coordinate on a park and ride lot
33 as well as the services it provides with those of the other transit providers, Orange Public
34 Transit and Chapel Hill Transit. Although presently an unfunded priority, in the event that sales
35 tax revenues exceed estimates, additional funds could be made available to increase bus
36 service and meet unfunded priorities.
37

38 Craig Benedict said the light rail project is a 17 mile segment from south of UNC
39 Hospital, through Durham and downtown. He said information can be found online at
40 www.ourtransitfuture.com

41 He said the North South corridor project has received \$100,000 in grant monies outside
42 of the bus and rail investment plan to study how to better move traffic and buses up and down
43 Martin Luther King Boulevard.

44 Craig Benedict said 40,000 people per day commute into Orange County, 30,000 travel
45 out, and 20,000 stay and work here. He said there is a large amount of traffic that goes down
46 Highway 54, and Piedmont Area Regional Transit (PART) presently has a route that brings
47 people from Burlington and Graham down 54, through Carrboro and Chapel Hill, into Durham.
48 He said with the new east, west routes, PART may be able to modify their service to have more
49 service to Carrboro and Chapel Hill, while handing off Durham bound passengers to the new
50 Orange Durham Express Route.

1 Mayor Lavelle said right now Triangle Transit does not travel anywhere in Carrboro.
2 She has brought up many times that the 405 route would be a great route to go through
3 Carrboro, and this would increase ridership. She said Triangle Transit has heard this
4 suggestion, and it is listed as the number one project on the priority plan. She wants to make
5 sure the Commissioners understand how important this is for Carrboro.

6 Mayor Lavelle said the Carrboro route identified in the packet is under "un-funded"
7 priorities, and it is more of a pass through route to bring in employees.

8 Commissioner Pelissier said for future reference when memos are written up about
9 implementation, there should be reference to the original plan and a list of the priority and the
10 unfunded projects, as well as the status of each one. She said part of this plan is implemented
11 by Orange County, part of it by Triangle Transit, and part of it by Chapel Hill Transit. She said it
12 would be good to get input from Triangle Transit on the status of the proposed routes to include
13 in future agenda packets.

14 Commissioner Pelissier said the categorization of the unfunded White Cross route came
15 from Carrboro's former mayor. She said she agrees that it is really not a Carrboro route. She
16 said it is good to continually look at the routes and re-prioritize as needed.

17 Alderman Haven O'Donnell said two things concern her. She said Carrboro's population
18 does not put the Town in any major transit plans. She said Carrboro would like a light rail spur
19 at some point in the planning. She said ending at UNC does not quite cut it. She asked the
20 Board to keep this in mind. She asked that Carrboro also be considered when Hillsborough
21 gets their Amtrak station. She said the 405 route would be wonderful, but she also thinks
22 people need to remember to include Carrboro in other plans. She finds it offensive that before
23 Carrboro is considered, routes are being added to Southpoint that help leak more dollars to
24 Durham.

25 Mayor Lavelle said Triangle Transit has done a white paper on Carrboro.

26 Alderman Chaney said she is a member of the Chapel Hill Transit Partners committee,
27 and she knows that the team has been working hard with a consultant to analyze all of the
28 capital needs of the system. She said this report is not going to be pretty, and there will be
29 Chapel Hill Transit members looking to the County to help fill holes. She asked Craig Benedict
30 if there have been any conversations about this.

31 Craig Benedict said monies that came through legislation were primarily for new service,
32 and only a small amount is for support of existing service. He said the issue that has been
33 discussed for the past four years is why new service is being expanded when it is difficult to
34 sustain existing service. He said everyone is analyzing their systems to find out how to sustain
35 them with the variables that occur within bus services.

36 He said from an efficiency standpoint, all of the entities are trying to find out who can do
37 service in the best and most efficient way in order to save money with the service that is out
38 there.

39 *Alderman Slade arrived at 9:01 p.m.*

40 Chair Jacobs noted that most of the money for existing service goes to Chapel Hill
41 transit. He said Orange County Public Transit (OPT) started as mostly a human services transit
42 system, funded almost entirely by the state. He said the County is relatively new to the public
43 transportation business.

44 Craig Benedict said the funding landscape is changing to for both federal and state. He
45 said Orange County is also part of the Burlington MPO, which is different that when the Bus and
46 Rail Investment Plan started.

47 *Alderman Gist left at 9:03 p.m.*

48 *Alderman Johnson left at 9:03 p.m.*

49 Commissioner Gordon said the assumptions of the Bus and Rail Investment Plan are
50 that 50 percent will be federal, 25 percent will be state, and 25 percent will be local. She said

1 one of the big changes in the landscape is whether we get the 25 percent state funding. She
2 said the light rail is going through the federal process now, and we cannot expect the state to
3 commit at this point. She said this funding split is an important thing to remember.

4 Commissioner Gordon agrees that Carrboro should be connected to the 405 route.

5 Commissioner Pelissier said knowing that the state funding is uncertain the federal
6 landscape is also continuing to change. She said Triangle Transit is proactively looking at other
7 ways to fund and finance that 25 percent state money. She said there are a lot of places
8 across the country that is using other sources, and there are other alternatives to make this
9 happen.

10 Chair Jacobs said he assumes the Board can count on staff getting updates from all
11 three transit entities on the status of the priority projects. He said this can be distributed to
12 everyone here.

13 Commissioner Rich said it would be good to put information on the website listing how
14 the transit tax is being spent.

15 16 **6. Agricultural Support Enterprises in the Rural Buffer**

17 Mayor Lavelle said Perdita Holtz has provided them with a summary of the text
18 amendments to the Joint Planning Use Plan and Agreement.

19 She said there have been several meetings to discuss this, and there is one item that is
20 the sticking point. She said Carrboro is recommending that once these amendments are
21 adopted, after five years all jurisdictions have to sign off and state that they like the way this is
22 working out. She said the Alderman wanted to have a few years to see how this process is
23 working out and have a chance to evaluate it.

24 Mayor Lavelle said the Alderman had asked the attorney to look into a sunset clause
25 that requires all jurisdictions to act after five years.

26 She said the Chapel Hill has not looked at this yet, and it is a work in progress.

27 Chair Jacobs said there are three governments involved in this, and it would be good to
28 get all three staffs and attorneys to review and hash out the concerns and sticking points before
29 continuing to go down the road separately. He said maybe this could be done before the
30 Assembly of Governments meeting. He said the Joint Planning Agreement (JPA) is a
31 significant agreement, and he thinks that it is important to first make sure that everyone is in
32 agreement about the issues. He said the Board of County Commissioners has not had any
33 discussions on changes to the JPA, and they are not in any position to discuss what Carrboro
34 has adopted. He would like to have a meeting of the minds to find out where the common
35 ground is and to help make some intelligent joint decisions.

36 Commissioner Dorosin asked if the concern from the Carrboro Aldermen is about
37 making changes to the JPA, or if there are specific concerns about the Agricultural Support
38 Enterprise amendments. He wants to know if this is a discussion of procedure or substance.

39 Mayor Lavelle said this is more about assessing the impact on the rural buffer. She said
40 the five year point was a place in time to stop and see what is happening.

41 Alderman Slade said the rural buffer has been a feature of the joint governments
42 protecting what a lot of people in the towns' value. He is surprised at how little public input has
43 been given. He said this would be a measure that would guarantee that people get a sense of
44 what this means, while allowing time to come back and reconsider. He said this is not a
45 question of procedure, but it is specific to this one issue.

46 Alderman Slade said he would hope the effect of the sunset clause is that it could revert
47 the rural buffer back to what it currently is. He said this is just a measure to safeguard the
48 future of the community.

1 Alderman Slade said there is a question of whether opening up more uses will only
2 result in more competition with farms. He said this is part of the equation that Carrboro wants
3 to address. He said there is also concern about urban sprawl.

4 Alderman Haven O'Donnell said it felt like the table of permitted uses was far more
5 intense and commercially based than the aldermen had originally anticipated. She said the
6 sunset clause is a way to allow for time to reflect and sensibly address a serious change in land
7 use. She said once you change the landscape it would be hard to change it back.

8 Commissioner Pelissier said it would be good to have a discussion at the AOG meeting.
9 She said she is struggling with people's definition of commercial, and she thinks there needs to
10 be a discussion of this. She questioned the public perception of a sunset clause that allows a
11 usage and then disallows it. She questioned how you would evaluate if it is working or not and
12 how this could be quantified.

13 Alderman Chaney said the aldermen were not in complete agreement about all points of
14 their adopted resolution. She said the first issue was concern that they are setting themselves
15 up for disaster with the sunset clause if one jurisdiction doesn't participate. She said there were
16 general concerns about the rural buffer, and the goal was to have a way to evaluate this, but
17 there is not yet a plan for how to do that evaluation. She said this conversation still needs to be
18 had.

19 Chair Jacobs said you could argue that the current land use pattern in the rural buffer is
20 sprawl; it is suburban sprawl, but it is still sprawl. He said Maple View Farms was initially
21 opposed for many of the same concerns when it was being developed. He said before
22 definitive statements are made, the terms of the discussion need to be decided. He said staff
23 has tried to come up with reasonable gradations for the usages, and it might be best to begin
24 by looking at the most intense uses. He said some people are never going to want any
25 changes in the Rural Buffer. He said if you start opening up the rural buffer to governments
26 reviews of different pieces of it, there are plenty of people in the community who see it as a
27 place to develop more intensely. He questioned whether we want to open the door to this type
28 of cherry picking. He cautioned the boards to get together as a group to lay groundwork
29 instead of working unilaterally when making group decisions.

30 Chair Jacobs said the least objectionable uses can be phased in first and then others
31 added over time. He said the Joint Planning Agreement almost broke down in the past when
32 any development had to be approved by all three governments. He does not want to re-live
33 those types of discussions.

34 Commissioner Gordon said she was interested to hear that Carrboro said the concern is
35 specific to this one issue, and this is not opening up a need to figure out how to change the
36 rural buffer. She said the foundational principle is that they have a JPA that works very well.
37 She said the concern about this one issue, as stated by Carrboro, is that it is a serious change
38 in land use. She said it is important that if you change things, you do not undermine the original
39 principle. She said it is important that development here cannot be reliant on public water and
40 sewer.

41 Commissioner Gordon said this area is different from other rural areas, and this is
42 specified in the way it has been taken forward. She said that in the proposed changes to the
43 UDO, there are four specific uses that are already prohibited in the rural buffer for being too
44 intense. She said proximity to the town is important, because if you are far from the town and
45 its services, and you overtax the capacity of septic and water, there are major concerns. She
46 said if you are in the rural buffer and this happens, and if you have a public health emergency,
47 then you might be allowed to extend water and sewer to the area. She said if this cannot be
48 prohibited, it could completely undo the rural buffer.

49 Commissioner Gordon said the goal is to figure out a way to keep farmers
50 farming, bona-fide farms viable, and the important support enterprises allowed without

1 undermining the general purpose of the rural buffer. She would argue that Carrboro has made
2 a proposal that deserves serious consideration. She would hope to get the three staffs and the
3 attorneys to make recommendations to resolve this, and she hopes that Chapel Hill will
4 consider it in November.

5 Commissioner McKee said there are four interest groups in this, and the fourth group is
6 the landowners. He said their views have not been consulted yet. He said the views and
7 values of one group are being imposed onto another group.

8 He said he understands the rational basis of the sunset proposal, but he could not
9 support it. He said if any of these enterprises are going to be viable, they require a substantial
10 amount of financial investment, and they require an expectation to be able to grow. He
11 reviewed the example of Maple View, and questioned whether the same investments would
12 have been made there without any guarantee of the ability to operate or expand past a five year
13 period.

14 Commissioner McKee said there was mention of concentrating in dense areas, but this
15 does not acknowledge the reality that these farms are not located around nodes. He said this
16 would be choosing winners and losers, and he cannot do that. He would like for someone to
17 explain to him in a clear and concise manner what they are afraid of.

18 Alderman Slade said the aldermen did grapple with how a sunset clause would affect
19 businesses, and this is reflected in the proposal. He said if a business is implemented in the
20 five year time frame, you would not be affected by the sunset clause.

21 Commissioner McKee said it would limit the opportunity for the businesses to grow.

22 Alderman Slade said the town did not propose this in a spirit of being unilateral, but this
23 was proposed in response to the County's initiative of updating their land use ordinance. He
24 said this is seen as part of the process of coming to an understanding of how to best do this in
25 a sensitive way.

26 Alderman Slade said he likes Chair Jacobs idea of doing this as a more slow process,
27 and this may diminish some concerns. He said this is a big proposal and it is up to them to set
28 the policies now and do it in the best manner possible. He looks forward to this being a process
29 and not just a moment of decision. He asked the Board to consider Carrboro's proposal as an
30 offer that is part of that process.

31 Alderman Slade said it is important to assess definitions, and one clear measure of
32 success will be to see how agricultural efforts are supported in the five years.

33
34 The meeting was adjourned at 9:40 p.m.

35
36 Barry Jacobs, Chair

37
38
39 Donna Baker, Clerk to the Board

40
41

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 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 twelve (12) taxpayers with a total of fifteen (15) 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 \$4,205.57 to Orange County, the towns, and school and fire districts. Financial impact year to date for FY 2014-2015 is \$18,418.14.

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-2014-080

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
 DECEMBER 1, 2014**

NAME	ABSTRACT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
Barbee, Nikkeyla	1042098	2013	26,340	26,340	(483.41)	Military exempt (illegal tax)
Barbee, Nikkeyla	1001218	2013	4,550	4,550	(109.82)	Military exempt (illegal tax)
Barnard, Leon Bronson	9472480	2014	36,400	500	(354.69)	Acquired an antique auto plate (appraisal appeal)
Bateman, Mark	23228348	2014	12,290	12,290	(119.00)	Situs error (illegal tax)
Benjamin, Stuart	21849724	2014	22,630	0	(216.77)	County changed to Durham (illegal tax)
Benjamin, Stuart	21027917	2013	15,690	0	(154.52)	County changed to Durham (illegal tax)
Boyd, Clifton Thomas	23239945	2014	62,400	500	(589.04)	Acquired an antique auto plate (appraisal appeal)
Doyle, William Michael Jr.	23187916	2014	25,100	500	(412.00)	Acquired an antique auto plate (appraisal appeal)
Johnson, Eric D.	22937679	2014	8,070	0	(165.23)	County changed to Chatham (illegal tax)
Johnson, Eric D.	22937628	2014	8,530	0	(172.95)	County changed to Chatham (illegal tax)
Manring, Margaret	23011201	2014	32,270	32,270	(274.35)	Situs error (illegal tax)
McCracken, Richard	1048832	2013	24,280	0	(473.24)	County changed to Alamance (illegal tax)
McGinty, Mary	1038019	2013	15,570	0	(235.72)	County changed to Alamance (illegal tax)
Myerson, Andrew	1051871	2014	26,430	0	(308.62)	County changed to Chatham (illegal tax)
Valleroy, David	22842412	2014	12,300	500	(136.21)	Acquired an antique auto plate (appraisal appeal)
				Total	(4,205.57)	

October 16, 2014 thru
 November 12, 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: December 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 six (6) taxpayers with a total of six (6) bills that will result in a reduction of revenue.

BACKGROUND: The Tax Administration Office has received six taxpayer requests for release or refund of property taxes. North Carolina General Statute 105-381(b), "Action of Governing Body" provides that "upon receiving a taxpayer's written statement of defense and request for release or refund, the governing body of the Taxing Unit shall within 90 days after receipt of such a request determine whether the taxpayer has a valid defense to the tax imposed or any part thereof and shall either release or refund that portion of the amount that is determined to be in excess of the correct liability or notify the taxpayer in writing that no release or refund will be made". North Carolina law allows the Board to approve property tax refunds for the current and four previous fiscal years.

FINANCIAL IMPACT: Approval of this change will result in a net reduction in revenue of \$2,631.01 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-2014-081

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 DECEMBER 1, 2014

NAME	ABSTRACT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
Partridge, Barry Lee	1053437	2014	5,720	0	(105.43)	Licenced vehicle (illegal tax)
Porter, Amy P.	1053625	2014	104,300	12,686	(871.79)	Present Use Value (clerical error)
Sager, Elizabeth C. Trustee	315517	2014	758	758	(240.25)	Processed in error (clerical error)
Shifflett, Kathleen	306784	2014	7,520	0	(121.99)	Mobil home doubled billed (illegal tax)
Tilley, Gregory T.	289924	2014	715,400	598,391	(1,156.04)	Present Use Value (clerical error)
Whaley, Robert E.	303399	2007	4,518	0	(135.51)	Incorrect situs (illegal tax)
				Total	(2,631.01)	

October 16, 2014 thru
 November 12, 2014

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 1, 2014

Action Agenda

Item No. 6-d

SUBJECT: Applications for Property Tax Exemption/Exclusion

DEPARTMENT: Tax Administration

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

Exempt Status Resolution
Spreadsheet
Requests for Exemption/Exclusion

INFORMATION CONTACT:

Dwane Brinson, Tax Administrator
(919) 245-2726

PURPOSE: To consider five (5) untimely applications for exemption/exclusion from ad valorem taxation for five (5) bills for the 2014 tax year.

BACKGROUND: North Carolina General Statutes (NCGS) typically require applications for exemption to be filed during the listing period, which is usually during the month of January. Applications for Elderly/Disabled Exclusion, Circuit Breaker Tax Deferment and Disabled Veteran Exclusion should be filed by June 1st of the tax year for which the benefit is requested. NCGS 105-282.1(a1) does allow some discretion. Upon a showing of good cause by the applicant for failure to make a timely application, an application for exemption or exclusion filed after the close of the listing period may be approved by the Department of Revenue, the Board of Equalization and Review, the Board of County Commissioners, or the governing body of a municipality, as appropriate. An untimely application for exemption or exclusion approved under this provision applies only to property taxes levied by the county or municipality in the calendar year in which the untimely application is filed.

Two of the applicants are applying for homestead exclusion based on NCGS 105-277.1, which allows exclusion of the greater of twenty-five thousand dollars (\$25,000) or fifty percent (50%) of the appraised value of the residence plus the value of up to one (1) acre of land.

One of the applicants are applying for exclusion based on NCGS 105-278.7, which allows for exclusion from property taxes for property used for a charitable purpose.

Two of the applicants are applying for exclusion based on NCGS 105-277.4(a1), which allows for an untimely application to be approved for taxation at present use value assessment.

Including these five (5) applications, the Board will have considered a total of thirty-three (33) untimely applications for exemption of 2014 taxes since the 2014 Board of Equalization and Review adjourned on May 23rd. Taxpayers may submit an untimely application for exemption of 2014 taxes to the Board of Commissioners through December 31, 2014.

Based on the information supplied in the applications and based on the above-referenced General Statutes, the applications may be approved by the Board of County Commissioners.

NCGS 105-282.1(a1) permits approval of such applications if good cause is demonstrated by the taxpayer.

FINANCIAL IMPACT: The reduction in the County's tax base associated with approval of the exemption application will result in a reduction of FY 2014/2015 taxes due to the County, municipalities, and special districts in the amount of \$8,176.32.

RECOMMENDATION(S): The Manager recommends the Board approve the attached resolution for the above-listed applications for FY 2014/2015 exemption.

NORTH CAROLINA

RES-2014-082

ORANGE COUNTY

EXEMPTION/EXCLUSION RESOLUTION

Whereas, North Carolina General Statutes 105-282.1 empowers the Board of County Commissioners to approve applications for exemption after the close of the listing period, and

Whereas, good cause has been shown as evidenced by the information packet provided, and

Whereas, the Tax Administrator has determined that the applicants could have been approved for 2014 had applications been timely.

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF COUNTY

COMMISSIONERS OF ORANGE COUNTY THAT the properties applying for exemption for 2014 are so approved as exempt.

Upon motion duly made and seconded, the foregoing resolution was passed by the following votes:

Ayes: Commissioners _____

Noes: _____

I, Donna Baker, Clerk to the Board of Commissioners for the County of Orange, North Carolina, DO HEREBY CERTIFY that the foregoing has been carefully copied from the recorded minutes of the Board of Commissioners for said County at a 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

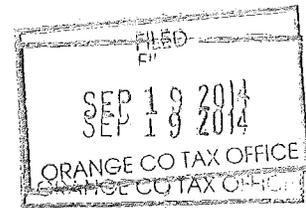
Late exemption/exclusion application - GS 105-282.1(a1)

**BOCC REPORT - REAL/PERSONAL
DECEMBER 1, 2014**

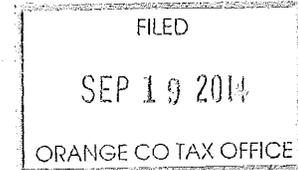
NAME	ABSTRACT NUMBER	BILL YEAR	ORIGINAL VALUE	TAXABLE VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
Crawford, Ralph	310764	2014	187,437	5,044	(1,710.74)	Late application for present-use value assessment G.S.105-277.4(a1)
Duncan, Susan M.	316597	2014	199,788	111,115	(843.44)	Late application for exemption G.S. 105-277.1 (Homestead Exemption)
Parker, Randall Thomas	988326	2014	37,194	1,368	(329.09)	Late application for present-use value assessment G.S.105-277.4(a1)
Residential Services, Inc.	138531	2014	285,749	0	(4,601.70)	Late application for exemption G.S. 105-278.7 (Charitable, educational, etc.)
Wells, Lue Cynthia	272454	2014	197,019	98,509	(1,534.79)	Late application for exemption G.S. 105-277.1 (Homestead Exemption)
				Total	(8,176.32)	

October 16, 2014 thru
November 12, 2014

Linda C Crawford
1240 Hidden Hills Rd
Germanton, NC 27019
336 830-2862



Orange County Tax Administration
PO Box 8181
Hillsborough, NC 27278-8181
September 15, 2014



Dear Sir:

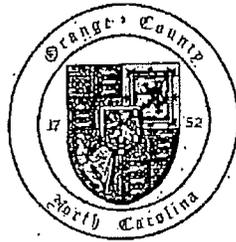
Please find enclosed my application for Forestry Present Use Value Assessment for the tax year 2014. Also enclosed is a copy of what the NC Division of Forestry sent when I called and requested a copy of my Forest Management Plan.

I apologize for being late in requesting this and I really appreciate you taking the time to help me with this.

Sincerely,

Linda C Crawford

Linda C Crawford



Request for Tax Relief
Late Application Filing

FILED
JUL 31 2014
ORANGE COUNTY
TAX ADMINISTRATION

Date: 10/28/14

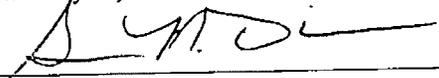
To Whom It May Concern:

I, (PRINT NAME) Susan M. Duncan, wish to be considered for Property Tax Relief Exemption or Exclusion for the year 2014 on Parcel Identification Number (PIN) # 9876072564

In accordance with North Carolina General Statute 105-282.1(a1), I submit the reason(s) set forth below for consideration as demonstration of "good cause" for failure to make a timely application. An untimely application approved under G.S. 105-282.1(a1) applies only to property taxes levied by the county or municipality in the calendar year in which the untimely application is filed.

- I was not aware that this exemption was available to me.
- I just found out about the Property Tax Relief Program.
- Other (please explain)

Thank you,


(Signature)

How did you learn of this exemption?

Dear Orange Co. Commissioners,

Please accept this late application for Present Use Value Assessment. I was unaware the due date was Jan. 31. This property has been used for farming for well over 20 years by me for the production of tobacco, hay, wheat ~~and~~ as well as pasture for cows.

Sincerely,
Paul H. Lake

L
F



Residential Services, Inc.

111 Providence Road
Chapel Hill, North Carolina 27514

Phone: (919) 942-7391
Fax: (919) 933-4490

www.rsi-nc.org
Dennis Bradshaw, Executive Director

August 11, 2014

FILED

AUG 13 2014

Orange County Tax Office
Ms. Kandice Wright
Exemption Program Director
PO Box 8181
Hillsborough, NC 27278

TAXATION DIVISION

Dear Kandice,

I am in receipt of the 2014 bill for the Property #9890824151.011. Owned by Residential Services, Inc. this property was sold to us by the Weiss' on January 1, 2013 but was not booked until 7 days later.

Residential Services, Inc. is a non-profit corporation under IRS Code 501(c) 3. As a nonprofit corporation we are exempt from real and personal property taxes under NC General Statute 105-278.7. If you need further information, I will be happy to send that also.

Thank you for your patience in this matter.

Yours Truly,

Theresa West
Finance Director

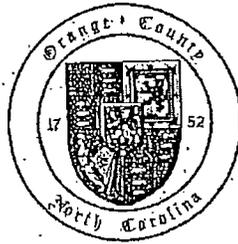
NEIL SHIPMAN, ED.D., PRESIDENT
DON TIEDEMAN, PAST PRESIDENT
STEVE CHALL, SECRETARY
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SAM WEIR, M.D.



