Orange County
Board of Commissioners

Agenda

Regular Meeting
August 21, 2012
7:00 p.m.
Central Orange Senior Center
103 Meadowlands Drive
Hillsborough, NC 27278

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

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

1. Additions or Changes to the Agenda

PUBLIC CHARGE

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

2. Public Comments

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

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

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

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

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

4. Proclamations/ Resolutions/ Special Presentations

a. Proclamation in Support of Arts & Economic Prosperity IV in Orange County

5. Consent Agenda

- Removal of Any Items from Consent Agenda
- Approval of Remaining Consent Agenda
- Discussion and Approval of the Items Removed from the Consent Agenda

a. Minutes
b. Motor Vehicle Property Tax Release/Refunds for FY 2011-2012
c. Motor Vehicle Property Tax Release/Refunds for FY 2012-2013
d. Property Tax Releases and/or Refunds
e. Applications for Property Tax Exemption/Exclusion
f. Adjustment to Salary Range Maximums
g. Fiscal Year 2012-13 Budget Amendment #1
h. Bid Award: Track Loader for Landfill
i. Acceptance of Grant Funds for the Orange County Community Response Program and Extend Time-Limited Position
j. Amendment to the Orange County Board of Commissioners' Advisory Board Policy
k. Lease of the County-Owned Building at 500 Valley Forge Road to the Piedmont Food and Agricultural Processing Center, Inc.
l. Change in BOCC Regular Meeting Schedule for 2012
m. Bid Award: Walnut Grove Church Road Solid Waste Convenience Center
n. Efland Phase 2/Buckhorn Sanitary Sewer Project Update

6. Public Hearings

a. CDBG Program – Infrastructure Hook-up Program
b. North Carolina Department of Transportation, Rural Operating Assistance Program (ROAP) Grant Application for FY 2012/2013
c. Amendments to Unified Development Ordinance Text – Dimensional and Ratio Standards (UDO/Zoning 2012-11)
d. Zoning Atlas Amendment – Woods Rezoning
e. Zoning Atlas Amendment – Merritt Rezoning
f. Zoning Atlas Amendment – Application of Special Flood Hazard Overlay District to Parcels Associated with the Orange-Alamance County Line Adjustment

7. Regular Agenda

a. Conservation Easement for Thompson Farm
b. Professional Services Agreement – Community Geothermal Analysis, Design, Bid Management, and Construction Administration
c. Southern Orange County Government Services Campus Master Plan Update, BOCC Recommendation of Concept Master Plan
d. Discussion Regarding Parking Provisions for the Eno River Parking Deck
e. Interlocal Agreement with Town of Chapel Hill in Support of Business Incubator

8. Reports

9. County Manager's Report

10. County Attorney's Report

11. Appointments

a. Human Relations Commission – Appointment
b. Orange County Planning Board – Appointment

12. Board Comments (Three Minute Limit Per Commissioner)

13. Information Items

- June 19, 2012 BOCC Meeting Follow-up Actions List

14. Closed Session

15. Adjournment

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

Note: Access the agenda through the County's web site, www.co.orange.nc.us

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: August 21, 2012

Action Agenda Item No. 4-a

SUBJECT: Proclamation in Support of *Arts & Economic Prosperity IV* in Orange County

DEPARTMENT: Economic Development - Arts Commission

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):
Proclamation In Support of *Arts & Economic Prosperity IV*

INFORMATION CONTACT:
Martha Shannon, 968-2011

PURPOSE: To approve a proclamation supporting Americans for the Arts' (AFTA) most recent national arts economic impact study entitled *Arts & Economic Prosperity IV* and its findings for Orange County

BACKGROUND: The Orange County Arts Commission was one of the 182 study partners participating in this national study, the most comprehensive of its kind ever conducted. *Arts & Economic Prosperity IV* (AEP4) measured the economic impact of the arts nationally and in each of the 182 study locations. Financial data from fiscal year 2009-2010 was utilized.

Despite the economic headwinds in 2010, the results are impressive. The national results were released to the public on June 8, 2012 at AFTA's national conference. Results for North Carolina were released on June 11, 2012; and Orange County's results were released on June 12, 2012. The findings from *Arts & Economic Prosperity IV* send a clear and welcome message – leaders who care about community vitality can feel good about choosing to invest in the arts.

Arts & Economic Prosperity IV demonstrates that America's arts industry is not only resilient in times of economic uncertainty, but is also a key component to the nation's economic recovery and future prosperity. The study is a myth-buster – it alters the perception that the arts are luxuries worth supporting in prosperous times but hard to justify when the economy is struggling. This study also sends an important message that support for the arts does not come at the expense of economic development. Rather, arts and culture is an industry – one that supports jobs, generates government revenue, is the cornerstone of tourism and economic development, and drives a creativity-based economy. Locally, as well as nationally, **the arts mean business**.

FINANCIAL IMPACT: Orange County's total fee for the study ($4,500) was paid over several fiscal years utilizing both State ($1,400) and County ($3,100) funds.

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

ORANGE COUNTY BOARD OF COMMISSIONERS

PROCLAMATION IN SUPPORT OF *ARTS & ECONOMIC PROSPERITY IV*

WHEREAS, Americans for the Arts, the nation's leading arts research and advocacy organization, conducted its fourth benchmark study of the national economic impact of the nonprofit arts industry in 182 study regions across the United States; and

WHEREAS, the *Arts & Economic Prosperity IV* study found that the nonprofit arts industry generates **$135.2 billion** annually in economic activity and supports **4.1 million** jobs – from large urban to small rural communities, and that the nonprofit arts industry annually returns **$9.59 billion** in federal income taxes, **$6.67 billion** in state government revenue, and **$6.07 billion** in local government revenue; and

WHEREAS, the *Arts & Economic Prosperity IV* study found that the nonprofit arts industry in **ORANGE COUNTY** generates **$85.4 million** annually in economic activity and supports **3,352** jobs, and that the nonprofit arts industry annually returns **$3.5 million in local** and **$4.5 million in state government revenue**; and

WHEREAS, the *Arts & Economic Prosperity IV* study collected extensive survey data from more than **9,721** arts organizations and **151,802** audience attendees nationwide and from **96** local arts organizations and **1,259** local attendees; and

WHEREAS, as demonstrated by the *Arts & Economic Impact Prosperity IV* study, the nonprofit arts in Orange County substantially contribute to the local economy;

NOW, THEREFORE, BE IT RESOLVED, that the **BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, NORTH CAROLINA** supports the findings of the *Arts & Economic Prosperity IV* study and urges all local, state and federal officials to invest in nonprofit arts organizations directly, through their local and state arts agencies, and the National Endowment for the Arts as a catalyst to generate economic impact, stimulate business development, spur urban renewal, attract tourists and area residents to communities activities, and to improve the overall quality of life.

This the 21st day of August, 2012.

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Bernadette Pelissier, Chair
Orange County Board of Commissioners

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: August 21, 2012

Action Agenda Item No. 5-a

SUBJECT: MINUTES

DEPARTMENT: Board of Commissioners **PUBLIC HEARING: (Y/N)** No

ATTACHMENT(S):

Draft Minutes

INFORMATION CONTACT:
Donna Baker, 245-2130

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

Attachment 1	March 15, 2012	BOCC Work Session
Attachment 2	April 3, 2012	BOCC Regular Meeting
Attachment 3	April 17, 2012	BOCC Regular Meeting
Attachment 4	April 19, 2012	BOCC Work Session
Attachment 5	April 24, 2012	Budget Work Session
Attachment 6	April 26, 2012	Joint Meeting- BOCC and Schools
Attachment 7	May 3, 2012	BOCC Work Session
Attachment 8	May 17, 2012	BOCC Budget Public Hearing
Attachment 9	May 22, 2012	BOCC Budget Public Hearing
Attachment 10	May 29, 2012	Quarterly Public Hearing (BOCC and Planning Board)

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

FINANCIAL IMPACT: NONE

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

DRAFT

MINUTES
ORANGE COUNTY BOARD OF COMMISSIONERS
WORK SESSION
MARCH 15, 2012
7:00 p.m.

