

ORANGE COUNTY ASSEMBLY OF GOVERNMENTS

JOINT MEETING DRAFT AGENDA

Assembly of Governments
November 19, 2014
Meeting – 7:00 p.m.
* Richard Whitted Meeting Facility
300 West Tryon Street
Hillsborough, NC

- | | | |
|---------------|----|--|
| (7:00 – 7:05) | | Welcome, Call To Order and Opening Comments (BOCC Chair and Mayors) |
| (7:05 – 7:30) | 1. | Article 46 – One Quarter Cent Sales Tax Collection and Use; Funds Available and Main Uses for Economic Development in Orange County |
| (7:30 – 8:00) | 2. | Affordable Housing <ul style="list-style-type: none">a) Community Home Trust Charter Status Reportb) Transit-Related Affordable Housing Opportunities |
| (8:00 – 8:25) | 3. | Solid Waste Advisory Group (SWAG) Update |
| (8:25 – 8:50) | 4. | Potential 2016 Bond Referendum |
| (8:50 – 9:15) | 5. | Rural Buffer <ul style="list-style-type: none">a) Rural Buffer and Countywide Population Projectionsb) Accommodating Appropriate Agricultural Support Enterprises in the Rural Buffer |
| (9:15 – 9:30) | 6. | Town Updates |

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).

* Directions to Whitted Meeting Facility: Take Old NC Highway 86/Churton Street north into downtown Hillsborough. Stay on Churton Street and go straight through the stoplights at the Courthouse (Margaret Lane) and King Street. Take a left at the next stoplight onto Tryon Street. Travel two blocks. The Whitted Building is on the right. Meeting Room is on the second floor.

**ORANGE COUNTY
ASSEMBLY OF GOVERNMENTS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: November 19, 2014

**Action Agenda
Item No. 1**

SUBJECT: Article 46 – One Quarter Cent Sales Tax Collection and Use; Funds Available and Main Uses for Economic Development in Orange County

DEPARTMENT: County Economic
Development, County Finance
& Administrative Services

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

- A) Economic Development Uses of “Article 46” Quarter Cent Sales Tax
- B) Article 46 Sales Tax Collection – October 2014 Report
- C) Orange County Uses of Article 46 Quarter Cents Proceeds Since 2001
- D) Available Economic Development Article 46 Sales Tax Proceeds

INFORMATION CONTACT:

Clarence Grier, (919) 245-2453
Steve Brantley, (919) 245-2326

PURPOSE: To discuss the receipt and usage of “Article 46” proceeds that are collected annually from a one-quarter cent sales tax that Orange County voters approved in 2011 for use in County-wide economic Development initiatives, including the main funding programs used, successful economic development examples, current balances and next goals.

BACKGROUND: Orange County voters successfully passed a referendum in November 2011 to levy a one-quarter (1/4) cent sales tax that generates additional annual funding for education and economic development purposes. Now called “Article 46”, the funding program was forecast to generate \$2.5 million annually in new local sales tax proceeds which would be split equally between education and economic development, each receiving \$1.25 million. The 50/50 share of Article 46 funds for economic development was initially set for 10 years. The Orange County Board of Commissioners adopted a Resolution in December 2011 authorizing the new one-quarter cent sales tax, and actual proceeds began to accrue at the State level and distributed to Orange County in early 2012.

There is no set protocol for Article 46 funding requests for economic development projects, such as proposed by the municipalities, to be considered by the County. Previous requests have been tied to specific project needs, and presented directly to the Board of Commissioners, the County Manager, and on occasion, by the towns’ economic development staff to the Orange County Economic Development office. Proposed

changes regarding how Article 46 is administered, such as defining the primary expenditure categories or overall objective may require the Board Commissioners to modify the existing Resolution.

Attachments A and C provide a summary table, pie chart and current balances of the key sectors where Article 46 funds are used for economic development in Orange County. Assuming an annual \$1.25 million receipt in sales tax proceeds, the Article 46 program and the Orange County Board of Commissioners' adopted Resolution identify seven (7) main economic development expenditures, as follows:

<u>Key Sector</u>	<u>% of Total</u>	<u>\$ Annually</u>
• Debt service on water, sewer & associated Infrastructure made in Orange County's three (3) Economic Development Districts (Eno, Hillsborough and Buckhorn)	60%	\$750,000
• Orange County's Small Business Loan Fund	16%	\$200,000
• Entrepreneurial & Incubator Support	8%	\$100,000
• Business Investment Grants	8%	\$100,000
• Agriculture Investment Grants	5%	\$60,000
• Marketing & Collaborative Outreach	1.5%	\$20,000
• Advertising, Publishing & Collateral Materials	<u>1.5%</u>	<u>\$20,000</u>
	100%	\$1,250,000

Debt Service on Utilities - 60% of annual expenditures (\$750,000)

Funding to cover debt service on utilities, as currently being installed in the Buckhorn Economic Development District, was immediately put to use, and has already yielded a significant economic development "win" for Orange County. This \$4 million project, initiated in late 2012, created a 'backbone' sewer and water system to service or augment over 1,000 acres of economic development lands, stretching from the Cheeks and Efland areas westward toward the City of Mebane. This project included 2 miles of gravity sewer (18" gravity in western zone and 12" gravity in eastern zone) and 3 miles of 16" water system. Besides adding to the inventory of additional utility serviceable acres, the 16" water system created a large loop to increase pressures, water capacity and fire flow to many existing industrial businesses in Orange County's western economic development zone. Other Capital Investment Plan (CIP) projects are underway to improve the availability and reach of present utilities in designated economic development land use areas.

The ability to have the County's western sewer system under construction enabled the Morinaga project to consider its present location and select an area in Orange County for the firm's new North America operation. In September 2013 the company announced the creation of nearly 100 new manufacturing jobs, and an initial investment of \$48 million. A future plant expansion of similar size is anticipated in future years. With this new, clean industry, Morinaga America Foods, Inc. became Orange County largest corporate taxpayer (not counting the electric power utilities), and the County and City of Mebane formed an even closer relationship.

Additional utility-served sites, along with appropriate zoning, road access and related power infrastructure, have since opened up in the County and are being marketed to other high quality business investment prospects.

A second illustration of Article 46 funds from this category aiding local collaboration is the County/Town of Carrboro Interlocal Agreement related to the repair of a failing sewer line on Roberson Street, which would have negatively impacted over 20 downtown businesses employing more than 100 people. The sewer line has since been repaired with State funding from a Community Development Block Grant, and a 50/50 sharing of a required co-pay cost.

The resolution and obligation for the Article 46 Sales Tax runs for 10 years, while the debt service on infrastructure projects runs for 20 years. Without renewal of the resolution at the end of 10 years, the General Fund would be obligated to pay the debt service.

Small Business Loan Fund – 16% of annual expenditures (\$200,000)

The Orange County Economic Development office maintains a loan program that assists small (and start-up) businesses to obtain necessary capital, especially for firms that are otherwise unable to receive normal bank financing due to marginal credit history or short operating experience. Article 46 funds are available, when needed, to replenish the loan program's lending capabilities. Typical loans can be made for as much as \$50,000 with a 5-year repayment term. With the slow recovery of the national, state and local economy, capital demand by local firms should continue to increase, and the County's loan program should find even more demand. The Economic Development office is working diligently to market the program, identify potential borrowers, and make additional loans to local businesses.

Borrowers:

- Ceremony Salon
- Tin Can Ventures
- Phd
- Skram Furniture
- The Depot
- Mystery Brewing
- Accidental Baker
- Santosha
- Isis I.T.
- Orange County Gymnastics
- Flawless Day Spa

Company Location:

Carrboro
Cedar Grove
Hillsborough
Hillsborough
Hillsborough
Hillsborough
Hillsborough
Chapel Hill
Chapel Hill
Chapel Hill (relocated to Hillsborough)
Chapel Hill

Balances:

- | | |
|-------------------------------------|---------------------|
| • Article 46 - allocated | \$598,000.00 |
| • Sun Trust Account | <u>\$111,695.42</u> |
| • Current Balance (available funds) | \$709,695.42 |

To date, a total of twelve (12) loans have been made to eleven (11) small businesses, and there is one (1) pending loan application. All loans are current with no delinquent history or negative write-offs.

Entrepreneurial & Incubator Support - 8% of annual expenditures (\$100,000)

There is an ongoing and successful effort to retain entrepreneurial start-up talent that originates in the County, such as from UNC Chapel Hill, by supporting an affordable and creative work environment that keeps such talent from leaving the County. Article 46 funds back an Interlocal Agreement between Orange County and the Town of Chapel Hill to support the monthly lease requirements of the “LaUNCh Chapel Hill” innovation center, located on Rosemary Street. Over the initial 3 1 /2 year lease period, the County will provide a total of \$140,000 in economic development funding to support “LaUNCh Chapel Hill”. This new incubator, with over 20 full-time promising firms, also has support and financial backing from the University and key private donors.

Business Investment Grants – 8% of annual expenditures (\$100,000)

This grant program is intended, like the Small Business Loan Program, to make vital capital injections that help local, small businesses start up and grow. Although the passage of the one-quarter cent sales tax for economic development has accrued funds for this category, there was never a set of bylaws, application guidelines or review committee in place to allow the County to actually administer the grants. However, the Orange County Economic Development Advisory Board has worked throughout 2014 to draft a multi-tiered set of recommended grant award levels, an application process and guidelines, and volunteered to administer the actual review and awarding of grants beginning in January 2015. The Advisory Board plans to present its draft recommendation to the County Manager and the Board of County Commissioners for comments in December 2014, with a goal to begin the year 2015 making business investment grants in increments up to \$10,000 each to small businesses. Grant recipients should prove over time to be small businesses located throughout the County and the municipalities.

Agriculture Investment Grants – 5% of annual expenditures (\$60,000)

A grant program funded by Article 46 also exists to help local agriculture thrive in Orange County. This includes efforts to support sustainable farming practices by both larger century farms and beginning new farmers, expand the production of locally produced foods with area restaurants, farmers markets and food co-ops, and related goals. However, like the Business Investment Grant, there has previously been no set of guidelines or other protocol in place to help administer the grant program. The County’s Economic Development Advisory Board will present a recommended set of agricultural-themed draft guidelines in early 2015 to the Manager and Board of Commissioners for their review.

Marketing & Collaborative Outreach; Advertising, Publishing & Collateral Materials – combined 3% of annual expenditures (\$40,000 total)

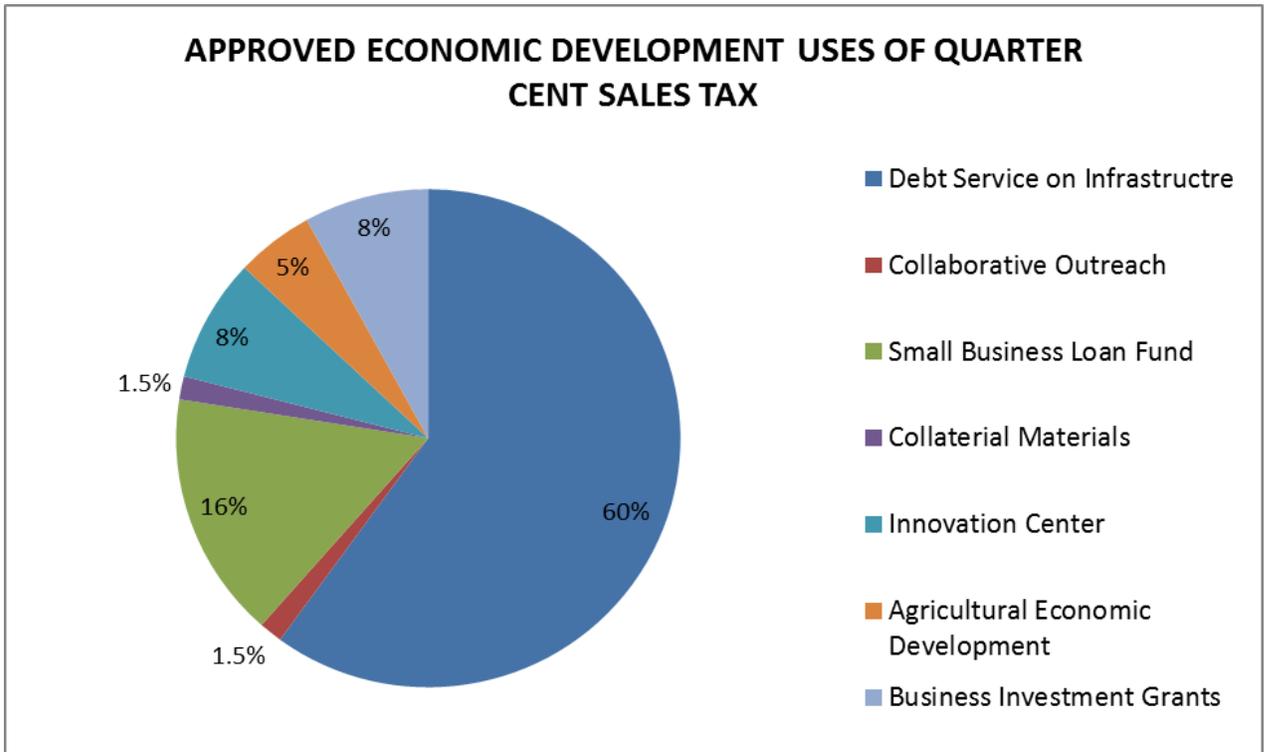
Article 46’s two smallest categories exist to enable flexibility with decisions about how to brand Orange County’s economic development advantages, create print and digital marketing brochures, and tools that appeal to business investors, and otherwise help staff maximize efforts to pursue investment leads. Recent expenditures have included a joint ad campaign (with the Chapel Hill/Orange County Visitors Bureau) on WCHL 1360 radio and for local print media ads, development of the Orange County Economic Development department’s new web page, and use of the “Buxton” proprietary retail marketing software services. Future marketing goals include the creation of an updated business marketing guide, and to assist the County with a new initiative, encouraged by the Board of Commissioners, to more directly interface with retention efforts among existing businesses in the County.

FINANCIAL IMPACT: There is no direct financial impact associated with discussion of Article 46's One-Quarter Cent Sales Tax program. There are no action items requiring formal decisions.

RECOMMENDATION(S): The County Manager recommends the Boards discuss the Article 46 $\frac{1}{4}$ cent sales tax program and provide appropriate comments and questions to the respective staff members.