Accredited by
the Joint Commission



Request for Tax Relief
Late Application Filing

FILED
OCT 16 2014
ORANGE COUNTY
TAX ADMINISTRATION

Date: 10.16.14

To Whom It May Concern:

I, (PRINT NAME) Lue Cynthia Wells, wish to be
considered for Property Tax Relief Exemption or Exclusion for the year 2014 on
Parcel Identification Number (PIN) # 9864 984634

In accordance with North Carolina General Statute 105-282.1(a1), I submit the reason(s)
set forth below for consideration as demonstration of "good cause" for failure to make a
timely application. An untimely application approved under G.S. 105-282.1(a1) applies
only to property taxes levied by the county or municipality in the calendar year in which
the untimely application is filed.

I was not aware that this exemption was available to me.

I just found out about the Property Tax Relief Program.

Other (please explain)

Thank you,

Lue Cynthia Wells
(Signature)

How did you learn of this exemption?

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 1, 2014

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

SUBJECT: Resolution Adjusting the Salaries of the Sheriff and Register of Deeds Positions

DEPARTMENT: Human Resources

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

Proposed Resolution with Bond
Documents

North Carolina General Statutes 153A-92

Orange County Code of Ordinances Article
II, Section 28-13 (o)

INFORMATION CONTACT:

Brenda Bartholomew, Human Resources
Director, (919) 245-2552

PURPOSE: To approve a resolution providing notice of adjustment of the salaries of the Sheriff and Register of Deeds positions and approving the bonds for both positions.

BACKGROUND: As authorized by the North Carolina General Statutes 153A-92 and the Orange County Code of Ordinances Article II Section 28-13 (o), the Board of Commissioners may adjust salaries, allowances and other compensation for the Sheriff and Register of Deeds positions. The Board of Commissioners must give notice of intention and adjustment no later than 14 days before the last date for filling notice of candidacy for the office. That date is December 1, 2014.

The Orange County Classification and Pay Plan has established the starting salary for the Sheriff's position as a Grade 31 (currently \$79,814 annually) and the starting salary for the Register of Deeds position as a Grade 29 (currently \$75,967 annually). The salaries may be adjusted within the salary grade range for the incoming incumbents to reflect years or service and applicable work experience.

FINANCIAL IMPACT: There is no financial impact to the 2014/2015 adopted budget.

RECOMMENDATION(S): The Manager recommends that the Board adopt the attached resolution effective December 1, 2014.

RES-2014-083

ORANGE COUNTY BOARD OF COMMISSIONERS

Resolution Adjusting the Salary of the Sheriff and Register of Deeds Effective December 1, 2014

The Orange County Board of Commissioners as authorized by North Carolina General Statutes 153A-92 and Article II, Section 28-13 (o) of the Orange County Code of Ordinances has set the salaries of the Sheriff and Register of Deeds as provided below effective December 1, 2014.

The salary of Sheriff Charles Blackwood is \$110,668, the midpoint assigned to Salary Grade 31 of the Orange County Classification and Pay Plan to reflect his years of service with Orange County Sheriff's Office and his many years of experience in law enforcement.

The salary of Mark Chilton is \$75,967, the minimum assigned to Salary Grade 29 of the Orange County Classification and Pay Plan.

All other compensation elements including expense allowances are as set forth in the Orange County Code of Ordinances.

The compensation of the Sheriff and Register of Deeds may be subject to change accordingly to the Orange County Classification and Pay Plan pursuant to Performance Reviews conducted by the Chair of the Board of Commissioners or where that Plan prescribes changes in salaries or as otherwise changed by Resolution of the Board of Commissioners.

Further, North Carolina General Statute Sections 161-4 and 162-8 states the bond requirements for every Register of Deeds and Sheriff holding an elected position in the State of North Carolina, and that the Board of County Commissioners shall approve those bonds. The bonds of these two officers are attached and approved.



Travelers Casualty and Surety Company of America
Hartford, CT 06183

**PUBLIC OFFICIAL BOND -
FOR DEFINITE TERM**

BOND NO. 106206426

KNOW ALL MEN BY THESE PRESENTS, That we Charles S Blackwood
Of 100 Pinewood Drive CHAPEL HILL, NC 27517, as Principal, and
Travelers Casualty and Surety Company of America, a corporation of CT, as Surety are held
and firmly bound unto Orange County North Carolina in the
penal sum of Twenty Five Thousand (\$25,000.00) Dollars, lawful money
of the United States of America, for the payment of which well and truly to be made, said principal binds
himself/herself, his/her heirs, executors, administrators and assigns, and said Surety binds itself, its
successors and assigns, jointly and severally, firmly by these presents.

SEALED and dated this 24 day of November, 2014.

WHEREAS, the said principal has been elected or appointed to the office of:
Sheriff for a definite term beginning December 01, 2014
and ending December 01, 2018 and is required to furnish a bond for the faithful performance of
the duties of the said office or position.

NOW, THEREFORE THE CONDITION OF THIS OBLIGATION is such that if the above bounden
Principal shall (except as hereinafter provided) faithfully perform the duties of his/her said office or
position during the said term, and shall pay over to the persons authorized by law to receive the same
all moneys that may come into his/her hands during the said term without fraud or delay, and at the
expiration of said term, or in case of his/her resignation or removal from office, shall turn over to
his/her successor all records and property which have come into his/her hands, then this obligation to
be null and void; otherwise to remain in full force and effect.

PROVIDED, HOWEVER, that the above named Surety shall not be liable hereunder for any loss of
any public fund resulting from the insolvency of any bank or banks in which said funds are deposited;
and, if this provision shall be held void, this entire bond shall be void.

AND PROVIDED FURTHER, that the Surety may cancel bond at any time during the said term by
giving to the obligee a written notice of its desire so to cancel and at the expiration of thirty (30) days
from the receipt of such notice by the obligee the surety shall be completely released as to all liability
thereafter accruing. If this provision shall be held void, this entire bond shall be void.

WITNESS:

Cathleen C Lucas

Charles S Blackwood

[Signature] (Seal)
(Principal)

Travelers Casualty and Surety Company of America

By: [Signature]
Cathleen C. Lucas Attorney-in-Fact



POWER OF ATTORNEY

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company

St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company

Surety Bond No. 106206426

Principal: Charles S Blackwood
100 Pinewood Drive CHAPEL HILL, NC 27517

Obligee: Orange County North Carolina
PO Box 8181 HILLSBOROUGH, NC 27278

KNOW ALL MEN BY THESE PRESENTS: That Farmington Casualty Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, are corporations duly organized under the laws of the State of Connecticut, that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc. is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint Cathleen C. Lucas, of the City of Chapel Hill, State of NC, their true and lawful Attorney(s)-in-Fact, to sign, execute, seal and acknowledge the surety bond referenced above.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 10th day of September, 2012.

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company

St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company



State of Connecticut

City of Hartford ss.

By: 
Robert L. Raney, Senior Vice President

On this the 10th day of September, 2012, before me personally appeared Robert L. Raney, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal.
My Commission expires the 30th day of June, 2016.




Marie C. Tetreault, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, Kevin E. Hughes, the undersigned, Assistant Secretary, of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 24 day of November, 2014.

Kevin E. Hughes

Kevin E. Hughes, Assistant Secretary



To verify the authenticity of this Power of Attorney, call 1-800-421-3880 or contact us at www.travelersbond.com. Please refer to the Attorney-In-Fact number, the above-named individuals and the details of the bond to which the power is attached.



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Western Surety Company

OFFICIAL BOND

KNOW ALL PERSONS BY THESE PRESENTS:

Bond No. 62227518

That we, Mark Hayes Chilton
 of Hillsborough, North Carolina, as Principal, and WESTERN SURETY
 COMPANY, a corporation duly licensed to do business in the State of North Carolina, as Surety, are held
 and firmly bound unto County of Orange Co Board of Commissioners
 in the sum of Ten Thousand and 00/100 DOLLARS (\$10,000.00),
 for the payment of which well and truly to be made, we bind ourselves and our legal representatives, jointly
 and severally by these presents.

Dated this 24th day of November, 2014.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas, the said Principal has been
 appointed elected to the office of Recorder of Deeds County of Orange,
 for the term beginning the 1st day of December, 2014, and ending the
1st day of December, 2018.

NOW THEREFORE, if the said Principal shall in all things faithfully perform the duties of his office and
 shall honestly account for all moneys and effects that may come into his hands in his official capacity during
 the said term, then this obligation to be void, otherwise to remain in full force and effect.

This bond is executed by the Surety upon the following express conditions, which shall be conditions
 precedent to the right of recovery hereunder:

FIRST: The Surety shall not be liable for the loss of any public moneys or funds resulting from the
 failure of or default in payment by any Banks or Depositories in which any public moneys or funds have been
 deposited.

SECOND: This bond may be cancelled by the Surety as to future liability by giving written notice, by
 certified mail, addressed to each, the Principal and the Obligor at County of Orange Co Board of Comm.,
 and thirty (30) days after the mailing of said notices by certified mail, this bond shall be cancelled and null
 and void as to any liability thereafter arising, the Surety remaining liable, however, subject to all the terms
 and conditions of this bond for any and all acts covered by this bond up to the date of such cancellation.

Witness to Principal

Diane Judd

Mark Chilton
Principal

Witness to Surety

J. Nelson
A. Vixor

WESTERN SURETY COMPANY
 By Paul T. Bruflat
 Paul T. Bruflat, Senior Vice President
 North Carolina Resident Agent

Countersigned Diane Judd

Approved this 24 day of November, 2014.



North Carolina General Statutes

Part 4. Personnel.

§ 153A-92. Compensation.

(a) Subject to the limitations set forth in subsection (b) of this section, the board of commissioners shall fix or approve the schedule of pay, expense allowances, and other compensation of all county officers and employees, whether elected or appointed, and may adopt position classification plans.

(b) In exercising the authority granted by subsection (a) of this section, the board of commissioners is subject to the following limitations:

- (1) The board of commissioners may not reduce the salary, allowances, or other compensation paid to an officer elected by the people for the duties of his elective office if the reduction is to take effect during the term of office for which the incumbent officer has been elected, unless the officer agrees to the reduction or unless the Local Government Commission pursuant to Chapter 159, Article 10, orders a reduction.
- (2) During the year of a general election, the board of commissioners may reduce the salary, allowances, or other compensation of an officer to be elected at the general election only in accordance with this subdivision. The board of commissioners shall by resolution give notice of intention to make the reduction no later than 14 days before the last day for filing notice of candidacy for the office. The resolution shall set forth the reduced salary, allowances, and other compensation and shall provide that the reduction is to take effect at the time the person elected to the office in the general election takes office. Once adopted, the resolution may not be altered until the person elected to the office in the general election has taken office. The filing fee for the office shall be determined by reference to the reduced salary.
- (3) If the board of commissioners reduces the salaries, allowances, or other compensation of employees assigned to an officer elected by the people, and the reduction does not apply alike to all county offices and departments, the elected officer involved must approve the reduction. If the elected officer refuses to approve the reduction, he and the board of commissioners shall meet and attempt to reach agreement. If agreement cannot be reached, either the board or the officer may refer the dispute to arbitration by the senior resident superior court judge of the superior court district or set of districts as defined in G.S. 7A-41.1 in which the county is located. The judge shall make an award within 30 days after the day the matter is referred to him. The award may extend for no more than two fiscal years, including the fiscal year for which it is made.
- (4) The board of commissioners shall fix their own salaries, allowances, and other compensation in accordance with G.S. 153A-28.
- (5) The board of commissioners shall fix the salaries, allowances and other compensation of county employees subject to the North Carolina

Human Resources Act according to the procedures set forth in Chapter 126. The board may make these employees subject to a county position classification plan only as provided in Chapter 126.

(c) In counties with a county manager, the manager is responsible for preparing position classification and pay plans for submission to the board of commissioners and for administering the pay plan and any position classification plan in accordance with general policies and directives adopted by the board. In counties without a county manager, the board of commissioners shall appoint or designate a personnel officer, who shall then be responsible for administering the pay plan and any position classification plan in accordance with general policies and directives adopted by the board.

(d) A county may purchase life insurance or health insurance or both for the benefit of all or any class of county officers and employees as a part of their compensation. A county may provide other fringe benefits for county officers and employees. In providing health insurance to county officers and employees, a county shall not provide abortion coverage greater than that provided by the State Health Plan for Teachers and State Employees under Article 3B of Chapter 135 of the General Statutes. (1927, c. 91, s. 8; 1953, c. 1227, ss. 1-3; 1969, c. 358, s. 1; c. 1017; 1973, c. 822, s. 1; 1987 (Reg. Sess., 1988), c. 1037, s. 122; 2013-366, s. 2(b); 2013-382, s. 9.1(c).)

ARTICLE II. - RECRUITMENT AND EMPLOYMENT

Sec. 28-13. - Recruitment and selection.

(o) *Elected Officials*. Notwithstanding the requirements and entitlements of the Pay Plan, the Position Classification Plan, the Classification and Salary Plan, and any other provisions of this Ordinance, the salary, allowances and other compensation of the Register of Deeds and the Sheriff shall be fixed and established from time to time by the Board of Commissioners as provided by N.C. General Statutes § 153A-92.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 1, 2014

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

SUBJECT: Schools Adequate Public Facilities Ordinance (Schools APFO) – Approval of Membership and Capacity Numbers

DEPARTMENT: Planning

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

1. Orange County Schools and Chapel Hill-Carrboro City Schools: Schools APFO Capacity Calculation and Change Request Form (Includes Student Membership) for Elementary, Middle, and High School Levels
2. Chart Depicting LOS, Capacity, Membership, and Membership Increases

INFORMATION CONTACT:

Ashley Moncado, 919-245-2589
Craig Benedict, 919-245-2575

PURPOSE: To consider approval of November 14, 2014 membership and capacity numbers for both school districts (Orange County and Chapel Hill-Carrboro City Schools) which will be used in developing 10-year student membership projections and the 2015 SAPFO Technical Advisory Committee (SAPFOTAC) Report.

BACKGROUND: In accordance with the Schools APFO MOUs (Memorandum of Understanding), the Board of County Commissioners shall approve the school districts' November 15th membership and capacity numbers within 15 days after receiving the numbers from the school districts. Since November 15th occurred on a Saturday this year, membership and capacity forms were updated based on Friday, November 14th membership and capacity numbers. Both Orange County Schools and Chapel Hill-Carrboro City Schools submitted their membership and capacity numbers in accordance with the MOUs. As per the MOUs, this step of the SAPFO process entails only the approval of the student membership and capacity numbers.

The SAPFOTAC, comprised of representatives of both school systems and the Planning Directors of the County and Towns, is tasked to produce an annual report for the governing boards of each Schools APFO partner. The full annual SAPFOTAC report, which will include 10-Year student membership projections, will be completed in early 2015. The CAPS (Certificate of Adequate Public Schools) system is updated with actual membership and capacity figures after the BOCC approves the information submitted by the school districts.

The chart in Attachment 2 shows the Capacity and Membership for each school level in both school districts and the increase (or decrease) over the November 15, 2013 membership. It

also shows the Allowable Maximum Level of Service (LOS) as was agreed upon as part of the SAPFO MOU process and the Actual LOS based on November 14, 2014 membership numbers. The decrease of 174 Orange County School students at the elementary level has not been fully analyzed at this time. However, a portion of the loss may be attributed to the opening of the new charter school, The Expedition School, in Hillsborough.

In recent years, Pre-K enrollment has been a topic of discussion with both school districts. However, SAPFO has not been amended to include Pre-K in the membership and capacity numbers. Therefore, Pre-K children are not included in the membership and capacity numbers reported.

FINANCIAL IMPACT: Precise financial impacts cannot be determined, but changes in projected growth in student membership for the next ten years is expected to result in higher future operating and capital budget requests.

RECOMMENDATION(S): The Manager recommends the Board approve the November 14, 2014 Membership and Capacity numbers as submitted by each school district.

School APFO Capacity, Membership and Change Request Form

School District: Chapel Hill-Carrboro City Schools

SAPFO CAPS Year: November 14, 2014 - November 13, 2015

Capacity and Membership Submittal Date: November 14, 2014

Elementary School	Square Feet	2010-2011 Requested Capacity	2011-2012 Requested Capacity	2012-2013 Requested Capacity	2013-2014 Requested Capacity	2014-2015 Requested Capacity	Justification Footnote #	Membership (referenced school year)
Carrboro	60,832	533	533	533	533	533		500
Ephesus	66,952	448	448	448	448	448		431
Estes Hills	56,299	527	527	527	527	527		480
FP Graham	66,689	538	538	538	538	538		496
Glenwood	50,764	423	423	423	423	423		483
McDougle	98,000	564	564	564	564	564		478
Morris Grove	90,221	585	585	585	585	585		550
Northside	99,500	0	0	0	585	585		520
Rashkis	95,729	585	585	585	585	585		526
Scroggs	90,980	575	575	575	575	575		554
Seawell	52,896	466	466	466	466	466		523
Total	828,862	5,244	5,244	5,244	5,829	5,829		5,541

Special Note(s): 1. For the November 15, 2002 base year the board accepted the superintendent-certified capacities as part of the School Facilities Task Force review and 2003 Planners and School Representative Technical Advisory Committee Report. These capacities will remain effective until changed by (1) the School CIP or (2) an amended version of this form that is certified by the BOCC. 2. Due to November 15th falling on a Saturday this year, membership and capacity numbers shall be provided for Friday, November 14, 2014.

Justification:

Capacity Certification:

Thomas A. Fomell 11/20/14
 Superintendent Date

 BOCC Chair Date

Membership Certification:

Thomas A. Fomell 11/20/14
 Superintendent Date

 BOCC Chair Date

School APFO Capacity, Membership and Change Request Form

School District: Chapel Hill-Carrboro City Schools
SAPFO CAPS Year: November 14, 2014 - November 13, 2015
Capacity and Membership Submittal Date: November 14, 2014

Middle School	Square Feet	2010-2011 Requested Capacity	2011-2012 Requested Capacity	2012-2013 Requested Capacity	2013-2014 Requested Capacity	2014-2015 Requested Capacity	Justification Footnote #	Membership (referenced school year)
Culbreth	108,058	670	670	670	670	774	Science wing addition	686
McDougle	136,221	732	732	732	732	732		721
Phillips	109,498	706	706	706	706	706		625
Smith	128,764	732	732	732	732	732		829
Total	482,541	2,840	2,840	2,840	2,840	2,944		2,861

Special Note(s): 1. For the November 15, 2002 base year the board accepted the superintendent-certified capacities as part of the School Facilities Task Force review and 2003 Planners and School Representative Technical Advisory Committee Report. These capacities will remain effective until changed by (1) the School CIP or (2) an amended version of this form that is certified by the BOCC. 2. Due to November 15th falling on a Saturday this year, membership and capacity numbers shall be provided for Friday, November 14, 2014.

Justification:

Capacity Certification:

Thomas A. Small 11/20/14
 Superintendent Date

 BOCC Chair Date

Membership Certification:

Thomas A. Small 11/20/14
 Superintendent Date

 BOCC Chair Date

School APFO Capacity, Membership and Change Request Form

School District: Orange County Schools
SAPFO CAPS Year: November 14, 2014 - November 13, 2015
Capacity and Membership Submittal Date: November 14, 2014

Elementary School	Square Feet	2010-2011 Requested Capacity	2011-2012 Requested Capacity	2012-2013 Requested Capacity	2013-2014 Requested Capacity	2014-2015 Requested Capacity	Justification Footnote #	Membership
Cameron Park	70,812	565	565	565	565	565		591
Central	52,492	455	455	455	455	455		305
Efland Cheeks	64,316	497	497	497	497	497		426
Grady Brown	74,016	544	544	544	544	544		466
Hillsborough	51,106	471	471	471	471	471		457
New Hope	100,164	586	586	586	586	586		614
Pathways	85,282	576	576	576	576	576		400
Total	498,188	3,694	3,694	3,694	3,694	3,694		3,259

Special Note(s): 1. For the November 15, 2002 base year the board accepted the superintendent-certified capacities as part of the School Facilities Task Force review and 2003 Planners and School Representative Technical Advisory Committee Report. These capacities will remain effective until changed by (1) the School CIP or (2) an amended version of this form that is certified by the BOCC. 2. Due to November 15th falling on a Saturday this year, membership and capacity numbers shall be provided for Friday, November 14, 2014.

Justification:

Capacity Certification:


 Superintendent Date

 BOCC Chair Date

Membership Certification:


 Superintendent Date

 BOCC Chair Date

School APFO Capacity, Membership and Change Request Form

School District: Orange County Schools
SAPFO CAPS Year: November 14, 2014 - November 13, 2015
Capacity and Membership Submittal Date: November 14, 2014

Middle School	Square Feet	2010-2011 Requested Capacity	2011-2012 Requested Capacity	2012-2013 Requested Capacity	2013-2014 Requested Capacity	2014-2015 Requested Capacity	Justification Footnote #	Membership
A.L. Stanback	136,000	740	740	740	740	740		614
C.W. Stanford	107,620	726	726	726	726	726		650
Gravelly Hill	123,000	700	700	700	700	700		498
Total	366,620	2,166	2,166	2,166	2,166	2,166		1,762

Special Note(s): 1. For the November 15, 2002 base year the board accepted the superintendent-certified capacities as part of the School Facilities Task Force review and 2003 Planners and School Representative Technical Advisory Committee Report. These capacities will remain effective until changed by (1) the School CIP or (2) an amended version of this form that is certified by the BOCC. 2. Due to November 15th falling on a Saturday this year, membership and capacity numbers shall be provided for Friday, November 14, 2014.

Justification:

Capacity Certification:

 11/14/14
 Superintendent Date

 BOCC Chair Date

Membership Certification:

 11/14/14
 Superintendent Date

 BOCC Chair Date

School APFO Capacity, Membership and Change Request Form

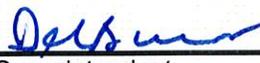
School District: Orange County Schools
SAPFO CAPS Year: November 14, 2014 - November 13, 2015
Capacity and Membership Submittal Date: November 14, 2014

High School	Square Feet	2010-2011 Requested Capacity	2011-2012 Requested Capacity	2012-2013 Requested Capacity	2013-2014 Requested Capacity	2014-2015 Requested Capacity	Justification Footnote #	Membership
Orange	213,509	1,518	1,518	1,399	1,399	1,399		1,318
Cedar Ridge	206,900	1,000	1,000	1,000	1,000	1,000		1,154
Partnership	6,600	40	40	40	40	40		30
Total	427,009	2,558	2,558	2,439	2,439	2,439		2,502

Special Note(s): 1. For the November 15, 2002 base year the board accepted the superintendent-certified capacities as part of the School Facilities Task Force review and 2003 Planners and School Representative Technical Advisory Committee Report. These capacities will remain effective until changed by (1) the School CIP or (2) an amended version of this form that is certified by the BOCC. 2. The 2012-2013 capacity numbers for Orange High School (1,399) is based on a capacity analysis and facilities study completed by the Department of Public Instruction in August 2012. 3. Due to November 15th falling on a Saturday this year, membership and capacity numbers shall be provided for Friday, November 14, 2014.

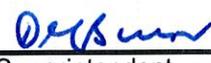
Justification:

Capacity Certification:

 11/12/14
 Superintendent Date

 BOCC Chair Date

Membership Certification:

 11/12/14
 Superintendent Date

 BOCC Chair Date

Attachment 2

School LOS, Capacity, Membership, and Membership Increases

	<i>Chapel Hill/Carrboro School District</i>		<i>Orange County School District</i>	
	Allowable Maximum LOS (per MOU)	Actual 2014-15 LOS	Allowable Maximum LOS (per MOU)	Actual 2014-15 LOS
<i>Elementary</i>	105%	95.1%	105%	88.2%
<i>Middle</i>	107%	97.2%	107%	81.3%
<i>High</i>	110%	96.3%	110%	102.6%

	<i>Chapel Hill/Carrboro School District</i>					<i>Orange County School District</i>				
	Capacity At 100% LOS*	Capacity At MOU LOS Maximum*	Nov. 14 2014 Membership	Prior Year Membership	Increase from Prior Year	Capacity At 100% LOS*	Capacity At MOU LOS Maximum*	Nov. 14 2014 Membership	Prior Year Membership	Increase from Prior Year
<i>Elementary</i>	5829	6120	5541	5554	(13)	3694	3879	3259	3433	(174)
<i>Middle</i>	2944 ¹	3150	2861	2858	3	2166	2318	1762	1747	15
<i>High</i>	3875	4263	3730	3764	(34)	2439	2683	2502	2421	81

* - Class size ratio is 1:21 in grades K-3.

¹ Increase in capacity of 104 due to the expansion of Culbreth Middle School.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 1, 2014

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

SUBJECT: Applications for Grants from the NC Agricultural Development and Farmland Preservation Trust Fund and the Federal Agricultural Conservation Easement Program for the Pope Farm Conservation Easement

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

PUBLIC HEARING: (Y/N)

No

ATTACHMENTS:

ADFP Trust Fund Call for Applications
ACEP Call for Applications

INFORMATION CONTACT:

David Stancil, 919-245-2510
Rich Shaw, 919-245-2514

PURPOSE: To authorize staff to apply for grants from the NC Agricultural Development and Farmland Preservation (ADFP) Trust Fund and the federal Agricultural Conservation Easement Program (ACEP) for funds to purchase a conservation easement at the Pope Farm in Cedar Grove Township.