The Orange County Board of Commissioners met for a Work Session on Thursday, March 15, 2012 at 7:00 p.m. in the Link Government Services Center, in Hillsborough, North Carolina.

COUNTY COMMISSIONERS PRESENT: Chair Bernadette Pelissier and Commissioners Valerie P. Foushee, Alice Gordon, Pam Hemminger, Barry Jacobs, Earl McKee, and Steve Yuhasz
COUNTY COMMISSIONERS ABSENT:
COUNTY ATTORNEYS PRESENT: John Roberts
COUNTY STAFF PRESENT: Assistant County Managers Gwen Harvey and Michael Talbert, and Deputy Clerk to the Board David Hunt (All other staff members will be identified appropriately below)
COUNTY STAFF ABSENT: County Manager Frank Clifton

Chair Pelissier called the meeting to order at 7:03 PM.

1. OPC Local Management Entity (LME) – Transition Management and Retiree Health Insurance Planning

PURPOSE: OPC (Orange, Person, and Chatham Mental Health LME) is effecting elements of an agreed upon merger with PBH (Piedmont Behavioral Health) effective April 1, 2012. The BOCC is asked to review two management proposals pertinent to the merger – First, creation of an advisory and governance structure; and second, a transition plan that provides continuation of healthcare benefits for OPC retirees. Details are presented in the following narrative and attachments.

OPC Area Program Director Judy Truitt gave an overview of this item. In February of 2011, the North Carolina General Assembly passed legislation, which required that there would be a statewide implementation of a Medicaid waiver, a concurrent 1915 BC waiver. In May of 2011, she presented to the Board the recommendation of the OPC Area Mental Health Board that they move forward in negotiations with PBH, which is the area mental health authority that is located to the southwest. The Board of County Commissioners approved unanimously to move forward in those negotiations, which she has been doing.

Commissioner Jacobs pointed out that he voted 'no.'

Judy Truitt said that she would change the information to reflect this.

Judy Truitt said that, in the interim, in the fall of 2011, Alamance/Caswell joined with PBH. At the end of December, the five-county mental health authority also joined with PBH. On April 1st, the Medicaid waiver will be open in Orange, Person, and Chatham Counties. Following the opening waiver in the communities, they will continue the due diligence with the expectation that OPC will dissolve on June 30, 2012.

One of the issues is governance for the mental health in the state as it moves through the reform effort. In October of 2011 PBH posted a strategic planning meeting where all of the

participating partners were invited to participate in the discussion about what they thought would work in the communities. Commissioner Yuhasz represented Orange County at this discussion.

Judy Truitt said that the model that will be presented tonight was presented to the OPC Area Mental Health Board at the February meeting and it was approved by the members present to move forward to the Boards of Commissioners.

The model that OPC is asking the Board to consider is one that recognizes that the way that area mental health boards are currently structured is by appointment of the local Board of Commissioners, a Commissioner designee, and citizen representatives. The board is currently a 19-member board and it has not been fully appointed for quite some time. The board made this decision, given the changes that were about to happen. The statute says that the board cannot be any larger than 30 members.

Commissioner Gordon arrived at 7:13 PM.

Judy Truitt made reference to page 8 of the agenda packet and said that the Community Oversight Board would be a 10-member board with significant community oversight. She made reference to the remainder of the PowerPoint slide in the packet.

Community Oversight Board Responsibilities:

- Advise the CEO on the evaluation and hiring of the Community Operations Center Executive Director
- Recommend priorities for expenditure of state/county funds for development of the annual budget
- Determine local priorities for inclusion in the area wide strategic plan, as possible
- Identify community needs and concerns, monitor resolution of issues
- Monitor performance at the local (COC) level:
    - Access to care
    - Financial status and expenditures
    - Service delivery
    - Provider Network size and composition
    - Outcomes
    - Consumer satisfaction

Governance Board
13 Members

Terms of office: max two four-year terms; as long as the individual remains a member of the Community Operations Center Board, regional CFAC, and County Commission.

- One representative from each Community Oversight Board (Chair or elected member)
- Two at large County Commissioners from among the counties. Governing Board asks for interested parties among commissioners serving on the Community Operations Center Boards. Governing Board elects two.
- One representative from the regional CFAC, elected by the regional CFAC.
- Six members with special expertise in healthcare, insurance, finance, and health/behavioral health physician or other professional; no more than 2 from any specialty area; from constituent counties if at all possible (initially appointed by the Secretary of DHHS. Board committee recruits for vacancies and recommends replacements to the full Board. Vacancies to be elected by the board.)

Governance Board

Responsible for:

- Policies
- Strategic plan
- Budget
- Hire, fire, and evaluate CEO
- Monitor deliverables (e.g., performance, financial management)
- Political advocacy
- Strategic planning, including consideration of local priorities brought forward by the COC Boards
- Accountable for organizational performance
- Responsible for the overall health of the organization
- Reporting to the constituent counties
- Responsible for responding to concerns and feedback from COC Boards.

The current statute allows for the 122-c Rules Around Governance of Public Mental Health to be set aside by agreement and resolution of all of the counties participating in the partnership. The plan is to use the existing statute, which would allow this governance model even if the legislation does not get changed.

Chair Pelissier asked when this was on an upcoming agenda.

Assistant County Manager Gwen Harvey said that there is a placeholder for March 22nd.

Commissioner Yuhasz said that he spent two full days working through this. He said that they struggled with the kind of governance structure that would serve the needs of a huge and geographically dispersed organization and still ensure that local governments could control this organization. He thinks that it is a scheme that will work. He urged the Board to approve this.

Judy Truitt clarified that PBH has said that they would be providing a corporate function and the day-to-day relationships are still in this community with staff that are already in place. The staff at OPC will largely be able to remain in place, except for Finance and Human Resources. As part of the transition function, Finance and Human Resources will be moved to the corporate level. The clinical and administrative staff can be moved into the new organization. The staff will have to be reduced from 52 to 31.

Judy Truitt said that the second issue is what will happen to individuals who retire from OPC. When OPC is dissolved, there will no longer be a health plan that the retired employees can attach to. A work group was established that included County management staff and Commissioner representatives to talk through this transition issue. OPC's policy has only contemplated that health coverage would be provided for retirees until they are able to access Medicare. There is an identified pool of individuals and it is limited and quantified. The funding is available to cover the cost for this, but an organization or entity is needed to accept the responsibility for it.

Commissioner Yuhasz said that the risk to the County is small to none and the County should do this.

Financial Services Director Clarence Grier said that the plans are similar and the retirees should be sufficiently covered.

Commissioner Yuhasz said that there is a clause that if there is an overage that the three counties will split it.

Judy Truitt said that there would be 10 individuals that would be eligible and would meet the requirements. The entire time is 95 months until the last person would be eligible for Medicare.

Gwen Harvey said that United Health Care has agreed to accept these employees under the County's plan. The County Attorney is also working on a Memorandum of Understanding that protects the County and distributes any overages to all three counties.

Commissioner Gordon asked to see this backup data.

Chair Pelissier said that she thinks that this is the right thing to do.