Attachment A

PROPOSED ECONOMIC DEVELOPMENT USES OF "ARTICLE 46" QUARTER CENT SALES TAX		
Key Sectors		
Economic Development Proposed Use		Percentage of Allocation
Debt Service on Water & Sewer Infrastructure in 3 Economic Development Districts of Orange County	\$ 750,000	60.0%
Marketing & Collaborative Outreach	\$ 20,000	1.5%
Small Business Loan Fund	\$ 200,000	16.0%
Collateral Materials, Advertising, Publishing	\$ 20,000	1.5%
Innovation Center for Entrepreneurial Development (LaUNCH incubator)	\$ 100,000	8.0%
Agricultural Economic Development Grants	\$ 60,000	5.0%
Business Investment Grants	\$ 100,000	8.0%
TOTAL	\$ 1,250,000	100.0%



**Article 46 Sales Tax Collection - October 2014 Report
Orange County, NC**

Revenues

Sales Tax Month/Year	Month Distributed	Amount
Total FY 2011-12		\$ 709,663
Total FY 2012-13		\$ 2,732,718
Total FY 2013-14		\$ 2,859,675
July 2014	October 2014	257,744
Total FY 2014-15		\$ 257,744
Grand Total - Revenues:		\$ 6,559,800

Expenses

Fiscal Month/Year	Department of Economic Development	Chapel Hill- Carrboro City Schools	Orange County Schools
Total FY 2011-12	\$ 20,000	-	\$ -
Total FY 2012-13	\$ 78,730	\$ 51,242	\$ 490,000
Total FY 2013-14	\$ 1,126,944	\$ 1,023,273	\$ 513,055
July 2014	1,500	-	-
August 2014	446	181,245	-
September 2014	426,480	12,767	-
October 2014	23,876	279,092	-
Total FY 2014-15	\$ 452,302	\$ 473,104	\$ -
Grand Total - Expenses:			\$ 4,228,650

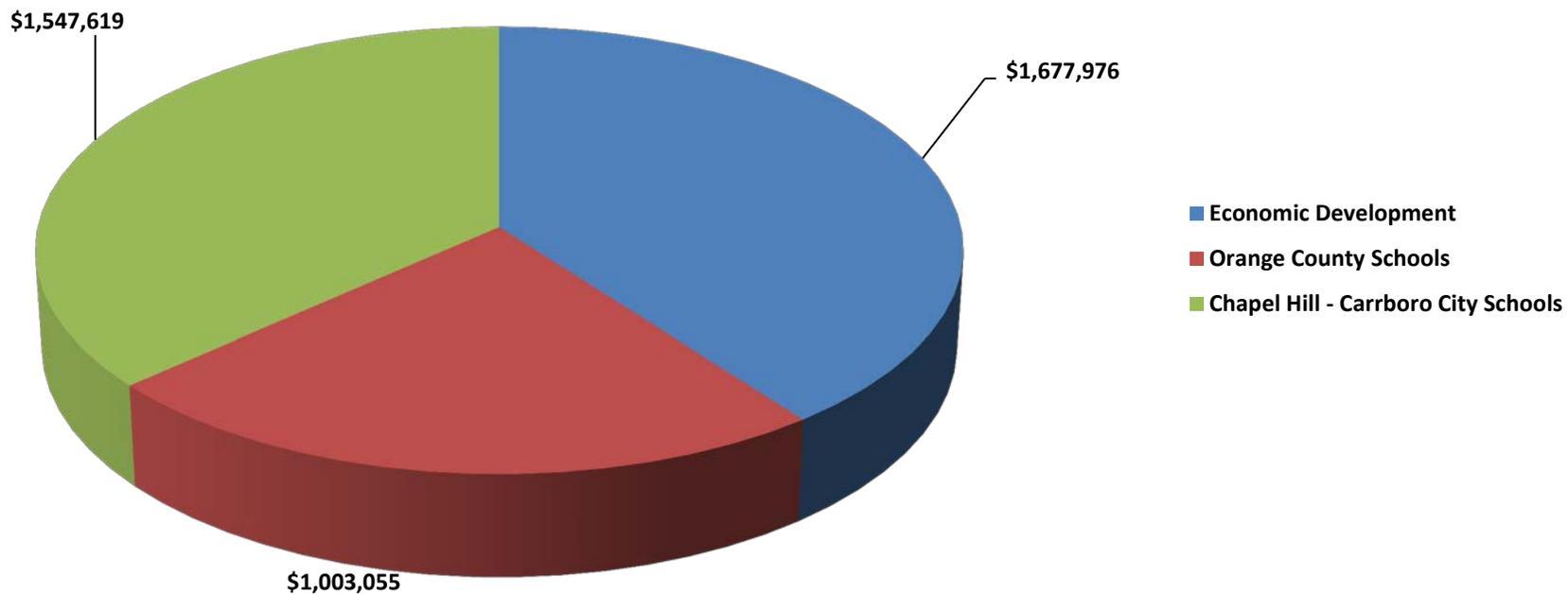
Article 46 Sales Tax Collection - October 2014 Report Orange County, NC

Notes:

The previous tables outline revenue collected and expenses incurred, since the tax's inception. The tables are updated monthly, with the prior month's information. All revenue and expense figures have been rounded to the nearest dollar.

The NC Department of Revenue (DOR) coordinates the collection and distribution of sales tax revenue. County receipt of sales tax revenue can take upwards of three months. For more information, please refer to the DOR's [Sales Tax Distribution and Closeout Schedule](#).

Orange County Uses of Article 46 1/4 Cents Proceeds Since 2011



Total Article 46 1/4 cents proceeds received since FY2011 total \$6.5 million

Attachment D

Available Economic Development Article 46 Sales Tax Proceeds**Revenues**

Total Revenue - Economic Development and Education	\$ 6,559,800	
Less: Education portion of revenues	\$ 3,279,900	
Economic Development Initiatives portion of revenues		\$ 3,279,900

Expenditures

Economic Development Expenditures thru October 31, 2014	\$ 1,677,976	
Economic Development Committed Funds thru October 31, 2014	\$ 704,584	
Total Economic Development expenditures and committed funds as of October 31, 2014		\$ 2,382,560
Article 46 Sales Tax Proceeds Available for Economic Development Initiatives		\$ 897,340

**ORANGE COUNTY
ASSEMBLY OF GOVERNMENTS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: November 19, 2014

**Action Agenda
Item No. 2**

SUBJECT: Affordable Housing

DEPARTMENT: Housing, Human Rights &
Community Development

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):
Draft Community Home Trust Charter

INFORMATION CONTACT:
James E. Davis, Jr
919-245-2488

PURPOSE: To provide an update on affordable housing issues, specifically the Community Home Trust's proposed charter and transit- related affordable housing opportunities.

BACKGROUND:

a) Community Home Trust Charter Status Report

The Community Home Trust (CHT) is an affordable housing provider whose clientele includes first-time homebuyers earning less than 80 percent of the area median income. CHT was created by the local governments in 1990 to further the County-wide affordable housing priorities and has served as an essential vehicle for implementing inclusionary housing policies in Chapel Hill and Carrboro. As such, several families have realized the dream of purchasing a home through CHT's land trust model.

CHT has determined that the current funding arrangement with the County and Town governments is not sustainable. CHT currently receives the following financial support from the local governments:

Chapel Hill:	\$200,000
Orange County:	\$149,000
Carrboro:	\$35,000
Hillsborough:	\$2,500

Including an allocation of \$11,000 of operational support from the FY 2014-15 HOME Partnership Program, the total of local financial support is about \$397,500.

In March 2014, Robert Dowling with CHT presented a draft Charter to the four local governments for input and feedback. The stated purpose of the Charter is to "establish a shared set of expectations as to what affordable housing functions CHT will provide to County and Towns". The Charter further includes renewal contract terms with regard to the governments' continued funding and CHT's responsibility to its beneficiaries.

The Town of Carrboro Board of Aldermen discussed the draft Charter (Attachment 2–A) on June 3, 2014 and issued a resolution providing the following comments:

1. CHT should explore increasing the financial role of UNC and UNC Healthcare System.
2. The Town should explore the possibility of guaranteeing a line of credit for the Community Home Trust.
3. CHT should provide budget requests to the Town of Carrboro early in the budget preparation cycle.

After multiple discussions with the County and Towns' leadership, it was determined that a "charter" was not the appropriate reference to the proposed agreement, and it was thereafter referenced as an Inter-local Agreement (Agreement). The Agreement would reconfirm support for the Countywide affordable goals for homeownership and establish a formula to determine funding of CHT's operational budget. According to Mr. Dowling's forecasted budget, CHT will experience a net operating loss of about \$209,000 if the proposed funding is not received by the local governments. The funding formula for the governments' respective financial contribution would be adjusted annually on a pro-rata basis in accordance with the number of CHT homes located within each respective municipality.

b) Transit-Related Affordable Housing Opportunities

Local leaders and transportation planners have recognized the need for predictable and dependable alternatives to driving in the congested corridor between Durham and Chapel Hill, two of the Triangle's most prominent municipalities. On February 8, 2012, the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) adopted Light Rail Transit (LRT) on an alignment between the University of North Carolina (UNC) Hospitals in Chapel Hill and Alston Avenue in east Durham as the LPA for inclusion in the 2035.

Long Range Transportation Plan (LRTP) and subsequent environmental studies. A premium high-capacity transit investment in the Durham-Orange County Corridor was proposed to provide a transit solution that addresses the following mobility and development needs:

1. Need to enhance mobility
2. Need to expand transit options between Durham and Chapel Hill
3. Need to serve populations with high propensity for transit use; and
4. Need to foster compact development

The proposed Durham-Orange Light Rail Transit (D-O LRT) Project is a 17.1 mile light rail transit line which extends from UNC (UNC Hospitals Station) to east Durham (Alston Avenue Station). The D-O LRT alignment connects a range of educational, medical, employment, and other important activity centers, park-and-ride lots, transfer centers, the Durham Amtrak Station, and the Durham Station. In consideration of this increased access to these services, the County and the Towns entertained the need to ensure that affordable housing is within convenient proximity to the light rail transit. The government leaders also agreed that such affordable housing choices should not be centralized or concentrated in one geographical or economic location.

FINANCIAL IMPACT:**a) Community Home Trust Charter**

There is no financial impact for the review of the draft Charter. Should the Agreement be adopted by the County and Towns it would result in the following allocation, which would be adjusted annually:

Chapel Hill:	\$328,000
County:	\$196,000
Carrboro:	\$70,000
Hillsborough :	\$2,500

b) Transit-Related Affordable Housing Opportunities

There is no financial impact with the review of the progress of the proposed affordable housing opportunities near the light rail system.

RECOMMENDATION(S): The County Manager recommends that the Boards receive the updates and further recommends that the leadership and respective legal staff review the draft Charter (now known as an Inter-local Agreement) and provide feedback and input.

NORTH CAROLINA
ORANGE COUNTY

Draft Community Home Trust Charter

- Section I. Definitions
- Section II. Purpose
- Section III. Agreement
 - A. Term of Agreement
 - B. Board Representation by County and Towns
 - C. CHT Responsibilities
 - D. CHT Funding
 - E. Portfolio Management
 - F. CHT Accountability

THIS AGREEMENT made and entered into by and among the County of Orange (hereinafter "County"), the Town of Carrboro, the Town of Chapel Hill, the Town of Hillsborough (hereinafter "Towns"), each being a general local governmental unit of the State of North Carolina and Community Home Trust (hereinafter CHT), a North Carolina 501(c)(3) Corporation whose stated purpose is to provide affordable housing for present and future residents of Orange County, North Carolina and surrounding communities.

WHEREAS, County and Towns agree that it is desirable and in the interests of their citizens to provide affordable housing to low and moderate income individuals and families, to ensure that such housing remains affordable in perpetuity and to have much of that housing administered and managed by a non-governmental entity;

WHEREAS, County and Towns were responsible for the creation of the predecessor organization to CHT in 1990;

WHEREAS, CHT revised its organizational structure and model for providing affordable housing in 1999 at the behest of County and the Towns;

And WHEREAS County and the Towns have provided financial operating support to CHT for many years;

NOW, THEREFORE, the County, the Towns and CHT agree as follows:

Section I. Definitions

- A. Low Income means households that earn 80% or less of the Area Median Income (AMI) in the Metropolitan Statistical Area (MSA) in which Orange County resides, as published by HUD.
- B. Moderate Income means households that earn more than 80% AMI but not more than 115% of the Area Median Income in the Metropolitan Statistical Area (MSA) in which Orange County resides, as published by HUD.

- C. HUD means the United States Department of Housing and Urban Development.
- D. Inclusionary housing refers to local policies and ordinances of Towns and County that require or incentivize the inclusion of housing that is deemed affordable for purchase by low and moderate income households within market-rate housing developments.

Section II. Purpose of Charter

Since all of CHT's homes are in Orange County, and since virtually all of CHT's work is driven by inclusionary housing policies that are supported by County and Towns, this Charter is intended to establish a shared set of expectations as to what affordable housing functions CHT will provide to County and Towns. The Charter also establishes expectations of County and Towns. County and Towns recognize that a shared and agreed upon set of expectations and responsibilities will reduce uncertainties and allow County and Towns to best utilize the expertise and experience of CHT.

Section III. Agreement

- A. **Term of Agreement** - The term of this Agreement begins on July 1, 2014 and is renewable annually.
- B. **CHT Board Representation by County and Towns** - County and Towns are entitled to appoint a representative to the board of directors of CHT. According to the CHT bylaws, one-third of the board of directors will be CHT homeowners, one-third will be appointed persons (by County, Towns and the University of North Carolina at Chapel Hill (hereinafter UNC), and one-third of the directors will be members of the community who support the work of CHT. County and Towns' appointees to the board of directors enable County and Towns to remain informed of the work of CHT and in fact, to exert influence over that work.

[Note: It has been suggested that UNC Health Care should also have an appointed person on the board. This would require that we increase the homeowner board members and community board members by one additional person in order to maintain the balance of our tri-partite board. This is not a Charter issue but a board composition matter.]

- C. **CHT Responsibilities** - Since 2003, CHT's work load has been dominated by the implementation of inclusionary housing programs, particularly in the Towns of Chapel Hill and Carrboro. In the future, CHT is expected to develop and manage inclusionary housing in the Town of Hillsborough. CHT can also serve in this same role for the County. As a result of inclusionary housing, CHT's inventory of affordable homes has increased from one home in 2000 to more than 220 homes in early 2014. It is agreed that CHT's responsibilities include the following:

1. Create and maintain homes that are affordable for purchase by low and moderate income households;
2. The CHT Board of Directors is responsible for the financial health and well-being of the organization to ensure the organization is well managed and able to meet the expectations of County and Towns;
3. The CHT Board of Directors will hire, periodically evaluate and, as necessary, replace the organization's Executive Director;
4. Sell homes using the community land trust (CLT) model, wherein homes are conveyed to buyers using a 99-year ground lease. The CLT model enables homes to remain affordable to future generations of low and moderate income households. CHT will be expected to continually revise its model to meet changing circumstances and to reflect best practices.
5. Advocate for affordable housing policies at the local, state and national levels.
6. Create affordable housing opportunities, whether through purchase and rehab, or otherwise, that is outside the inclusionary housing realm.
7. Implement and manage inclusionary housing programs as requested by Towns and County. This requires a wide variety of tasks and responsibilities, typically including, but not exclusively, or limited to, those tasks listed in Attachment A, CHT Inclusionary Housing Responsibilities.