BACKGROUND: The acquisition of agricultural conservation easements to help preserve prime farmland is a longstanding goal of the Board of Commissioners, and is a priority of the Lands Legacy Program. To date, Orange County has protected over 2,000 acres of prime farmland and riparian buffers through this program.

Since 2001 Orange County has been awarded \$3.53 million from state and federal agencies for the purpose of acquiring permanent conservation easements. Those funds were used to match County funds and landowner donations to acquire conservation easements on 16 farms. This coming year, the federal Farm Bill will provide nearly \$2.3 million for similar projects in North Carolina.

Over the past four years, Orange County has worked with Robert and Gail Pope and the Eno River Association to secure funding to protect the 75-acre Captain John S. Pope Farm with a conservation easement. A conservation easement would enhance the protection of this historic farm, which was designated a Local Historic Landmark by Orange County in 2012, and was designated a Century Farm by the NC Department of Agriculture and Consumer Services. The farm is also listed on the National Register of Historic Places.

Grant applications were submitted by the County and the Eno River Association in both 2012 and 2013, but they were not selected for funding. DEAPR would like to re-apply to both grant sources and this time offer County matching funds of up to \$50,000 from the Lands Legacy Conservation Easement Fund. The Eno River Association remains interested in collaborating with the County in pursuing grant funds.

FINANCIAL IMPACT: The County intends to re-apply for up to \$120,000 in federal and state grant funds. The grant programs would require County matching funds should one or both grants be awarded. The County's matching funds for the easement purchase (up to \$50,000) would come from the Lands Legacy Conservation Easement Fund. DEAPR would come back to the Board for authorization to commit County funds should grants be awarded.

RECOMMENDATION(S): The Manager recommends that the Board authorize staff to work with the landowners and Eno River Association on resubmitting applications for grants from the NC ADFP Trust Fund and the federal Agricultural Conservation Easement Program (both due December 19, 2014) in an amount not to exceed \$120,000.



NORTH CAROLINA
DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES

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NC Agricultural Development & Farmland Preservation Trust Fund

NCDA&CS

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ADFP Trust Fund Cycle VIII Applications

The ADFP Trust Fund application is now online. Please follow the links to complete the application. Budget documents necessary for uploading to the application are available for download below.

Applications deadline is Friday, December 19, 2014 at 5:00 p.m.

[2014 Application Guidelines](#)

Please note: If completing applications for both conservation easement/agreement and agricultural development project/agricultural plan, you must register as a new user. Existing usernames do not cross over between the conservation easement/agreement and agricultural development project/agricultural plan applications.

Conservation Easement/Agreement Application:

[Conservation Easement/Agreement Application Login Page](#)
[Conservation Easement Budget and Narrative - Cycle VIII](#)
[Matching Funds Information](#)
[Project Timeline - Cycle VIII](#)
[Financial Affidavit for Beginning Farmers and Limited Resource Farmers](#)

Agricultural Development Project/Agricultural Plan Application:

[Agricultural Development Project/Agricultural Plan Application Login Page](#)
[Plan Project Budget and Narrative - Cycle VIII](#)
[Matching Funds Information](#)
[Project Timeline - Cycle VIII](#)

Downloadable form for private non-profit conservation organizations:

[NC Openbook Supplemental Information](#)

North Carolina Agricultural Development and Farmland Preservation Trust Fund
 2 West Edenton Street, Raleigh, NC 27601
 Phone: (919) 707-3071

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 Steve Troxler, Commissioner of Agriculture



**Natural Resources
Conservation Service**

4407 Bland Road, Suite 117
Raleigh, North Carolina 27609
Voice 919.873.2107
Email: Stuart.Lee@nc.usda.gov
Web: www.nc.nrcs.usda.gov

Release No.: 0019.14

News Release

Contact:
Stuart Lee, (919) 873-2107
Stuart.Lee@nc.usda.gov

Announcing the Agricultural Conservation Easement Program – Wetland Reserve Easement (ACEP-WRE) component application deadline for Fiscal Year 2015 funding consideration

November 19, 2014, Raleigh, NC – December 19, 2014, is fiscal year 2015’s deadline for ACEP-WRE applications to be filed by eligible landowners with their local USDA Service Center. Landowners that are interested in enrolling their land should contact their local NRCS field office to ensure their farm records are up-to-date, their eligibility forms have been completed, and that they have completed an NRCS-CPA-1200 to apply for ACEP-WRE.

Although the final rule has not yet been published for ACEP, the WRE component operates like the repealed Wetland Reserve Program (WRP). ACEP-WRE provides financial assistance directly to private and Tribal landowners to restore, protect and enhance wetlands on eligible land through the purchase of Wetland Reserve Easements. When the final rule for ACEP is published NRCS will notify WRE applicants of any further information or documentation that may be required to process and review the application.

A separate application deadline for the other ACEP components: Agricultural Land Easements (ALE), and ALE-Grasslands of Special Environmental Significance (ALE-GSS), will be announced at a later date.

Program Contact

Greg Walker, Assistant State Conservationist for Programs, 919-873-2104

For more information on Easements, Please Visit our [NC Easement Page](#).

#

USDA is an equal opportunity provider and employer.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 1, 2014

Action Agenda

Item No. 6-h

SUBJECT: Cedar Grove Community Center Roof Replacement Bid Award

DEPARTMENT: Asset Management Services,
Finance

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):
Construction Agreement, Bid Tabulation
and Certificate of Insurance

INFORMATION CONTACT:
Jeff Thompson, (919) 245-2658
Clarence Grier, (919) 245-2453
David Cannell, (919) 245-2651

PURPOSE: To:

- 1) Award a bid to Muter Construction of Zebulon, North Carolina, in the amount of \$445,660 for replacement of the roof on the Cedar Grove 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: The Board authorized the Manager to proceed with the design and construction bid solicitation for the Cedar Grove Community Center as part of the FY2013-14 Capital Investment Plan. A key part of this project is replacement of the roof that was installed on the facility in 1994 and is past its useful life. In conjunction with the designer of the community center renovation project, MBAJ Architecture/Boomerang Design, it was deemed beneficial to replace the roof prior to the overall community center renovation project.

Competitive bids from four firms were opened on November 13, 2014. After review of the bid documents by County staff and the project designer, Fifth Wall Buildings Diagnostics Consultant, of Raleigh, North Carolina, the bid from Muter Construction of Zebulon, North Carolina, was determined to be the lowest responsive, responsible bidder for this project (See Attachment, "Bid Tabulation").

The attached "Construction Agreement over \$250,000", was prepared by the County Attorney and will govern the project.

Should the Board of County Commissioners award the bid, the roof replacement project will begin in December 2014 and will be completed by March 2015.

This proposed roofing system is compatible with thermal and photo-voltaic solar arrays that staff is evaluating as potential components of the Cedar Grove Community Center project or an installation at some point in the future.

FINANCIAL IMPACT: The BOCC has approved \$3,072,226 for the overall community center project, which included roof replacement, as part of the FY2013-14 Capital Investment Plan.

RECOMMENDATION(S): The Manager recommends the Board:

- 1) Award a bid to Muter Construction of Zebulon, North Carolina, in the amount of \$445,660 for replacement of the roof of the Cedar Grove 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.

[Departmental Use Only]
 TITLE Cedar Grove Roof Replacement
 FY 2015

NORTH CAROLINA

CONSTRUCTION AGREEMENT OVER \$250,000.00

ORANGE COUNTY

THIS CONSTRUCTION AGREEMENT (hereinafter called "Agreement"), made as of the 1st day of December, 2014, by and between Muter Construction LLC, (hereinafter called the "Contractor"), and Orange County, a body politic and a political subdivision of the State of North Carolina, (hereinafter called the "County," "Orange County," or "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 and incorporated General Conditions attached as Exhibit 1.
- 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 5th Wall Building Diagnostics Consultants (Sheet 1.01 through 1.05 dated September, 2014)
- b. Written specifications prepared by the Designer.
- c. Bid number 367-296 proposal dated November 13, 2014 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 March 2, 2015.
- 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 four hundred forty five thousand six hundred sixty dollars Dollars (\$445,660). 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 5th Wall Building Diagnostics Consultants 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:	Contractor:
Orange County	Muter Construction, LLC
Attn: Jeffrey Thompson	Attn: John Muter, President
P.O. Box 8181	100 N Arendell Avenue
Hillsborough, NC 27278	Zebulon, NC 27597

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 or General Conditions 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:

By: _____
Barry Jacobs, Chair
Orange County Board of Commissioners

By: _____
John Muter, President
Printed Name and Title



November 14, 2014

David Cannell
 Office of the Purchasing Agent of the Financial Services Department
 PO Box 8181 (USPS)
 131 West Margaret Lane
 Hillsborough, North Carolina 27278,

RE: Roof Replacement
 Cedar Grove Community Center
 Hillsborough, North Carolina
 5thWall Job No. 12-58

Dear Mr. Cannell:

Bids for the referenced project were received November 13, 2014 from four contractors as listed below. Bids are summarized on the attached Analysis.

Contractor	Total Bid
Muter Construction Zebulon, NC	\$445,660
Owens Roofing, Inc Raleigh, NC	\$532,600
Hamlin Roofing Company Garner, NC	\$589,920
Peach State Roofing Company Raleigh, NC	\$789,200

We have reviewed bids and have the following comments.

Muter Construction

- No comment – the proposal is in order.

David Cannell
Cedar Grove Community Center
5thWall Project No. 14-112
November 14, 2014
Page 2

Owens Roofing, Inc

- Addendum Acknowledgement forms not included with proposal.

Hamlin Roofing Company

- Addendum Acknowledgement forms not included with proposal.

Peach State Roofing Company

- No scores noted on Affidavit A of the MBD form.
- Peach State indicated that it had received an OSHA citation within the past two years but did not provide a copy of the citation as required.

With regard to the noted discrepancies, it is our opinion that all are minor in nature and should not affect the bid process or award of contract.

Based upon our review, it appears that Muter Construction, LLC has submitted the lowest responsive bid. It is our recommendation that the project proceed and that contract award be made accordingly.

Please advise of your concurrence with our recommendation at your earliest opportunity. We will advise the contractor accordingly. Should you have any questions please contact our office at your convenience.

Should you have any questions please contact our office at your convenience.

Sincerely,

5thWall
Building Diagnostics Consultants



Jeffrey L. Spady, RRC

enc

Roof Replacement
Cedar Grove Community Center
Hillsborough, NC
5thWall Job No.14-112

Bid Analysis
Bids Received: November 13, 2014
3:00 p.m.

Contractor	Muter Construction	Owens Roofing	Hamlin Roofing	Peach State Roofing
License No.	73095	24442	5855	40751
Bid Bond	Yes	Yes	Yes	Yes
Addenda	2	2	2	2
MBE Forms	Yes	Yes	Yes	Yes
Contractor Safety Record Info.	Yes	Yes	Yes	Yes
E-Verify Form	Yes	Yes	Yes	Yes
General Items				
A. Bonds/Insurance	\$ 11,000	\$ 26,500.00	\$ 20,000	\$ 2,000
B. Mobilization	\$ 6,500	\$ 4,000.00	\$ 1,000	\$ 5,100
C. Warranty	\$ 4,800	\$ 1,500.00	\$ 5,000	\$ 4,800
Subtotal	\$ 22,300	\$ 32,000	\$ 26,000	\$ 11,900
Work items				
A. Demolition	\$ 69,560	\$ 65,000	\$ 79,800	\$ 50,000
B. Remove/replace wood Allowance	\$ 500	\$ 500	\$ 500	\$ 500
Bd. Ft.	\$ 1.00	\$ 1.00	\$ 5.00	\$ 2.00
C. Tuckpointing Allowance - 100 Ln. Ft.	\$ 300	\$ 2,800	\$ 1,500	\$ 3,000
Ln. Ft.	\$ 3.00	\$ 28.00	\$ 15.00	\$ 30.00
D. New Wood	\$ 5,000	\$ 3,000.00	\$ 12,000	\$ 2,800
E. Membrane underlayment	\$ 60,000	\$ 34,000.00	\$ 36,481	\$ 88,000
F. Insulation	\$ 190,000	\$ 184,800.00	\$ 119,632	\$ 274,000
G. Membrane	\$ 50,000	\$ 151,200.00	\$ 240,000	\$ 252,200
H. Sheet Metal	\$ 44,000	\$ 53,000.00	\$ 65,500	\$ 92,000
I. Skylights	\$ 2,000	\$ 1,500.00	\$ 4,000	\$ 4,800
J. Other items	\$ 2,000	\$ 4,800.00	\$ 4,507	\$ 10,000
Subtotal	\$ 423,360	\$ 500,600.00	\$ 563,920	\$ 777,300
Total Price	\$ 445,660	\$ 532,600.00	\$ 589,920	\$ 789,200



EVIDENCE OF PROPERTY INSURANCE

DATE (MM/DD/YYYY)
11/18/2014

THIS EVIDENCE OF PROPERTY INSURANCE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE ADDITIONAL INTEREST NAMED BELOW. THIS EVIDENCE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS EVIDENCE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE ADDITIONAL INTEREST.

AGENCY Senn Dunn - GSO 3625 N. Elm St. Greensboro, NC 27455 Russ B. Bell, CIC		PHONE (A/C, No, Ext): 336-272-7161	COMPANY Hanover Insurance Group 13840 Ballantyne Corporate Pl Charlotte, NC 28277	
FAX (A/C, No): 336-346-1397	E-MAIL ADDRESS:			
CODE: 3002644	SUB CODE:			
AGENCY CUSTOMER ID #: MUTER-1		LOAN NUMBER		POLICY NUMBER IH6-A096902-01
INSURED Muter Construction, LLC John Muter 100 N. Arendell Ave Zebulon, NC 27597		EFFECTIVE DATE 09/03/14	EXPIRATION DATE 09/03/15	<input type="checkbox"/> CONTINUED UNTIL TERMINATED IF CHECKED
		THIS REPLACES PRIOR EVIDENCE DATED:		

PROPERTY INFORMATION

LOCATION/DESCRIPTION Cedar Grove Community Center

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS EVIDENCE OF PROPERTY INSURANCE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

COVERAGE INFORMATION

COVERAGE / PERILS / FORMS	AMOUNT OF INSURANCE	DEDUCTIBLE
Builders Risk/All Risk/Replacement Cost	445,660	1,000

REMARKS (Including Special Conditions)

--

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

ADDITIONAL INTEREST

NAME AND ADDRESS Orange County PO Box 8181 Hillsborough, NC 27278	MORTGAGEE	ADDITIONAL INSURED
	LOSS PAYEE	
LOAN #		
AUTHORIZED REPRESENTATIVE <i>Russell Bell</i>		

**CERTIFICATE OF LIABILITY INSURANCE**

DATE (MM/DD/YYYY)

11/19/2014

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Senn Dunn - GSO 3625 N. Elm St. Greensboro, NC 27455 Russ B. Bell, CIC	CONTACT NAME: Lindsay C. Frazier, CISR PHONE (A/C, No, Ext): 336-346-1306 E-MAIL ADDRESS: lfrazier@sennunn.com	FAX (A/C, No): 336-514-9416	
	INSURER(S) AFFORDING COVERAGE		NAIC #
INSURED Muter Construction, LLC John Muter 100 N. Arendell Ave. Zebulon, NC 27597	INSURER A : Cincinnati Insurance Co.		10677
	INSURER B : Hanover Insurance Group		
	INSURER C :		
	INSURER D :		
	INSURER E :		

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY			ENP 0222614	01/08/2014	01/08/2015	EACH OCCURRENCE	\$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 100,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						MED EXP (Any one person)	\$ 10,000
	GEN'L AGGREGATE LIMIT APPLIES PER:							PERSONAL & ADV INJURY
	<input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC						GENERAL AGGREGATE	\$ 2,000,000
							PRODUCTS - COMP/OP AGG	\$ 2,000,000
								\$
A	AUTOMOBILE LIABILITY			ENP 0222614	01/08/2014	01/08/2015	COMBINED SINGLE LIMIT (Ea accident)	\$ 1,000,000
	<input checked="" type="checkbox"/> ANY AUTO						BODILY INJURY (Per person)	\$
	<input type="checkbox"/> ALL OWNED AUTOS	<input type="checkbox"/> SCHEDULED AUTOS					BODILY INJURY (Per accident)	\$
	<input checked="" type="checkbox"/> HIRED AUTOS	<input checked="" type="checkbox"/> NON-OWNED AUTOS					PROPERTY DAMAGE (PER ACCIDENT)	\$
								\$
A	UMBRELLA LIAB			ENP 0222614	01/08/2014	01/08/2015	EACH OCCURRENCE	\$ 4,000,000
	EXCESS LIAB	<input type="checkbox"/> OCCUR					AGGREGATE	\$ 4,000,000
	<input type="checkbox"/> CLAIMS-MADE							\$
	DED <input checked="" type="checkbox"/> RETENTIONS \$ 0							\$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			WC2137567	01/08/2014	01/08/2015	<input checked="" type="checkbox"/> WC STATUTORY LIMITS	OTHER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N	N/A				E.L. EACH ACCIDENT	\$ 500,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	\$ 500,000
							E.L. DISEASE - POLICY LIMIT	\$ 500,000
B	Rented/Leased Equipment			IH6-A096902-01	09/03/2014	09/03/2015	Limit	150,000
							Deductibl	2,500

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

RE: Cedar Grove Community Center-Roof Replacement
 30 days prior written notice of cancellation shall be provided to the certificate holder except 10 days for non-payment of premium.

CERTIFICATE HOLDER**CANCELLATION**

ORANG16 Orange County PO Box 8181 Hillsborough, NC 27278	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE <i>Russell Bell</i>
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**ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT
Meeting Date: December 1, 2014**

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

SUBJECT: Consideration of the Town of Chapel Hill’s Extraterritorial Jurisdiction (ETJ) Extension Request

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

- 1. Legal Description, Map, and Chapel Hill Ordinance
- 2. Letter from Chapel Hill and ETJ Request Overview Including RENA Petition and Letters from Residents
- 3. Public Hearing Notification
- 4. Planning Staff Comments
- 5. Resolution

INFORMATION CONTACT:

Craig Benedict, Planning, 919-245-2592
Bonnie Hammersley, Manager, 919-245-2300
John Roberts, Attorney, 919-245-2318

PURPOSE: To act on the request of the Town of Chapel Hill to extend its ETJ.

BACKGROUND: Orange County is in receipt of a request by the Town of Chapel Hill to extend its extraterritorial jurisdiction (ETJ) into an area presently within the Joint Planning Area (JPA) Agreement originally signed in 1987. There is no formal County policy for the expansion of municipal ETJ limits; in any event, the Board of County Commissioners shall hold a public hearing to receive public comments and concerns. Following the public hearing, the Board will review the information from the Town of Chapel Hill meetings and the current public hearing, taking into consideration germane information and take action on the request.

The Town of Chapel Hill’s request is to extend the existing ETJ westward and northward to include approximately 1033 acres as shown in Attachment 1. These lands were within the Joint Planning Agreement (JPA) since 1987 and the Town of Chapel Hill had prescribed land use and zoning powers per the Orange County/Chapel Hill/Carrboro JPA.

Attachment 1 contains a legal description and map of the proposed ETJ extension request and an ordinance from the Town of Chapel Hill Town Council requesting the proposed ETJ extension.

Attachment 2 contains a letter from the Town’s Mayor, an overview and summary of the request prepared by the Town of Chapel Hill, and petitions and letters from area residents.

Attachment 3 – The public hearing was advertised in the Chapel Hill Herald and mailed notice was sent to the affected property owners within the extension area by the Town of Chapel Hill.

Attachment 4 – Planning Staff Comments – NCGS 160A-360-362 explains the process for municipal ETJ expansion. The process is primarily a responsibility of the municipality. A summary of the actions to be completed is followed by the itemized checklist.

Attachment 5 is a Resolution of the BOCC approving the request.

Attachment 6 is a map showing Chapel Hill's new and existing ETJ and remaining JPA transition areas including acreage.

Orange County Planning Staff finds that the request is consistent with the criteria of the County's land use policies. The Town of Chapel Hill's Land Use Plan currently incorporates the requested area, and given the close proximity of the Town's existing municipal limits, the site is within an anticipated and natural growth area for the Town. Water and sanitary sewer service is available or can be made available to the property and the area's geographical location and infrastructure funding potential makes it more conducive for these properties to be under ETJ authority of the Town. Given this information, staff recommends approval of the Town of Chapel Hill's request for extension of its ETJ.

FINANCIAL IMPACT: There is no direct correlation to county fiscal impacts since the area is presently within Chapel Hill's JPA planning area and therefore there is no change to the county's planning staff workload. However, this change may allow Chapel Hill to explore other funding sources to assist in the infrastructure development of this area.

RECOMMENDATION(S): The Manager recommends the Board:

1. Approve the extraterritorial jurisdiction request by the Town of Chapel Hill pursuant to the Resolution in Attachment 5.
2. Authorize the County Manager to proceed with developing a long term plan for the area.

Attachment 1

APPENDIX A

Extraterritorial Jurisdiction boundary amendment as shown on the attached map and as described as follows:

SECTION I

Beginning at a point on the existing Chapel Hill Corporate Limits at the northwest corner of Martin Luther King Jr. Blvd and Weaver Dairy Road and proceeding in a generally northerly direction along said corporate boundary following the centerline of Martin Luther King Jr. Blvd. to the northwestern corner of parcel 9880-27-0438 and the southern right-of-way of Interstate 40; thence leaving said corporate limits line proceeding westerly across MLK Jr Blvd to the southeastern corner of parcel 9880-08-4202, such corner being on the northern r/w line of Eubanks Road and also being on the existing Chapel Hill Corporate Limits Line; thence proceeding westward and following said corporate limits line along the northern r/w line of Eubanks Road to the easternmost boundary of parcel 9880-07-6840; thence continuing northward along said corporate limits line and the easternmost boundary of said parcel 9880-07-6840 to its northernmost boundary and proceeding westward along the northernmost boundaries of said parcel and parcel 9880-07-1883 to a point intersecting with parcel 9870-98-7294 and thence proceeding northward to the northernmost boundary of parcel 9870-98-7294 and then proceeding westward along said parcel's northernmost boundary to the parcel's westernmost boundary; thence proceeding southward along the parcel's westernmost boundary and continuing along the existing Chapel Hill Corporate Limits line proceeding southward along the westernmost boundary of parcel 9870-98-7045 to a point that intersects with Eubanks Road; thence proceeding southward across said road along the westernmost boundary of parcel 9870-97-8235 to the southernmost boundary of said parcel 9870-97-8235 and proceeding eastward along its southernmost boundary to a point intersecting with parcel 9880-06-0661; thence proceeding southward along said parcel's westernmost boundary and the westernmost boundaries of parcels 9880-06-0493; 9880-06-0297; 9880-06-0192; and 9880-06-0857; to the southwest corner of said parcel 9880-06-0857; thence proceeding easterly along the southernmost boundaries of parcels 9880-06-0857; 9880-05-2817; 9880-05-3886; 9880-05-5839; 9880-05-6953; 9880-05-7975; 9880-05-8888; 9880-15-0836; 9880-15-1895; 9880-15-3856; 9880-15-5817; 9880-15-6869; 9880-15-9853; 9880-25-1853; 9880-25-3820; and 9880-25-4859; and crossing the r/w of Martin Luther King Jr. Blvd. to meet the point and place of beginning containing 96.15 acres more or less.