2. Further Review and Discussion of the Manager's Recommended FY 2012-17 Capital Investment Plan (CIP)

Financial Services staff Paul Laughton said that this item is to continue the discussion on the CIP. On March 1st, the Board got through page 43 of the County projects and also the school capital projects. He made reference to page 44 of the County projects. These are park projects. He made reference to the attachments. There is a replacement page for page 26 regarding IT. This change was related to putting an addition of $200,000 to bring County computers into Windows 7 compliance. This will be funded with existing funds from the project that is available, as well as financing $250,000 for the library management system software that was discussed at the March 1st meeting.

Also, there were replacements for pages 94-95. These are updated based on a request to show the revenue shortage for County capital projects and the source of those shortages.

There is also additional information from Orange County Schools (OSC), specifically for Elementary School #8, which OCS has moved up several years in their CIP request. OCS also provided an analysis to show support for the Cedar Ridge auditorium and the additional classroom wing of 20 classrooms.

Commissioner Gordon asked about when the Commissioners would be asked to approve this and Paul Laughton said that June 19th is the final approval of the CIP, April 19th is CIP follow-up and April 24th is a Budget Work Session.

Mountains to Sea Trail

There are no big changes from the current CIP for this project.

New Hope Preserve – Hollow Rock access area

This was on page 45. There are no big changes on this. In year 2015-16, there will be construction of the primary facilities on the Orange County side. The design work is in 2014-15 and it is $100,000.

Commissioner Jacobs asked if this was coordinated with our partners and Dave Stancil said that they met with Durham County and the Town of Chapel Hill last month. Durham County has $100,000 available now. It is possible that Durham County may submit a request to go ahead and do some trail restoration. Chapel Hill has not identified any funds at this point. Staff is working on an interim management plan for the property now.

Commissioner Jacobs asked about the status of the issue of the road.

Commissioner Hemminger said that this was discussed at yesterday's meeting. The discussion is that Durham County was instructed to go back out and have another public meeting and have another discussion with DOT before the summer break.

Twin Creeks Park

This was on page 48. There are no changes here. There is $600,000 in 2012-13 for an entry road. There will be a shared roadway.

Dave Stancil said that MI Homes is the landowner to the south of the Twin Creek property. They share a driveway and what would be a joint entry road for Ballentine subdivision. The funding here is to assist in construction of the entry road. MI Homes might be in a position to construct that road sometime in the next fiscal year.

Cedar Falls Parks

This is the joint artificial turf soccer field with the Town of Chapel Hill. The County's share is on page 48 and is $623,000. This will be taken from the Twin Creeks available money and will be transferred to the soccer field project.

Special Revenue Projects

This is a new tab in the CIP. This is based on the quarter-cent sales tax proceeds of $2.5 million a year with 50% going to economic development and 50% going to education. Page 51 has a more detailed summary of these projects.

Commissioner Jacobs asked if there would be any growth for five years and Paul Laughton said that they were being conservative and not projecting any new growth.

Paul Laughton said that the schools have prepared how to use this money. CHCCS has several different initiatives. OCS has the 1 to 1 initiative district-wide for technology, which is to give laptops to each student. This will be done in three phases. Teachers and staff will get laptops first, and then students in grades 6-12 will be phase 2, and students in grades 3-5 will be phase 3.

Commissioner McKee clarified that this money from the ¼-cent sales tax is additional money for the schools and does not replace any money from the general fund.

Proprietary Projects (Water and Sewer Utility, Solid Waste, and Sportsplex)

This started on page 53. The McGowan Creek pump station was dropped and brought in with the Central Efland-North Buckhorn with the hopes to use some of the money saved from the State lobbying loan and be able to fund this project out of it. The difference in the cost for construction is from $400,000 to $600,000 because of the remediation of the pump station.

Commissioner McKee asked about the percentage this was complete and Craig Benedict said over 50%. The north Buckhorn area is 90% done.

Buckhorn EDD Phase 2

The change is consistent with this year's CIP and is due to adding some gravity sewer lines instead of force main lines. The plans are under review by the City of Mebane and are 90% done.

Buckhorn EDD Phase 3 and 4

This was on page 57. The construction is consistent with the current CIP in years 2014-15 of $2.9 million. The design was moved to 2012-13 to 2013-14 because phase 2 has to be done first. Then $50,000 was added in the 2012-13 for future utility and access right-of-way.

Craig Benedict said that this area is north of I-85 and is 300 acres.

Efland Sewer

No changes here. The total cost over the five years is exactly the same at $1.65 million.

Eno EDD

This was on page 61. This has been moved up two years because of the agreement with the City of Durham. The engineering and planning costs are $200,000 in 2012-13.

Craig Benedict said that there have been three meetings with the City of Durham and July 1st the RFP will go out for a design consultant. The City of Durham has various engineers preapproved. The design and bidding should be done in a year and construction started in 2013-14.

Solid Waste

The summary for this is on page 62.

Solid Waste Director Gayle Wilson said that the primary components of the CIP will be the improvements to the Solid Waste Convenience Centers.

Commissioner Foushee asked that the line items for revenues and funding sources be broken out for the General Fund.

Paul Laughton said that there is no general fund on this now, so it can be stricken. It will be the Solid Waste Enterprise Fund for the debt service.

Commissioner McKee asked if the projection for Walnut Grove was generally on track.

Gayle Wilson said that the numbers are pretty refined at this point.

Paul Laughton said that the big change in the recycling is the timing of the curbside carts. There is a three-year phase of purchasing rural curbside carts to get to 13,000 total carts. Year two, 2013-14, will have urban curbside carts added in, at a cost of $948,000.

Regarding the landfill MSW, with the decision to close the landfill June 30, 2013, there is $3.1 million moved up two years. Page 67 adds the C&D landfill and this is a new project.

Commissioner Hemminger asked about the additional costs after closing the landfill.

Gayle Wilson said that there will be operating costs, continued groundwater and gas monitoring, and these will be budgeted in the C&D budget. Most of the post-closure maintenance will be done by existing employees.

Commissioner McKee asked about any projection on the revenue from the gas.

Gayle Wilson said that it is in the $40-50,000 range until the University completes the pipeline and begins generating electricity. Once the system is functioning, the estimated revenue is $100-110,000 a year.

Sportsplex

This was on page 68. The HVAC replacement in the lobby is in year one. The pool roof repair of $180,000 is in year one. A new UV system of $100,000 is also in year one. The Board approved $411,000 for use of fund balance to get these things done during this fiscal year.

The big projects are in the out years when there is potential growth. At this time, there is no more capacity for additional membership.

John Stock said that the Sportsplex has been growing at about 700 members a year. He said that there is about a three-year payback in extra revenue for making these major investments.

Commissioner Jacobs requested that the County Commissioners be able to do a tour of the Sportsplex.

School Funding

Paul Laughton made reference to the information from the Chair and Vice-Chair of OCS about Cedar Ridge projects and Elementary #8.

Elementary #8 is not in the recommended CIP for funding. The auditorium for Cedar Ridge is in the CIP and the classroom wing addition is scheduled for year four.

Chair Pelissier suggested that this be discussed at the joint meeting with the schools.

Paul Laughton said that the appendices have the debt service and debt capacity.

Pages 92-93 list the schools' unfunded projects.

Active County Projects

These projects were as of January 31, 2012. This is on pages 94-95. Page 96 has what was done in this year's CIP. He said that staff would like to receive direction on where to go from here. April 19th is the next work session and there is an hour set aside for this issue.

Chair Pelissier said that last time this was discussed, the Board did provide some direction and she does not think any additional direction can be provided until there are budget drivers and the big picture. She does not see how the Board can provide any additional feedback until this information comes forward.

Clarence Grier suggested sending questions via email.

Commissioner McKee said that he would like to discuss the Emergency Services capital improvements. He will email his specific questions.