D. CHT Funding - In order to successfully perform its roles and responsibilities, CHT requires financial operating support from County and Towns. The County and Towns agree that their annual funding of CHT will gradually grow and annually be adjusted, starting in fiscal 2015-16, from their fiscal 2014-15 levels (Orange County \$149,000, Town of Chapel Hill \$200,000, Town of Carrboro \$35,000 and Town of Hillsborough \$2,500) to allow CHT to maintain a minimum required operating cash balance. CHT's minimum required operating cash balance will be the sum of the industry-standard six months of operating expenses (\$350,000 as of July 1, 2014) plus special project reserves necessary for CHT to safeguard its portfolio of homes (\$550,000 as of July 1, 2014). Each year, CHT will re-determine these amounts and include them in its budget proposal.

The County and Towns agree that increases in operating funding are warranted to enable CHT to remain a financially sound and viable entity. County and Towns further agree that the CHT budget will include CHT staff compensation based upon compensation paid by County and Towns.

Although it is recognized that each local government will vote independently to approve this Charter, it is expected that each jurisdiction will approve the same funding formula. Furthermore it is agreed that funding will be determined as follows:

1. CHT agrees to generate a portion of its own funding each year. The principal sources of this revenue are fees from sales of new homes added to

the portfolio, resales of homes already in the portfolio, ground lease fees and fundraising efforts.

2. Following submission of CHT's proposed budget, County and Towns will agree to fully fund the budget, less the portion provided by CHT.
3. The sharing of the County and Towns portion of the annual funding will be determined by a two tier formula. First, the County will provide 33% of the total and the Towns will provide 67% of the total. Second, the Towns will share their 67% portion based on the ratio of CHT homes within each town to the total number of CHT homes. The number of homes will be determined as of January 1 prior to each fiscal year.
4. For example, if CHT's budget is \$800,000 and the number of homes in the CHT portfolio on the prior January 1st is 250, with 200 of those homes in Chapel Hill, 50 of those homes in Carrboro and none of those homes in Hillsborough, and CHT budgets providing \$200,000 of revenue itself, Orange County will be required to pay 33% of \$600,000 (\$800,000 less \$200,000), or \$198,000, Chapel Hill will be required to pay 67% of \$600,000 multiplied by 200/250, or \$321,600; Carrboro will be required to pay 67% of \$600,000 multiplied by 50/250, or \$80,400 and Hillsborough will be required to pay 67% of \$600,000 multiplied by 0/250, or \$0.

Funding payments from County and Towns to CHT will be made quarterly in equal amounts on or about July 1, October 1, January 1 and April 1.

E. Portfolio Management –

1. CHT can be most effective if allowed flexibility to manage its portfolio of affordable homes without constantly seeking permission from County and Towns. Therefore, operating guidelines will be developed for the following circumstances;
 - a. Selling homes to households above 80% of AMI
 - b. Selling homes out of the affordable housing inventory
 - c. Selling homes to households that do not meet locally imposed requirements, such as first-time homebuyer requirements, live/work requirements, etc.
 - d. Repaying subsidies embedded into homes that are sold out of the affordable housing inventory or sold to moderate income households.
2. When new development applications are expected to include affordable housing units that could become part of CHT's portfolio, the applicable local government will seek input from CHT as to how and whether the proposed homes are best incorporated into the affordable housing stock. CHT staff will also provide input on any affordable housing proposals or options if requested by County or Towns.

- 3. If CHT is expected to implement a change in a particular housing policy for County or Towns, the applicable local government will consult with CHT to obtain input prior to initiating a new policy or requirement that will impact CHT’s work.
- 4. County and Towns will promote their affordable home ownership and inclusionary housing policies to their own employees and support CHT’s efforts to sell homes to local government employees.

E. Accountability to County and Towns

- 1. CHT will provide required documentation for every sale and resale of a property that includes subsidies provided by the local governments;
- 2. CHT will provide a quarterly report to County and Towns with information about sales, subsidies, challenges and other requested data;
- 3. CHT will provide an annual audit to the County and Towns;
- 4. CHT will provide interim financial statements as requested;
- 5. CHT will provide data on home sales, subsidy use and other indicators as requested;
- 6. CHT will provide an annual operating budget, including a minimum cash reserve amount, an accounting of homes added to the portfolio and a calculation of the additional funding requirements.

TOWN OF CARRBORO

Town Manager

ATTEST:

Town Clerk

**NORTH CAROLINA
ORANGE COUNTY**

Approved draft March 8, 2014

This is to certify that on this day personally came before me _____, with whom I am personally acquainted, and being by me duly sworn, says that _____ is the Town Manager, and that she the said _____, is the Town Clerk of the Town of Carrboro, the municipal corporation named within and which executed the foregoing instrument; that she knows the common seal of said corporation; that the seal affixed to said instrument is said common seal; that the name of corporation was subscribed thereto by the said Town Manager and that the said Town Manager and said _____ Town Clerk subscribed their names hereto and said common seal was affixed, all by order of the Board of Alderman of the Town of Carrboro and that said instrument is the act and deed of said corporation.

Witness my hand and notarial seal, this the ____ day of _____, 20____.

Notary Public

My Commission expires: _____

TOWN OF CHAPEL HILL

Town Manager

ATTEST:

Town Clerk

**NORTH CAROLINA
ORANGE COUNTY**

Approved draft March 8, 2014

This is to certify that on this day personally came before me _____, with whom I am personally acquainted, and being by me duly sworn, says that _____ is the Town Manager, and that she the said _____, is the Town Clerk of the Town of Chapel Hill, the municipal corporation named within and which executed the foregoing instrument; that she knows the common seal of said corporation; that the seal affixed to said instrument is said common seal; that the name of corporation was subscribed thereto by the said Town Manager and that the said Town Manager and said _____ Town Clerk subscribed their names hereto and said common seal was affixed, all by order of the Town Council of the Town of Chapel Hill and that said instrument is the act and deed of said corporation.

Witness my hand and notarial seal, this the ____ day of _____, 20____.

Notary Public

My Commission expires: _____

TOWN OF HILLSBOROUGH

Town Manager

ATTEST:

Town Clerk

**NORTH CAROLINA
ORANGE COUNTY**

This is to certify that on this day personally came before me _____, with whom I am personally acquainted, and being by me duly sworn, says that Eric Peterson is the Town Manager, and that she the said _____, is the Town Clerk of the Town of Hillsborough, the municipal corporation named within and which executed the foregoing instrument; that she knows the common seal of said corporation; that the seal affixed to said instrument is said common seal; that the name of corporation was subscribed thereto by the said Town Manager and that the said Town Manager and said _____ Town Clerk subscribed their names hereto and said common seal was affixed, all by order of the Town Board of the Town of Hillsborough and that said instrument is the act and deed of said corporation.

Witness my hand and notarial seal, this the ____ day of _____, 20____.

Notary Public

My Commission expires: _____

ORANGE COUNTY

County Manager

ATTEST:

Town Clerk

**NORTH CAROLINA
ORANGE COUNTY**

This is to certify that on this day personally came before me Donna Baker, with whom I am personally acquainted, and being by me duly sworn, says that _____ is the County Manager, and that she the said Donna Baker, is the Clerk to the Board of Commissioners of the County of Orange, the body politic and corporate named within and which executed the foregoing instrument; that she knows the common seal of said County; that the seal affixed to said instrument is said common seal; that the name of corporation was subscribed thereto by the said County Manager and that the said County Manager and said Donna Baker subscribed their names hereto and said common seal was affixed, all by order of the Board of County Commissioners of Orange County and that said instrument is the act and deed of Orange County.

Witness my hand and notarial seal, this the ____ day of _____, 20____.

Notary Public

My Commission expires: _____

Community Home Trust Charter
Attachment A
CHT Inclusionary Housing Responsibilities

A. Working with private sector developers

1. CHT staff works with Town staffs and developers on pricing, siting and other aspects of affordable housing within proposed developments that include ownership housing
2. CHT does not purchase inclusionary homes from developers until an income-eligible buyer is able to secure financing and close on the property;
3. CHT typically purchases a fee simple interest in real estate from developers and simultaneously conveys a leasehold interest to income-eligible buyers;
4. CHT is responsible for obtaining and understanding legal documents that will impact our homeowners. This typically includes advice from our attorney;
5. CHT assists buyers with property inspections and necessary pre-purchase repairs.

B. Managing the initial sale of inclusionary homes

1. CHT is responsible for educating prospective home buyers and offering financial counseling to both buyers and current homeowners;
2. CHT engages in outreach activities necessary to create awareness of home-buying opportunities. These activities include advertising, visiting with employers, electronic distribution of marketing materials, social media and more.
3. CHT collects income and other pertinent data from applicants to determine their eligibility for our program;
4. CHT works with buyers and lenders willing to make loans to those buyers to secure mortgage financing;
5. CHT is responsible for securing necessary subsidies to enable income-eligible buyers to afford our homes. This requires working with the Orange County and the Towns of Chapel Hill, Carrboro and Hillsborough and agencies that provide subsidy to our homebuyers;

6. CHT executes purchase contracts with both developers and home buyers once a buyer is able to obtain financing;
7. If necessary, CHT pays a referral fee to Realtors who provide an income-eligible buyer who closes on a CHT property;

C. Serving as a property manager

1. In 2007, CHT informed County and Towns that the organization faced challenges regarding long-term affordability and long-term maintenance of its housing inventory;
2. Since 2007 CHT has worked to ensure the long-term maintenance of its affordable homes by collecting monthly stewardship fees from its homeowners. Stewardship funds, which are segregated from operating funds, are designed to pay for big-ticket maintenance items such as new roofs and HVAC replacement;
 - a. CHT administers the stewardship program, wherein homeowners seek access to stewardship funds.
 - b. Since more than 100 CHT homes were sold prior to the start of the stewardship program, these homes did not have stewardship funds available until they resold. Some of those homes have still not resold and are still not participating in the stewardship program. As of early 2014, approximately 66 of CHT's homes still are not in the stewardship program; [Note: it has been suggested that CHT should entice some of these homeowners into the stewardship program with a generous incentive.]
 - c. As the pre-stewardship homes resell, CHT is obliged to seed the stewardship accounts for the new buyers. These funds typically are provided as subsidy when homes resell.
3. As of early 2014, CHT manages three homeowner associations in which all the homes are within the affordable housing inventory. These associations are Legion Road Townhomes, Rosemary Place Townhomes and Greenway Condominiums;
4. It is expected that CHT will also serve as a property manager of the Waterstone townhomes in Hillsborough when they are built;

5. CHT works with homeowner associations and management companies that manage inclusionary neighborhoods in which the affordable homes represent only a small portion of all the homes in the association. These are neighborhoods such as Larkspur, Vineyard Square, Claremont, etc. CHT seeks to ensure assessments are paid and that regulations are evenly enforced;
6. CHT works with homeowners, lenders and legal counsel when owners are in default to prevent foreclosure;
7. CHT strives to prevent foreclosures by paying off bank loans, terminating ground leases, and reacquiring properties. Paying off bank loans requires that CHT maintain substantial liquid reserves;
8. CHT occasionally is required to take legal action against owners who are in breach of their ground lease;

D. Manage all resales of our inventory

1. CHT is responsible for all resales of homes within its affordable housing inventory. As of early 2014, homeowners of these homes do not pay a commission to CHT;
2. CHT oversees repairs to homes before reselling them to low and moderate income buyers;
3. As with initial sales, CHT is responsible for outreach, marketing and advertising activities necessary to obtain a buyer;
4. CHT is responsible for the same activities at resale as at the initial sale;
5. CHT is responsible for financial management of its portfolio;
6. CHT collects data on sales, subsidy use, and buyer demographics in order to better understand demand for specific homes; analysis of this data allows us to better manage future sales activity;
7. CHT will earn/raise a portion of its operating revenues through earned income on home sales, property management fees, ground lease fees, fundraising and other means permissible by the IRS.

**ORANGE COUNTY
ASSEMBLY OF GOVERNMENTS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: November 19, 2014

**Action Agenda
Item No. 3**

SUBJECT: Solid Waste Advisory Group (SWAG) Update

DEPARTMENT: Board of Commissioners

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

A) Urban Curbside Recycling Single Stream Tonnage Report

B) Meeting Summaries – Available at
<http://orangecountync.gov/recycling/AdvisoryGroup.asp>

INFORMATION CONTACT:

Bonnie Hammersley, 919-245-2300

PURPOSE: To receive an update from the SWAG regarding solid waste issues confronting Orange County; the towns of Carrboro, Chapel Hill and Hillsborough; and the University of North Carolina at Chapel Hill.

BACKGROUND: At the June 3, 2014 BOCC meeting, the Board created a multijurisdictional task force to articulate, investigate, and propose collaborative solutions for solid waste issues confronting Orange County; the towns of Carrboro, Chapel Hill and Hillsborough; and the University of North Carolina at Chapel Hill.

The Solid Waste Advisory Group (SWAG) consists of 10 members: eight (8) elected officials consisting of two (2) each from the County and each of the towns; one (1) from the University of North Carolina; and one (1) from the UNC hospital system.

The charge to the group at the outset was to define the nature, scope, and timing of the solid waste issues to be considered, including but not limited to:

- * an interlocal agreement on solid waste;
- * reducing solid waste that is not recycled;
- * recycling opportunities and services;
- * siting a transfer station or landfill within the county;
- * supporting public education on solid waste issues;
- * construction and demolition waste;
- * assuring long-term partnership of the entities involved through an interlocal agreement on waste handling and disposal;
- * addressing equitable funding and mechanisms for establishing fees and making future joint decisions;

- * future use of closed landfill sites;
- * investigation of partnership possibilities involving neighboring jurisdictions;
- * feasibility of innovative and cost-effective, environmentally-sound methods of disposal of solid waste beyond burial;
- * potential inclusion of biosolids in long-range disposal plans;
- * emergency storm debris planning
- * treatment of communities impacted by siting of any facilities either within Orange County or beyond its borders to receive shipments of waste.