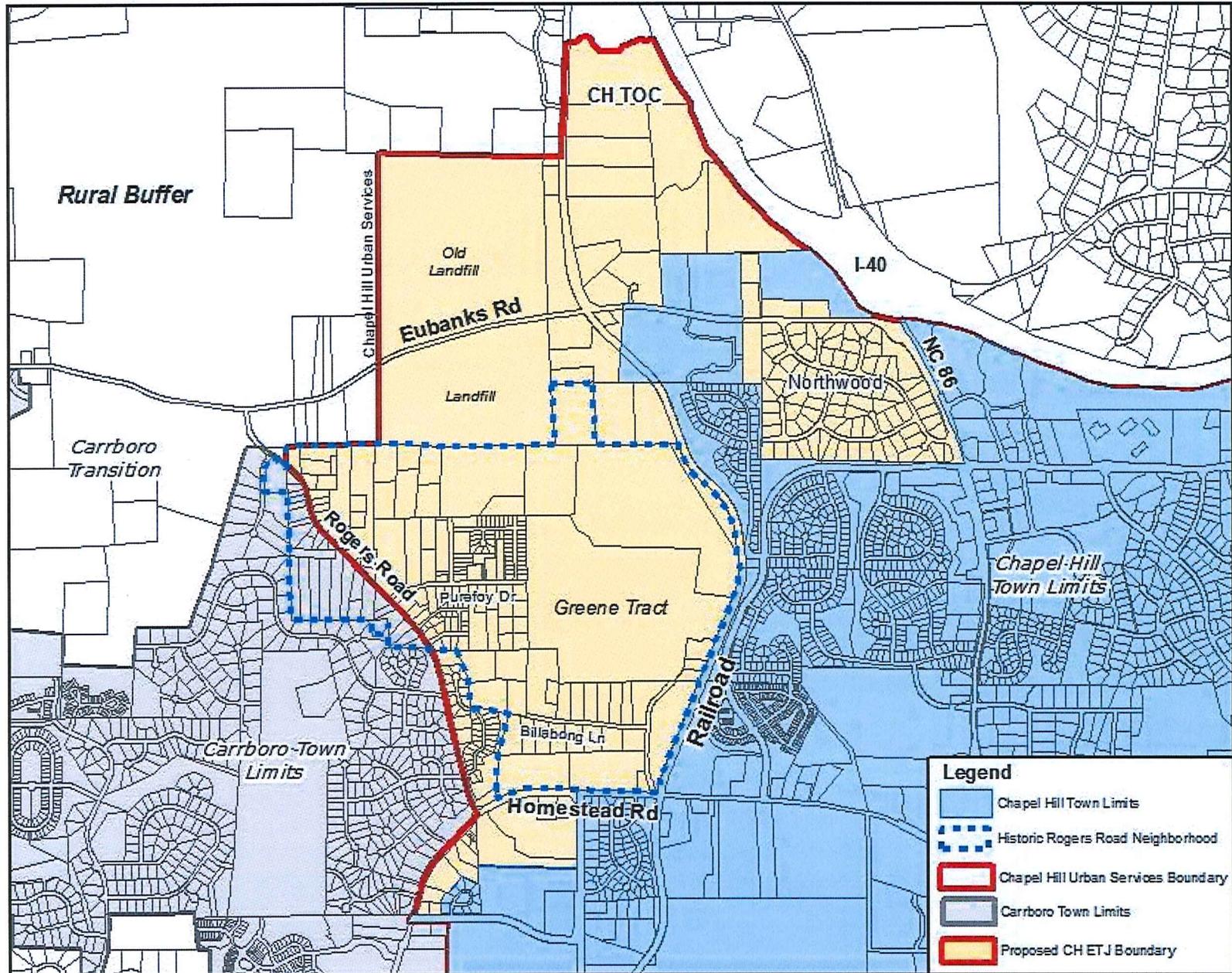
SECTION II

Beginning at a point at the southernmost and easternmost point of parcel 9870-99-7083 and proceeding northward along the western edge of the Interstate 40 right-of-way to a point intersecting with parcel 9871-81-0744 and the center of the stream bank and proceeding generally westward along the center of the stream to a point intersecting with rail line then generally heading southward to a point approximately 250 feet south of the parcel identified as 9870-89-0971 and then heading west along parcel's 9870-68-0669 northernmost boundary proceeding southward along the parcel westernmost boundary, including parcel 9870-66-2911 to a point intersecting with parcel 9870-55-0605 and heading west along the northernmost boundaries of the following parcels: 9870-45-6572, 9870-45-3385, 9870-45-1708, and 9870-35-

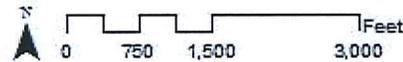
7767; at the westernmost boundary of parcel 9870-35-7767 proceeding south along the parcel's westernmost boundary to a point intersecting with centerline of Rogers Road, proceeding southeasterly along the centerline of Rogers Road to a point intersecting with Homestead Road; then proceeding westward along centerline of Homestead Road to the intersection with High School Road; then proceeding eastward along the southern edge of the High School Road right-of-way to the easternmost boundary of parcel 9779-59-7804.002 proceeding northward along the parcel's easternmost boundary then proceeding northward along the easternmost boundaries of parcels 9870-50-6072 and 9870-50-6280 then proceeding along the southernmost and easternmost boundary of parcel 9870-50-7493 then proceeding along the easternmost boundary of parcel 9870-60-0533 to a point intersecting the southernmost boundary of parcel 9870-60-9427 proceeding to a point on western edge of the Seawell School Road right-of-way then proceeding to following Seawell School Road right-of-way northward the intersection with Homestead Road then proceeding eastward on northernmost edge of the Homestead Road right-of-way to a point intersecting with the railroad tracks then proceeding to following the westernmost edge of the railroad right-of-way generally northward until intersecting with southernmost boundary of parcel 9870-94-9449 and crossing perpendicular to the railroad to the easternmost edge of the railroad right-of-way then traveling northward along the easternmost edge of the railroad right-of-way to a point intersecting with northernmost edge of parcel 9870-95-2979 then proceeding westward to the easternmost boundary of parcel 9870-77-6296 proceeding northward along the easternmost boundary of the parcel to a point intersecting with the northernmost edge of the Eubanks Road right-of-way then proceeding heading generally easterly along the Eubanks Road right-of-way to a point intersecting the easternmost boundary of parcel 9870-88-3323 then traveling northward along the parcel's easternmost boundary to a point intersecting with southernmost boundary of parcel 9870-99-0117 then proceeding along the southernmost boundaries of parcels 9870-99-0117 and 9870-99-7083 to meet a point and place of beginning containing 916.60 acres more or less.

EXHIBIT A

Proposed Extraterritorial Jurisdiction Boundary



GIS Map prepared by
Chapel Hill Planning Dept.
July, 2013



AN ORDINANCE EXTENDING THE EXTRATERRITORIAL PLANNING JURISDICTION OF THE TOWN OF CHAPEL HILL (2014-10-15/O-1)

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF CHAPEL HILL as follows:

Section 1. Findings.

- A. The Charter of the Town of Chapel Hill in Chapter V thereof provides for a defined area known as “extraterritorial planning jurisdiction” to extend not more than three miles outside the corporate limits wherein the powers granted by Article 19, Chapter 160A of the General Statutes may be exercised.
- B. The area identified in Exhibit A attached hereto (the “Area”) is located within both the Town’s Joint Planning Area and the Town’s Urban Services District and is within three miles of the Town’s corporate limits.
- C. The Area which is proposed to be included in the extraterritorial jurisdiction includes a portion of the Historic Rogers Road Neighborhood.
- D. The Area is of critical concern to the Town in assisting with extension of utilities to serve the Historic Rogers Road Neighborhood.
- E. The Town has stated interest and has the means to contribute financially toward infrastructure cost in the Area through the use of Community Development Block Funds.
- F. The Town needs extend its Extraterritorial Jurisdiction to include the Area in order to spend Community Development Funds in the Area.
- G. In accordance with N.C. G.S. Sect. 160A-360, the Town held a public hearing on October 21, 2013, to consider the extension of its extraterritorial jurisdiction, and notified property owners of all affected parcels of land as listed on the Orange County tax records via first-class mail at least four weeks prior to the public hearing.

Section 2. Pursuant to N.C.G.S. Section 160A-360, the Area described in Exhibit A is hereby included within the extraterritorial jurisdiction of the Town of Chapel Hill for all purposes authorized by Article 19, Chapter 160A of the North Carolina General Statutes; provided, however, that this Ordinance shall become effective only upon the approval of the Orange County Board of Commissioners, indicating their agreement with the Town’s assuming territorial jurisdiction over the Area.

Section 3. The Town Manager is directed to forward a copy of this Ordinance Extending the Town’s Extraterritorial Jurisdiction and the Town’s request for agreement by the County to the Orange County Board of County Commissioners for consideration at an upcoming meeting of that Board.

Section 4. If the Board of County Commissioners favorably responds to the extraterritorial boundary extension request, the Town will record a copy of this Ordinance in the office of the register of deeds of Orange County and initiate steps required to enact planning regulations for this Area as required by the provisions of N.C. G.S. Sec. 160A-360.

Section 5. If the Board of County Commissioners does not approve the extension of the Town's extraterritorial jurisdiction pursuant to this Ordinance within 180 days of enactment of this Ordinance, the Ordinance shall be void.

This the 15th day of October, 2014.



Attachment 2

OFFICE OF MAYOR KLEINSCHMIDT
Town of Chapel Hill
405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514

8

phone (919) 968-2714 fax (919) 969-2063
www.townofchapelhill.org

October 28, 2014

Ms. Bonnie Hammersly
Orange County Manager
200 South Cameron Street
Hillsborough, NC 27278

Subject: Chapel Hill Extraterritorial Jurisdiction Boundary Ordinance

Dear Bonnie:

At the October 15, 2014 Council meeting, the Town of Chapel Hill Council voted unanimously to enact an Ordinance extending the Town's Extraterritorial Jurisdiction boundary. The North Carolina General Statute requires Orange County Commissioners to act on this request. I have attached a copy of the adopted Ordinance for consideration at an upcoming County Commissioners meeting.

The Town of Chapel Hill has taken this action in order to participate in its share of funding the installation of sewer service to the Historic Rogers Road neighborhood. Extension of the Extraterritorial Jurisdiction boundary in this area, in lieu of the existing Joint Planning Area, would allow the Town to spend community development block grant funding for low and moderate income households. The recently completed outreach efforts by the Jackson Center have shown nearly 80 percent of the households fall below 80 percent of the area median income and qualifying as a low and moderate income area.

If the Orange County Commissioners act favorably upon this request, the Town will record a copy of the Ordinance with the Register of Deeds office and initiate steps required to enact planning regulations for the area.

Attached are letters from the public regarding this action.

If you have any questions, please contact Roger L. Stancil, Town Manager at (919) 968-2743

Sincerely,


Mark Kleinschmidt
Mayor

MEMORANDUM

TO: Roger L. Stancil, Town Manager

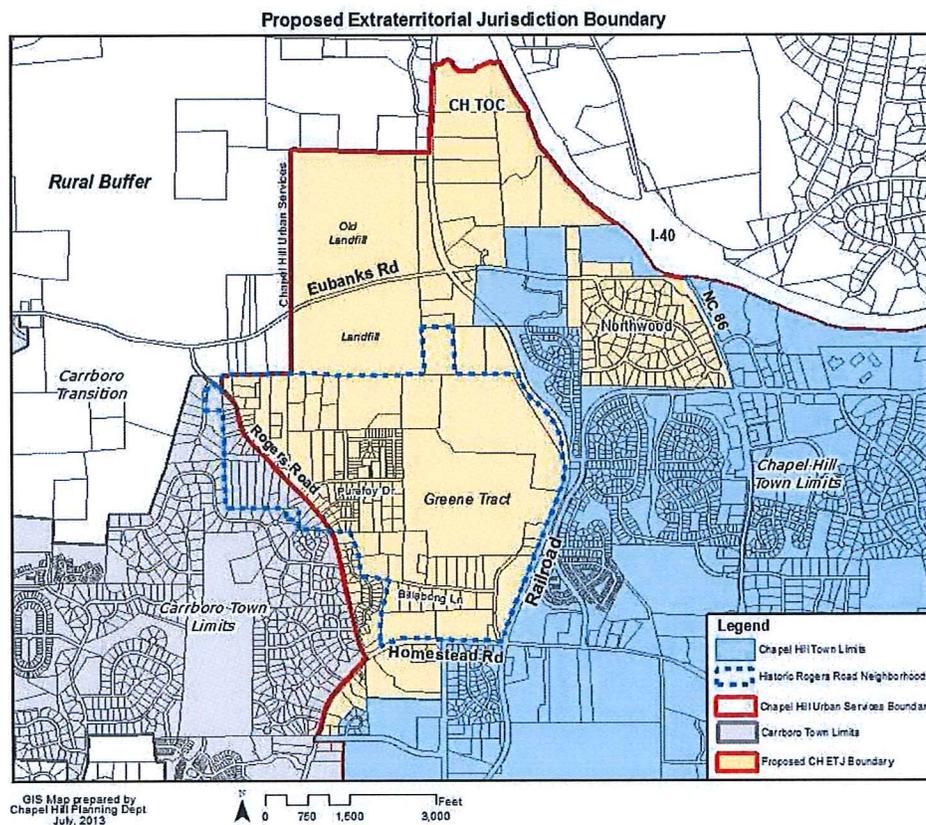
FROM: Mary Jane Nirdlinger, Planning and Sustainability
Loryn Clark, Housing and Community
Judy Johnson, Principal Planner

SUBJECT: Consideration of the Rogers Road Sewer Project and Extension of the Extraterritorial Jurisdiction (ETJ)

DATE: October 15, 2014

INTRODUCTION

Tonight the Council continues the public hearing from [September 8, 2014](#)¹ to consider amending the boundary of the Town's Extraterritorial Jurisdiction (ETJ). The area currently designated as the Joint Planning Area is being considered for expansion of the ETJ. We recommend that Council enact the attached Ordinance, extending the ETJ, and adopt the Resolution, directing the Manager to continue long-term planning efforts.



¹ <http://chapelhillpublic.novusagenda.com/Bluesheet.aspx?itemid=2851&meetingid=281>

BACKGROUND

In 2012, the Historic Rogers Road Neighborhood Task Force (Task Force) was formed to address the extension of sewer service and a community center to serve the Rogers Road neighborhood. The Task Force recommendations were provided in a report dated September 17, 2013 and available at this [link](#)². This report has several key recommendations, with the primary focus being providing sewer service to 86 identified properties. This memorandum addresses some of the key recommendations associated with that report.

EXTENSION OF SEWER TO HISTORIC ROGERS ROAD NEIGHBORHOOD

OUTREACH: Outreach efforts by the Jackson Center have been underway since mid-summer. The Jackson Center has been in contact with nearly all 86 identified parcels. The efforts have been focused on obtaining socio-economic and demographic data, historical connections, community interests, and desire for sewer. The Center is reporting that approximately 82 percent of the households surveyed are at, or below, the 80 percent Area Median Income (AMI) threshold and approximately 49 percent of the households are below 50 percent of AMI. Community development block grant (CDBG) programs serve low and moderate income households. For a family of four, a household income of less than \$52,550 is at 80 percent AMI and less than \$32,850 is at 50 percent AMI.

The Jackson Center has been working collaboratively with the Rogers Eubanks Neighborhood Association (RENA) in developing community input sessions and newsletters.

SEWER SERVICE: The recommendations from the Task Force Final Report included a recommendation that the three jurisdictions fund the sewer service through a cost share agreement. Pursuant to the agreement, the County and Chapel Hill would each provide 43% of the cost and Carrboro would contribute 14%. The Final Report also recommended a plan that would extend sewer service at a preliminary cost estimate of \$5.8 million to serve the 86 parcels identified in the Historic Rogers Road neighborhood.

Preliminary Engineering is underway by OWASA, at a cost of \$130,000. This cost is shared by the three jurisdictions with Orange County and Chapel Hill contributing \$55,900 each and Carrboro contributing \$18,200. The preliminary engineering field work includes surveying, subsurface utility engineering, and geotechnical evaluation. This work will provide more certainty to the layout and cost estimate, identify the location of buried utilities (which may cause conflicts along the route), and determine the subsurface conditions (such as rock). We anticipate this work should be concluded by March 2015, assuming no weather delays. It is important to note that the preliminary engineering field work does not include services such as design, permitting, or easement acquisitions.

The Town Attorney has determined that we are unable generally to spend Town funds in an area outside of the Town limits and not within the ETJ. An exception to this general rule exists to allow the Town to provide financial support to recreational facilities which are open and

² <http://chapelhillpublic.novusagenda.com/Bluesheet.aspx?itemid=2419&meetingid=230>

available to Town residents. Accordingly, in order for the Town to participate in the efforts with Orange County and Carrboro to date, we have increased our contribution towards construction of the clubhouse to include our 43 percent share of the outreach efforts and preliminary engineering costs. The cost of the clubhouse is estimated to be approximately \$700,000 with the Town share of 43 percent equaling \$300,000.

EXTRATERRITORIAL JURISDICTION

The area within the Chapel Hill's portion of the joint planning area (under the Joint Planning Agreement between the Town, Carrboro, and Orange County signed in 1986) primarily east of Rogers Road, is outside of the Town limits and outside the Town's current Extraterritorial Jurisdiction. As such, the Town Attorney has determined that the Town may not provide funding for most projects in this area. If the area were to be included within the Extraterritorial Jurisdiction (ETJ), the Town could spend Community Development Block Grant funds if the area qualified as low or moderate income households. This would allow the Town to contribute towards extending sewer service to the area.

One of the recommendations of the Task Force was for the Town of Chapel Hill to pursue expanding the Town's Extraterritorial Jurisdiction (ETJ) to include the Historic Rogers Road area. The demographic data generated by the outreach efforts of the Jackson Center indicates that a significant percentage of the households will qualify as either low or moderate income households. With this data, Town staff is recommending that the Council consider expansion of the ETJ to allow the Town to spend community development funding in the area even though it would remain outside the corporate limits of the Town. Please see the Recommendations section of this memorandum for additional information.

NEXT STEPS

We have additional recommendations and ask the Town Council for guidance.

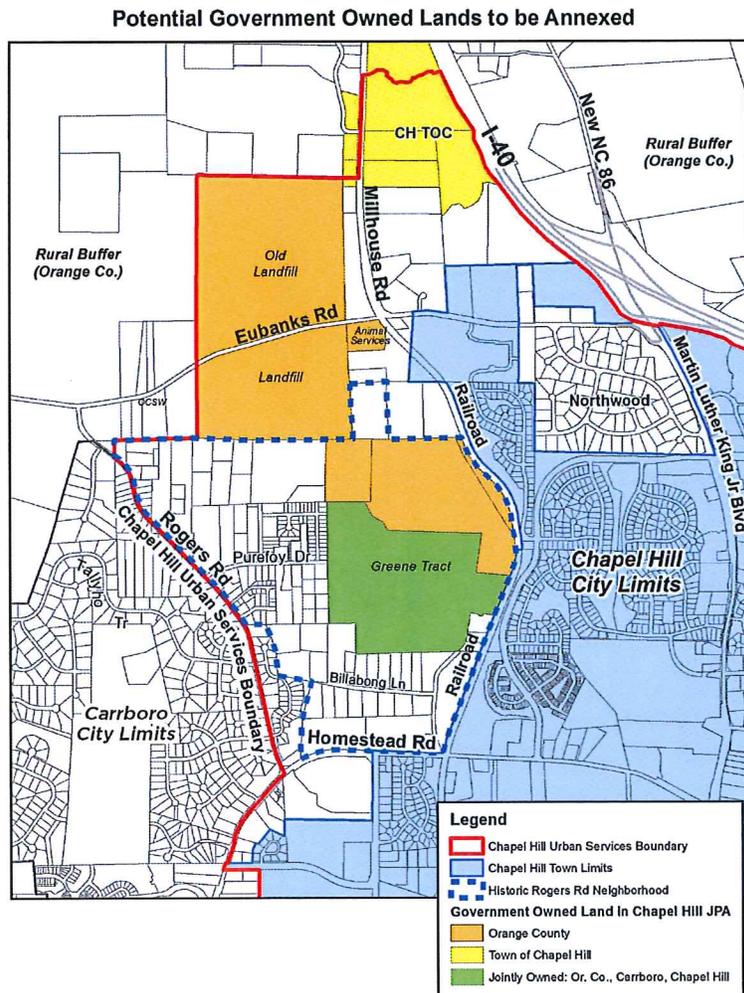
LONG-TERM PLANNING: The provision of sewer service to the 86 identified parcels will likely affect the development patterns and pressures in the Rogers Road area. We believe some systematic planning of the un- (or under-) developed properties is critical in preserving the character of the existing neighborhood and being proactive in managing the area's future. We recommend that the Council direct the Manager to continue and expand efforts for developing a long-term plan for the area. This process would include engaging with the community through the Jackson Center and Rogers Eubanks Neighborhood Association (RENA).

The Managers and staff have also been exploring the option of creating an expanded utility district. The district would include the Historic Rogers Road neighborhood, additional neighborhoods in the path of the sewer lines, and the immediate area that would benefit from the extension of utility lines.

Providing assistance for residents of the Rogers Road neighborhood would continue to be the first priority. The creation of the Utility District could be phased to provide service to residents of the Rogers Road neighborhood first and residents outside the Rogers Road neighborhood

second. The Utility District could also have policies in place to recoup the cost of utility installation in the event the property is (re)developed such as decreasing costs for long-term residents. There are many large parcels of un- (or under-) developed land in the area and bringing urban services to the area may encourage development. As the sewer project provides service to the 86 identified parcels, we believe there is an efficiency of scale to providing utility services to other unserved properties in the area, which can help offset and reduce overall costs of the project.

ANNEXATION OF PUBLICLY-OWNED PROPERTIES: Another one of the recommendations of the task force was for annexation of the county-owned properties in the Historic Rogers Road neighborhood. These properties are shown on the map below. Annexation of these properties could allow for Town funds to be expended for sewer service to those parcels and potentially other properties that would be served along the way.



We encourage the County to consider petitioning the Town Council for annexation of these properties.

RECOMMENDATIONS

1. We recommend that the Council consider the attached Ordinance that would enact the Extraterritorial Boundary expansion for the area identified on the above map.

If the Council moves to adopt the attached Ordinance, the next step would be for the Orange County Board of Commissioners to adopt a resolution approving the Town's action to extend the boundary.

Following the County's and Town's action to extend the ETJ, the Town must, within 60 days, amend the Town's zoning ordinance to zone the expanded area. This zoning process will include receiving a recommendation from the Planning Commission and conducting a public hearing.

2. We recommend that the Council adopt Resolution A authorizing the Manager to proceed with developing a long term plan for the area and updating the Council with progress made. The Council encourages the Manager and staff to engage the Rogers Eubanks Neighborhood Association, Town of Carrboro, and Orange County in developing a plan.
3. We also recommend that the County consider a formal petition for annexation for County-owned (or publicly-owned) properties in the ETJ as recommended by the Historic Rogers Road Neighborhood Task Force.

RENA

Community Center



Restoring the Rogers Road Community

Rogers Entbanks Neighborhood Association | www.rena-center.com

138 VT

We, the undersigned, support any and all actions that would bring water and sewer to the residents of historic Rogers Road. In accordance with the Task Force Recommendations, we urge the Council of the Town of Chapel Hill to pass the Extra Territorial Jurisdiction (ETJ) for purposes of expeditious funding of sewer plans. We are aware of the implications of the ETJ and remain committed to long-term planning efforts for the future of our community.

Name	Address	Phone
Charles Thomas	2044 Nashville Rd	919-967-1415
Liz & Bobbie	82 Terra Vista Dr. Ch.	(919)-932-2118
J. J. J. J.	731 S Merritt Mill Rd Ch	(919) 967-3404
Bob & Susan	101 Oakley Rd Greensboro NC	719-693-3569
Arnell Van Hook	7506 Union Grove Rd Ch.	919-242-3975
Lillian P. Stutts	107 Gossan Cir. Carolina NC	919-967-1103
John O'Neil	107 SPRINGTON HILLS ²⁷⁵¹⁰ CH	919-929-1953
Kaysha J. Reid	4503 Havenwood Dr. Greensboro, NC ²⁷⁴⁰⁷	(919) 923-0348
Kenneth E. Lamb	1315 West Creek Dr	919-383-3831
Lena & John	4421 E. Broad Street, Fuquay Varina NC ²⁷⁵³⁹	919-602-0405
Bishop Zella	Industry Lane Durham NC ²⁷⁷¹³	
Bishop Mark Case	Industry Lane Durham NC ²⁷⁷¹³	
Mary Keith	8012 Rogers Rd, Chapel Hill ²⁷⁵¹⁶	919-537-8126
Dail G. Neuhoff	8012 Rogers Ad. Chapel Hill, N.C.	919-537-8126
Sheresa D. Wall	8012 Rogers Rd. Chapel Hill, NC	
Larry & Linda	1113 Grand Monac Casey, NC ²⁷⁶¹²	(919) 696-0796
Whitney Williams	1898 Priscilla Lane CH NC	
C		

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Restoring the Rogers
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Rogers Eubanks Neighborhood Association | www.rena-center.com

19

We, the undersigned, support any and all actions that would bring water and sewer to the residents of historic Rogers Road. In accordance with the Task Force Recommendations, we urge the Council of the Town of Chapel Hill to pass the Extra Territorial Jurisdiction (ETJ) for purposes of expeditious funding of sewer plans. We are aware of the implications of the ETJ and remain committed to long-term planning efforts for the future of our community.