3. Orange County Transit Plan

Chair Pelissier made reference to the cost-sharing with Durham. She said that several Orange County Commissioners have met informally with Durham County. She made reference to the timeline and said that it is expected that there will be a cost-sharing MOU or agreement by May 1st. In order to go to the public on April 3rd and April 17th, there has to be a financial plan in general to present to the public, along with the actual plan of services that would be received based on the 1/2-cent sales tax. The County Commissioners need to express whether they concur or not by the next meeting. The entities have discussed having a cost-sharing that is fair and simple to explain.

Craig Benedict said that there is a big pie and the pie is made up of the revenue from the ½-cent sales tax, a $7 additional Orange County vehicle registration fee, a $3 registration fee that Triangle Transit can impose, and other revenue. The largest portion will likely be spent on light rail, which is a shared project between Durham and Orange Counties. The County Commissioners have approved the locally preferred alternative, which fixed the end points (UNC and Alston Avenue). This is roughly a 17-mile length. The conceptual corridor was also approved.

Attachment 2 shows five different options. The discussion ended last spring when Durham was interested in proceeding with a referendum. Durham County's plan would have included $330 million in total dollars for light rail. This includes 75% funding from state and federal sources. He went through the different options for cost sharing:

1) Assumes Orange County payment of LRT to Leigh Village in Durham County.
2) Assumes Orange County pays for 4 stations in Orange County and Durham County pays for remaining 13 in Durham County ($324 million).
3) Durham County counter proposal. ($316.2 million total and $79.05 million from Orange County)
4) Orange County proposal based on ½-cent revenue % as collected by Orange County and Durham County. This amount would pay for some capital costs ($70m total, $17.5 local share) in Durham County.
5) Assumes capital costs of a 2.89 mile length in Orange County of a 17.4 mile total length of an averaged per mile cost along entire route (i.e. not actual cost of segments and stations in Orange County).

Craig Benedict said that due to the delay in not implementing the ½-cent sales tax this year, some of the bus hours anticipated in the spring of 2011 have been reduced.

Patrick McDonough from Triangle Transit answered clarifying questions from Commissioner Gordon.

Commissioner Gordon asked if the light rail project costs increased then would the bus hours decrease. She asked if the commitment would have to stay with the light rail.

Chair Pelissier said that in the agreement, there need to be some trigger points for when revenue might go down. There need to be provisions or safety nets to keep the current bus hours in place.

Commissioner McKee agreed with Commissioner Gordon. He said that the first decision needs to be whether any projections are reasonable. He said that the amount of money taken up by this light rail is not reasonable and equitable. He said that he has already heard that bus hours are being reduced because of increasing costs of the light rail. The first question for him is whether light rail is the way to go. He is not convinced that this is the right decision. He asked if there was a Plan B if in the year 2020 the project is 50% complete and the funding comes up short.

Patrick McDonough said that there could be delayed implementation or shortened lines if this happened.

Wib Gulley said that capital projects take time and cost a lot of money. He said that it is difficult to project exactly what it will cost so far into the future. He made reference to the reduction of bus hours and said that it is driven by the reduction of revenue related to sales taxes.

Commissioner Yuhasz said that he was not confident that the County will end up with a light rail system. He is also not satisfied with where this is going. He said that the question is what is a fair and equitable distribution between Orange County and Durham County.

Commissioner Foushee said that this discussion is preparing the Board to get to the real question. Until some decisions are made, the County Commissioners cannot get to the real question, which is whether or not to put a referendum on the ballot.

Commissioner Hemminger said that she has a very hard time committing a Board 15 years from now to moving monies out the General Fund because of a decision that this Board made. She asked if the revenue stream would work.

Patrick McDonough said that the revenue stream is based on things that the County staff thinks will happen. He then went through Attachment 4, which showed what would happen if there was no federal or state funds for capital projects. He said that if there is no federal money for capital projects, the MLK bus lanes can still be built and the Hillsborough Train Station could still be built.

Commissioner Gordon asked about the rationale for Orange County paying all of the costs in the Chapel Hill part of Durham County and how much the County was bound by that.

Chair Pelissier said that the conversation is starting fresh this year. She thinks that what Durham County has offered is a reasonable scenario, which was Orange County paying for four stations. During the first five years, Orange County would get more bus hours and Durham would actually lose some. She said that neither party wants to lose too many bus hours, because a lot of the bus hours are regional and the costs are shared. This is a regional transit plan.

Commissioner Yuhasz said that it is unfortunate the way the Durham County referendum vote transpired and the Durham County Commissioners committed to something that was probably a little more than they should have. He thinks that Durham County does not have a lot of flexibility now.

Commissioner McKee said that the Hillsborough train station could be expanded for commuter rail. He would like to revisit and reconsider the vote that light rail be the preferred alternative.

Commissioner Jacobs said that he thinks that Durham exercised as much flexibility as it thought it could based on what it had made as a commitment. He said that in the discussions that he participated, it was made clear that Orange County did not consider Durham County's commitment Orange County's commitment. He said that all of the agonizing over the projections is a little excessive to him because there is no way that anyone can know what will happen 15 years down the road.

Chair Pelissier said that it is clear to her that the majority of the Board agrees that this is a fair and reasonable way to do cost-sharing at this point in time. She also hears that the Board does not want to commit any General Fund monies and if there were situations where the revenues were lower, that the plan would have to be revisited with Durham. She suggested putting these three basic principles on the agenda next week, along with not reducing bus hours.

Commissioner Hemminger said that she would like to continue strongly advocating for the Hillsborough train station as part of this.

Chair Pelissier said that this is another part of the conversation, but this is important.

Commissioner Gordon said it that she would like to have a Hillsborough train station. She asked how much was being put aside for this.

Patrick McDonough said that a bare bones station would be about $4 million. The $4 million station is basically a platform, a roof, a ticket machine, and a parking lot. The local match is 10% of that.

Commissioner McKee asked for some specific information to be brought forward on the $3 million for the park and ride lots.

Commissioner Gordon said it appears that there will have to be some reprioritization of bus hours.

Chair Pelissier said that staff will get together tomorrow morning and will come up with a revised bus plan that provides additional services to rural and urban areas as well as regional. This will come forward next Thursday.

Chair Pelissier said that this is a draft plan and this is open to suggestions from the public. The whole idea for a Hillsborough train station came from public input. She said that TTA has agreed that there can be an agreement between Orange County and TTA that if this is put on the ballot in November and it passes, TTA would not levy the tax until Orange County Board of Commissioners says in a resolution that it wants TTA to levy the tax. This allows time to get the agreements worked out with the partners.

Craig Benedict made reference to Attachment 6, which is a draft agreement.

Chair Pelissier urged the County Commissioners to email any questions to staff before the meeting on Thursday.

With no further items to discuss, a motion was made by Commissioner Jacobs, seconded by Commissioner Yuhasz to adjourn the meeting at 10:12 PM.
VOTE: UNANIMOUS

Bernadette Pelissier, Chair

Donna S. Baker, CMC

DRAFT

MINUTES
BOARD OF COMMISSIONERS
REGULAR MEETING
APRIL 3, 2012
7:00 p.m.

The Orange County Board of Commissioners met in regular session on Tuesday, April 3, 2012 at 7:00 p.m. at the at the DSS Offices, Hillsborough Commons, Hillsborough, N.C.

COUNTY COMMISSIONERS PRESENT: Chair Bernadette Pelissier and Commissioners Alice M. Gordon, Barry Jacobs, Pam Hemminger, Earl McKee, and Steve Yuhasz
COUNTY COMMISSIONERS ABSENT: Valerie Foushee
COUNTY ATTORNEYS PRESENT: John Roberts
COUNTY STAFF PRESENT: County Manager Frank Clifton, Assistant County Gwen Harvey, Assistant County Manager Michael Talbert and Clerk to the Board Donna Baker (All other staff members will be identified appropriately below)

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

1. Additions or Changes to the Agenda

There were two PowerPoints at the County Commissioners' places for item 6-a on Transit.