FINANCIAL IMPACT: None.

RECOMMENDATION(S): The County Manager recommends the Boards receive an update on the progress made to date by the Solid Waste Advisory Group and consider extending the SWAG's activities.

November 13, 2014

Attachment A

URBAN CURBSIDE RECYCLING SINGLE STREAM TONNAGE REPORT**1ST QUARTER ANALYSIS**

MONTH	FY 13/14	FY 14/15
July	354.34	516.93
August	380.62	436.48
September	363.06	464.77

TOTAL 1,098.02 1,418.18

There was a 320 ton increase or approximate 29% increase in tonnage from the previous fiscal year – 1st Quarter. New 95-Gallon recycling carts were deployed in June 2014 with the first collection commencing July 1, 2014.

**ORANGE COUNTY
ASSEMBLY OF GOVERNMENTS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: November 19, 2014

**Action Agenda
Item No. 4**

SUBJECT: Possible 2016 Bond Referendum

DEPARTMENT: County Finance and
Administrative Services

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

- A) Proposed Bond Schedule for a
November 2016 Bond Referendum
- B) Chronological Summary of the
Capital Needs Advisory Task Force
- C) Information on the Strategic Bond
Education Committee

INFORMATION CONTACT:

Clarence Grier, 919-245-2453
Bob Jessup, 919-933-9891

PURPOSE: To receive information and discuss a possible May 2016 or November 2016 County bond referendum and related schedules.

BACKGROUND: In recent meetings over the past fiscal year, the Board of County Commissioners has discussed the need for a future bond referendum to fund some County and School long-range capital needs. Due to recent changes enacted by the North Carolina General Assembly related to the dates in which a general obligation bond referendum can be held, a general obligation bond referendum can only occur during even numbered years. Therefore, there are only two possible dates for the Board of County Commissioners conduct a voter approved general obligation bond referendum – May 2016 and November 2016. If not held at one of these 2016 dates, a potential general obligation bond referendum would be delayed until May 2018 or November 2018. Bob Jessup, Orange County Bond Counsel, and Orange County staff has provided a schedule provided the Board with a brief timeline comparison related to both dates (Attachment A).

The most recent time that Orange County held a general obligation bond referendum was in November 2001. That bond referendum totaled \$75 million and the items included on the referendum were as follows:

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

All of the individual items on the bond referendum passed on the November 2001 bond referendum. The total bond referendum passed with an average approval rate of approximately 55 percent.

Additionally, some of the steps included in the process to prepare for the general obligation bonds referendum were as follows:

1. The Board of County Commissioners decided to proceed with a general obligation bond referendum.
2. The Board of County Commissioners formed and appointed members to a Capital Needs Advisory Task Force to make a recommendation as to the needs and components of the bond referendum (See Attachment B).
3. Once the components of the general obligation bond referendum were decided, the Board of County Commissioners appointed a Bond Education Committee to inform the public of the purpose of and the components of the general obligation bond referendum (Attachment C).

Currently, the County and both School Districts (Chapel – Carrboro City Schools and Orange County Schools) have capital projects that are proposed for inclusion as part of the general obligation bond referendum. Moreover, both school districts have older facility needs totaling approximately \$330 million that could potentially be addressed in part with a general obligation bond referendum.

At the September 11, 2014 Board of County Commissioners Work Session, the recommended sizing of the potential general obligation bond referendum was discussed at a range between \$100 and \$125 million over a period of 20 years. At current AAA municipal bond interest rates, the total combined debt service for a \$100 million general obligation bond issuance is estimated to be \$6.5 million annually. This would represent the property tax rate equivalent of 4.00 cents on the current property tax rate. At current AAA municipal bond interest rates, the total combined debt service for \$125 million general obligation bond issuance is estimated to be \$8.1 million annually. This would represent property tax rate equivalent of 4.89 cents on the current property tax rate.

Future debt capacity for a potential general obligation bond referendum can increase or decrease due to the following circumstances:

- Future increases or decreases in interest rates
- Future changes or modifications to the capital investment plans of the County and or both School Districts (individually or collectively)
- Future changes of a legislative or regulatory nature

FINANCIAL IMPACT: There is no direct financial impact associated with the attached report and calendar.

RECOMMENDATION(S): The County Manager recommends that the Boards receive the information and discuss as necessary. The Board of Commissioners will be further discussing the possible bond referendum at future BOCC meetings.

Sanford Holshouser LLP

Memorandum

To: Orange County Officials

Date: September 15, 2014

Regarding Required Procedures and Possible Schedule for
General Obligation Bond Referendum in May, 2016 or
November, 2016

From: **Sanford Holshouser LLP**
-- Robert M. Jessup Jr.

This memorandum describes the steps required for Orange County to conduct a general obligation bond referendum on May 3, 2016, and sets out a proposed schedule. I have attached a schedule in table form that summarizes these steps.

Please note that in general the dates indicated are the last available dates for the indicated action; steps can certainly be accomplished prior to the indicated deadlines. As we do not have an official Board meeting schedule for this time period, I have assumed Board meeting dates of the first and third Mondays of each month. Further, changes to State law may change some of the dates related to the May primary, and when the formal process begins we will make sure our calendar is consistent with the needs of the County's Board of Elections on items such as printing the ballots.

Here are the required steps and suggested dates for action:

1. Determine tentative plan for bond purposes and amounts. Although Step 5 provides for the first formal Board action to determine what will be presented to the voters, the bond program needs to be substantially worked out before we begin the formal process. In addition, the plan for what projects are to be included in the bond package is something that LGC representatives will want to discuss in detail with County representatives as part of the meeting described in the next step.

Each separate general purpose for bonds has to be the subject of a separate ballot question. The statutes assume that each question put to voters will propose a dollar amount for a separate generic purpose, such as paying "capital costs of school facilities." Although the statutes allow the purpose to be stated with more

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specificity, it is highly recommended that the purpose in the ballot question be left as general as possible. The more specific plans underlying the planning for the bond issue do not legally bind the County to a particular future plan of action in the issuance of the bonds or construction of specified facilities.

2. Give informal notice to the County Board of Elections. Because the Board of Elections will need to coordinate its own procedures for the bond referendum, it would help the Board of Elections to receive a phone call to inform the Board of the County's plans, even if the plans are still subject to change. In addition, State law generally requires that absentee ballots be available at least 50 days prior to the election date (in this case, by March 14), and we want to be sure that our schedule is generally acceptable to the Board of Elections.

3. Meet with LGC staff. The County should arrange a meeting with LGC staff about the proposed referendum. Although LGC staff would be happy to meet with County staff at any time, it would probably be most efficient to schedule this meeting close to the completion of the process described in Step 1. We can have a preliminary meeting with LGC staff at any time to discuss the general outlines and possible size of a bond issue; the meeting described in this step would come after the County has more or less worked out the final bond program.

4. Obtain School Board Resolutions. If any of the bonds will be proposed for school purposes, the statutes contemplate that the affected school boards should provide a formal referendum request to the Commissioners. This request usually proposes a maximum amount of bonds to be considered at the referendum. This schedule assumes that each school board could provide this resolution to the Commissioners by mid-December of 2015.

5. Adopt "Findings" Resolution. As part of the application process, the LGC wants to see a statement describing why the proposed projects and bonds are necessary and desirable. This resolution will also state an estimated tax rate impact of the borrowing. This resolution could be adopted at a mid-December or early January County Board meeting.

6. Publish Notice of Intent To File Application. The County must publish a notice of its intent to file an application for the LGC's approval of the proposed bonds. The notice must be published at least 10 days before filing the application. The notice needs to be published as soon as possible after the Board adopts the findings resolution described in Step 5.

The own words resolution and the Notice of Intent establish the maximum

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amount of bonds that can be proposed at the referendum for each of the specified purposes. From this point, we can decrease the amount of bonds or eliminate purposes, but we can increase an amount or add a purpose only by re-starting the authorization process.

7. Make Legislative Committee 45-day filing. The guidelines call for this filing to go in 45 days before the LGC considers your application. Because the LGC only needs to “accept” your application in advance of the referendum – it doesn’t technically have to “approve” the application prior to the referendum -- I’d suggest we send in the legislative filing when we’re ready to file the LGC application, and just ask the LGC to defer formal action until our 45-day period has expired. So that would mean making the filing promptly after the completion of Step 5.

8. File LGC Application. As stated above, this cannot happen until at least 10 days have elapsed since the publication of the notice of intent. The application needs to be filed and formally accepted by the LGC before we have the County Board take its next steps as described in Step 9.

Although we have to submit the LGC application as part of the referendum process, it is not necessary to receive LGC approval until we are ready to proceed with the actual sale of bonds, which of course will be after the referendum. The LGC may or may not act on the application prior to the referendum, although the current LGC practice is in fact to consider applications as they are received (instead of waiting for the time of a bond issuance).

9. Prepare statement of debt and statement of estimated interest. The debt statement sets out details of the County’s outstanding debt. The statement of estimated interest states the County’s calculation of the total amount of interest to be paid on the bonds, if issued, over the term of the bonds. These statements will be prepared as we are preparing the LGC application and the bond order documents. Information from these statements will be included in some of the public notices related to the bond election.

10. Introduce Bond Orders; Set public hearing. After the County files its application, the Board needs to introduce the “Bond Orders” and set a date for the required public hearing. We can take these actions at any time after the LGC accepts the application (even the same day). Our schedule shows these steps occurring at a mid-January County Board meeting.

The “Bond Order” is the basic authorization for bonds approved by the

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County Board. The statutes provide for the format and most of the text of a bond order; the bond order is a short, general statement of the Board's determination to proceed. Each of the separate generic purposes for which bonds are to be proposed will be the subject of a separate bond order. The details of an actual bond issue are further approved by the Board at the time of a bond issue.

11. Publish Notice of Public Hearing. We need to publish notice of the required public hearing at least six days prior to the hearing. The notice will include information from the debt statement and the statement of estimated interest.

12. Hold Public Hearing; Adopt Bond Order; Set Ballot Question and Referendum Date. After holding a public hearing, the Board needs to adopt the Bond Orders and adopt a resolution that formally sets the ballot questions and the date for the referendum. Our schedule shows these steps occurring at a mid-February County Board meeting. The Board Clerk must then send a copy of the resolution setting the date and the ballot question to the County Board of Elections within three days after the Board meeting.

We can arrange the schedule to have the public hearing at a meeting before the Board takes final action on the Bond Orders and ballot questions. For absentee ballots to be available by March 14, the mid-February Board meeting is just about as late as we can go for the final Board action and still allow for convenient printing of the ballots. The adoption of the bond order establishes the final amount of bonds that will go before the voters.

13. Publish Bond Order as Adopted. This should be done as soon as possible after the Bond Order is adopted. There is no particular deadline for publishing this notice, but the notice starts a 30-day period for court challenges to the authorization process that must lapse before any bonds can be issued.

14. Publish Notice of Bond Referendum. This notice must be published twice, once not less than 14 days and once not less than 7 days before the close of voter registration. State law permits registration until the 25th day prior to the election date. That puts the date registration closes at April 8 for a referendum on May 3. The first publication, then, needs to be at least 14 days earlier, or on or before March 25, and the second publication no more than one week later (by April 1). I would certainly encourage you, however, to plan to publish at least a week before the final legal date, in order to leave time to re-publish in case of any problems with publication.

* * * * *

Once the voters have approved the bonds, you are looking at a minimum of 90 to 120 days to get through the process to actually issue bonds. The County Board must adopt a resolution to formally approve the election results, and the County must publish a notice of the results that triggers a 30-day period during which people can bring legal challenges to the bond election process. Then, to approve the issuance of bonds takes only one more Board resolution, with no other required public hearings or published notices.

The real timing issue in proceeding with a bond issue centers around the progress of the projects that are going to be financed. In general, the LGC wants you to have firm construction numbers for most of the projects to be financed before you close on the financing – the LGC wants to be sure you don’t borrow too much money, or too little money, or borrow it earlier than you need it. This is only LGC policy – not the law – so the LGC has flexibility in how it administers this policy. In general, the LGC will give you some more leeway in the timing of issuing voter-approved bonds than for other types of financing, but it still wants to see that you are close to construction – usually with construction bids in hand for projects representing the majority of the amount to be borrowed.

Approval at a bond referendum gives the County seven years from the referendum date to issue the bonds. The law allows the LGC to extend that time for an additional three years, and in my experience the LGC routinely grants these extensions. The bonds can be issued in as many different installments as the County chooses, and there is never any obligation actually to issue bonds approved at a referendum.

* * * * *

Please let me know if you have any questions about this information, or if I can be of any other assistance.

-- RMJ

Orange County -- Proposed Timetable for May '16 Bond Referendum

	<u>Event</u>	<u>Date</u>
1.	Determine referendum plan – tentative amounts and purposes, and target election date	As soon as possible
2.	Give informal notice to County Board of Elections	As soon as possible after informal decision to proceed with a May referendum
3.	Meet with LGC staff	As soon as possible after informal decision on referendum plan– prior to Event 5
4.	Obtain school board resolutions	Prior to Event 5 – school boards to act by mid-December 2015
5.	Board adopts preliminary resolution explaining purpose for referendum and authorizing publication of notice of intent to file LGC application	12/21/15 or 1/4/2016 BOCC meeting
6.	Publish notice of intent to file application	As soon as possible after Event 5
7.	Make legislative committee 45-day filing	As soon as possible after Event 5
8.	File LGC application	Must be at least 10 days after Event 6 and prior to Event 9
9.	Prepare statement of debt and statement of estimated interest	In connection with preparing LGC application
10.	Board introduces bond orders and schedules public hearing	1/18 BOCC meeting

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- | | | |
|-----|---|--|
| 11. | Publish notice of public hearing | After Event 10 and at least six days prior to Event 12 |
| 12. | Hold public hearing; adopt bond orders; formally set ballot questions and referendum date | 2/15 BOCC meeting |
| 13. | Absentee ballots to be available | By March 14 |
| 14. | Publish bond order as adopted | As soon as possible after Event 13 |
| 15. | Publish notice of referendum (twice) | By 3/25; then by 4/1 |
| 16. | Referendum occurs | 5/3/2016 |

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Orange County -- Proposed Timetable for November '16 Bond Referendum

	<u>Event</u>	<u>Date</u>
1.	Determine referendum plan – tentative amounts and purposes, and target election date	As soon as possible
2.	Give informal notice to County Board of Elections	As soon as possible after informal decision to proceed with a November referendum
3.	Meet with LGC staff	As soon as possible after informal decision on referendum plan– prior to Event 5
4.	Obtain school board resolutions	Prior to Event 5 – school boards to act by end of April 2016
5.	Board adopts preliminary resolution explaining purpose for referendum and authorizing publication of notice of intent to file LGC application	BOCC meeting sometime in May or early June
6.	Publish notice of intent to file application	As soon as possible after Event 5
7.	Make legislative committee 45-day filing	As soon as possible after Event 5
8.	File LGC application	Must be at least 10 days after Event 6 and prior to Event 9
9.	Prepare statement of debt and statement of estimated interest	In connection with preparing LGC application
10.	Board introduces bond orders and schedules public hearing	BOCC meeting prior to summer break
11.	Publish notice of public hearing	After Event 10 and at least six days prior to Event 12

- | | | |
|-----|---|---------------------------------------|
| 12. | Hold public hearing; adopt bond orders; formally set ballot questions and referendum date | First BOCC meeting after summer break |
| 13. | Publish bond order as adopted | As soon as possible after Event 12 |
| 14. | Absentee ballots to be available | By September 19 |
| 15. | Publish notice of referendum (twice) | By 9/30; then by 10/7 |
| 16. | Referendum occurs | 11/8/2016 |

**Chronological Summary for the
2001 Orange County Capital Needs Advisory Task Force
and 2001 Bond Education Committee**

The 2001 Orange County Capital Needs Advisory Task Force was established in late 2000 and the early months of 2001. Members of the Task Force were appointed by the Board of Commissioners over three meetings in January and February 2001.