Name	Address	Phone
Linda Allan	7212 Rogers Rd	919-448-4404
Shirley Sharpe	7823 Rogers Rd	919-933-0716
Phyllis Sharp	7704 Rogers Rd	919-621-9888
Karen Kelley	423 W. Maynard	919-358-3120
Gabriel Cunningham	130 Norwood Ln, Manson, NC	252-456-3471
Carla Nawood	130 Norwood Ln Manson NC	252-456-3471
Wileen Brown	Raleigh NC	919-210-0514
Ann Akabe	1 Redox Place Durham NC	919-765-0950
Ryan Trecairtin	3300 Walnut Creek Pkwy Raleigh	919-669-1632
JOHN SCHULTZ	1022 ROSEHILL AV 27705	919-541-5723
Mikaela Morocco-schelp	307 Bolin Forest Dr Carrboro	919-943-8753
Louise Spidgla	2162 Englewood Ave Durham NC	919-666-8056
Jana Johnson	725 W. Woodridge Dr. Durham NC	919-225-8629
Judith Romanowski	2100 Englewood Ave Durham	
KATINA PARKER	2603 TUCKAWANNA AVE. (818)692-3300	919-286-9983
HELENA CRAGG	214 Edward St, Durham 27701	919-868-6208
DANNETTE SHAPLEY	422 W Club Blvd Durham	919-812-6402
SAMMY TRUONG	622 W. CLUB BLVD. DURHAM	(919) 308-7703
THEO LOEBKE	2212 W. KNOX ST DURHAM NC	919-627-1015

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21

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Name	Address	Phone
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Halah Flynn	425 Hillsborough Street	336-540-8903
Miranda Barrigas	101 Emerson Dr.	714-512-1950
Kaitlyn Hessler	455 Paul Hardin Dr.	704-661-9384
Victoria Redmon	515 Hinton James Dr.	419-504-8340
Ambriana Wade	109 Stadium Dr.	302-682-4748
Joe Sullivan	281 Raleigh St.	410-321-0910
Ben Kovach	515 Hinton James Dr. #1005A	836-706-3273
Kay Hwang	411 Skipper Bowles Dr.	704-978-9552
Sarah Boland	515 Paul Hardin Drive	912-312-4158
Kimberly Cassler	495 Paul Hardin Dr.	252-376-9426
Lucas Selvidge	110 Standing Rock Rd.	919-929-2439
Sherry Horne	1720 Purefoy Dr.	919-370-6488
Eric McClain	3128 Verdugo Dr Raleigh NC	919-522-1579
Jasmine McClain	3128 Verdugo Dr Raleigh NC	919-522-2143
Ashanti McClain	3128 Verdugo Dr Raleigh NC	919-522-2143
Angela Brittain	110 Edgar Edgar St. Chapel Hill	919-867-7725
Jennie Bradshaw	8015 Sandberg La Chapel Hill	919-246-8914
Maharaj Patel	8030 Sandberg La Chapel Hill	919-246-8914
Manju Rajendran	1903 Billabong Lane Chapel Hill NC	27516
Karen Reid	1819 Purefoy Dr	(919) 929-9962
Edward Lopez	Purefoy Dr	

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Road Community

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19

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Name	Address	Phone
Eddie Isler	402 Timbermill Lane, Durham	919-544-4780
Debbie Isler	402 Timbermill Lane Durham	919-544-4780
Mary Marshall	112 Highway 54 P.O. Box 54 West	919-338-9782
Mrs Marsh	819 Sarah Williams Ave Graham, NC	886-352-2011
Sharon Bennett	400 Cykes St. Chapel Hill, N.C.	(919)407-1374
Sharon E. Tepp	3633 Monford Dr Durham NC	919 493-5833
Sharon L. Cates	343 Sisk Forest Dr Chapel Hill, NC	(919)225-1075
Charlana D. Daniel	343 S. Estes Dr.	(919)923-6154
CHRIS NACE	315 SYLVAN WAY Chapel Hill	27516 919 923 4873
JEWEL FRANCIS	306 BROOKS ST, CHAPEL HILL NC	27516 (919) 923-4681
ALVIN JIMNER	313 SYLVAN WAY Chapel Hill	(919) 260 6850
Amelia Garner	313 Sylvan way Chapel Hill	(919) 260-2965
Cheryl Allison	202 Jubilee Dr. Chapel Hill, NC.	27516 (919) 428-5578
Cheryl T. Long	805 NC Hwy 516, Chapel Hill NC	27516 919-967-4161
Marcella Francis	303 Homestead Rd. Chapel Hill NC	27516 (919) 945-6693
Dianne George	4014 Pope Rd. Durham NC 27707	919-519-6426
EMMA C. FOWLER	#1749 Dobbins Dr. Chapel Hill, N.C.	27514 919 933-9359
Kenneth M. Dula	1012 Clifford DR Durham NC	919-452-1946
Bishop O'Leary	8009 Rogers Rd CH	919 942-8472

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Restoring the Rogers
Road Community

Rogers Eubanks Neighborhood Association | www.rena-center.com

13

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Name	Address	Phone
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Jimmy Rogers	230 Edgar St Chapel Hill	919-880-809
Georgia Belcher	8030 Sandberg Ln, Chapel Hill, NC	919-942-7067
Nancy Rogers	230 Edgar St Chapel Hill, NC	27516 919-929-8009
Carl Pungay	1715 Pungay Dr Chapel Hill NC	27516 919-929-6165
Barbara Hopson	1715 Pungay Drive CHH	919 864-0164
Sally Coonin	1804 Billabong Dr CH	919 260 8638
Mike Lee	1515 Telford Dr Chapel Hill	919 537 8817
Trumelle P. Webb	8700 Rogers Rd CH	919-929-6690
Leander J. Howard	7718 Rogers Rd	919-967-0150
Michael Lewis	8030 SANDBERG LN	919 428 5789
Styhe Paul-Sims	123 Old Larkspur Way CH	919 932-1901
Ray Saunders	223 N. Robertson St CH	704-891-6050
Hudson Vaughan	512 W. Rosmary CH	919 960 1670

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Restoring the Rogers
Road Community

Rogers Enbanks Neighborhood Association | www.rena-center.com

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Name	Address	Phone
Mary Moss	P.O. Box 1006 Carrboro 27510	919.960.0331
Oliver Olson	401 NE 5th Bypass, D14, ^{Carrboro, NC} 27510	919-797-8384
Liz Mason-Deese	112 NC Hwy 54 Carrboro ^{NC} 27510	919-428-5510
Mark Riddle	117 Dillard St " 27510	734 649 3031
William Knuth	707 Hibbard Drive ^{Choro}	
Blanche Brown	600 C N. Greensboro St ^{Choro}	850 556 4056
Brethra Harrison	245 N. Graham St Chapel Hill	919-593-2516
Elaine Ebertner	101 Fidelity Carrboro 27510	919-968-1855
Chas Gaertner	101 Fidelity Carrboro 27510	919-968-1855
William Marinello	2526 Chapel Hill Rd, ^{Chapel Hill} NC 27707	704-728-2841
Caitlin Hettel	107 Oak St. Carrboro NC 27510	919.306.4887
Sara Suchofsky	"	919.636.2005
Kicia Scales	1103 N. Greensboro St. Carrboro NC	919-265-7462
JAN NICHOLSON	1103 N GREENSBORO ST. CARRBORO NC	919 265 4999.
Rebecca Mylchreest	3022 Silk Hope Lindley Mill Rd Snowcamp NC	919-663-3620
Andrew Pearson	400 Davie Rd #142, Carrboro NC 27510	919 360 2027
John Ewin	Jones Ferry, Carrboro, NC 27510	919951-5465
Raj Butalia	195 Hackberry Lane, Pittsboro NC 27312	

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Restoring the Rogers Road Community

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14

Name	Address	Phone
L. Russell Herman, Jr.	P.O. Box 10233, Raleigh, NC 27605-0233	919-834-2693
Dani Moore	1112 TreeTop Ct., Raleigh, NC 27612	919-360-9471
KRITI SHARMA	1212 Prabhupada Dr, Hillsborough, NC 27278	919-923-1830
Latoya Webb	201 LIT NIA Ln Chapel Hill NC	919-923-2307
Guiana Phillips	104 Edgar street Chapel Hill ²⁷⁵¹⁶	919-227-6902
Tony Webb Sr.	209 LIT NIA Lane Chapel Hill, NC 27514	(919) 557-5869
Corretta Caldwell	608 Orchard Pl. Hillsborough, NC	919-884-6080
Nancy Caldwell	1215 Rusch Rd	919 451-7759
Yeshua Hyde	220 Edger St	919 37698
Keosha Britton	110 Edger St Chapel Hill	(919) 338-4727
Melanie Tillery	1111 Orchard Way Durham NC	910-229-5372
Seva Saldgado	100 Edgar St. Chapel Hill NC	919-999-0289
Cristel Millman	803 North Carr St. Chapel Hill ^{Mechanicville}	(919) 97-2988
Charlene Byrd	440 Tillman St. Burlington	(910) 338-9533
Danni Caldwell	104 Edger St Carrboro	(919) 260-6143

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Restoring the Rogers
Road Community

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10

Name	Address	Phone
Amy J. Vrieze	2005 Carolina Ave, Durham	
Jennifer Vrieze	2005 Carolina Ave Durham	
SL ARIMON	121 WESTVIEW #41 CARBORO	
Lynne Walter	5228 Glenridge Drive Raleigh 27604	
Jan Przewoznik	211 Monticello Ave, Durham, NC 27707	
Sara Janus	1019 W Markham Ave Durham 27701	
Jeanette Stokes	1023 W. Trinity Ave Durham NC 27701	
Sarena Sabri ng	312 E. Trinity Ave Durham NC 27701	
Sam Hummel	2516 N Roxboro St, Durham NC 27704	
Oliver Williams	1207 Carroll St Apt C Durham NC 27707	
Caitlin Brecklow	1503 Virginia Ave, Durham, NC 27705	
George Chen	705 N. Greensboro St Apt AC Durham NC 919 619 3987	
Sweta Jekar	12475 SW 69th Ave Miami 305-543-3417	
Rashidkh Richardson	105 Bennett St, Chapel Hill, NC 27514	
Vinayala Rajendran	129 Viburnum Way carboro NC 27510 919 618 1739	
Monica Palmaria	4196 1st AVENUE SAC, CA 252-268-0558	

October 8, 2014

The Honorable Mayor Kleinschmidt
405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514

RE: Extraterritorial Jurisdiction in Rogers Road

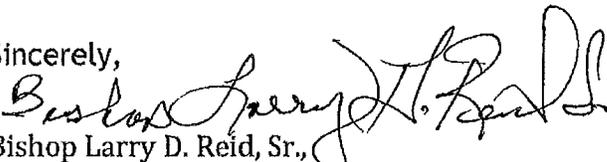
Dear Mayor Kleinschmidt,

Thank you for your service and dedication to the Town of Chapel Hill. As a proud resident of Rogers Road, I am writing to ask for your support of the Extraterritorial Jurisdiction ordinance for Historic Rogers Road this coming Wednesday, October 15, 2014 in order to help fund sewer service in Rogers Road. I am a resident of Rogers Road, and I am deeply supportive of all the efforts to support and sustain this neighborhood.

Over the past few months, I have been involved in conversations with the Rogers Eubanks Neighborhood Association. We have discussed the implications of the change to an ETJ, and it is with this knowledge that I write to you with my full support of the ETJ as the most efficient means of providing sewer service to my neighborhood.

I urge you to vote for the ETJ on October 15th in order make sewer accessible to Rogers Road residents as quickly as possible. I look forward to seeing you at the council meeting this Wednesday.

Sincerely,


Bishop Larry D. Reid, Sr.,
Cathedral of Hope Mission Church
First vice President
NAACP Chapel Hill- Carrboro Branch

October 8, 2014

The Honorable Council Member Greene,
406 Morgan Creek Road
Chapel Hill, NC 27517

RE: Extraterritorial Jurisdiction in Rogers Road

Dear Council Member Greene,

Thank you for your service and dedication to the Town of Chapel Hill. As a proud resident of Rogers Road, I am writing to ask for your support of the Extraterritorial Jurisdiction ordinance for Historic Rogers Road this coming Wednesday, October 15, 2014 in order to help fund sewer service in Rogers Road. I am a resident of Rogers Road, and I am deeply supportive of all the efforts to support and sustain this neighborhood.

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Sincerely

October 8, 2014

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406 Morgan Creek Road
Chapel Hill, NC 27517

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Sincerely,

Jannie Bradshaw

October 8, 2014

The Honorable Council Member Greene,
406 Morgan Creek Road
Chapel Hill, NC 27517

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Sincerely,

Trumella Peppers

October 8, 2014

The Honorable Council Member Greene,
406 Morgan Creek Road
Chapel Hill, NC 27517

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Sincerely,



October 8, 2014

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Chapel Hill, NC 27517

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I urge you to vote for the ETJ on October 15th in order to make sewer accessible to Rogers Road residents as quickly as possible. I look forward to seeing you at the council meeting this Wednesday.

Thank you!

Sincerely,

Molly H. Mallin

October 8, 2014

The Honorable Council Member Greene,
406 Morgan Creek Road
Chapel Hill, NC 27517

RE: Extraterritorial Jurisdiction in Rogers Road

Dear Council Member Greene,

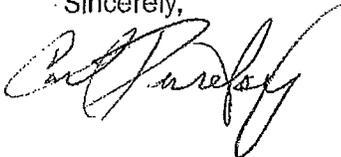
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I urge you to vote for the ETJ on October 15th in order make sewer accessible to Rogers Road residents as quickly as possible. I look forward to seeing you at the council meeting this Wednesday.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Parry". The signature is written in a cursive style with a large, sweeping initial "P".

October 8, 2014

The Honorable Council Member Greene,
406 Morgan Creek Road
Chapel Hill, NC 27517

RE: Extraterritorial Jurisdiction in Rogers Road

Dear Council Member Greene,

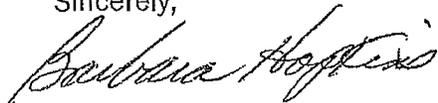
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Sincerely,

A handwritten signature in cursive script, appearing to read "Barbara Hopton".

October 8, 2014

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406 Morgan Creek Road
Chapel Hill, NC 27517

RE: Extraterritorial Jurisdiction in Rogers Road

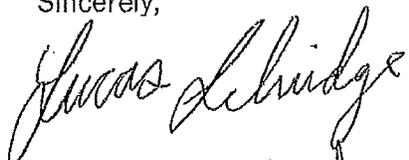
Dear Council Member Greene,

Thank you for your service and dedication to the Town of Chapel Hill. I am writing to ask for your support of the Extraterritorial Jurisdiction ordinance for Historic Rogers Road this coming Wednesday, October 15, 2014 in order to help fund sewer service in Rogers Road. I live in Orange County and support the efforts of the Rogers Road Community.

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Sincerely,


Lucas Selvidge

October 8, 2014

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Chapel Hill, NC 27517

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Sincerely,

Lellie Brown

October 8, 2014

The Honorable Council Member Greene,
406 Morgan Creek Road
Chapel Hill, NC 27517

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Sincerely,



October 8, 2014

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Sincerely,

Bishop Olu McMillan

October 8, 2014

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Sincerely,

Thanks for all that you do!
Karen Onkeid

October 8, 2014

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Chapel Hill, NC 27517

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RE: Extraterritorial Jurisdiction in Rogers Road

Dear Council Member Greene,

Thank you for your service and dedication to the Town of Chapel Hill. As a proud resident of Rogers Road, I am writing to ask for your support of the Extraterritorial Jurisdiction ordinance for Historic Rogers Road this coming Wednesday, October 15, 2014 in order to help fund sewer service in Rogers Road.

I have lived in The Rogers Road Community for decades and have been involved in years of conversations about the landfill, the community center, and numerous efforts to provide services. It is with veteran hands that I write in hopes of supporting my community.

Over the past few months, I have been involved in conversations with the Rogers Eubanks Neighborhood Association. We have discussed the implications of the change to an ETJ, and it is with this knowledge that I write to you with my full support of the ETJ as the most efficient means of providing sewer service to my neighborhood.

I urge you to vote for the ETJ on October 15th in order make sewer accessible to Rogers Road residents as quickly as possible. I look forward to seeing you at the council meeting this Wednesday.

Sincerely,

Thyler Shar

Thank you for your help

October 8, 2014

The Honorable Council Member Greene,
406 Morgan Creek Road
Chapel Hill, NC 27517

RE: Extraterritorial Jurisdiction in Rogers Road

Dear Council Member Greene,

Thank you for your service and dedication to the Town of Chapel Hill. As a proud resident of Rogers Road, I am writing to ask for your support of the Extraterritorial Jurisdiction ordinance for Historic Rogers Road this coming Wednesday, October 15, 2014 in order to help fund sewer service in Rogers Road. I am a resident of Rogers Road, and I am deeply supportive of all the efforts to support and sustain this neighborhood.

Over the past few months, I have been involved in conversations with the Rogers Eubanks Neighborhood Association. We have discussed the implications of the change to an ETJ, and it is with this knowledge that I write to you with my full support of the ETJ as the most efficient means of providing sewer service to my neighborhood.

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406 Morgan Creek Road
Chapel Hill, NC 27517

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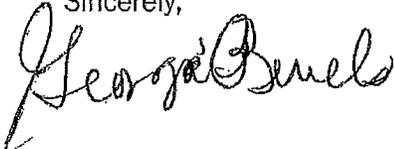
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A handwritten signature in black ink that reads "George Benel". The signature is written in a cursive style with a large, prominent initial "G".

October 8, 2014

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Chapel Hill, NC 27517

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Sincerely,

A handwritten signature in black ink, appearing to be "D. A. [unclear]", written in a cursive style.



Your Mailing Proof

Please review this PDF document carefully as it is a proof version of your mailing and is not the final product. This document must be approved before the mailing is printed and mailed. What you see on this Proof is a representation of what will be printed. Keep in mind colors may vary slightly from what is seen on screen and the final product.

Your Account Information

Account: Planning Department
 Email: planning@townofchapelhill.org
 Home: Not on file.
 Business: Not on file.
 Fax: Not on file.

Return address for this mailing

Planning Department
 Town of Chapel Hill
 405 Martin Luther King Jr. Blvd.
 Chapel Hill NC 27514

Customer Support

1.888.681.1214 6:30AM-4PM (PST)
customersupport@amazingmail.com

Details about your mailing

Date/Time PDF generated: September 17th, 2013 at 1:13pm MST
 Mailing Type: 4.25" x 6"
 Coating: Gloss UV
 Account Information: 1025-899475
 Session Information: 10.0.0.4, 20130917124324913306
 Images on this mailing:

- Select Back Image: 20130917131124913479.jpg
 Image is 720px by 720px and will print at 232dpi.
 Warnings: Image Cropped, Low DPI
- Choose Accent: 20130917125424913384.jpg
 Image is 1500px by 1500px and will print at 1316dpi.
- Images should be rotated to the preferred orientation before they are uploaded.

Text on this mailing:

- Enter Front Text: 255 words across 1 text channel.

Postage: First Class Mail

- Cards will be mailed to all recipients, both verified and unverified.

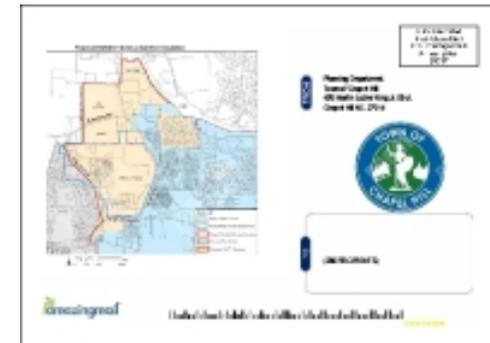
File used from postcard gallery: None.

Total Postcards to be mailed: 286

Projected mailing date: September 18th, 2013



[click here to scroll to page 2](#)



[click here to scroll to page 3](#)

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Front of Your Card

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Public Hearing to Amend Chapel Hill's Extraterritorial Jurisdiction (ETJ) Boundary

On Monday, October 21, 2013, the Chapel Hill Town Council will hold a public hearing to receive public comment about a proposed change to the Town's ETJ Boundary. The meeting will be held at 7pm in the Orange Human Services Complex at 2501 Homestead Road, Chapel Hill, NC 27516. The boundary proposed to be changed is shown on the map on the reverse side of this notice. As a landowner in this area, you have a right to participate in this public hearing prior to adoption of any ordinance extending the area of ETJ. All residents of the area have the right to apply to the board of county commissioners to serve as a representative on the Town of Chapel Hill Planning Board and Town of Chapel Hill Board of Adjustment.

ETJ is area outside of the Town's limits that is subject to the Town's land development regulations. The properties within the proposed ETJ expansion area are currently within the Joint Planning Area (an agreement between Orange County, Carrboro, and Chapel Hill). These properties are already subject to compliance with the Town's Land Use Management Ordinance. Building code and permitting will continue to be administered by the Town of Chapel Hill. Areas under the Joint Planning Area are currently subject to review and approval by both Orange County and the Town of Chapel Hill. If the ETJ boundary is extended, the approval of rezoning and development permits would be subject to approval only by the Town Council.

091813JJ



Back of Your Card

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Proposed Extraterritorial Jurisdiction Boundary

CH TOC

Old Landfills

Eubanks Rd

Landfills

Northwood

Greene Tract

Chapel Hill Urban Services

Historic Rogers Road Neighborhood

Chapel Hill Town Limits

Carboro Town Limits

Proposed CH ETJ Boundary

Legend

0 750 1,500 3,000 Feet

Auto Presorted
First-Class Mail
U.S. Postage Paid
AmazingMail
85007

FROM

Planning Department
Town of Chapel Hill
405 Martin Luther King Jr. Blvd.
Chapel Hill NC 27514

**TOWN OF
CHAPEL HILL**

TO

(286 RECIPIENTS)

amazingmail

12345/12345678/

A RESOLUTION CALLING A PUBLIC HEARING TO CONSIDER EXTENDING THE EXTRATERRITORIAL JURISDICTION (ETJ) BOUNDARY (2013-09-23/R-#)

WHEREAS, on June 24, 2013, the Council discussed the extension of the Extraterritorial Jurisdiction (ETJ) boundary in the northwest portion of the Town's Joint Planning Area (JPA) to enable the use of the Town's CDBG funding in this expanded area.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council calls a Public Hearing for October 21, 2013 at 7:00 p.m. in the Southern Orange Human Services Complex, 2501 Homestead Road, to consider extending the Extraterritorial Jurisdiction (ETJ) boundary as shown on the attached map, Proposed Extraterritorial Jurisdiction Boundary, dated July, 2013.

This the 23rd day of September, 2013.

Planning staff has reviewed the ETJ request in accordance with the following checklist and finds that the request is consistent with processing criteria. Footnotes at the bottom of the checklist explain the applicability of the various sections and post Orange County action activities.

To summarize, the remaining activities to complete after affirmative Orange County action please note the following:

NCGS 160A-360(a)1 (also cross-referenced in 160A-362)

Chapel Hill is to accept a county representative to serve on Chapel Hill's Planning Board and Board of Adjustment (or equivalent). This ensures a level of representation for an area that is affected by municipal land regulations in the ETJ area but remains unincorporated with only voting rights in the county. The process for county appointment is specifically outlined in 160A-362 and should be accomplished in approximately 90 days. The existing representation conditions of the present JPA agreement will necessitate a reallocation apportionment from JPA to ETJ for this 1000+ acre area. The specific population based representative equivalency is under review by Chapel Hill and Orange County based on Chapel Hill's knowledge of existing percentage assumptions. (See Attachment 4 map)

NCGS 160A-360(b)

- Chapel Hill is to maintain new ETJ boundary per NCGS 160A-22
- Chapel Hill is to record legal description in the Orange County office of Register of Deeds

NCGS 160A-360(c)

- The boundary line identified in the JPA as dividing Chapel Hill and Carrboro planning areas will act as the interlocal agreement where ETJ may have overlapped

NCGS 160A-360(f)

- Chapel Hill intends to leave all present zoning in effect for the new ETJ areas. Most ETJ expansions in the state would have county zoning but not in this case because of the existing JPA agreement.

NCGS 160A-360(i)

- Chapel Hill is to identify any subject projects in the area where vested rights had occurred under the JPA regulations.

NCGS 160A-360(k)

- Chapel Hill is to identify "Bona Fide farm purposes" per NCGS 53A-340 in which the ETJ which will be exempt from certain aspects of municipal planning.