There was a request for the addition of two closed sessions:

PER- **[N.C.G.S. 143-318.11(a)(4)]**
"To discuss matters relating to the location or expansion of business in the area served by this body."
And
Per 143-318.11(a)(3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.

A motion was made by Commissioner Hemminger, seconded by Commissioner Yuhasz to add the two closed sessions as shown above.
VOTE: UNANIMOUS

Chair Pelissier said that item 7-a, Durham-Chapel Hill-Carrboro Metropolitan Planning Organization Boundary Amendment Options, will be deferred because additional information was just received today. The item will be on the agenda on April 17th.

Chair Pelissier said that Commissioner Foushee was unable to attend tonight.

PUBLIC CHARGE

The Chair dispensed with the reading of the public charge.

2. Public Comments

a. Matters not on the Printed Agenda

Chris Weaver asked for an update on the weapons ordinance and he said that he has not heard anything from the Board. Since the last time this was discussed, there have been no crimes committed by those with a weapons permit.

Chair Pelissier said that she wrote this letter as a petition to put this on the public agenda. She said that the majority of Board of County Commissioners wanted to keep the weapons ordinance on a regular agenda. She said that she would send a copy of this to Chris Weaver.

Libbie Hough said that she was representing Child Care Services, Association; Orange County Partnership for Young Children; KidsCope, Orange County Preschool Inter-agency Council; and Durham-Orange Association for the Education of Young Children. They are celebrating the Week of the Young Child. She asked that a resolution entitled, The Week of the Young Child, be placed on the next Board of County Commissioners' meeting agenda recognizing the week of April 22-28 as the Week of the Young Child.

Chair Pelissier said that this would be referred to the agenda review process.

Donald O'Leary spoke about International Council for Local Environmental Initiatives (ICLEI). He said that being a member of ICLEI and forming a loyalty to a foreign communist socialist organization is treason.

b. Matters on the Printed Agenda

(These matters were considered when the Board addressed that item on the agenda below.)

3. Petitions by Board Members

Commissioner Hemminger petitioned the Board of County Commissioners to have motions shown on the screen during the meeting. She also asked the Board of County Commissioners that when motions are made that the motion be read in its entirety.

Commissioner Gordon read her petition related to communication with the public concerning possible changes in the provision of fire services in the Southern Triangle Fire District:

1)That on the April 17th BOCC agenda that there be a status report on the possible changes to the provision of fire services including what has been discussed and the options that are being discussed for the Southern Triangle Fire District.

2) That there be a public outreach meeting for citizens in the area of the district where there are no fire hydrants, in a similar timeframe to the meeting that is being scheduled for citizens in the area where there are fire hydrants.

3) That a public hearing on the proposed changes to the provision of fire services in the Southern Triangle Fire District be held before the Commissioners make a decision on any proposed changes to the provision of fire services in the district.

She said that she is bringing this petition forward because she wants this to be a transparent process so all citizens in the district are informed concerning what is being considered.

4. Proclamations/ Resolutions/ Special Presentations

NONE

5. Consent Agenda

- Removal of Any Items from Consent Agenda - NONE

- Approval of Remaining Consent Agenda

A motion was made by Commissioner McKee, seconded by Commissioner Yuhasz to approve those items on the Consent Agenda as stated below:
VOTE: UNANIMOUS

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

a. Minutes
The Board approved the minutes as submitted by the Clerk to the Board as follows: February 14, 2012.

b. Motor Vehicle Property Tax Release/Refunds
The Board adopted a release/refund resolution, which is incorporated by reference, related to 32 requests for motor vehicle property tax releases or refunds.

c. Property Tax Releases and/or Refunds
The Board adopted a resolution, which is incorporated by reference, to release property values related to thirty five (35) requests for property tax release and/or refund.

d. Fair Housing Month
The Board approved a proclamation, which is incorporated by reference, designating April 2012 as Fair Housing Month.

e. Requests for Road Additions to the State Maintained Secondary Road System
The Board made a recommendation to the North Carolina Department of Transportation (NCDOT) concerning petitions to add sub-division road(s) in Fox Hill Farm- Central Subdivision (Farm Gate Drive and Lee Fox Lane) and Tanglewood Acres (E. Benton Drive) to the State Maintained Secondary Road System

f. Changes in BOCC Regular Meeting Schedule for 2012
The Board approved three changes to the County Commissioners' regular meeting calendar for 2012 as follows:

- Changing the location of the August 21, 2012 Regular Meeting **FROM** DSS Offices, 113 Mayo Street, Hillsborough **TO** the Central Orange Senior Center (Adjoining Triangle Sportsplex), 103 Meadowlands Drive, Hillsborough; and
- Changing the location of the August 27, 2012 Quarterly Public Hearing **FROM** the DSS Offices, 113 Mayo Street, Hillsborough **TO** the Central Orange Senior Center (Adjoining Triangle Sportsplex), 103 Meadowlands Drive, Hillsborough; and
- Changing the location of the May 3, 2012 Work Session **FROM** SHSC, 2501 Homestead Road, Chapel Hill **TO** the West Campus Office Building, 131 West Margaret Lane, Hillsborough, NC for a teleconference presentation on the automated agenda process.

6. Public Hearings

a. Orange County Transit Plan Public Outreach

The Board received public comments on the Orange County Transit Plan (OCTP) prior to the Board's adoption of the draft plan tentatively scheduled for May 1, 2012.

Chair Pelissier said that this is the first of two public outreach meetings. She said that the question asked by Commissioner Gordon in an email was not on the website, but it will be answered in the presentation.

Commissioner Gordon said that the question she emailed was about the core transit plan and the enhanced transit plan and the provision of bus service in the core plan.

Planning Director Craig Benedict said that there have been many meetings over the past few months and the purpose of tonight's meeting is public outreach concerning this plan. He made a PowerPoint presentation. He said that this is not related to the ½-cent sales tax referendum. These decisions will be made later in May.

Orange County Transit Plan Overview
Public Input Session
April 3 2012

Purpose of Tonight's Meeting

- **To provide information on:**
  - Authorizing Legislation
  - Sales and Vehicle Registration
  - Intent of Legislation: Equity
- **To receive public comment on the Orange County Transit Plan including:**
  - Plan expenditures
    - Light Rail
    - New and Expanded Bus Service (Provided by CHT, TT and OPT)
    - Martin Luther King Jr. Blvd Bus Lanes
    - Small Capital Projects (Hillsborough Train Station, Park and Ride, etc)
  - Enhanced vs. Core Plans

Congestion Relief and Intermodal 21st Century Transportation Fund

- Passed July 2009
- Authorizes a regional transportation authority to:
  - Create a special district that encompasses one or more counties and to levy a ½ cent sales and use tax
  - Increase the amount a Regional Public Transportation Authority can levy to increase vehicle registration fees from $5.00 to $8.00
- To levy tax, these requirements must be met:
  - Approval by County Commissioners
  - Develop and approve a financial plan in conjunction with Triangle Transit
  - Adoption by MPOs
  - Adoption by Triangle Transit Board
  - County public hearing prior to referendum
  - Referendum passed by voters

Special Conditions

- Orange County intends to adopt a unique joint agreement with Triangle Transit to set the timing of the tax levy
- Cost sharing agreement with Durham County regarding Light Rail costs

½ Cent Sales Tax

- ½- cent sales tax will add 5 cents to a $10 retail purchase.
- Food, pharmaceuticals, gasoline, housing and health care are exempt from the sales tax.