The Task Force consisted of 24 members and 4 alternates, and the Task Force meetings generally included assistance from ten (10) County staff members as well as the Superintendents and other staff from both school systems.

The Task Force's work was also aided by the work of two facilitators to help the group discussion and ensure the group met the goals established by the Board of Commissioners.

The Task Force first met on March 14, 2001 in the Media Center at A.L Stanback Middle School. This was followed by meetings on March 28 and April 4 at the Southern Human Services Center. The group met again on April 18 at the Homestead Community Center. This was followed by additional meetings on April 25, May 2, May 9, May 16, and May 30 at the Southern Human Services Center.

The Task Force met a total of nine (9) times.

Staff developed a final report, which was initially reviewed by the Task Force Co-Chairs (Leo Allison and Lisa Stuckey), and then provided to all members for comments.

The Task Force's recommendations were subsequently provided to the Board of Commissioners, and on June 25, 2001, the Board approved a Notice of Intent to Pursue a Bond Referendum on November 6, 2001.

At the same June 25th meeting, the Board approved a resolution of intent to create a Bond Education Steering Committee and a proposed charge and structure for the Committee.

At its August 14, 2001 work session, the Board introduced the bond orders and scheduled a public hearing on the proposed bond referendum for August 27, 2001.

At its August 21, 2001 meeting, the Board approved appointments to the Bond Education Steering Committee.

On August 27, 2001, the Board conducted a public hearing on the proposed Bond Orders. No action was taken other than to open the hearing, receive comments from approximately 40 speakers and close the public hearing.

This was followed up by the Board discussing and approving the specific elements of the proposed bond package at an August 30, 2001 work session.

At the September 4, 2001 meeting, the Board approved the bond orders, the November 6, 2001 referendum date and the language to appear on the ballot. The Board also approved the agenda for the first Bond Education Steering Committee meeting scheduled for September 5, 2001.

The first Bond Education Steering Committee met on September 5, 2001, with all five members of the Board of Commissioners present.

In a joint meeting on September 24, 2001, the Board of Commissioners discussed the Bond Education Campaign with the two Boards of Education.

The Bond Education Steering Committee met on September 26, 2001 to review draft educational materials.

The Bond Education Steering Committee had 5 sub-committees, one responsible for Information & Outreach and the other four focused on each of the subject areas of the referendum.

At its October 2, 2001 meeting, the Board of Commissioners approved a resolution expressing appreciation to the Capital Needs Advisory Task Force members for their service and work.

As part of the October 16, 2001 Board meeting, staff presented educational materials, including a Powerpoint presentation, that had been developed by the Bond Education Steering Committee. The education materials included an overall bond referendum brochure, an individual brochure for each of the four bond issues on the ballot, flyers sharing information about the referendum items, public service announcements, and a speakers group.

The bond referendum occurred on November 6, 2001, with all four ballot questions receiving majority approval from Orange County voters.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

COPY

ACTION AGENDA ITEM ABSTRACT

Meeting Date: **June 25, 2001**

Action Agenda
Item No. _____

SUBJECT: Resolution of Intent to Create a Bond Education Committee and Proposed Charge and Structure of the Committee

DEPARTMENT: County Commissioners
County Manager

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

Draft Resolution
Draft Committee Charge and Structure

INFORMATION CONTACT:

John Link, ext 2300

TELEPHONE NUMBERS:

Hillsborough 732-8181
Chapel Hill 968-4501
Durham 688-7331
Mebane 336-227-2031

PURPOSE: To consider a resolution indicating the intent of the Board of Commissioners to create a Bond Education Committee that will develop and disseminate information to voters concerning the November 6, 2001 bond referendum and to consider a proposed charge to, and structure of, that Bond Education Committee.

BACKGROUND: The Board of County Commissioners appointed a citizens' Bond Education Committee to help develop and disseminate factual information about the capital needs that led to bond referenda in November 1988, November 1992, and November 1997. The attached resolution indicates the Board's intention to appoint a Bond Education Committee comprised of interested citizens who will communicate to community groups, civic organizations, and voters in general about the needs that have led to the scheduling of a November 6, 2001 bond referendum for Orange County. The resolution includes plans for the Board to appoint Committee members and a chair, or co-chairs, at its August 14 regular meeting.

Also attached to this abstract is a proposed charge to the committee and a suggested sub-committee structure for the overall Bond Education Committee. The proposed charge and structure mirror the framework used during the 1997 bond education process.

Public funds may be spent to present relevant factual information to voters about the proposed bonds, the projects expected to be financed by the bonds, and the circumstances and needs that have given rise to the bond referendum. Public funds may not be spent on campaigns either to promote or defeat passage of any bond order put before the voters. The Manager's proposed 2001-2002 Budget includes a \$15,000 appropriation for Bond Education Committee activities and informational materials. As the subcommittees undertake their work and develop cost estimates for the production and distribution of informational materials, the Board could consider an additional appropriation, if needed, from the Contingency account.

FINANCIAL IMPACT: There is no financial impact associated with approval of the resolution. There would be some costs, if the Board so directs, associated with advertising for citizens interested in serving on the Committee. The Manager's proposed 2001-2002 Budget includes a \$15,000 appropriation for actual Bond Education Committee activities and informational materials.

RECOMMENDATION(S): The Manager recommends that the Board adopt the attached resolution, approve the proposed Committee charge and structure, and request that the Clerk to the Board begin advertisement for citizens interested in serving on the Committee.

ORANGE COUNTY BOARD OF COMMISSIONERS

A RESOLUTION OF INTENT TO CREATE A BOND EDUCATION COMMITTEE

WHEREAS, the Orange County Board of Commissioners has appointed a Bond Education Committee in connection with the November 1988, November 1992 and November 1997 bond referenda; and,

WHEREAS, these committees proved extremely useful in providing voters with relevant, factual information about the capital needs that led to each bond referendum; and,

WHEREAS, the Board of Commissioners has scheduled a bond referendum in conjunction with the November 6, 2001 elections;

NOW, THEREFORE BE IT RESOLVED THAT the Orange County Board of Commissioners does hereby indicate its intent to create a Bond Education Committee to assist in public information efforts related to the November 2001 bond referendum, with the Board planning to appoint Committee members and a chair, or co-chairs, at its August 14 regular meeting.

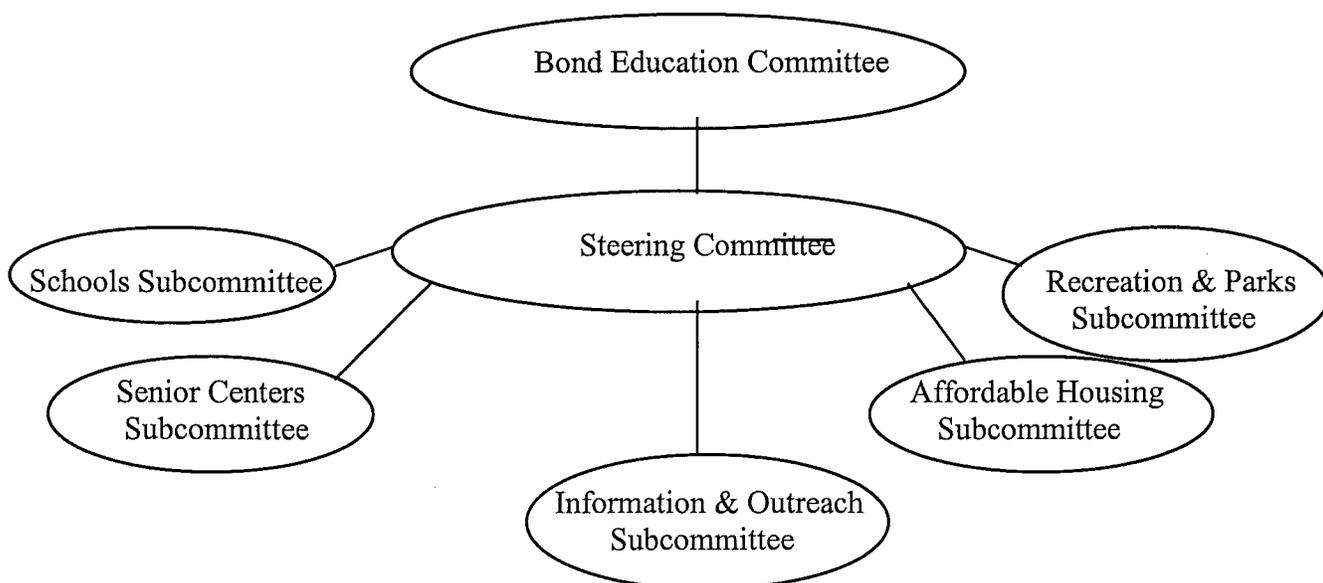
This the 25th day of June, 2001.

DRAFT

**CHARGE TO ORANGE COUNTY BOND EDUCATION COMMITTEE
NOVEMBER 2001 BOND REFERENDUM**

- become familiar with the purposes of each of the bond orders
- become familiar with the projects expected to be addressed with bond funds
- understand the community needs that led the Board of Commissioners to adopt each of the bond orders
- develop appropriate informational materials that will address the bond orders
- design and implement a campaign to distribute relevant factual information about the bonds to Orange County citizens in the most effective and efficient manner possible
- design and implement a process for informational meetings with civic groups, non-profit agencies, neighborhood associations, and other interested parties in the community
- ensure that equal access to factual information is provided to all individuals and groups, regardless of their position for or against any bond order
- encourage all eligible voters to participate in the November 6 election

SUGGESTED BOND EDUCATION COMMITTEE STRUCTURE



**ORANGE COUNTY
ASSEMBLY OF GOVERNMENTS
ACTION AGENDA ITEM ABSTRACT
Meeting Date: November 19, 2014**

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

SUBJECT: Rural Buffer and Countywide Population Projections

DEPARTMENT: Planning

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

1. JPA Land Use Map
2. Courtesy Review Map
- 3.a. Imagine 2040 Results (Population & Dwelling Units) Map
- 3.b. Imagine 2040 Results (Employment) Map
4. Rural Buffer Summary Statistics
5. Orange County 2010 Density Map
6. 2014 Use Value Program Map

INFORMATION CONTACT:

Craig Benedict, Planning Director,
919-245-2592

PURPOSE: To review some statistics and conditions of the Rural Buffer as it relates to population projections for the county and rural buffer.

BACKGROUND: The Rural Buffer (RB) is a zoning area within the Chapel Hill / Carrboro / Orange County Joint Planning Area (JPA) that was formulated in 1987. This 36,958 acre area is an area that is under the jurisdiction of Orange County planning with JPA agreement land uses that are primarily rural and lower density residential. The JPA RB area is outside of the urban services boundary where public water and sewer would not be provided (pursuant to the county-wide agreement known as the Water and Sewer Management and Planning Boundary Agreement (WASMPBA)) and where annexation would not occur.

Large tracts of land within this area are under the control of Duke Forest and also within the use value program (i.e. Farms and Forestry). Farmland has diminished countywide and this trend is reflected in the Rural Buffer.

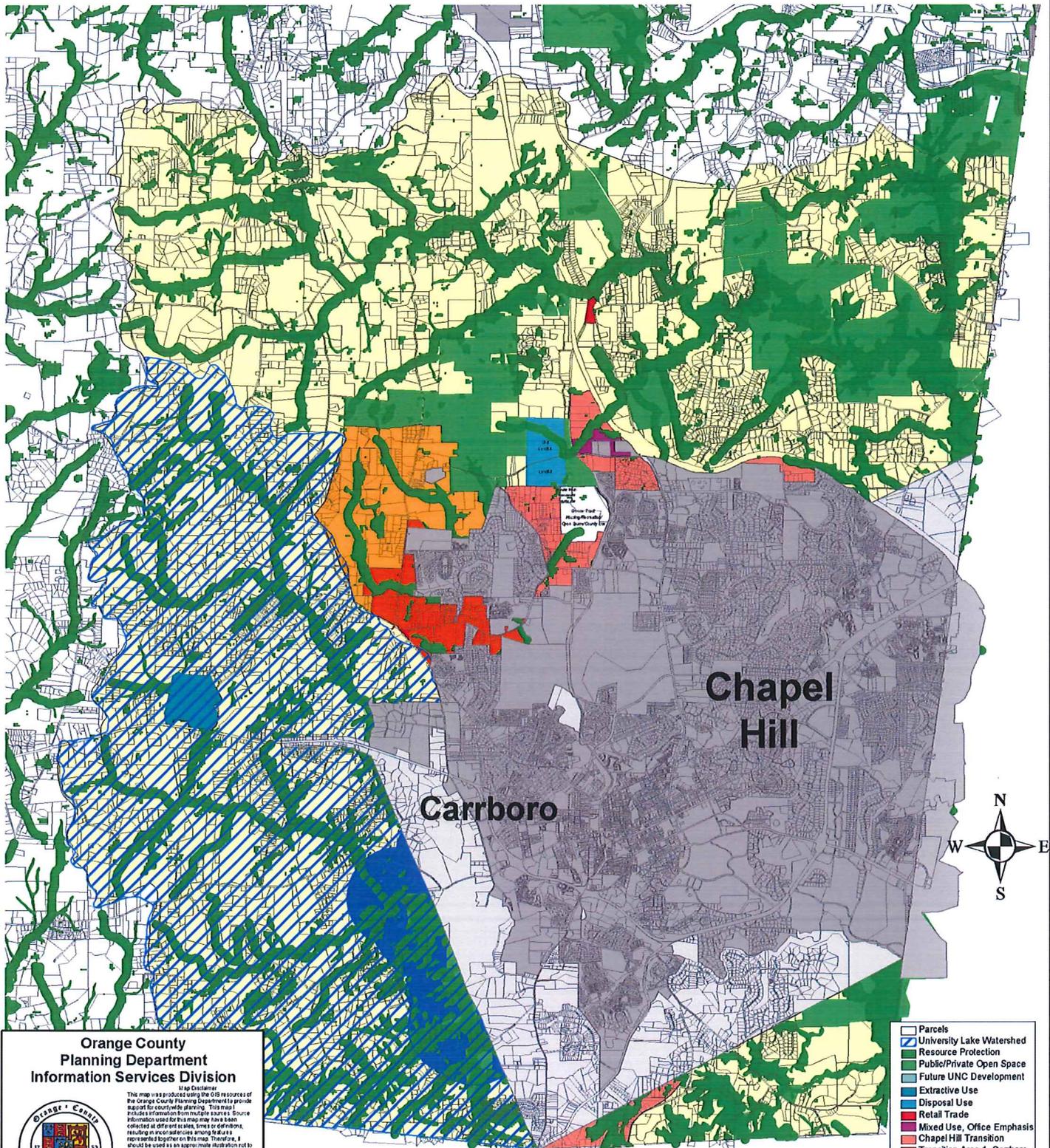
The attached Summary Statistics (Attachment 4) note some of the changes in demographics over the last twenty years, as well as, what population modeling (Community Viz exercise by the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization 2040 Metropolitan Transportation Plan) has forecast for the area. Although pressures for residential development at lower densities have been relatively modest in the area, the decreasing available supply of land in the nearby cities are projected to prompt a shift (where possible) to the Rural Buffer.