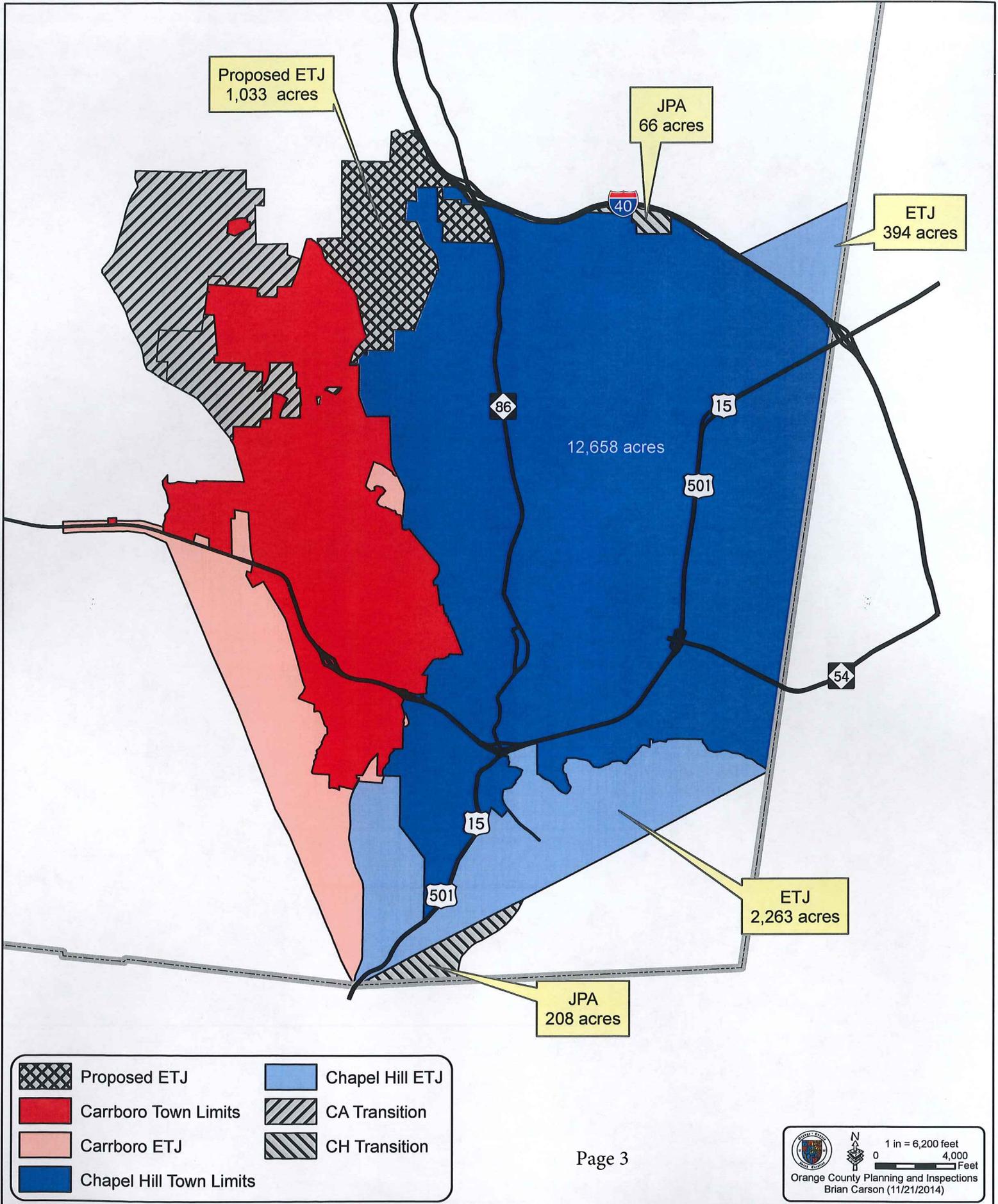
NCGS 160A-362

- Please see NCGS excerpt outlining the ETJ representation process. Chapel Hill will amend as necessary their Planning Board and Board of Adjustment bylaws and Orange County will make appointments as required.

§ 160A-362. Extraterritorial representation.

When a city elects to exercise extraterritorial zoning or subdivision-regulation powers under G.S. 160A-360, it shall in the ordinance creating or designating its planning board provide a means of proportional representation based on population for residents of the extraterritorial area to be regulated. Representation shall be provided by appointing at least one resident of the entire extraterritorial zoning and subdivision regulation area to the planning board and the board of adjustment that makes recommendations or grants relief in these matters. For purposes of this section, an additional member must be appointed to the planning board or board of adjustment to achieve proportional representation only when the population of the entire extraterritorial zoning and subdivision area constitutes a full fraction of the municipality's population divided by the total membership of the planning board or board of adjustment. Membership of joint municipal county planning agencies or boards of adjustment may be appointed as agreed by counties and municipalities. Any advisory board established prior to July 1, 1983, to provide the required extraterritorial representation shall constitute compliance with this section until the board is abolished by ordinance of the city. The representatives on the planning board and the board of adjustment shall be appointed by the board of county commissioners with jurisdiction over the area. When selecting a new representative to the planning board or to the board of adjustment as a result of an extension of the extraterritorial jurisdiction, the board of county commissioners shall hold a public hearing on the selection. A notice of the hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The board of county commissioners shall select appointees only from those who apply at or before the public hearing. The county shall make the appointments within 45 days following the public hearing. Once a city provides proportional representation, no power available to a city under G.S. 160A-360 shall be ineffective in its extraterritorial area solely because county appointments have not yet been made. If there is an insufficient number of qualified residents of the area to meet membership requirements, the board of county commissioners may appoint as many other residents of the county as necessary to make up the requisite number. When the extraterritorial area extends into two or more counties, each board of county commissioners concerned shall appoint representatives from its portion of the area, as specified in the ordinance. If a board of county commissioners fails to make these appointments within 90 days after receiving a resolution from the city council requesting that they be made, the city council may make them. If the ordinance so provides, the outside representatives may have equal rights, privileges, and duties with the other members of the board to which they are appointed, regardless of whether the matters at issue arise within the city or within the extraterritorial area; otherwise they shall function only with respect to matters within the extraterritorial area. (1959, c. 1204; 1961, c. 103; c. 548, ss. 1, 13/4; c. 1217; 1963, cc. 519, 889, 1076, 1105; 1965, c. 121; c. 348, s. 2; c. 450, s. 1; c. 864, ss. 3-6; 1967, cc. 15, 22, 149; c. 197, s. 2; cc. 246, 685; c. 1208, s. 3; 1969, cc. 11, 53; c. 1010, s. 5; c. 1099; 1971, c. 698, s. 1; 1983, c. 584, ss. 1-4; 1995 (Reg. Sess., 1996), c. 746, s. 2; 2005-418, s. 11.)

Chapel Hill ETJ Expansion Request (and other planning jurisdictions)



Municipality Town of Chapel Hill
 ETJ Extension Request
 Date October/November 2014
 OC Planning Staff Review

Article 19
 Planning and Regulation of Development
 Part 1. General Provisions

NCGS 160A-360 Territorial Jurisdiction

(a.)	<u><10,000 population - 1 mile or less</u>	<u>Y</u>
	• <u>10,000 – 25,000 - 2 miles or less</u>	<u>NA</u>
	• <u>>25,000 - 3 miles or less</u>	<u>Y</u>
	<i>(Verified)</i>	
	Population annual estm NCDOA	<u>Y</u>
	<i>(56,500)</i>	
(a.1)	• Municipality to notify all parcels of land with proposed area per county tax records.	<u>Y</u>
	First class mail.	<u>Y</u>
	Content; inform (160A-364)	<u>Y</u>
	Participate (160A-364)	<u>Y</u>
	• Right to serve as a county representative on PB and/or BOA (160A-362) <i>(To be done; switch from JPA to ETJ)</i>	<u>CH+, OC+</u>
	• Four weeks prior to public hearing.	<u>Y</u>
	• Notices to be certified by municipality.	<u>Y</u>

Y – Yes or applicable; N – No; NA – Not Applicable; + To be done within 60 days; Y+ Acknowledged as applicable or necessary
 CH – Chapel Hill; OC – Orange County

(b.)	• Specify the areas <i>See Attachment 1</i>	Y
	• Why areas are of critical concern (<i>See JPA agreement 1987 and multi-year planning studies for the Rogers Road area</i>)	Y
	• Projected urban development plans/studies. <i>See above</i>	Y
	• Boundaries are identifiable (<i>Primarily roads & existing development</i>)	Y
	• Excluded areas from ETJ expansion request; plausible - Location - Barriers - De minimus	NA
	• Ordinance legal description <i>See Attachment 1</i>	Y
	• Drawn on a map. <i>See Attachment 1</i>	Y
	• Maintained per GS 160A-22 for corporate limits. <i>To be done</i>	+
	• Recorded in office of Register of Deeds. <i>To be done</i>	+
(c.)	• Overlapping ETJ areas.	NA
	• Midpoint delineation	NA
	• Interlocal agreement line. <i>JPA agreement line between Chapel Hill & Carrboro should suffice</i>	Y+

(d.)	• Specific boundaries and planning jurisdiction.	Y
	• All municipal. <i>Chapel Hill will regulate all areas</i>	Y
	• All county.	NA
	• Hybrid jurisdiction.	NA
(e.)	• County is enforcing all three powers' zoning, subdivision, building code. . .	NA
	• County is not enforcing all three powers'.	Y
	• County and Municipality agree	Y
(f.)	• County regulations stay in effect for 60 days or. <i>JPA presently allows Chapel Hill to regulate</i>	NA
	• Municipality has adopted substitute regulations. <i>Assumes present zoning designations remain in effect</i>	Y
	• Additional hearings to adopt new regulations anticipated	N
(f.1)	• Relinquishment of ETJ.	NA
	• Municipal stays in effect for 60 days.	NA
	• County adopts 'substitute' regulations.	NA
(g.)	• Resolution by requesting local government <i>See Appendix B</i>	Y
	• 2 year timeframe to rescind resolution and request	Y+
	• Resolution may be modified at any time by mutual agreement	Y+

(h.)	• ETJ requests do not amend local acts	Y+	50
(i.)	• Acquired vested rights are preserved. <i>JPA approvals still apply</i>	Y+	
	• Subject projects <i>Chapel Hill to identify</i>	+	
	• Reciprocity to enforce development permit	NA	
	• Repealed.	NA	
(k.)	• “Bona Fide farm purposes” GS/53A – 340 is exempt from municipal planning jurisdictions <i>Chapel Hill to identify probably NA</i>	+	
(l.)	• Not applicable.		

<ul style="list-style-type: none"> • Proportional representation. <p><i>Switch in part Chapel Hill Boards (Planning and BOA) bylaws from JPA to ETJ as necessary</i></p> <hr/>	<p>+</p> <hr/>
<p>Planning Board.</p> <hr/>	<p>+</p> <hr/>
<p>Board of Adjustment.</p> <hr/>	<p>+</p> <hr/>
<ul style="list-style-type: none"> • Appointed by BOCC. <p><i>To be done</i></p> <hr/>	<p>+</p> <hr/>
<ul style="list-style-type: none"> • Public hearing on the selection <p><i>To be done</i></p> <hr/>	<p>+</p> <hr/>
<ul style="list-style-type: none"> • Advertising requirements. <p><i>To be done</i></p> <hr/>	<p>+</p> <hr/>
<ul style="list-style-type: none"> • < 45 days to appoint. <p><i>To be done</i></p> <hr/>	<p>+</p> <hr/>
<ul style="list-style-type: none"> • Available applicants. <p><i>To be done</i></p> <hr/>	<p>+</p> <hr/>
<ul style="list-style-type: none"> • 90 day deadline after request by city. <p><i>To be done</i></p> <hr/>	<p>+</p> <hr/>

**NCGS 160 A – 363 Supplemental Powers
(Financial and/or Planning assistance)**

(a.) • Federal grants.	Y
<hr/>	
• State grants.	Y
<hr/>	
(b.) • Regional grants.	Y
<hr/>	
• County.	Y
<hr/>	
• Other local government	
<hr/>	
(c.) • Local appropriations.	Y
<hr/>	
(d.) • Ability to create a Unified Development Ordinance (UDO)	Y
<hr/>	
(e.) • Enactment of tax, fee, monetary contribution	Y
<hr/>	

NCGS 160A – 364 Adopting, Amending, Repealing

(a.) • Notice of Public Hearing.	Y+
<hr/>	
(b.) • Written notice as necessary.	Y+
<hr/>	

Y – Yes or applicable; N – No; NA – Not Applicable; + To be done within 60 days; Y+ Acknowledged as applicable or necessary
CH – Chapel Hill; OC – Orange County

**RESOLUTION
A RESOLUTION OF THE ORANGE COUNTY BOARD OF COMMISSIONERS
AGREEING TO AN EXTENSION OF THE TOWN OF CHAPEL HILL'S
EXTRATERRITORIAL JURISDICTION**

WHEREAS, N.C.G.S. 160A-360 allows a municipality to exercise powers conferred by Article 19 of Chapter 160A of the North Carolina General Statutes within a defined extraterritorial jurisdiction;

WHEREAS, N.C.G.S. 160A-360(c) requires a city and county to agree upon an extension of a city's extraterritorial jurisdiction where a county enforces a zoning ordinance and subdivision regulations and within which the county is enforcing the State Building Code regulations;

WHEREAS, Orange county enforces a zoning ordinance and subdivision regulations and enforces the State Building Code regulations within areas in the county which are outside the Joint Planning Transition Areas, corporate limits and extraterritorial jurisdiction of cities;

WHEREAS, the Town of Chapel Hill wishes to extend its extraterritorial jurisdiction to include property as noted in Appendix A (including map) which is adjacent to the Town of Chapel Hill's corporate limits and/or exterritorial jurisdiction;

WHEREAS, Town Council desires to extend its extraterritorial jurisdiction and, therefore, seeks the agreement of the Orange County Board of Commissioners for the extension;

WHEREAS, this proposed area has been part of the Orange County/Chapel Hill/Carrboro joint planning area since 1987; and

WHEREAS, the Board of County Commissioners finds the request consistent with its comprehensive plan goals, objectives and policies, including but not limited to the land use program;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners hereby agrees to, by a formally adopted resolution, beyond what is required by N.C.G.S. 160A-360, to an extension of the Town of Chapel Hill's extraterritorial powers under Article 19 of Chapter 160A of the North Carolina General Statutes within the area identified in Appendix A.

This the ____ day of _____, 2014

Barry Jacobs, Chair
Orange County Board of Commissioners

ATTEST:

Donna Baker, Clerk to the Board of County Commissioners

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 1, 2014

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

SUBJECT: Establishment of a New Full Time Position for the Orange County Sheriff's Office – Legal Advisor to the Sheriff

DEPARTMENT: Sheriff & Human Resources

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

Job Class Specification

INFORMATION CONTACT:

Brenda Bartholomew, Human
Resources Director, (919) 245-2552
Charles Blackwood, Sheriff-Elect

PURPOSE: To consider approval of a new full time position, Legal Advisor to the Sheriff, for the Orange County Sheriff's Office.

BACKGROUND: Sheriff-Elect Charles Blackwood has requested a new full time position for the Orange County Sheriff's Office. The position of Legal Advisor to the Sheriff would be responsible for providing legal counsel as necessary in the management and operations of the Orange County Sheriff's Office. The incumbent would be primarily responsible for legal advice to and legal representation of the Sheriff of Orange County and his staff. Under limited supervision, the Legal Advisor would perform professional and supervisory work, advising the Sheriff on criminal law and procedures to include investigative procedures, substantive law, criminal procedure, civil liability, detention matters, and sufficiency of evidence for court, including but not limited to serving warrants and overseeing legal search and seizure. The incumbent would also perform administrative and legal duties and tasks specific to the position. The incumbent would exercise considerable initiative and independent judgment in various phases of work and would report to the Sheriff.

The minimum qualification for this position is a Juris Doctor Degree and 2 to 5 years of experience in the practice of law in a local government or experience in providing legal assistance in a government municipality or any equivalent combination of training and experience which provides the required skills, knowledge and abilities. Further, an incumbent must possess a license to practice law in the State of North Carolina, hold a valid North Carolina Driver's License, and be available for emergency/on-call/after hour response.

North Carolina General Statute § 153A-103 states the board of commissioners may fix the number of salaried employees in the office of the sheriff. In exercising the authority granted by this section, the board of commissioners is subject to the following limitations: (1) A sheriff elected by the people has the exclusive right to hire, discharge, and supervise the employees in

his office. However, the board of commissioners must approve the appointment by such an officer of a relative by blood or marriage of nearer kinship than first cousin or of a person who has been convicted of a crime involving moral turpitude. (2) A sheriff elected by the people is entitled to at least two deputies who shall be reasonably compensated by the county. Each deputy so appointed shall serve at the pleasure of the appointing officer.

Under the Code of County Ordinances § 28-80, a new permanent position may be established only by the Board of County Commissioners. The County Manager makes any new position recommendation to the Board and includes with it any necessary amendment to the classification plan.

The Human Resources Director has reviewed the position description questionnaire submitted on behalf of the Sheriff-Elect and other similar classifications within the current class plan with respect to job responsibilities, knowledge, skills and abilities, and minimum qualifications necessary for the performance of Legal Advisor to the Sheriff. The Human Resources Director proposes that the position would appropriately be classified as a Grade 24, exempt class position. The salary range for a Grade 24 position is as follows:

entry	1st quarter	mid-point	3rd quarter	maximum
59,347	68,821	78,295	87,700	97,244

FINANCIAL IMPACT: There is no financial impact associated with the Board establishing the Legal Advisor to the Sheriff position. In preparation for possible approval of the position, Sheriff-Elect Blackwood has already identified a proposed candidate to fill the position at a proposed salary of \$73,000, with a total proposed salary and benefits of \$92,442. Funding to cover the costs for this position for the remainder of FY 2014-15 is available in the current Sheriff's Department budget.

RECOMMENDATION(S): The Manager recommends the Board establish the new full time position of Legal Advisor to the Sheriff (Grade 24) (exempt) effective upon approval by the Board.

LEGAL ADVISOR TO THE SHERIFF

DISTINGUISHING FEATURES OF THE CLASS: Under the general direction of the Orange County Sheriff, the incumbent in this class is responsible for providing legal counsel as necessary in the management and operations of the Orange County Sheriff's Office. The incumbent is primarily responsible for legal advice to and legal representation of the Sheriff of Orange County and his staff. Under limited supervision, performs professional and supervisory work advising the Sheriff on criminal law and procedures to include investigative procedures, substantive law, criminal procedure, civil liability, detention matters, and sufficiency of evidence for court, including to but not limited to serving warrants and overseeing legal search and seizure. The incumbent performs administrative and legal duties and tasks specific to the position. The incumbent must exercise considerable initiative and independent judgment in various phases of work. The incumbent may perform other related duties and tasks, as required and shall have the physical, mental and emotional abilities to perform the essential job duties of the position. The incumbent reports to the Sheriff.

TYPICAL WORK ACTIVITIES: This is an example listing of typical work activities and the incumbent may be responsible for performing other law enforcement related duties and responsibilities as required or assigned by the Sheriff.

Advises the Sheriff on legal aspects of major issues and policies of Orange County and preparing legal actions and administrative proceedings in the interests of the County and/or Sheriff's Office;

Provides advice and counsel to criminal investigators on investigative procedures involving searches, interrogation law and evidentiary foundations and offering advice, evaluating pending criminal cases and drafting search warrants in complex or unusual cases and consulting in the field during developing situations;

Prepares and reviews legal documents on behalf of the Sheriff, ensuring compliance with all applicable codes, laws, rules, regulations, standards, policies and procedures and recommends actions necessary to correct deviations or violations and advising the Sheriff of his or her authority under Federal, State and local law;

Drafts and reviews legislation, legal opinions, memorandum, reports or other legal documents as necessary and advising the Sheriff appropriately on legal matters pertaining to operations, policies and other aspects of Sheriff business;

Formulates and reviews policies of the Sheriff's Office to ensure compliance with state and federal laws and accreditation standards and assists Sheriff in policy implementation; reviews disciplinary files and internal investigations, and provides professional guidance on legal strategies, case assignments and appeals;

Advises Sheriff and Sheriff employees on the legal consequences of their acts;

Provides assistance in legal actions and proceedings brought by or against the Sheriff's Office in state and federal courts and coordinating legal representation with County Attorney and retained outside counsel on civil litigation involving the Sheriff's Office as necessary;

Provides legal review for all contracts and legally binding agreements related to the Sheriff's Office;

Participates in meetings and conferences, as directed by the Sheriff, as the representative of the Sheriff's Office;

Keeps abreast of developments in the field of law enforcement;

Serves as liaison to other County departments on projects and issues impacting the Sheriff's Office;

Assists in the administration of personnel requirements including providing and developing in-service training on significant case law and legislation, reviewing established case law impacting the Sheriff's operations and participating in management decision-making and organizational structure, training, resource allocation and policy development.

KNOWLEDGE, SKILLS, ABILITIES AND CHARACTERISTICS: Comprehensive knowledge of federal, state and municipal laws governing the State of North Carolina; thorough knowledge of criminal law and criminal procedure and the programs of the Sheriff's Office; thorough knowledge of North Carolina law pertaining to the operations, authorities and responsibilities of local government; thorough knowledge of the principles and procedures of civil law, especially as related to County government; thorough knowledge of judicial and quasi-judicial procedures and rules of evidence; thorough knowledge of federal case law dealing with civil liability of the Sheriff's Office and its officers arising out of law enforcement and jail operations; good knowledge of statutory provisions applying to rules of order; good knowledge of legal research and investigation methodology; good knowledge of the current literature, trends and developments in the field of governmental law; working knowledge of County government structure and operations; working knowledge of the principles of supervision, organization and administration; ability to interpret and apply laws and court decisions, and to use legal source material in technical research; ability to direct and evaluate the work of staff personnel; ability to effectively express ideas orally and in writing; ability to establish and maintain effective working relationships as necessitated by work assignment; ability to analyze legal issues and identify significant cases that may affect County government and the Sheriff's Office; skilled in legal writing; skilled in collaborative conflict resolution, negotiation and meeting facilitation; skilled in strong interpersonal and managerial skills; demonstrates sound professional judgment; initiative; resourcefulness; dependability; physical condition commensurate with the requirements of the position

MINIMUM TRAINING AND EXPERIENCE: Juris Doctor Degree*, and 2 to 5 years of experience in the practice of law in a local government or experience in providing legal assistants in a government municipality or any equivalent combination of training and experience which provides the required skills, knowledge and abilities.

SPECIAL REQUIREMENT: License to practice law in the State of North Carolina and possess a valid North Carolina Driver's License. Must be available for emergency/on-call/after hour response.

*SPECIAL NOTE: Education beyond the secondary level must be from an institution recognized or accredited by the North Carolina State Education Department as a post-secondary, degree-granting institution.

**ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT
Meeting Date: December 1, 2014**

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

SUBJECT: Orange County/City of Durham Utility Service Agreement Amendment

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

1. Original Agreement
2. Amended Clause Section 12
3. Eno Economic Development District
Water and Sewer System Project Draft
Master Plan Report (Section 1 and
Section 8)
4. Eno EDD Map with New Focus Area

INFORMATION CONTACT:

Craig Benedict, Planning, 919-245-2592
Howard Fleming, 919-245-2586
James Bryan, 919-245-2319

PURPOSE: To amend an agreement to permit additional time (i.e. 2 years) for water and/or sewer system construction initiation in the Eno Economic Development District (EDD).

BACKGROUND: In late 2011 and January 2012 Orange County and the City of Durham developed and approved an interlocal agreement:

“Interlocal Agreement between Orange County and the City of Durham for Construction and Operation of Water and Sewer Facilities in the Eno Economic Development Zone of Orange County”.

The purpose was to develop a more formal utility service area within Orange County’s Eno Economic Development District area and within the City of Durham’s urban service area (also known as their suburban tier). Under normal circumstances, utility extensions would be solely the responsibility of developers. The agreement set forth parameters of water and sewer service, feasibility, design, construction and operation, when Orange County provided utility investments. Future Capital Investment Plan (CIP) projects were programmed for investment in the area.

This agreement was a necessary preamble to beginning Article 46 economic development infrastructure investment in the area. The County wanted to ensure that investments would be linked to capital returns and operational responsibilities by the City of Durham once facilities are installed in this jointly designated Orange County and Durham City economic development area. This area has been designated for this land use since the early 1980’s.

A lengthy engineering feasibility analysis of what area could be served and at what cost was conducted by a jointly approved outside firm (CDM Smith) starting in late 2012. The findings of the study showed that the costs for a large EDD 796 acre district-wide solution were prohibitive at this time due to high off-site (i.e. Durham area) infrastructure costs. This was noted in County CIP work sessions in early 2014. The scope (Section 1) of the original study and conclusions (Section 8) are in Attachment 3.

The full report is available on the Orange County website at: <http://orangecountync.gov/planning/documents/ENOREportNovember2013.pdf>

However, a scaled-back program (see Focus Area in Attachment 4) could focus on prime land with interstate visibility with willing property owners who are presently marketing their land. This new study and sewer project will take additional time to accomplish beyond the original timeframe to begin construction of January 2015, but because of a smaller scale, will be easier to accomplish once designed and agreed to by Orange County and the City of Durham. A water extension may also be possible.

Therein, this request is to amend the agreement for a new design and construction timeline as noted in Section 12 (shown in Attachment 2). Only 2 additional years is necessary to initiate construction since the design would likely not include a sewer lift station which is time consuming and be designed as a simpler sewer gravity extension of existing Durham facilities near the County border. This 100± acre area is in the far northeast corner of the Eno EDD between I-85 and US 70. This is also the most distant part of the Eno EDD from where residents had concerns in 2012. Attachment 2 also contains a “clean” version of the language (e.g., changes are not tracked).

Joint staff discussions have found this option a reasonable alternative.

Pending Board approval, the amendment will be transmitted for City of Durham approval since Orange County is the requesting party.

FINANCIAL IMPACT: Monies are allocated in the prior year CIP (2013-14) for the initial feasibility study and later for this upcoming design work. Construction monies will be programmed in next year’s CIP during the budget cycle or earlier if necessary.

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

1. Approve the amendment; and
2. Authorize staff to transmit it to the City of Durham.

INTERLOCAL AGREEMENT
BETWEEN ORANGE COUNTY AND THE CITY OF DURHAM
FOR CONSTRUCTION AND OPERATION OF WATER AND SEWER FACILITIES
IN THE ENO ECONOMIC DEVELOPMENT ZONE OF ORANGE COUNTY

This agreement is dated, made, and entered into as of the 20th day of January, 2012, by the City of Durham, a North Carolina municipal corporation ("Durham") and Orange County, a North Carolina political subdivision ("Orange").