Vehicle Registration Tax

- Orange County is authorized to impose a Vehicle Registration fee of $7.00 that can be used to support existing services

Intent of Public Transportation Legislation

- Section [105-510.6(2)] states, "…to provide for **equitable use** of the net proceeds…and consider:
  - the identified needs of local public transportation systems in the district,
  - human service transportation systems within the district, and
  - expansion of public transportation systems to underserved areas of the district.

Plan Expenditures Overview

- Light Rail
  - $1.378 billion
  - Cost Sharing Agreement with Durham County
- New & Enhanced Bus Services
  - 34,900 Hours by 2035
  - Some support of existing services (6,000 + Hours)
  - Will discuss breakdown/distribution later
- Bus Rapid Transit (BRT) on MLK Jr. Blvd
  - $22.1 million
- Small Capital Projects
  - $14 Million
  - Park and Ride Lots
  - Bus and Rail Transfer Stations
  - Passenger Rail Station in Hillsborough
- 17 Stops between UNC and Alston Avenue in Durham along 17.4 miles
- 10 minute intervals during peak hours; 20 minutes during non-peak
- Seating for 76 passengers per car
- Major stops include UNC Hospital, the Friday Center, Gateway Station, South Square, Duke Medical Center and the Durham Transit Station (where transfer to commuter rail is available to RTP and Wake County)
- Costs will be shared with Durham County

New & Enhanced Bus Services

- Chapel Hill Transit
  - Provides fixed route service to Chapel Hill and Carrboro
- Triangle Transit
  - Provides regional fixed route service in and between Orange, Durham and Wake Counties
- Orange Public Transit
  - Provides demand response service to rural Orange County, operates the Hillsborough Circulator and could develop rural feeder routes

New & Enhanced Bus Services

1. Improve mobility in the region
2. Provide geographic equity/countywide services distribution
3. Support improved capital facilities
4. Support transit-supportive land use
5. Provide positive impact on air quality

Small Capital Projects

- Passenger Rail Station in Hillsborough

- Competitive Process For:
  - Park and Ride lots in rural crossroad communities
  - Bus stop enhancements
  - Other

Next Steps

- April 17, 2012: Public Input Session at Southern Human Services Center
- April 19, 2012 : BOCC work session on to discuss the draft plan and public input
- May 1, 2012: Regular BOCC meeting: commissioners will decide whether or not to approve draft OCTP
- May 1, 2012: Public hearing on ½ cent sales tax referendum
- May 15, 2012: Decision on ½ cent sales tax referendum

Patrick McDonough from Triangle Transit said that the key thing is to review the plan in draft form and also give a little background information. He made a PowerPoint presentation.

Orange County Draft Plan Overview

- Background
- Core Plan
  - Bus Capital Investment (2013-2017)
  - Bus Services (2013-2017)
  - Intercity Rail Station in Hillsborough (2015/2016)
  - Bus Lane(s) on MLK in Chapel Hill (2019)
- Enhanced Plan
  - Core Plan
  - Light Rail Transit (2026)

Background

- Special Transit Advisory Commission (STAC) recommendations (2008)
- DCHC-CAMPO Joint 2035 Long Range Transportation Plan Adopted (2009)
- NC House Bill 148: Congestion Relief and Intermodal 21st Century Transportation Fund (2009)

Option of ½-cent sales tax (referendum required) for public transportation purposes in Triangle and Triad

Option of ¼-cent sales tax (referendum required) for public transportation purposes in all other NC Counties

Option of vehicle registration fee increase (up to $7) for public transportation purposes in all NC Counties

Selection of Initial Study Corridors

- The three study corridors for the Alternatives Analysis were selected from the Transit Vision Map based on five criteria: Mobility, Population, and Employment, Land Use, Financial, and Stakeholder Input. The study for the selection of corridors was the "Transitional Analysis."

Agency and Public Involvement

- Major Corridor Planning:
- 3 Sets of Public Workshops totaling 19 meetings
    - June and September 2010; March 2011
    - Multiple locations in Orange County
- Bus Planning
    - Onboard-bus customers surveys
    - Short range transit plans
    - Transit agency staff input
    - Call center data: "Does the bus go to _____?"

Bus Capital Investment: $6 Million over 5 Years

Bus Services: 34,650 hours Implemented by 2017

Intercity Rail: Hillsborough Train Station

- Access from Hillsborough to Durham, Raleigh, Greensboro, Charlotte, more NC cities 4 times/day
- Direct service to NYC, DC, Richmond via Carolinian
- $4 to $8 million in investment

MLK Bus-Only Lanes by 2019

- From I-40 area to Estes Drive
- Will improve access to main campus and Carolina North

Commissioner Gordon said that the details of the core and enhanced plans are not in their packets tonight and were not part of either PowerPoint presentation.

Craig Benedict said that he could pull up that slide after the public comment.

Commissioner McKee said that he would like to see the slide before public comment. He said that no information was brought forth to the public on BRT except on MLK Boulevard in Chapel Hill and no other for alternatives such as 15-501.

Chair Pelissier said that some of those items are not there because the public is to comment on the draft transit plan.

Craig Benedict pulled up the slide. He said that in the first five years, the only thing that would come forward if the ½-cent sales tax is passed, is that in year three there would be 28,000 bus hours. In year five, another 6,300 bus hours could be added. In year five or six, there could be a decision on light rail from Triangle Transit. If the federal transportation department determines that light rail is a viable alternative, and then the construction will begin, there will be bus lanes on MLK (2019) and light rail will come online in 2026. The light rail will replace some of the bus routes. If light rail is not funded through state or federal monies, then capital bus projects (core plan) could come online in 2023, 2027, and 2031.

The enhanced plan is on the right and the core plan is on the left of the handout.

PUBLIC COMMENT:

David Laudicina read a prepared statement:

"To begin I would like to commend you on the work you have done on analyzing the transit plan especially with the addition of the Hillsborough train station to the plan. You have listened to your constituents and are willing to revise the plan. My concerns are that the 40% of the Orange County population living outside of Chapel Hill and Carrboro are not represented fairly by the dollars rural residents will spend with the proposed ½-cent sales and use tax

compared to the services rural residents will receive. Twenty-three percent of the Orange County population lives in Cheeks, Hillsborough, and Eno Township, easily drivable to a Hillsborough train station. The rest of the rural 40% also live a drivable distance to the proposed Hillsborough train station.

The portion of the transit project supporting Orange County is estimated approximately at $315 million of a total cost of 1.378 billion dollars of which 25% of approximately $80 million will come from the proposed Orange County ½-cent sales tax. If you look at the pie chart you can see that 97+ percent of the $316 million Orange County cost most of which is dedicated to the Light Rail service between Chapel Hill and Carrboro will benefit only Chapel Hill and Carrboro residents and a meager portion of 3% will benefit rural Orange County residents.

Again, thank you for adding the Hillsborough train station to the plan. Introducing Amtrak service to Hillsborough is a wonderful addition but realistically will not support daily commuting between Hillsborough, Durham, Cary, Research Triangle and Raleigh. Current Amtrak service only runs less than 10 trains daily which are not conveniently scheduled to provide daily commuting service to rural Orange County residents to the Triangle and are costly. A round trip ride from Burlington to Raleigh is 18 to 22 dollars.