County Planning Staff will explain some expected trends.

FINANCIAL IMPACT: No financial impact related to the receipt of this report.

RECOMMENDATION(S): The County Manager recommends the Boards receive the report and provide comments as appropriate.

Orange County - Chapel Hill - Carrboro JOINT PLANNING AREA - LAND USE PLAN



**Orange County
Planning Department
Information Services Division**

Map Customer

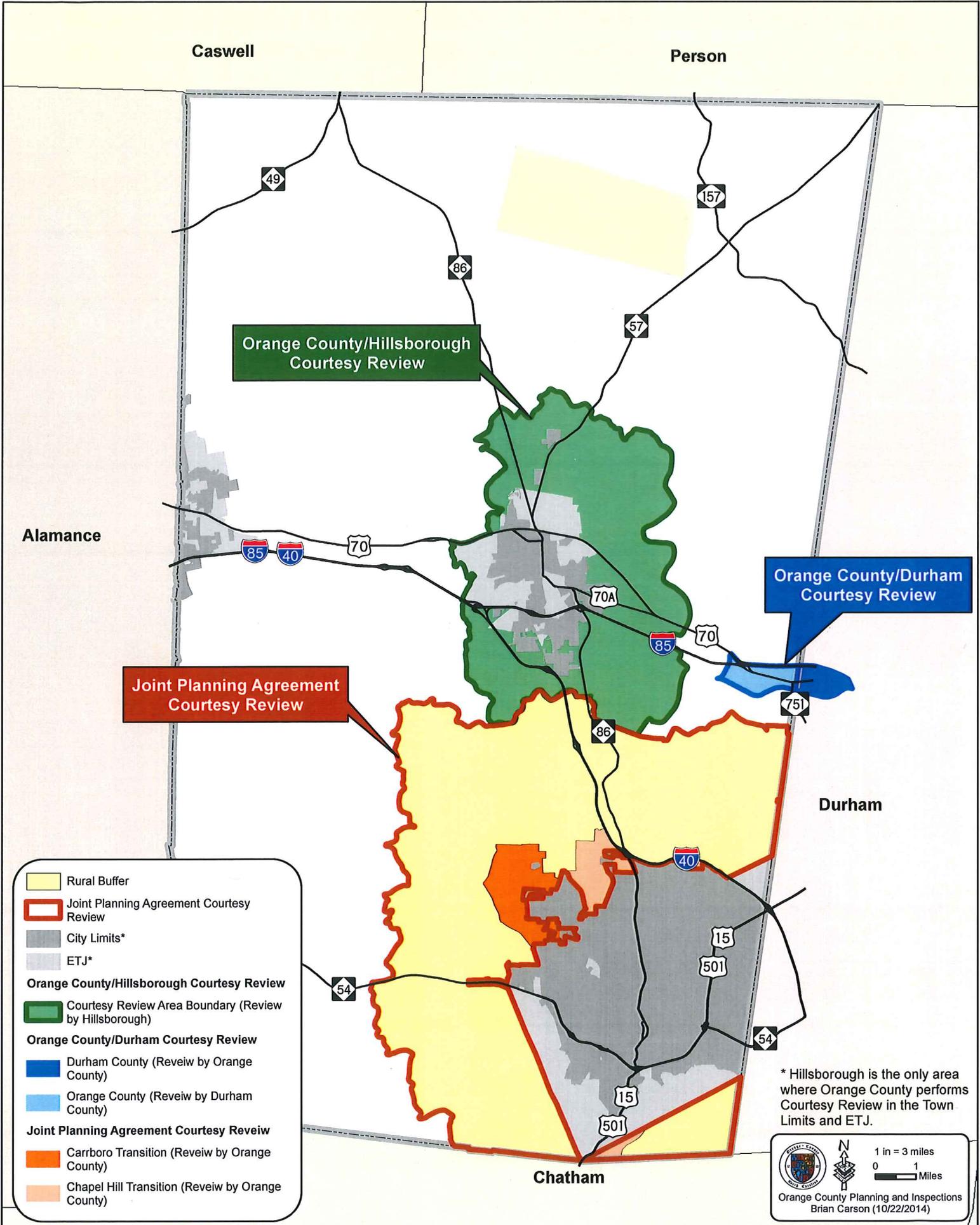
This map was produced using the GIS resources of the Orange County Planning Department to provide support for countywide planning. This map includes information from multiple sources. Source information used for this map may have been collected at different times, using different methods, resulting in inconsistencies among features as represented on this map. Therefore, it should be used as an approximate illustration not to substitute actual data. Refer to the appropriate authority, official maps and ordinances for complete accuracy.

The GIS Division of the Orange County Planning Department assumes no liability for damages caused by inaccuracies in this map or supporting data. The Orange County Planning Department makes no warranty, expressed or implied, as to the accuracy of the information presented, nor does the fact of distribution constitute such a warranty.

GIS Map Prepared by Miriam Coleman, GIS Project Coordinator
Date: 04/26/07

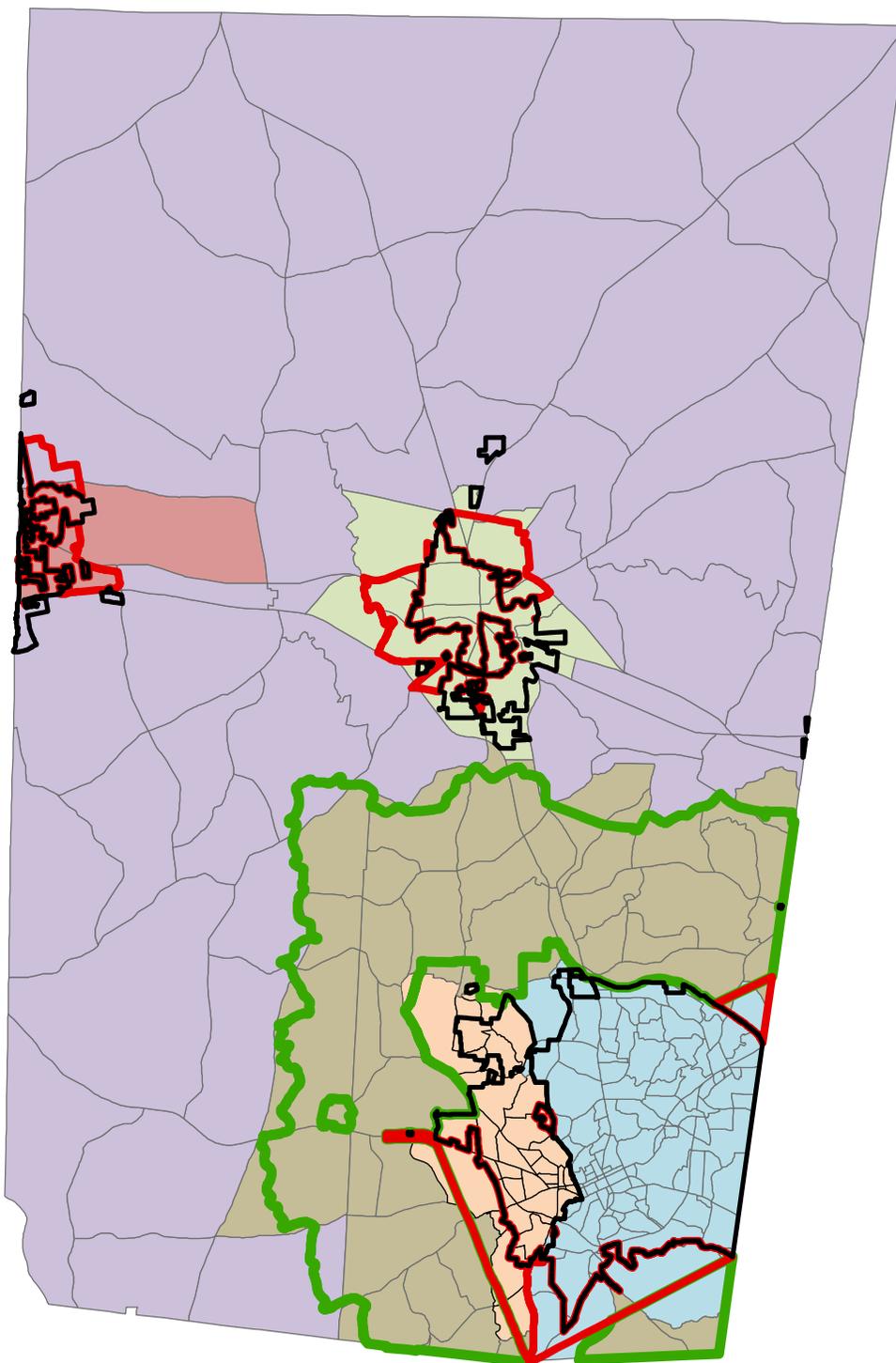
- Parcels
- University Lake Watershed
- Resource Protection
- Public/Private Open Space
- Future UNC Development
- Extractive Use
- Disposal Use
- Retail Trade
- Mixed Use, Office Emphasis
- Chapel Hill Transition
- Transition Area 1, Carrboro
- Transition Area 2, Carrboro
- University Lake Critical Area
- Rural Buffer
- Planning Jurisdiction
- Municipal Jurisdiction

Areas Covered by Courtesy Review Agreements



Imagine 2040 Results (Population & Dwelling Units) 4

Location	2010 Pop	2040 Pop	Population Increase	% Increase	2010 Dwelling Units	2040 Dwelling Units	Dwelling Units Increase	% Increase
Carrboro	19,978	22,425	2,447	12.25	10,341	10,428	87	0.84
Chapel Hill	59,512	79,523	20,011	33.63	21,885	30,685	8,800	40.21
County	29,852	44,158	14,306	47.92	12,177	18,300	6,123	50.28
Hillsborough	10,579	22,973	12,394	117.16	5,073	10,068	4,995	98.46
Mebane	4,070	6,541	2,471	60.71	1,725	2,743	1,018	59.01
Rural Buffer	11,106	25,161	14,055	126.55	4,712	10,183	5,471	116.11
Total	135,097	200,781	65,684	48.62	55,913	82,407	26,494	47.38



City Limits
 City Limits

ETJ
 ETJ

FLUM Rural Buffer
 FLUM Rural Buffer

TAZ

- Carrboro
- Chapel Hill
- County
- Hillsborough
- Mebane/Efland
- Rural Buffer
- Transition

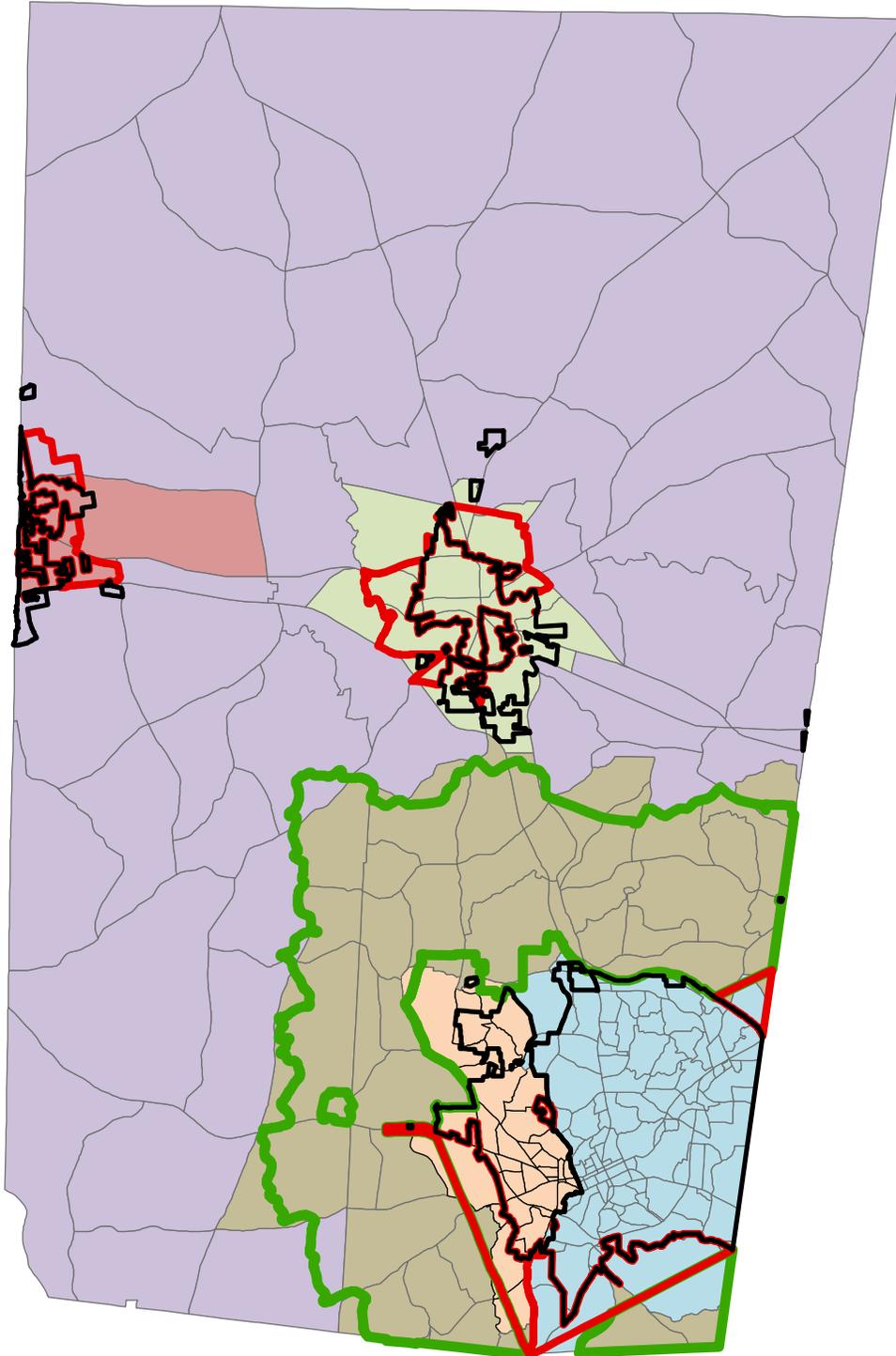
Imagine 2040 Data Source:
 Imagine 2040 - CommunityViz Model
 (December 2013) - Matt Noonkester