Purposes. The purposes of this agreement are (1) to further the economic development potential of land identified by Orange County and the City of Durham in their respective planning documents as particularly suitable for industrial development, as well as to promote the public health and safety of residents within the area, and (2) to accomplish the design, construction, and operation of water and sewer services within the Eno Economic Development District.

1. Definitions

Year – July 1 – June 30

Zone – The Eno Economic Development District located at the eastern boundary of Orange where U.S. Highway 70 and Interstate Highway 85 intersect, shown in greater detail by the map titled "Eno Economic Development Zone Utility Service Boundary" and attached as Exhibit A. The Zone does not include land in Durham County.

2. Design. Durham will solicit and receive proposals for the design of water and sewer infrastructure to serve the Zone. Before awarding contracts for such design, Durham will provide Orange with the proposals and other responses to the request for proposals so that Orange may review and comment to Durham regarding the selection of the designer(s). Durham will then proceed to negotiate the professional fees with the designer(s). The fees must be satisfactory to Orange. Durham will not select any designer to which Orange objects based on the qualifications and/or professional fees. If Orange does not object within a reasonable time to a designer and its proposed fee structure, Durham may award a contract to the designer for such design in which the proposed fee structure applies. Orange will reimburse Durham for all payments that Durham is required to pay under the contracts. Therefore, Durham will invoice Orange as invoices are received from the selected designer(s) for payments made or required to be made under the design contracts. Orange will pay each invoice within thirty (30) days after it receives it.

3. Construction. Durham will solicit bids for the construction of the infrastructure. Durham will share the proposals with Orange. Orange may comment to Durham as to which contractor(s) the award should be made. If Durham concurs, and if Durham determines it appropriate to do so, Durham will award the contract(s) to those contractor(s) and execute contract(s) with them. If Durham does not concur, or if Durham otherwise finds it appropriate to rebid, Durham will rebid and continue the process described in this paragraph until Durham makes an award unless the Durham City Manager and the Orange County Manager jointly agree to suspend or abandon the process. By authorizing their respective managers to sign this agreement, the parties' governing bodies authorize them to agree to suspend or abandon the

process if they jointly determine it is prudent to do so. If the managers do not jointly agree it is prudent to suspend or abandon the process, it is agreed that suspension or abandonment will not be effective unless the parties' governing bodies jointly agree to suspend or abandon.

4. Payment. For each construction contract, Orange will select payment option A or payment option B and will notify Durham of its selection within twenty days after Durham shall have executed the construction contract. *Payment option A:* Durham will invoice Orange from as invoices are received from the selected construction contractor for payments made or required to be made under the construction contracts. Orange will pay each invoice within thirty (30) days after it receives it. *Payment option B:* Orange will reimburse Durham for payments made or required to be made under the construction contracts over a 10-year period, beginning on substantial completion, at an annual interest rate of 5%. The remainder of this paragraph applies to both payment options. [Provided however Orange shall not be required to pay for services that were not appropriately authorized or ratified by Durham or which Durham did not find to be satisfactorily performed by the contractor, provided that Durham will not be liable to Orange for making a finding of satisfactory performance. Durham will insert in the construction contracts a provision stating, "Orange County, a N. C. political subdivision, is a third-party beneficiary of this contract."]
5. Construction Standards. In all respects except to the extent otherwise stated in this contract, the construction will be done in accordance with (i) Durham standards, requirements, and procedures, including approvals of plans, conducting inspections, requiring tests and certifications, and requiring as-built drawings, and (ii) any applicable federal and state standards.
6. Ownership of and Responsibility for Infrastructure. Durham will be the owner of and responsible for the operation and maintenance of the infrastructure constructed under the construction contracts. All construction contracts shall provide for the indemnification and defense by the contractors of both Orange and Durham.
7. Fees and Charges. As long as a particular property is located outside Durham's corporate limits, Durham will impose, process, and collect all fees and charges with respect to that particular property, including acreage fees, connection charges, frontage charges, capacity charges, and utility rates, as Durham charges on other locations outside Durham's corporate limits. Except to the extent specified otherwise, Orange will have no right to any of those fees and charges, and nothing in this agreement will affect the use or disposition of those fees and charges.
8. Reduction in Payments from Orange. The acreage fees and frontage charges collected by Durham from the Zone will be used towards payment of the design and the construction of the infrastructure (collectively, the "Dedicated Receipts"). ("Acreage fees" means impact fees (as defined in Durham City Code sections 30-81 et seq.) that are based on area.) No other fees or charges collected by Durham, such as capacity and connection charges, will be used for that purpose. The amounts to be paid by Orange to Durham under paragraph 4 above in a particular Year will be reduced by the Dedicated Receipts received by Durham in that Year. If the Dedicated Receipts received by Durham in that Year exceed the amounts to

be paid by Orange under paragraph 4 in that Year, the excess Dedicated Receipts will be carried forward and used similarly to reduce the amounts to be paid by Orange under paragraph 4 in the following Years. The Dedicated Receipts received only during the ten Years beginning on the first July 1 after substantial completion of the relevant infrastructure will be applied in this manner. Nevertheless, the ten Year period shall end on or before the expiration of fifteen Years beginning on the first July 1 after the date of this contract. Nothing herein means that Durham will make any payment to Orange on the ground that the Dedicated Receipts exceed, in any Year or Years, the amounts to be paid by Orange under paragraph 4. If Durham is required by a court of competent jurisdiction to refund any acreage fees or frontage charges that were used towards payment of the design and the construction of the infrastructure by means of the Dedicated Receipts process described above in this paragraph, Orange shall reimburse Durham (i) to the extent the amounts paid by Orange to Durham under paragraph 4 above in a particular Year were reduced by the Dedicated Receipts attributable to the amounts refunded, and (ii) for interest associated with the refunds of the acreage fees or frontage charges that Durham is required to pay by a court of competent jurisdiction.

9. Nondiscriminatory Policies. Durham will not establish policies that impose a level of water and sewer service in the Zone that is inferior to that provided to similarly situated users of Durham water and sewer services.
10. Annexation. Durham may enter into agreements with developers and property owners that they will comply with requirements that Durham desires related to annexation, including that they will not seek annexation by any municipality other than Durham; that they will petition for annexation when requested by Durham; and that they will be subject to remedies for violating the annexation-related provisions.
11. Regulations. Durham shall have the authority to protect and regulate the water and sewer systems and its users in the Zone, including water use restrictions and regulations respecting introduction of pollutants into the wastewater system.
12. Duration. This agreement shall be perpetual, unless terminated earlier by mutual agreement. Nevertheless, this contract shall terminate if construction of the infrastructure has not begun within three (3) years of the date of this agreement. On such termination, all obligations that are still executory on both sides are discharged but any right based on prior breach or performance survives. The governing body of each party hereto has determined the duration provided in this paragraph to be reasonable.
13. Appointment of Personnel. The City Manager shall designate persons to carry out Durham's obligations under this agreement. The County Manager shall designate persons to carry out Orange's obligations under this agreement.
14. Amendment and Termination. This agreement may be amended or terminated by agreement of the parties. An amendment is not valid unless signed by both parties and otherwise in accordance with requirements of law. An amendment is not enforceable against Durham unless it is signed by its City Manager, or a deputy or assistant City Manager. An

INTERLOCAL AGREEMENT BETWEEN ORANGE COUNTY AND THE CITY OF DURHAM FOR CONSTRUCTION AND OPERATION OF WATER AND SEWER FACILITIES IN THE ENO ECONOMIC DEVELOPMENT ZONE OF ORANGE COUNTY, page 4

amendment is not enforceable against Orange unless signed by the County Manager or Chair of the Board of County Commissioners.

15. Notice.

- (a) All notices and other communications required or permitted by this agreement shall be in writing and shall be given either by personal delivery, UPS, Federal Express, or certified United States mail, return receipt requested, addressed as follows. The parties are requested to send a copy by email.

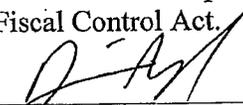
To Durham:
Mr. Thomas J. Bonfield
City Manager
City of Durham
101 City Hall Plaza
Durham, NC 27701-3329
Email: tom.bonfield@durhamnc.gov

To Orange:
Frank Clifton
Orange County Manager
200 S. Cameron Street
P.O. Box 8181
Hillsborough, NC 27278
Email: felifton@co.orange.nc.us

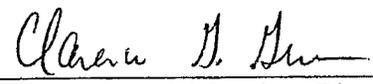
(b) Change of Address. Date Notice Deemed Given. A change of address, fax number, or person to receive notice may be made by either party by notice given to the other party. Any notice or other communication under this agreement shall be deemed given and sent at the time of actual delivery, if it is personally delivered. If the notice or other communication is sent by United States mail, it shall be deemed received upon the third calendar day following the day on which such notice or other communication is deposited with the United States Postal Service or upon actual delivery, whichever first occurs.

16. No Third Party Rights Created. This agreement is intended for the benefit of the two parties and not any other person and no rights or benefits are created for or granted to any third party by this agreement.

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



Durham Finance Director



Orange Financial Services Director

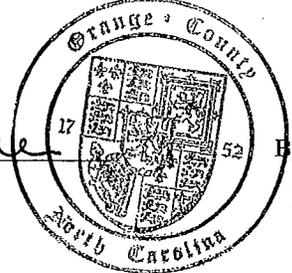
INTERLOCAL AGREEMENT BETWEEN ORANGE COUNTY AND THE CITY OF DURHAM FOR CONSTRUCTION AND OPERATION OF WATER AND SEWER FACILITIES IN THE ENO ECONOMIC DEVELOPMENT ZONE OF ORANGE COUNTY, page 5



CITY OF DURHAM

ATTEST:
D. Ann Gray
City Clerk

Thomas J. Bonfield
Thomas J. Bonfield
City Manager



COUNTY OF ORANGE

ATTEST:
Frank Clifton, Jr.
Orange County Clerk

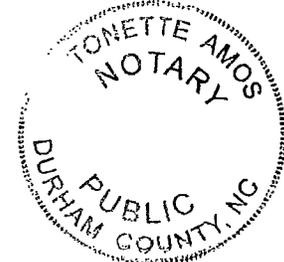
By: Frank Clifton, Jr.
Frank Clifton, Jr.
County Manager

NORTH CAROLINA ACKNOWLEDGMENT OF CITY OF DURHAM
COUNTY of Durham

I, a Notary Public in and for the aforesaid County and State certify that D. Ann Gray personally appeared before me this day, and acknowledged that he or she is the City Clerk of the City of Durham, a municipal corporation, and that by authority duly given and as the act of the City, the foregoing agreement with the County of Orange was signed in its corporate name by its City Manager, sealed with its corporate seal, and attested by its said City Clerk or Deputy City Clerk. This the 20 day of January, 2012

Tonette Amos
Notary Public

My commission expires:
07-17-2012

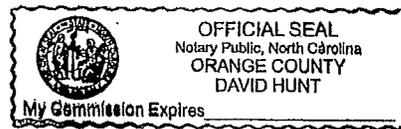


NORTH CAROLINA ACKNOWLEDGMENT OF COUNTY OF ORANGE
COUNTY of Orange

I, a Notary Public in and for the aforesaid County and State certify that Donna S. Baker personally appeared before me this day, and acknowledged that he or she is the Orange County Clerk of the City of Orange, a North Carolina political subdivision, and that by authority duly given and as the act of the County, the foregoing agreement with the City of Durham was signed in its corporate name by its Orange County Manager, sealed with its corporate seal, and attested by its said County Clerk or Deputy County Clerk. This the 11th day of October, 2011

David Hunt
Notary Public

My commission expires: June 7, 2014



Approved as to form and legal sufficiency.

JR
County Attorney

FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT
BETWEEN ORANGE COUNTY AND THE CITY OF DURHAM
FOR CONSTRUCTION AND OPERATION OF WATER AND SEWER FACILITIES
IN THE ENO ECONOMIC DEVELOPMENT ZONE OF ORANGE COUNTY

The City of Durham, a North Carolina municipal corporation (“Durham”) and Orange County, a North Carolina political subdivision (“Orange”) entered into an “Interlocal Agreement Between Orange County and the City of Durham for Construction and Operation of Water and Sewer Facilities in the Eno Economic Development Zone of Orange County” (“Original Agreement”) on January 20, 2012. As a result of the November 2013 Draft Master Plan Report prepared by CDM Smith, Durham and Orange would like to amend the Original Agreement through this First Amendment to allow for additional time to study alternative design options. Through this First Amendment the Original Agreement is only modified as indicated below and the remaining portions of the Original Agreement shall remain in full force and effect. This First Amendment is dated, made, and entered into as of the ___ day of _____, 2015.

Paragraph 12 of the Original Agreement is modified as follows:

12. Duration. This agreement shall be perpetual, unless terminated earlier by mutual agreement. Nevertheless, this contract shall terminate if construction of the infrastructure has not begun by January 31, 2017. On such termination, all obligations that are still executory on both sides are discharged but any right based on prior breach or performance survives. The governing body of each party hereto has determined the duration provided in this paragraph to be reasonable.

This amendment is made pursuant to Paragraph 14 of the Original Agreement.

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

Durham Finance Director

Orange Financial Services Director

CITY OF DURHAM

ATTEST:

_____ By: _____

City Clerk

City Manager

Type or print name person signing for the City:

ACKNOWLEDGMENT BY CITY OF DURHAM

Name of other party to the contract: _____

Title of the contract: _____

I, _____, a notary public, certify:

(Type or print name of Notary Public)

(1) _____ personally appeared before me

(Type or print name of City Clerk or Deputy City Clerk who attested)

in Durham County, N. C. on this day; (2) I have personal knowledge of her identity; and (3) she acknowledged that by authority duly given and as the act of the City of Durham, the foregoing document was signed in its corporate name by its _____ City Manager, sealed with its corporate seal, and attested by its said City Clerk or Deputy City Clerk.

This the _____ day of _____, 20_____.

My commission expires: _____

Notary Public

ORANGE COUNTY

ATTEST:

_____ Donna Baker Orange County Clerk	By: _____ Bonnie B. Hammersley County Manager
---	---

ACKNOWLEDGEMENT OF ORANGE COUNTY

NORTH CAROLINA
COUNTY OF ORANGE

I, a Notary Public in and for the aforesaid County and State certify that Donna S. Baker personally appeared before me this day and acknowledged that she is the County Clerk of Orange County, a North Carolina political subdivision, and that by authority duly given and as the act of the County, the foregoing agreement with the City of Durham was signed in its corporate name by the Orange County Manager, sealed with its corporate seal and attested by its said County Clerk or Deputy County Clerk, this the ___ day of ____, 20__.

Notary Public

My commission expires:

Section 1

Introduction

1.1 Project Background and Objectives

In recent years, Orange County (County) has taken a proactive role in the recruitment of business and industry and has established three strategic economic development districts as part of its strategy. One of those districts is the Eno Economic Development District (Eno EDD), previously known as the Interstate 85/US Highway 70 (I-85/US Hwy 70) Economic Development District, and is strategically located near the intersection of I-85 and US Hwy 70. This economic development area will be able to capitalize on its location within the City of Durham's (City) Urban Growth Area to provide water and sewer service to future customers, which are zoned to include a mixture of industrial, commercial, and high density residential development.

With this project, the City and County are collaborating to construct the backbone of a water and sewer system within the Eno EDD that will promote an effective growth pattern in the County with respect to location and phasing. The major objectives of this master plan are as follows:

- Develop water demand and sewer flow projections
- Determine the appropriate size and location for a sewer lift station
- Determine the appropriate size and route of a force main to carry wastewater flow from the proposed sewer lift station to a discharge point within the City's sewer collection system
- Determine the appropriate size and location of a gravity sewer collection system and water transmission system backbone
- Develop conceptual opinions of probable cost for the recommended improvements

1.2 Project Area

The Eno EDD is approximately 796 acres and is located in eastern Orange County, bordered to the north by I-85 and US Hwy 70, to the east by the Durham and Orange County border, to the south by the Norfolk Southern railroad, and to the west by Stony Creek, as shown on **Figure 1-1**. The area is primarily undeveloped with some rural residential and light business scattered south of I-85.

The Eno EDD is located within the Eno River Watershed, which eventually discharges into the Neuse River. In general, the area flows in a northerly direction into tributaries to the Eno River. There is significant topographic change within the area, ranging in elevation from 414 feet to 538 feet, a difference of 124 feet.

1.3 Scope of Study

The scope of work for this master plan was developed by CDM Smith, City, and County staff and consists of the following primary tasks:

- Flow and Demand Projections
- Proposed Water and Wastewater Infrastructure within Eno EDD
- Force Main Discharge Alternatives
- Permit Agency Coordination
- Cost Estimates
- Master Plan Report

A brief description of each task follows.

Flow and Demand Projections

The purpose of this task was to utilize available zoning and planned-development data to develop water demand and wastewater flow projections within the Eno EDD, which in turn would be used to layout the proposed water and wastewater infrastructure backbone.

Proposed Water and Wastewater Infrastructure within Eno EDD

The purpose of this task was to develop a conceptual layout of the recommended water distribution, wastewater collection, and wastewater pump station and force main infrastructure within the Eno EDD. A combination of wastewater flow/water demand projections and physical site characteristics, such as topography, streams, and roads, were used to layout the proposed infrastructure that would serve as the backbone of the system.

Force Main Discharge Alternatives

The purpose of this task was to identify and evaluate various alternatives for where the wastewater flow generated within the Eno EDD could be discharged into the City's wastewater collection and conveyance system. The location of the Eno EDD basin is such that the wastewater flow could potentially be discharged into either one of the City's two water reclamation facility (WRF) basins, the North Durham WRF or the South Durham WRF. There are three potential outfalls the Eno EDD flow could be discharged to:

- North Durham WRF Basin
 - The Eno Outfall, which is located in the Eno Basin
 - The Ellerbe Creek Outfall, which is located in the North Durham Basin
- South Durham WRF Basin
 - The Mud Creek Outfall, which is located in the Farrington Basin

For the purposes of this report, the three potential discharge locations will be referred to as the Eno Outfall, Ellerbe Creek Outfall, and Mud Creek Outfall.

Permit Agency Coordination

The purpose of this task was to identify the potential permitting needs and coordinate with the associated regulatory agencies, if needed, on what the permit requirements would be. The types of permitting needs related to work such as stream channel crossings, wetland crossings, and North Carolina Department of Transportation (NCDOT) encroachment.

Cost Estimates

The purpose of this task was to develop conceptual opinions of probable cost for the proposed water and wastewater infrastructure within the Eno EDD.

Master Plan Report

The purpose of this section was to document the evaluations and findings from the previous tasks into a comprehensive master plan report that would guide the City and County moving forward.

1.4 Report Format

The remainder of this report is organized into the following sections, with a brief description of each sections purpose following the name:

- Section 2 – Water Demand and Wastewater Flow Projections: This section provides a description of the methodology and assumptions by which the demand and flow projections were developed.
- Section 3 – Evaluation of Existing Water Infrastructure within the Eno EDD: This section provides a description of the existing water infrastructure within the Eno EDD followed by the evaluation that was performed to determine the additional infrastructure required to provide the backbone for the system.
- Section 4 – Proposed Wastewater Collection System within Eno EDD: This section describes the process by which the recommended wastewater collection system infrastructure within the Eno EDD was developed.
- Section 5 – Conveyance to the City of Durham’s Wastewater Collection System: This section describes the alternatives analysis that was performed to determine where in the City’s wastewater system the wastewater flows generated in the Eno EDD should be discharged.
- Section 6 – Engineer’s Opinion of Probable Cost: This section provides a description of how the costs were developed as well as a breakdown of the cost by each of the major infrastructure components.
- Section 7 – Permit Requirements: This section provides a description of the environmental impacts that are anticipated if the proposed infrastructure were constructed as well as a list of all permits that would be anticipated to be required prior to initiating construction.
- Section 8 – Conclusions and Recommendations: This section provides a brief summary of the recommended infrastructure and associated cost followed by the options for how the City and County can advance the project forward.

Section 8

Conclusions and Recommendations

The purpose of this section is to present a summary of the conclusions presented in Sections 1 through 7 of this report and discuss options for project implementation.

8.1 Conclusions

The primary objective of this project is for the City and County to collaborate to construct the backbone of a water and sewer system within the Eno EDD that will promote an effective growth pattern in Orange County with respect to location and phasing. In order to develop the backbone system, CDM Smith has performed an evaluation of the Eno EDD to develop projected water and wastewater flows, determine what infrastructure will be needed to create the backbone, determine where the generated wastewater will be discharged in the City's sewer system, identify potential permitting needs, and develop conceptual opinions on probable cost.

The water demands and wastewater flows developed for the Eno EDD are summarized in **Table 8-1**. It can be seen from the table that the projected average water demands vary from 76,000 gpd in year 2020 under the Low scenario to 895,000 gpd by build-out under the High scenario. The projected average wastewater flows vary from 60,000 gpd in year 2020 under the Low scenario to 715,000 gpd by build-out under the High scenario.

Table 8-1. Summary of Average Day Water Demand and Wastewater Flow Projections by Planning Period

Projections[1,2]	Planning Period Flows[3] (gpd)					
	2020	2030	2040	2050	2060	Build-out
Low Water	76,000	176,000	277,000	378,000	479,000	504,000
Mid Water	105,000	245,000	384,000	524,000	664,000	699,000
High Water	134,000	313,000	492,000	671,000	850,000	895,000
Low Wastewater	60,000	141,000	221,000	302,000	382,000	402,000
Mid Wastewater	84,000	195,000	307,000	419,000	530,000	558,000
High Wastewater	107,000	250,000	393,000	536,000	679,000	715,000

Notes:

- 1) The Low, Mid, and High projections differ based on the assumed unit water demand factor for industrial development. The Low projection assumed 1,000 gpd/acre, the Mid projection 1,500 gpd/acre, and the High projection 2,000 gpd/acre.
- 2) The wastewater projections are based on an assumed water return rate of 80 percent.
- 3) The percentage of growth between planning periods was provided by Orange County.

The Eno EDD currently has a 16-inch diameter waterline installed in the project area. Based on a hydraulic model analysis, the existing water main has sufficient capacity to meet the near-term and build-out demands for the Low and Mid scenarios. There are some minor flow and headloss deficiencies for the High flow scenario under build-out conditions, however it would be anticipated

that improvements implemented in the City's system by the time build-out were to occur may address the minor deficiencies. Therefore, no additional water distribution infrastructure is recommended.

The only municipal wastewater infrastructure within the Eno EDD is a small pump station near the eastern most boundary of the project area that conveys a small amount of flow to the City. Therefore, a wastewater collection and conveyance system backbone is required within the Eno EDD. Recommended collection system infrastructure and associated conceptual opinions of probable cost were developed for the Low and High wastewater flow scenarios. **Tables 8-2** and **8-3** present the recommended infrastructure and associated cost for the Low and High flow scenarios, respectively.

In order to construct the recommended infrastructure, a number of regulatory permits will be required. In an effort to minimize environmental impacts and associated permitting efforts, trenchless construction methodologies were assumed for stream and roadway crossings. The potential need for an EA/EIS could be required as a result of the amount of infrastructure included in the project, but is not a certainty. If the gravity sewer and force main proposed to parallel US Hwy 70 cannot be installed within the NCDOT road ROW, the need for an alternative alignment and/or easement acquisition could be required, which would lengthen the project schedule and impact project cost. This would need to be addressed early in the design phase to minimize impacts.

8.2 Cost Reduction Options

It is recognized that the costs presented in either Table 8-2 or Table 8-3 would be a significant investment for the County and that immediately funding the project in its entirety will be a challenge. Therefore, the following options to potentially reduce project cost and/or phase the improvements were identified and are presented below.

- Construct only the pump station and force main. Collection system infrastructure could be constructed by developers on an as-needed basis, or by the County if additional funding becomes available.
- Construct the pump station, force main, and only the most critical collection system infrastructure. The collection system piping recommended for this option includes gravity pipes 2, 4, and 6, as identified on Figure 6-1. Constructing these gravity pipes would prevent developers from having to impact Rhodes Creek and US Hwy 70, both of which will have permitting challenges.
- Construct the force main from the proposed pump station to a manhole in the City's wastewater collection system near the Eno EDD boundary, as opposed to all the way to the recommended location in the South Durham Basin, described in Section 5. This option would temporarily reduce the amount of force main and gravity sewer pipe by approximately 11,000 feet. It is expected that this alternative discharge point will only have sufficient capacity to receive wastewater flows in the near-term, and that the additional force main would be needed in the future. The force main and pump station would still be designed to handle future flows so that when the discharge point into the City's wastewater system needs to be relocated to the recommended location in the South Durham Basin, the existing force main would only have to be extended (i.e. not upgraded). Additional modeling and engineering evaluation will be required to determine where and how much wastewater flow can be discharged to the alternative location in the City's system.