I am proposing that the Board take a good hard look at extending limited commuter rail service from Hillsborough in the morning and to Hillsborough in the evening to the planned Commuter rail service on the current single track from Hillsborough to West Durham and adding the extended service to the plan. The current Commuter Rail Service is planned to provide service between West Durham, Durham, Cary, Raleigh, and Garner. Currently Amtrak and freight carriers run trains safely on the single track through Orange County on the SAME track proposed to support the commuter rail service between West Durham and Garner. Triangle Transit will say that it is too costly to build a second track but I believe in the short-term limited service to and from Hillsborough and West Durham and on to Cary and Raleigh could be accomplished quite cheaply and safely sharing the existing single track with Amtrak and freight carriers. The service would simply be a limited extension to the current proposed Triangle Transit Commuter rail service from West Durham to Raleigh and Garner.

I wholeheartedly support public transportation but I don't think a properly educated rural Orange County resident will vote in favor of the current plan given the huge disparity in benefits and cost between rural Orange County and favoring Chapel Hill/Carrboro. Rural residents defeated the present ½-cent sales tax in the first go round, which included rural benefits in economic development and schools and could easily defeat this referendum. In order to get buy-in from rural voters I think it would be prudent to add more services provided to rural Orange County residents. Take a look at the plan on the web for the Hillsborough train station area. The station is the heart of a sustainable residential and commercial community, walkable and bikable to downtown Hillsborough, built around a huge potential to provide commuter services to rural Orange County residents to the rest of the Triangle. This is just the kind of development Orange County and Chapel Hill have been talking about for years."

Mary Carter lives in Hillsborough and she said that transit is important to Orange County. If it is done well, it will help focus density, encourage economic development, and alleviate traffic congestion. It can also help Hillsborough achieve the vision of Amtrak services. She said that citizens in the County are confused about the scope and funding for light rail service. Most people do not know that Wake County has not committed to the plan. Before another sales tax is placed on the ballot, the citizens need to be better educated on the plan. It should be done in an open venue where people can ask questions and discuss this. She asked where and how Orange County's population is expected to grow over the next two decades and how that would impact transit users and routing. Secondly, she asked about the alternatives that are available. She asked about the costs and the risks to Orange County taxpayers for

light rail. She asked about the impact of the delay or of proceeding too quickly. She said that transit is too important and expensive to rush, and before the County Commissioners commit to a plan and a tax, the citizens need to be involved in an in-depth discussion of the plan and alternatives.

Chris Weaver said that Mary Carter covered most of what he wanted to say. He said that he does not think that the County got the public hearing notice out in time.

Daniel Ashley asked where the tax increases will end. He said that all of the educational material for the referendum is downplaying the significance of the tax.

Alex Castro is a resident of Bingham Township and a member of the Orange County Advisory Board on Aging. He said that in the Master Aging Plan they addressed issues that these seniors will be facing and one is mobility and transit services. He said that the proportion of those in Orange County over 65 is equal to those under the age of 18. He said that of those that are over 65, 32.3% live with a disability. He said that 13% of the people over 65 that live in Cedar Grove do not have access to a vehicle. He said that this group is underserved by transportation. He asked the County Commissioners to consider how OPT might be enhanced to serve the aging population better than it is now.

Bonnie Hauser was speaking for Orange County Voice and echoed some of the points raised by Mary Carter. She said that this transit plan is complicated and they need more time to digest. She said that most citizens in Orange County do not understand the plan, especially the light rail investment. She said that the citizens appreciate the public hearing, but this is not the right venue to fully educate the public. She asked why there is a rush and said it is too complicated and important to rush this issue.

Joe Phelps said that he is not against helping people get around, but he is a little confused about the direction of some of these things. He said that he is confused that there is a big push for economic development, but yet also a big push for transportation. He asked if the idea was for people to stay here and work or to send people elsewhere to work.

Chair Pelissier asked Craig Benedict if they could add a Q&A on the website for the public. Craig Benedict said that staff has made good notes and this can be done. He will work with the Chair, Vice-Chair, and Manager to talk about how to make it more interactive.

Commissioner McKee said that it was mentioned that monies had been put forth to support the Hillsborough train station, but there is a small sliver of the pie chart that is for capital projects such as park-and-ride, etc. He asked if the money was $800,000 and if it was obtained out of the 3% share that was previously designated for park-and-ride and other small capital projects.

Patrick McDonough said that the money for the train station is separate.

Commissioner McKee said that at the work session it was presented that this money would come out of small capital projects. Patrick McDonough said that they originally thought it was, but it is not.

Commissioner McKee said that he is concerned that figures continue to shift. He said that there does not seem to be a finite pot of money. He asked if the ½-cent sales tax would be enough.

Patrick McDonough said that there is a plan from Orange County staff that is conservative and they feel that they are accurate. He cannot guarantee anything, which is why there are interlocal agreements. If the financing does not work out then there can be delays, etc. so that the County will not be asked for more money.

Commissioner Jacobs said that he found this format stilted and unsatisfying. He said that, as far as public comment, the County is short-changing the public. He said that the County Commissioners have to the end of the fiscal year to make a decision, and this process is not adequate as the public has indicated.

Commissioner Gordon said that her question was: "For year 2023 of the core plan there was a capital project for $30 million. How many bus hours could Orange County have if the $30 million was spent on buses? Please provide the numbers for both the operating costs and the capital costs that would be involved." She said that specifically, she'd like to know the capital costs of the buses and how many buses would be purchased and any other costs. She asked for this information for 2023, 2027, and 2031.

Patrick McDonough said that the plan assumes $97 per bus hour. In trying to think about the question of the $30 million capital projects, the plan is a 27-year plan. For every $30 million project, there can be 2.88 buses. It costs $10.4 million to buy, operate, maintain, and replace a bus over the life of it..

Commissioner Gordon said that her other question was that they have a list of revenue sources which are the ½-cent tax, $7 vehicle registration fee and the $3 increase in the vehicle registration fee for Triangle Transit. She asked what each of these support in the plan.

Patrick McDonough said that the revenues are not designed to be tied to any particular projects. It is all in the same pool of money.

Commissioner Jacobs said that the County Commissioners agreed on March 22nd to move forward though they all had reservations about the pie chart (64%-Chapel Hill Transit, 24%-Triangle Transit, and 12%-Orange Public Transit). He asked how the Board should proceed now.

Patrick McDonough said that it is not simply where people live, but where they want to go. He said that the question for the Board to consider is what the market will justify.

Commissioner Jacobs said that he is addressing the Board of County Commissioners and staff. He said that almost nothing has been done to locate park and ride lots in this transit plan.

Craig Benedict said that before the next public hearing, they will put the percentages out to the public.

Commissioner Gordon said that the comments should be interpreted as the Commissioners wanting to have more explanation. She made reference to the distribution of new bus service proposed by Chapel Hill Transit. She said that it is not a simple analysis.

Chair Pelissier said that focusing on the chart means missing the point. She said that much of this is driven by where people work.

Steve Spade from Chapel Hill Transit said that it is about what the needs are and the bottom line on how you distribute the funds is subjective. He has heard the public say that they want to have more discussion,

Commissioner McKee said that he has the same concerns as Commissioner Jacobs about the different percentages and also the limitations of the public comment.

Commissioner Jacobs said that the public input has not been very specific and he would like to engage the citizens in a more interactive way. He suggested having two public outreach sessions in April and pushing back the Board of County Commissioners' discussion.

A motion was made by Commissioner Jacobs, seconded by Commissioner McKee to have two public outreach sessions in April (one at Southern Human Services Center and one at DSS) and then have the Board of County Commissioners make a decision by June 5th.
VOTE: UNANIMOUS

Commissioner Yuhasz said that he would like to see some evidence that the 40% of population in the rural areas will benefit at all from this transit plan.

Steve Spade said that the Board of County Commissioners will make a decision based on the information staff gives to them. There will be facts and figures to support the plan.

Commissioner Jacobs said that Orange County is very fortunate to have Chapel Hill Transit, but this is the first time that the Orange County Commissioners have had the

opportunity to direct funding towards public transportation. He said that the County Commissioners need to get up to speed with the counterparts in Chapel Hill and Carrboro because they have had the opportunity.