1 in = 3.5 miles
 0 1 Miles

Orange County Planning and Inspections
 Brian Carson (11/11/2014)

Imagine 2040 Results (Employment)

Location	2010 Employment	2040 Employment	Employment Increase	% Increase
Carrboro	4,879	8,060	3,181	65.20
Chapel Hill	53,040	81,325	28,285	53.33
County	3,317	7,704	4,387	132.26
Hillsborough	6,935	18,763	11,828	170.56
Mebane	1,453	1,996	543	37.37
Rural Buffer	1,360	2,426	1,066	78.38
Total	70,984	120,274	49,290	69.44



City Limits
 ETJ
 FLUM Rural Buffer
TAZ
 Carrboro
 Chapel Hill
 County
 Hillsborough
 Mebane/Efland
 Rural Buffer
 Transition

Imagine 2040 Data Source:
 Imagine 2040 - CommunityViz Model
 (December 2013) - Matt Noonkester

1 in = 3.5 miles
0 1 Miles
 Orange County Planning and Inspections
 Brian Carson (11/11/2014)

RURAL BUFFER SUMMARY STATISTICS

Established; 1987 per JPA

Total Area 36,958 acres

Zoning Rural Buffer (RB)

RB 1 DU / 5 AC* (University Lake) 15,400 acres
RB 1 DU / 2 AC (Jordan Lake) 21,558 acres

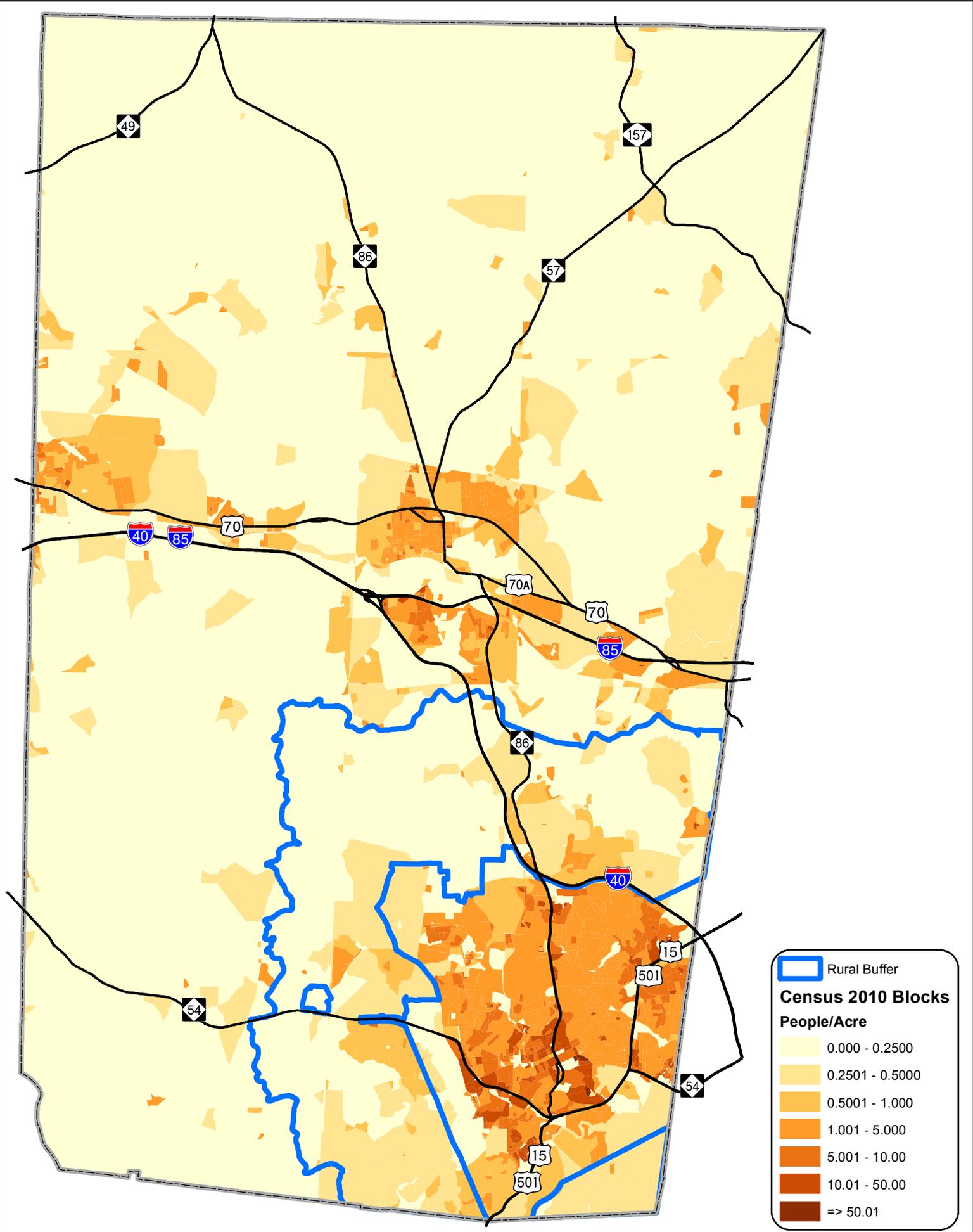
Use Value Area (Farm & Forest)

1990 – 11,800 acres±
2002 – 10,970 acres
2014 – 10,206 acres

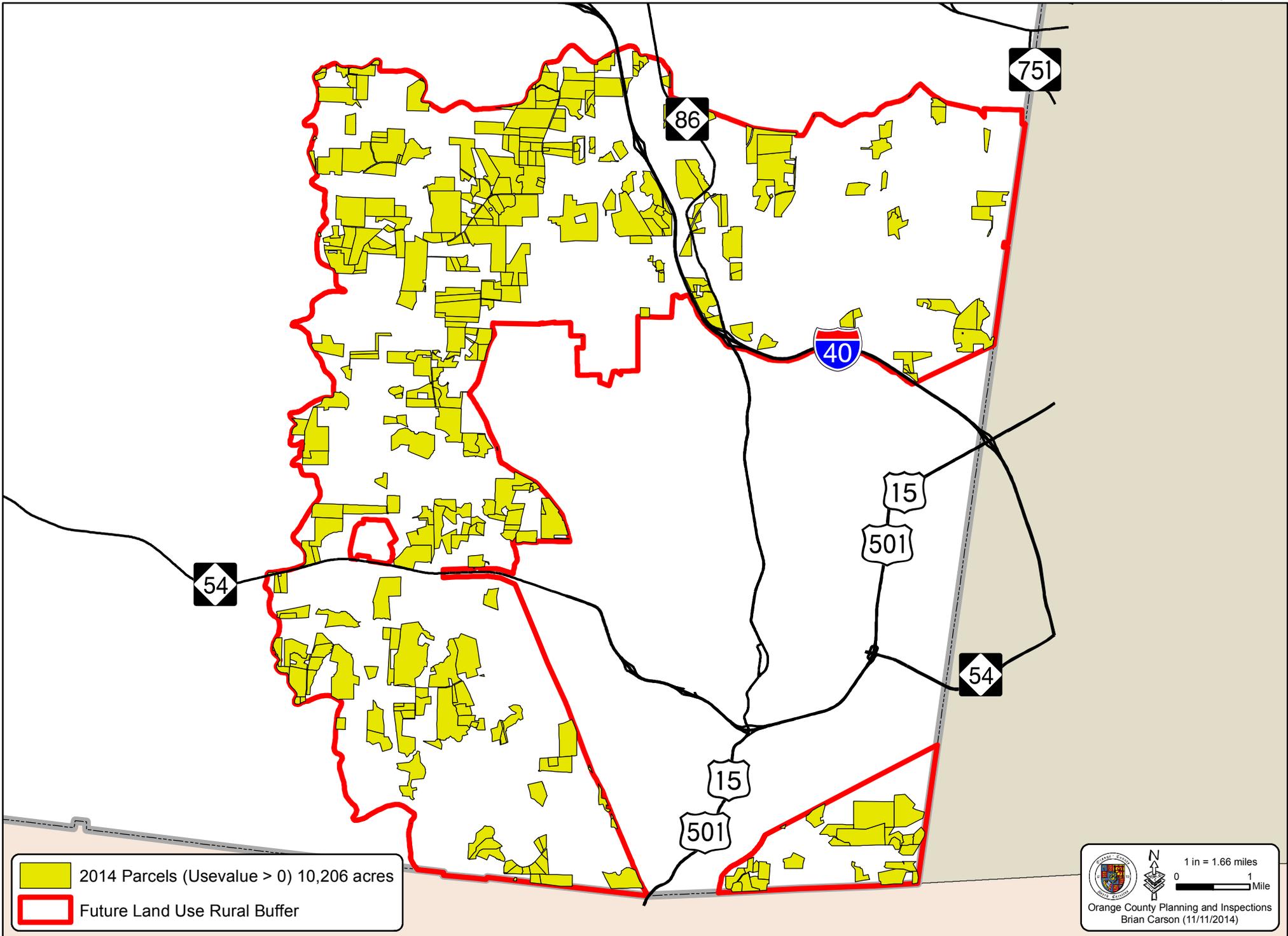
Population (Rural Buffer approx.)

	2010	Units – 4,712	
		Population – 11,106	
(DCHC MPO MTP)	2040	Units – 10,183	Increase 116%
		Population – 25,161	

Orange County 2010 Population Density



2014 Use Value



**ORANGE COUNTY
ASSEMBLY OF GOVERNMENTS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: November 19, 2014

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

SUBJECT: Accommodating Appropriate Agricultural Support Enterprises in the Rural Buffer

DEPARTMENT: County Planning & Inspections

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

- 1) Resolution Adopted by Town of Carrboro
- 2) Alternative Language Suggested by County Staff
- 3) Tables Showing Existing and Proposed Land Uses for the Rural Buffer

INFORMATION CONTACT:

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

PURPOSE: To discuss aspects of proposed changes to the Joint Planning Land Use Plan and Agreement and the County's Unified Development Ordinance (UDO) that would accommodate appropriate "Agricultural Support Enterprises" (ASE) in the Rural Buffer.

BACKGROUND: This is an ongoing topic that was presented at the Assembly of Governments meeting in November 2013 (<http://orangecountync.gov/occlerks/131121.pdf>) and was presented for joint planning public hearing on March 27, 2014 (<http://orangecountync.gov/occlerks/140327JPH.pdf>). The topic has been discussed separately by the local governments and their applicable advisory boards several times since the joint public hearing.

Orange County and the Towns of Chapel Hill and Carrboro must approve changes to the Joint Planning Land Use Plan and Agreement (JPA) before Orange County can consider adoption of implementing amendments to its Unified Development Ordinance (UDO amendments were heard at the February 24, 2014 quarterly public hearing: <http://orangecountync.gov/occlerks/140224.pdf>). The Orange County Board of Commissioners approved the JPA amendments at its meeting on June 3, 2014 (<http://orangecountync.gov/occlerks/140603.pdf>). After discussing the topic at four meetings, the Town of Carrboro approved a resolution at its meeting on October 14. The Chapel Hill Town Council received a staff report at its meeting on November 10. The Council discussed special events, concerns noted by the Carrboro Board of Aldermen (see below), and maintaining the viability of farming in the Rural Buffer. The Council has scheduled additional discussion and potential action in late January 2015.

Among other stipulations, the Resolution (Attachment 1) adopted by the Town of Carrboro includes a sunset clause whereby the text amendments in both the joint planning documents

(Land Use Plan and Agreement) and the County's UDO would expire in six years from their effective dates unless the three local governments each adopt a resolution expressing the governing body's desire that the amendments remain part of the documents. Orange County staff has expressed concerns about including a sunset clause because of questionable legality (the sunset clause would require automatic removal of language from documents/regulations that normally require a public hearing to amend) and because of the impression a sunset clause might give to people who may be interested in developing an agricultural support enterprises use (unless the three local governments vote to keep the language in place, any uses developed under the Agricultural Support Enterprises provisions would be permitted to keep operating, but could not be expanded). Additionally, there is no guidance on what happens after 6 years if the local governments vote to keep the language (is it reviewed every 5 or 6 years thereafter, or does it become permanent after the first review?)

Orange County staff had provided alternative language to the Town of Carrboro (Attachment 2) which the Town discussed but declined to adopt. Prior to this Assembly of Governments meeting, Planning staff members of the three local governments have discussed alternative options that could be considered:

1. Consider instituting a timing mechanism of some sort, e.g., only "x" number of ASE uses can be established in the Rural Buffer each calendar year (or some other timeframe).
2. Consider instituting an acreage mechanism of some sort, e.g., only "x" number of acres may be used for ASE uses in the Rural Buffer (either annually or absolute).
3. Consider dividing the Rural Buffer into geographic areas and allowing only a specified number of ASE uses (or acres used for ASE operations) in each geographic area.
4. Consider adding only those uses proposed to be permitted by right or with a special use permit in the Rural Buffer (those uses listed in Table 2 of Attachment 3).
 - a. Rezoning property to the ASE-CZ conditional zoning district would not be allowed in the Rural Buffer unless the three local governments decided at a later date to allow this type of zoning in the Rural Buffer.
5. Consider removing additional uses from the ASE-CZ zoning district, as it would be applicable in the Rural Buffer (e.g., remove additional uses from Table 3 of Attachment 3).
6. Some combination of the options above.