Table 8-2. Opinion of Probable Construction Cost – Low Wastewater Flow Scenario

Associated System	Description	Unit	Quantity	Cost Estimate
Eno EDD Gravity System	Gravity Sewer - 8-inch DIP	Lf	12,123	\$ 620,800 ¹
	Jack & Bore	Lf	120 ²	\$ 60,000
	Gravity Sewer - 12-inch DIP	Lf	368	\$ 25,000 ¹
	Gravity Sewer Manhole ³	Ea	45	\$ 270,000
Eno EDD Conveyance System to Durham Sewer System	Pump Station ⁴	MGD	0.7	\$ 486,000
	8-inch Force Main ⁴	Lf	7,000	\$ 315,000
	8-inch Jack & Bore	Lf	160 ⁵	\$ 80,000
	12-inch Gravity Sewer	Lf	11,300	\$ 757,100 ⁶
	12-inch Jack & Bore	Lf	100	\$ 65,000
	Gravity Sewer Manhole ³	Ea	38	\$ 228,000
	Traffic Control ⁷	Lf	8,000	\$ 180,000
	Pavement Replacement	Sy	1,000	\$ 42,000
Subtotal				\$ 3,129,000
5% Mobilization				\$ 160,000
Subtotal				\$ 3,290,000
10% Contractor OH&P				\$ 329,000
Subtotal				\$ 3,620,000
25% Contingency				\$ 910,000
Subtotal				\$ 4,530,000
20% Engineering, Permitting, and Administration				\$ 910,000
TOTAL				\$ 5,440,000

Notes:

- 1) Cost reflects various depths of cover. Not shown in table for clarity.
- 2) Jack & Bore costs reflect two (2) 60-ft bores. See Note 10.
- 3) Gravity sewer manhole spacing of 300 feet.
- 4) Pump station and associated force main sized for year 2045.
- 5) Jack & Bore costs reflect one (1) 100-ft bore and one (1) 60-ft bore. See Note 10.
- 6) Cost assumes 10-feet of cover.
- 7) Traffic control required during installation of force main along Hwy 70.
- 8) Eno EDD gravity sewer system was sized based on High flow scenario with a peaking factor of 2.5
- 9) Cost does not reflect pump replacement by 2035.
- 10) Jack & Bores were assumed for:
 - 60-ft bore under Hwy 70 (Eno EDD Gravity System)
 - 60-ft bore under stream crossing near pump station (Eno EDD Gravity System & Conveyance System)
 - 100-ft bore under SR 751 along force main route (Eno EDD Conveyance System)
 - 100-ft bore under railroad along force main route (Eno EDD Conveyance System)

Table 8-3. Opinion of Probable Construction Cost – High Wastewater Flow Scenario

Associated System	Description	Unit	Quantity	Cost Estimate
Eno EDD Gravity System	Gravity Sewer - 8-inch DIP	Lf	6,669	\$ 358,000 ¹
	Jack & Bore	Lf	120 ²	\$ 78,000
	Gravity Sewer - 12-inch DIP	Lf	5,822	\$ 420,000 ¹
	Gravity Sewer Manhole ³	Ea	45	\$ 270,000
Eno EDD Conveyance System to Durham Sewer System	Pump Station ⁴	MGD	1.2	\$ 540,000
	12-inch Force Main ⁴	Lf	7,000	\$ 378,000
	12-inch Jack & Bore	Lf	160 ⁵	\$ 104,000
	18-inch Gravity Sewer	Lf	11,300	\$ 1,220,000 ⁶
	18-inch Jack & Bore	Lf	100	\$ 125,000
	Gravity Sewer Manhole ³	Ea	38	\$ 228,000
	Traffic Control ⁷	Lf	8,000	\$ 180,000
	Pavement Replacement	Sy	1,000	\$ 42,000
Subtotal				\$ 3,943,000
5% Mobilization/Demobilization				\$ 200,000
Subtotal				\$ 4,140,000
10% Contractor OH&P				\$ 414,000
Subtotal				\$ 4,550,000
25% Contingency				\$ 1,140,000
Subtotal				\$ 5,690,000
20% Engineering, Permitting, and Administration				\$ 1,140,000
TOTAL				\$ 6,830,000

Notes:

- 1) Cost reflects various depths of cover. Not shown in table for clarity.
- 2) Jack & Bore costs reflect two (2) 60-ft bores. See Note 10.
- 3) Gravity sewer manhole spacing of 300 feet.
- 4) Pump station sized for 30 year flows.
- 5) Jack & Bore costs reflect one (1) 100-ft bore and one (1) 60-ft bore. See Note 10.
- 6) Cost assumes 15-feet of cover.
- 7) Traffic control required during installation of force main along Hwy 70.
- 8) Eno EDD gravity sewer system was sized based on High flow scenario with a peaking factor of 2.5
- 9) Cost does not reflect pump replacement by 2035.
- 10) Jack & Bores were assumed for:
 - 60-ft bore under Hwy 70 (Eno EDD Gravity System)
 - 60-ft bore under stream crossing near pump station (Eno EDD Gravity System & Conveyance System)
 - 100-ft bore under SR 751 along force main route (Eno EDD Conveyance System)
 - 100-ft bore under railroad along force main route (Eno EDD Conveyance System)

- Construct the pump station and force main to convey only near-term wastewater flows, with the understanding that both will need to be upgraded in the future. This option will cost significantly more money for the County over the lifetime of the project, but have a lower initial capital cost. Additional modeling and engineering evaluation will be required to determine where and how much wastewater flow can be discharged in the City's system and what the required infrastructure will be.

8.3 Recommendations

The County has included approximately \$1,500,000 in their Capital Improvement Program to fund design and construction of water and wastewater improvements in the Eno EDD. Based on the cost estimates presented in Tables 8-2 and 8-3, there is not currently enough funding available to construct the recommended wastewater infrastructure for either wastewater flow scenario. Therefore, the County will have to consider alternatives in order for this project to continue to move forward, possibly in addition to the cost reduction options presented in Section 8.2. Based on discussions with County and City staff, the following alternatives may be considered.

8.3.1 Alternatives

Alternative 1 – Design and Construction of Improvements

This alternative includes continuous design, permitting, bidding, and construction of the recommended improvements. In order for this alternative to move forward, Orange County will be required to reallocate funds to increase their available budget from \$1,500,000 to the desired scenario estimate, presented in Tables 8-2 and 8-3. If design of the improvements were to begin in early 2014, construction would be estimated to start in early 2015.

Alternative 2 – Full Design of Improvements

This alternative includes development of a complete design package. Acquisition of any necessary permanent easements should also be included in this alternative. Permitting, bidding, and construction will be put on hold until additional funding can be secured. The permitting is put on hold because permit approvals have limited durations and could expire before construction funding is secured. This alternative will allow the County to make use of most of their currently available funds to keep the project moving forward so that once the additional funding is made available, the project can more quickly advance into permitting, bidding, and construction. Based on the cost presented in Table 8-2, the full design is expected to cost less than \$1,130,000. The cost will be less since permitting would not be included in this phase.

Alternative 3 – Preliminary Design of Improvements

This alternative includes development of preliminary design documents, which are assumed to be around the 50 percent design stage. Final design, permitting, bidding, and construction will be put on hold until additional funding can be secured. This alternative will allow the County to make use of some of their available funding to keep the project moving forward so that once the additional funding is made available, the project can more quickly advance.

The preliminary design is expected to include an additional data collection effort, which would include survey and geotechnical investigation, followed by development of preliminary design drawings and key technical specifications. Additional work could also be included such as preliminary coordination with regulatory agencies and public outreach. Land acquisition for the proposed pump station could

be performed. However, it may not be appropriate to acquire permanent easements, if any are required, based on the preliminary status of the design.

The cost to perform the preliminary design can be provided upon request, but can be assumed to be less than the \$1,130,000 identified in Table 8-2 for full design and permitting.

Alternative 4 – Hold Project Indefinitely

This alternative puts the entire project on hold until additional funding can be secured by the County. This alternative will result in the longest schedule, as no upfront design work will have been completed. This alternative can also put the project at greater risk for significant changes as development and roadway modifications could impact the proposed alignments, which could in turn increase the cost of the project.

8.3.2 Recommendation

Based on the alternatives presented above, it is CDM Smith's recommendation that the County move forward with Alternative 2, which includes full design of the recommended improvements, but holding on the construction until additional funding can be secured. This alternative provides the following benefits:

- Avoids the need for an immediate reallocation of funds compared to Alternative 1.
- Allows the County to make use of the funds that are currently available for the project, compared to Alternative 4 and partially for Alternative 3.
- Allows the County to acquire the necessary easements, if any are required, compared to Alternatives 3 and 4.
- Allows the County to continue moving the project forward, compared to Alternative 4.
- Reduces the overall schedule compared to Alternatives 3 and 4.
- Allows the County to move immediately into permitting, bidding, and construction once the available funds are secured, compared to Alternatives 3 and 4. Being able to quickly implement the infrastructure will be much more attractive to potential developers.

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- Hydrant
- Roads
- Force Main
- Water Main
- Gravity Sewer
- Streams
- EnoEDD- Boundary
- Parcel Boundary



500 0 500 1,000 Feet

ATTACHMENT 4

23

Attachment 4

North Durham WRF Service Area

Existing Elevated Tank

Willett Rd

Pleasant Green Rd

85

85

New Focus Area

70

Mt. Hermon Church Ra

Old Hillsborough Rd

South Durham WRF Service Area



Eno EDD Water & Sewer System Project
Figure 1

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 1, 2014

**Action Agenda
Item No.** 11-a

SUBJECT: Triangle Transit Special Tax Board - Appointments

DEPARTMENT: Board of Commissioners

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

None

INFORMATION CONTACT:

Clerk's Office, 245-2130

PURPOSE: To consider making 2 appointments to the Triangle Transit Special Tax Board.

BACKGROUND: The Triangle Transit Special Tax Board (composed of Durham, Wake, and Orange County) is required by legislation to meet every January to elect officers. The special tax board of an authority shall be composed of two representatives from each of the counties organizing the authority. According to Clerk to the Board of Trustees of Triangle Transit, this special board is scheduled to meet in January 2015.

Currently, Commissioner Bernadette Pelissier represents Orange County on this board with one vacancy due to retirement of Commissioner Alice Gordon. Commissioner Pelissier has expressed an interest in continuing to serve to provide continuity. Commissioner Pelissier is currently the Orange County representative to Triangle Transit.

- Appointment to a full term for an Orange County Commissioner ending 12-31-2015.
- Appointment to a full term for an Orange County Commissioner ending 12-31-2015.

POSITION NUMBER	SPECIAL REPRESENTATION	EXPIRATIONDATE
1	Board of Commissioners	12-31-2015
2	Board of Commissioners	12-31-2015

FINANCIAL IMPACT: None.

RECOMMENDATION(S): The Board will consider making appointments to the Triangle Transit Special Tax Board.

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
11/18/14	Review and consider request by Commissioner Rich that the Board send a letter of thanks to Jeff Thompson's wife for her volunteer efforts at the Rogers Road Community Center ribbon-cutting	12/1/2014	Bonnie Hammersley	Manager to Address with personal note
11/18/14	Review and consider request by Commissioner Rich that the County look into opportunities, public/private partnerships, etc. and the efforts necessary to develop tiny house villages	1/30/2015	BOCC	To be folded into affordable housing discussion at the January 30, 2015 Board Retreat
11/18/14	Review and consider request by Commissioner Jacobs that the County develop a primer for the public on various planning related processes, approvals, etc.	2/17/2015	Bonnie Hammersley Craig Benedict	Manager to work with Planning staff
11/18/14	Review and consider request by Commissioner Jacobs that the Board receive an update on the Environmental Assessment for the Proposed Hillsborough Train Station	1/22/2015	Bonnie Hammersley Craig Benedict	Manager to work with Planning Director
11/18/14	Review and consider request by Commissioner Jacobs that the Board receive information regarding an airplane landing strip in Efland as well as the process, if any, to establish an airplane landing strip	1/22/2015	Bonnie Hammersley	Manager to consult with Planning staff and provide follow-up to the Board
11/18/14	Develop a list of pros and cons relative to the property posting timeframe for Conditional Use Zoning District applications	2/19/2015	Craig Benedict Perdita Holtz	To be developed
11/18/14	Conform the Parks and Recreation Master Plan 2030 based on administrative updates provided by Board members and bring back any substantive changes based on Board discussions as expeditiously as possible	4/1/2015	David Stancil	To be conformed and substantive items to be presented to the Board
11/18/14	Provide an update to the Board on providing parking lots that are in the Master Plan for Fairview Park	12/31/2014	David Stancil	Update to be provided

INFORMATION ITEM

Tax Collector's Report - Numerical Analysis

Effective Date of Report: November 16, 2014						
Tax Year 2014	Amount Charged in FY 14-15	Amount Collected*	Accounts Receivable**	Amount Budgeted in FY 14-15	Remaining Budget	% of Budget Collected
Current Year Taxes	\$ 135,734,649.00	37,818,827.80	\$ 97,845,282.54	\$ 135,734,649.00	\$ 97,915,821.20	27.86%
Prior Year Taxes	\$ 3,764,940.44	766,809.62	\$ 2,971,801.39	\$ 994,130.00	\$ 227,320.38	77.13%
Total	\$ 139,499,589.44	38,585,637.42	\$ 100,817,083.93	\$ 136,728,779.00	\$ 98,143,141.58	28.22%
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	\$ 130,682,492.00	61,955,521.00	\$ 66,722,051.68	\$ 130,682,492.00	\$ 68,726,971.00	47.41%
Prior Year Taxes	\$ 4,163,721.00	1,001,242.95	\$ 3,137,114.92	\$ 994,130.00	\$ (7,112.95)	100.72%
Total	\$ 134,846,213.00	62,956,763.95	\$ 69,859,166.60	\$ 131,676,622.00	\$ 68,719,858.05	47.81%
Current Year Overall Collection Percentage Tax Year 2014			28.47%			
Current Year Overall Collection Percentage Tax Year 2013			48.17%			

*By this time in 2013 the Orange County Tax Office had received a very large payment from a mortgage processing company that increased the amount collected drastically. As of the time of this report, the same company has not yet submitted this payment for 2014. This results in a drastic difference in the *Amount Collected* year to date.

**The Orange County Tax Office was able to bill all public utility companies much sooner this year than last year. This results in an increased *Remaining Budget*, as the bills have been mailed but not yet paid.

INFORMATION ITEM

Tax Collector's Report - Measures of Enforced Collections

Fiscal Year 2014-2015

Effective Date of Report: October 31, 2014													
	July	August	September	October	November	December	January	February	March	April	May	June	YTD
Wage garnishments	76	67	77	90									310
Bank attachments	8	12	15	35									70
Certifications	-	-	-	-									-
Rent attachments	-	-	-	1									1
Housing/Escheats/Monies	81	46	32	47									206
Levies	4	4	3	19									30
Foreclosures initiated	4	8	2	6									20
NC Debt Setoff collections	\$ 971.64	\$ 1,057.80	\$ 140.00	\$ 1,426.97									\$ 3,596.41

This report shows the Tax Collector's efforts to encourage and enforce payment of taxes for the fiscal year 2014-2015. 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.

INFORMATION ITEM - RELEASES AND REFUNDS UNDER \$100
DECEMBER 1, 2014

NAME	ABSTRACT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	TAX	FEE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT	TAX CLASSIFICATION	ACTION	Approved by CFO
Barnard, Leon	5775553	2014	8300	8,300	(51.66)	(30.00)	(81.66)	Situs error (illegal tax)	RMV-VTS	Approved	10/30/2014
Barnard, Leon	5775553	2013	9530	9,530	(60.45)	(30.00)	(90.45)	Situs error (illegal tax)	RMV-VTS	Approved	10/30/2014
Barnard, Leon	9472480	2013	5630	5,630	(35.72)	(30.00)	(65.72)	Situs error (illegal tax)	RMV-VTS	Approved	10/30/2014
Barnard, Leon	8941374	2013	13060	13,060	(92.71)	(30.00)	(122.71)	Situs error (illegal tax)	RMV-VTS	Approved	10/30/2014
Brooks, William	23012336	2014	1,500	500	(5.58)	(10.00)	(15.58)	Antique auto plate (appraisal appeal)	RMV-VTS	Approved	11/12/2014
Burton, Gregory	21988389	2014	6,510	6,510	(47.15)	(30.00)	(77.15)	Incorrect rate code (illegal tax)	RMV-VTS	Approved	11/12/2014
Burton, Gregory	22620976	2014	800	800	(5.80)	(30.00)	(35.80)	Incorrect rate code (illegal tax)	RMV-VTS	Approved	11/12/2014
Burton, Gregory	22908292	2013	1,720	1,720	(12.45)	(30.00)	(42.45)	Incorrect rate code (illegal tax)	RMV-VTS	Approved	11/12/2014
Carson, John	22874211	2014	7,700	500	(67.08)		(67.08)	Antique auto plate (appraisal appeal)	RMV-VTS	Approved	11/12/2014
Crabtree, Ronald Wayne Jr.	20341841	2013	5750	5,750	(41.28)	(30.00)	(71.28)	Situs error (illegal tax)	RMV-VTS	Approved	11/12/2014
Crabtree, Ronald Wayne Jr.	21831729	2013	3560	3,560	(25.56)	(30.00)	(55.56)	Situs error (illegal tax)	RMV-VTS	Approved	11/12/2014
Durham, Walter	9156126	2014	950	200	(7.41)		(7.41)	Price paid (appraisal appeal)	RMV-VTS	Approved	10/30/2014
Hernandez, Joel	966090	2014	1,110	0	(11.58)		(11.58)	Double billed (illegal tax)	Personal	Approved	11/6/2014
Hernandez, Joel	966090	2013	1,210	0	(13.52)		(13.52)	Double billed (illegal tax)	Personal	Approved	11/6/2014
Hernandez, Joel	966090	2012	1,350	0	(15.91)		(15.91)	Double billed (illegal tax)	Personal	Approved	11/6/2014
Hernandez, Joel	966090	2011	1,421	0	(17.94)		(17.94)	Double billed (illegal tax)	Personal	Approved	11/6/2014
Herrin, Joseph	23289361	2014	500	500	(4.07)	(30.00)	(34.07)	Incorrect rate code (illegal tax)	RMV-VTS	Approved	11/12/2014
Howell, Lawrence Edward II	22819108	2014	4430	500	(37.40)		(37.40)	Antique auto plate (appraisal appeal)	RMV-VTS	Approved	10/30/2014
Lineberger, Robert P.	286905	2014	1,715	0	(30.39)		(30.39)	Not in Orange County (illegal tax)	Personal	Approved	10/26/2014
Lineberger, Robert P.	286905	2013	1,805	0	(31.39)		(31.39)	Not in Orange County (illegal tax)	Personal	Approved	10/26/2014
Lineberger, Robert P.	286905	2012	1,900	0	(32.20)		(32.20)	Not in Orange County (illegal tax)	Personal	Approved	10/26/2014
Lineberger, Robert P.	286905	2011	2,001	0	(33.53)		(33.53)	Not in Orange County (illegal tax)	Personal	Approved	10/26/2014
Lineberger, Robert P.	286905	2010	2,106	0	(32.44)		(32.44)	Not in Orange County (illegal tax)	Personal	Approved	10/26/2014
Lineberger, Robert P.	286905	2009	2,340	0	(39.66)		(39.66)	Not in Orange County (illegal tax)	Personal	Approved	10/26/2014
McClanahan, Susan	5742476	2014	9,830	8,454	(22.16)		(22.16)	High mileage (appraisal appeal)	RMV-VTS	Approved	11/12/2014
Mebane, Daniel Jr.	4447	2012	950	0	(11.20)		(11.20)	Illegal tax	Personal	Approved	11/12/2014
Mebane, Daniel Jr.	4447	2011	950	0	(12.00)		(12.00)	Illegal tax	Personal	Approved	11/12/2014
Mebane, Daniel Jr.	4447	2010	1000	0	(12.35)		(12.35)	Illegal tax	Personal	Approved	11/12/2014
Mebane, Daniel Jr.	4447	2009	1000	0	(14.48)		(14.48)	Illegal tax	Personal	Approved	11/12/2014
Picotte, Vincent Joseph	5741314	2014	12760	6,380	(61.11)		(61.11)	Repair estimate (appraisal appeal)	RMV-VTS	Approved	10/26/2014
Rodriguez, Juan Gabriel	267233	2014	2750	0	(26.56)		(26.56)	Mobile home sold (illegal tax)	Personal	Approved	10/26/2014
Rubish, Christopher	23053349	2014	4880	4,880	(33.56)	(30.00)	(63.56)	Situs error (illegal tax)	RMV-VTS	Approved	10/30/2014
Smith, James Richard Jr	22939880	2013	5,490	437	(79.85)		(79.85)	Utility trl, Size, type (appraisal appeal)	RMV-VTS	Approved	11/12/2014
Thompson, David Wayne II	23006660	2014	8380	5,363	(50.55)		(50.55)	High mileage (appraisal appeal)	RMV-VTS	Approved	10/26/2014
Thornton, Sandra	21693966	2014	9030	9,030	(64.83)	(30.00)	(94.83)	Situs error (illegal tax)	RMV-VTS	Approved	11/12/2014
Turner, Sandra	286892	2009	6860	0	(98.82)		(98.82)	Double billed (illegal tax)	Personal	Approved	11/12/2014
Turner, Stephen J	286892	2012	5610	0	(65.72)		(65.72)	Double billed (illegal tax)	Personal	Approved	10/26/2014
Uhlenberg, Peter	21722210	2013	19170	19,170	(14.46)		(14.46)	Situs error (illegal tax)	RMV-VTS	Approved	11/12/2014
Ward, Cedric	1037703	2013	3440	0	(94.16)		(94.16)	County changed to Wake (illegal tax)	RMV-VTS	Approved	10/30/2014
Wilder, Jerry	23282109	2014	4,200	4,200	(30.56)	(30.00)	(60.56)	Incorrect rate code (illegal tax)	RMV-VTS	Approved	11/12/2014
							(1,845.25)	Total			

INFORMATION ITEM



Orange County
Asset Management Services
Jeffrey E. Thompson, Director

November 24, 2014

To: Bonnie Hammersley, Orange County Manager

From: Wayne Fenton, Asset Management Services Assistant Director

RE: Solarization for Orange County buildings

Background

At the Board of County Commissioners' September 4, 2014 meeting, staff were asked to investigate possible opportunities with the North Carolina Clean Energy Technology Center (formerly the NC Solar Center) for assessing the feasibility of incorporating solar elements in or on County buildings. Staff communicated with Tommy Cleveland, Renewable energy Project Coordinator, as well as Jim Kennerly, Senior Policy Analyst and Autumn Proudlove, Policy Analyst, regarding such opportunities.

Staff learned that:

- this team did do some informal work for the City of Raleigh as well as the City of Greensboro;
- there would be a fee for service for site assessments;
- there may be an opportunity for a portion of the work to receive grant funding via the federal Department of Energy;
- a primary function performed by this team is to assist municipalities to reduce costs by streamlining the permitting process for solar installations;
- a private sector partner is needed to take advantage of available tax credits, to achieve best payback;
- the city of Raleigh used an open-ended RFP process for identifying private sector partners

Staff plan to meet initially with Mr. Cleveland to, hopefully, identify a process for the assessment of at least some County facilities within the next few weeks. Brennan Bouma, the County's new Sustainability Coordinator, will be present at this meeting and will be managing the on-going process.

Please don't hesitate to contact me directly with questions, or if additional information is required at this time.

Thanks,
Wayne Fenton
919-245-2625

P.O. Box 8181 * 131 West Margaret Lane~3rd Floor* Hillsborough, North Carolina 27278

Telephone: Area Code 919 245-2625

Fax: 644-3001

E-mail: jethompson@orangecountync.gov

INFORMATION ITEM

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PENNY RICH

Orange County Board of Commissioners
Post Office Box 8181
200 South Cameron Street
Hillsborough, North Carolina 27278



November 24, 2014

Dear Commissioners,

At the Board's November 18, 2014 regular meeting, 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 by Commissioner Rich that the Board send a letter of thanks to Jeff Thompson's wife for her volunteer efforts at the Rogers Road Community Center ribbon-cutting.

Response: The Manager to address this item with a personal note.

- 2) Review and consider a request by Commissioner Rich that the County look into opportunities, public/private partnerships, etc. and the efforts necessary to develop tiny house villages.

Response: This item to be folded into affordable housing discussion at the January 30, 2015 Board Retreat.

- 3) Review and consider a request by Commissioner Jacobs that the County develop a primer for the public on various planning related processes, approvals, etc.

Response: Manager to work with Planning staff to develop a primer.

- 4) Review and consider a request by Commissioner Jacobs that the Board receive an update on the Environmental Assessment for the Proposed Hillsborough Train Station.

Response: Manager to work with Planning Director.

- 5) Review and consider a request by Commissioner Jacobs that the Board receive information regarding an airplane landing strip in Efland as well as the process, if any, to establish an airplane landing strip.

Response: Manager to consult with Planning staff and provide follow-up to the Board.

This letter will be provided as an Information Item on the December 1, 2014 agenda for public information.

Best,

Barry Jacobs, Chair
Board of County Commissioners