FINANCIAL IMPACT: There is no financial impact in discussing the proposed amendments and providing feedback to staff.

RECOMMENDATION(S): The County Manager recommends that the Boards discuss the topic and provide feedback to staff.

A motion was made by Alderman Haven-O'Donnell, seconded by Alderman Slade, that this resolution be approved.

RESOLUTION AMENDING
THE JOINT PLANNING LAND USE PLAN AND JOINT PLANNING AGREEMENT TO
ALLOW FOR THE POSSIBILITY OF LOCATING APPROPRIATE LOW INTENSITY
AGRICULTURAL SUPPORT ENTERPRISES IN THE
RURAL BUFFER LAND USE CLASSIFICATION

WHEREAS, Orange County, the Town of Chapel Hill, and the Town of Carrboro entered into a Joint Planning Agreement originally dated September 22, 1987 and amended from time to time, and

WHEREAS, pursuant to the Joint Planning Agreement, a Joint Planning Land Use Plan was adopted on October 13, 1986 by all parties to the Joint Planning Agreement, and has since been amended on several occasions, and

WHEREAS, Orange County initiated amendments to the Orange County Comprehensive Plan and Unified Development Ordinance in order to adopt a regulatory program referred to as “Agricultural Support Enterprises Within the Rural Buffer Land Use Classification,” a program the County has been working on since 2001, and

WHEREAS, amendments to the Joint Planning Land Use Plan and Agreement are necessary prior to Orange County adopting the aforementioned Comprehensive Plan and Unified Development Ordinance amendments, and

WHEREAS, a joint public hearing regarding the proposed Joint Planning Land Use Plan and Agreement amendments was held on March 27, 2014, in accordance with the requirements of the Joint Planning Agreement.

NOW THEREFORE, the Carrboro Board of Aldermen hereby resolves that the Joint Planning Land Use Plan and Agreement be amended as shown on the attached pages.

BE IT FURTHER RESOLVED that the Carrboro Board of Aldermen recommends approval of all but four (i.e. Agricultural Processing Facility, Microbrewery w/Major Events, Winery w/Major Events, and Assembly Facility Greater than 300 Occupants) of the proposed agricultural support uses contained in the draft ordinance modifying the Orange County Unified Development Ordinance that may only be enacted after the amendments to the Joint Planning Land Use Plan and Joint Planning Agreement have been approved.

BE IT FURTHER RESOLVED that the Carrboro Board of Aldermen recommends that the Agricultural Preservation Board, the County’s appointed agricultural advisory board be given the opportunity to comment on rezoning and land use permits related to ASE in the Rural Buffer.

BE IT FURTHER RESOLVED that the Carrboro Board of Aldermen recommends that reuse of existing farm buildings, especially those 50 years or older, into new agricultural support

enterprises, be encouraged by including in the draft ordinance provisions a mechanism for reducing or waiving the 100-foot property line setback requirements that would otherwise apply to such new enterprises.

BE IT FURTHER RESOLVED that the Carrboro Board of Aldermen requests that an update on Agricultural Support Enterprises be provided annually at a joint public meeting of the parties to the Joint Planning Agreement.

BE IT FURTHER RESOLVED that the Joint Planning Agreement shall also be amended to include a new subsection 1.3 (D) Effective Date and Duration, to read as follows:

The Agricultural Support Enterprises amendments to the Joint Planning Land use Plan and Joint Planning Agreement approved on _____, shall expire by their own terms six years from their effective date and shall be deleted from the Joint Planning Area Land Use Plan and Joint Planning Agreement, respectively, on that date; provided that, these amendments shall not expire or be deleted from the JPALUP if the governing bodies of Orange County, Chapel Hill, and Carrboro each adopts a resolution expressing that governing body's desire that these amendments remain a part of the specified documents. Such resolutions may be adopted not sooner than five and one-half years and not later than six years following the effective date of the subject amendments.

BE IT FURTHER RESOLVED that the amendments to the Joint Planning Land use Plan and the Joint Planning Agreement described above and indicated on the attached pages shall become effective upon adoption by the governing bodies of Orange County, Chapel Hill, and Carrboro.

BE IT FURTHER RESOLVED that any amendments to the County's Unified Development Ordinance that rely upon the attached amendments to the Joint Planning Area Land Use Plan or the Joint Planning Agreement in order to achieve the consistency with the Joint Planning Area Land Use Plan that the County requires, shall include provisions establishing that (i) such amendments to the County's UDO shall expire by their own terms if and on the date that the amendments to the JPALUP and the JPA expire as provided herein; and (ii) if the amendments to the UDO so expire, then any development or use for which a building permit was issued or that otherwise obtained a vested right during the period when those amendment were in effect (and that could not have been approved but for those amendments) shall be treated as a permissible use, rather than a nonconforming use.

This the 14th of October, 2014

The motion carried by the following vote:

Aye: Mayor Lavelle, Alderman Haven-O'Donnell, Alderman Chaney, Alderman Seils, Alderman Gist, Alderman Slade and Alderman Johnson

Absent: Alderman Seils

I, Catherine C. Wilson, Town Clerk for the Town of Carrboro, NC do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Carrboro Board of Aldermen.



Catherine C. Wilson
Town Clerk

Proposed by Orange County prior to
10-14-14 Board of Aldermen meeting

FINAL PARAGRAPHS IN RESOLUTION APPROVING CHANGES TO JPALUP AND JP AGREEMENT

BE IT FURTHER RESOLVED that the amendments to the Joint Planning Area Land Use Plan and Joint Planning Agreement shall become effective upon adoption by the governing bodies of Orange County, Chapel Hill, and Carrboro for a five year term. ~~These amendments shall expire by their own terms six years from their effective date and shall be deleted from the Joint Planning Area Land Use Plan and Joint Planning Agreement, respectively, on that date; provided that, these amendments shall not expire or be deleted from the JPALUP if the governing bodies of Orange County, Chapel Hill, and Carrboro each adopts a resolution expressing that governing body's desire that these amendments remain a part of the specified documents. Such resolutions may be adopted not sooner than five and one-half years and not later than six years following the effective date of the subject amendments. Prior to expiration of this five year term the governing bodies of Orange County, Chapel Hill, and Carrboro shall conduct a joint review of these amendments to determine the effectiveness of the amendments. Should the governing bodies of Orange County, Chapel Hill, and Carrboro determine the Amendments have not had the desired effectiveness the governing bodies may amend the JPALUP and the JPA to remove the amendments.~~

BE IT FURTHER RESOLVED that any amendments to the County's Unified Development Ordinance that rely upon the attached amendments to the Joint Planning Area Land Use Plan or the Joint Planning Agreement in order to achieve the consistency with the Joint Planning Area Land Use Plan that the County requires, shall include provisions establishing that (i) such amendments to the County's UDO shall expire ~~by their own terms if and on the date that if the~~ governing bodies amend the ~~the amendments to the~~ JPALUP and the JPA ~~expire as provided herein~~ to remove the amendments; and (ii) if the amendments to the UDO so expire, then any

development or use for which a building permit was issued or that otherwise obtained a vested right during the period when those amendments were in effect (and that could not have been approved but for those amendments) shall be treated as a permissible use, rather than a nonconforming use.

Land Uses in the Rural Buffer

This information has been compiled to help people see which land uses are currently allowed in the Rural Buffer and which are proposed to be added as part of the ASE (Agricultural Support Enterprises) proposal. The purpose of this information is to help users see the exact types of uses that are already allowed in the Rural Buffer and to be more clear about which uses are being added.

Table 1: Uses Currently Allowed in the RB (Rural Buffer) General Use Zoning District (not proposed for change, included here for educational/informational purposes)			
Use [^]	Type of Approval*	Use [^]	Type of Approval*
Riding Stables	SUP-B	Buildings, Portable	SUP-B
Center in a Residence for 3 to 12 Children	By Right	Temporary Mobile Home (Custodial Care)	SUP-B
Child Care Facilities	SUP-B	Temporary Mobile Home (use during construction of permanent residence)	By Right
Schools: Elementary, Middle & Secondary	SUP-A	Bus Passenger Shelter	By Right
Universities, Colleges & Institutes	By Right	Elevated Water Storage Tanks	SUP-B
Bed & Breakfast	By Right	Public Utility Stations & Sub-Stations, Switching Stations, Telephone Exchanges, Water & Sewage Treatment Plants	SUP-A
Greenhouses (No On Premise Sales)	By Right	Electric, Gas, and Liquid Fuel Transmission Lines	SUP-B
Kennels, Class II	SUP-B	Water & Sanitary Sewer Pumping	By Right
Governmental Facilities & Office Buildings	By Right	Solar Array – Large Facility	SUP-B
Governmental Protective Services (Police & Fire Stations) Rescue Squads, Volunteer Fire Departments	By Right	Solar Array – Public Utility	SUP-A
Botanical Gardens & Arboretums	By Right	Landfills (2 Acres or More)	SUP-A
Camp/Retreat Center	SUP-B	Landfills (Less Than 2 Acres)	SUP-B
Parks, Public & Non-Profit	By Right	Accessory Uses	By Right
Recreational Facilities (Non-Profit)	SUP-B	Airports, General Aviation, Heliports, S.T.O.L.	SUP-A
Golf Course	SUP-A	Cemetery	SUP-B
Dwelling: Mobile Home	By Right	Church	By Right
Dwelling: Single Family	By Right	Clubs or Lodges; Social, Fraternal or Union Clubhouses	By Right
Dwelling: Two-Family	By Right	Community Center	SUP-B
Family Care Home	By Right	Historic Sites Non-Residential/Mixed Use	SUP-A
Group Care Facility	SUP-B	Kennels, Class I	By Right
Telecommunication Tower – Stealth (75 feet or shorter)	By Right		
Telecommunication Towers (Over 75 feet and under 200 feet)	SUP-B		
Telecommunication Towers (200 feet and higher)	SUP-A		
[^] : Ordered as they appear in the Table of Permitted Uses (Section 5.2.1 of the Unified Development Ordinance) [*] : SUP-A = Class A Special Use Permit; SUP-B = Class B Special Use Permit			

Table 2: Uses Proposed to be Added to the RB (Rural Buffer) General Use Zoning District

Use	Type of Approval*	Use	Type of Approval*
Agricultural Processing Facility, Community	By Right	Winery with Minor Events	SUP-B
Community Farmers Market	By Right	Microbrewery, production only	SUP-B
Cooperative Farm Stand	By Right	Winery, production only	SUP-B
Meat Processing Facility, Community	By Right	Rural Heritage Museum	SUP-B
Non-Farm Use of Farm Equipment	By Right	Rural Special Events	By Right
Microbrewery with Minor Events	SUP-B		

*: SUP-A = Class A Special Use Permit; SUP-B = Class B Special Use Permit

Table 3: Uses in the proposed ASE-CZ conditional zoning district that could be applied for in the Rural Buffer and that are not currently allowed in the Rural Buffer

Use	Use	Use
Agricultural Processing Facility	Rural Guest Establishment: Bed & Breakfast Inn	Microbrewery, production only
Agricultural Processing Facility, Community	Rural Guest Establishment: Country Inn	Winery, production only
Agricultural Services Uses	Country Store	Veterinary Hospitals
Cold Storage Facility	Garden Center with On Premise Sales	Veterinary Clinic
Community Farmer's Market	Metal Fabrication Shop	Veterinary Clinic, mobile
Composting Operation, no grinding	Microbrewery with Minor Events	Guest Ranch
Cooperative Farm Stand	Microbrewery with Major Events	Assembly Facility Greater than 300 Occupants
Equestrian Center	Storage of Goods, Outdoor	Assembly Facility Less Than 300 Occupants
Farm Equipment Rental, Sales, and Service	Taxidermy	Rural Heritage Museum
Farm Supply Store	Winery with Minor Events	Rural Special Events
Feed Mill	Winery with Major Events	
Greenhouses with On Premise Sales		
Meat Processing Facility, Community		
Non-Farm Use of Farm Equipment		Strikethrough text shows uses recommended for deletion by the Town of Carrboro

Table 4: Uses in the proposed ASE-CZ conditional zoning district that could be applied for in the Rural Buffer and that are currently allowed in the Rural Buffer

Use	Use	Use
Stables, Commercial	Telecommunication Tower – Stealth (75 feet or shorter)	Water & Sanitary Sewer Pumping
Rural Guest Establishment: Bed & Breakfast	Telecommunication Towers (Over 75 feet and under 200 feet)	Solar Array – Large Facility
Kennels, Class I	Telecommunication Towers (200 feet and higher)	Solar Array – Public Utility
Kennels, Class II	Buildings, Portable	Accessory Uses
Botanical Gardens & Arboretums	Temporary Mobile Home (Custodial Care)	Church
Camp/Retreat Center	Temporary Mobile Home (use during construction of permanent residence)	Clubs or Lodges; Social, Fraternal or Union Clubhouses
Parks, Public & Non-Profit	Elevated Water Storage Tanks	Community Center
Dwelling, Mobile Home	Public Utility Stations & Sub-Stations, Switching Stations, Telephone Exchanges, Water & Sewage Treatment Plants	Historic Sites Non-Residential/Mixed Use
Dwelling, Single Family	Electric, Gas, and Liquid Fuel Transmission Lines	

**ORANGE COUNTY
ASSEMBLY OF GOVERNMENTS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: November 19, 2014

**Action Agenda
Item No. 6**

SUBJECT: Town Updates

DEPARTMENT: County Manager

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

INFORMATION CONTACT:

Bonnie Hammersley, 919-245-2300

PURPOSE: To provide an opportunity for the mayors and/or other representatives from the Towns of Hillsborough, Carrboro and Chapel Hill to share verbal updates regarding activities and projects occurring within their respective towns and/or governmental bodies.

BACKGROUND: This item provides the mayors and/or other representatives from the Towns of Hillsborough, Carrboro and Chapel Hill with an opportunity to share updates regarding activities and projects occurring within their respective towns and/or governmental bodies.

FINANCIAL IMPACT: There is no financial impact associated with receiving verbal updates from the three towns.

RECOMMENDATION(S): The County Manager recommends that the Boards receive the updates from the towns and provide any comments and feedback as necessary.