Frank Clifton asked about the schedule of work sessions and the public outreach sessions.

Chair Pelissier said that what was scheduled for May 1st would be moved to May 15th and what is scheduled for May 15th would be moved to June 5th.

Commissioner Jacobs said that the April 19th work session would be bumped to the May 3rd work session.

The meeting schedule will be confirmed during the agenda review.

Commissioner McKee said that the newspaper is a good venue to educate the public. He said that he is not seeing in-depth reporting on this issue and it is important to educate the public through this venue.

b. Orange County's Proposed 2012 Legislative Agenda

The Board received public comments on its Proposed 2012 Legislative Agenda.

Greg Wilder introduced this item. He went through the additional items: Proposed Orange County 2012 Legislative Matters Resolution with Exhibit (Orange-Alamance County Line); Proposed Orange County 2012 Legislative Matters Resolution with Exhibit – Broadband Grants for Economic Development; Proposed Orange County 2012 Legislative Matters Resolution on Statewide Issues with Exhibit; Proposed "Areas of Support" and "Items of Interest" Documents; Memorandum from Commissioners Jacobs and McKee Regarding Hunting Deer with Dogs Legislative Item; and NCACC 2011-12 Adopted Legislative Goals.'

He said that the memo from Commissioners Jacobs and McKee recommends that the Board not include hunting deer with dogs in the legislative package for this year.

Commissioner McKee said that the recommendation to not include the hunting deer with dogs was because there has been an extensive education campaign, which has helped to reduce the incidence of conflict between the hunters and homeowners. The recommendation was to monitor the activity and consider it next year.

Commissioner Jacobs said that several items under Areas of Support and Items of Interest were in response to concerns brought forward by the advisory boards or by staff (aqua blue sheet). He would like to try and be responsive.

Commissioner McKee said that he would like to put some emphasis on a couple of items as a major push, while recognizing that the other items are important to keep in mind.

PUBLIC COMMENT:

Steve Graf said that he is disappointed that the Board of County Commissioners is not putting the hunting deer with dogs on the legislative agenda.

A motion was made by Commissioner McKee, seconded by Commissioner Hemminger to close the public hearing.
VOTE: UNANIMOUS

A motion was made by Commissioner Yuhasz, seconded by Commissioner Jacobs to separate item #1, Revenue Options, from the other items on the Resolution Regarding Legislative Matters (lavender sheet).
VOTE: UNANIMOUS

Commissioner Hemminger said that she wants to put the hunting deer with dogs on the agenda because she does not want it to get lost.

Commissioner Yuhasz suggested not putting it in the resolution, but still making a statement that the Board does not want to abandon this issue and still wants to end hunting deer with dogs in Orange County.

Commissioner McKee said that the decision not to include this in the packet this year is no indication of wanting to abandon this issue, but the fact that the number of calls and incidences has dramatically dropped.

Commissioner Hemminger made a motion to put the hunting deer with dogs issue back on the agenda.

Commissioner McKee said that if they use this resolution to add this item, then it will add to proposed legislative matters resolution for local issues.

Commissioner Yuhasz asked if this could be added to the list of "items of interest."

Commissioner Hemminger clarified her motion that there will be a separate memo for this, writing to the Legislative Delegation that the Board of County Commissioners has not lost interest in this issue and it understands the realities of the short session and that it will be brought up again in the future. Commissioner Gordon seconded the motion.
VOTE: Ayes, 5; No, 1 (Commissioner McKee)

A motion was made by Commissioner Jacobs, seconded by Commissioner Hemminger to approve item #1, Revenue Options for Local Government, that supports legislation that authorizes any local government to enact any revenue source that is presently available to one or more local governments in the state.
VOTE: Ayes, 4; Nays, 2 (Commissioner McKee and Commissioner Yuhasz)

A motion was made by Commissioner Jacobs, seconded by Commissioner Hemminger to approve the other items on attachment 4: County Responsibility for Roads; Bio-solids Disposal; Energy Efficiency Standards in Local Building Codes; Broadband; Sales Tax Exemption; and Smart Start and more at Four.
VOTE: UNANIMOUS

A motion was made by Commissioner Jacobs, seconded by Commissioner Hemminger to approve the resolution regarding the remaining Orange-Alamance County boundary legislation.

John Roberts made reference to page 7 on the pink sheet and said that it will have to be amended in Sections 10 and 11. Right now it refers to plat books and recordings and he said that they cannot record the 9% as being the County line until the General Assembly actually adopts it. He said that this will say, "the General Assembly adopts the 9% of the County line as is recommended to them by the Orange County Commissioners and Alamance County Commissioners at their (insert date year) meeting."

A motion was made by Commissioner Jacobs, seconded by Commissioner Hemminger to approve Attachment 5, Orange County Areas of Support and Items of Interest.
VOTE: UNANIMOUS

A motion was made by Commissioner McKee seconded by Commissioner Yuhasz to approve Attachment 3, Resolution Regarding Legislative Matter (related to Broadband).
VOTE: UNANIMOUS

The Board considered identifying three to five specific items from the entire package to highlight for priority discussion at the April 16, 2012 meeting with Orange County's legislative delegation. (blue packet)

A motion was made by Commissioner Yuhasz, seconded by Commissioner McKee to approve the first four items on Attachment 7 as the top 4 priorities: Oppose shift of state transportation responsibilities to counties; reinstate ADM and lottery funds for school construction; ensure adequate mental health funding; preserve the existing local revenue base.

Chair Pelissier said that she will vote against this because she wants to include item #5.

VOTE: Ayes, 2 (Commissioner McKee and Commissioner Yuhasz); Nays, 4
MOTION FAILED

A motion was made by Commissioner Hemminger, seconded by Commissioner Gordon to have the Orange-Alamance County Line issue as the top priority.
VOTE: UNANIMOUS

A motion was made by Commissioner Hemminger, seconded by Commissioner Gordon to have "oppose shift of state transportation responsibilities to counties" as a top priority.
VOTE: UNANIMOUS

A motion was made by Commissioner Hemminger, seconded by Commissioner Yuhasz to have "reinstate ADM and lottery funds for school construction" as a top priority.
VOTE: UNANIMOUS

A motion was made by Commissioner Hemminger, seconded by Commissioner Yuhasz to have broadband as a top priority.
VOTE: UNANIMOUS

A motion was made by Chair Pelissier, seconded by Commissioner Jacobs to have "authorize local revenue options" as a top priority.
VOTE: Ayes, 4; Nays, 2 (Commissioner Yuhasz and Commissioner McKee)

7. Regular Agenda

a. Durham-Chapel Hill-Carrboro Metropolitan Planning Organization Boundary Amendment Options

The Board was to consider providing feedback to staff on amendment options to the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization boundary in the vicinity of the City of Mebane.

DEFERRED

b. Comprehensive Plan and Unified Development Ordinance (UDO) Text Amendment Schedule for August 2012 Joint Quarterly Public Hearing – Solar Arrays

The Board considered approving the process components and schedule for a Planning Director initiated Unified Development Ordinance (UDO) text amendment for the August 27, 2012 Quarterly Public Hearing regarding solar arrays.

Michael Harvey went through Attachment 1. The Board is being asked to approve Attachment 1, which is the outline form and establishes the process utilized for the text

amendment for presentation to the August 27th Quarterly Public Hearing. This includes outreach meetings to the general public and soliciting input from the Planning Department.

Commissioner Gordon asked how big the solar arrays would potentially be.

Michael Harvey said that the regulation would have some limitations establishing an acceptable accessory use of solar arrays.

A motion was made by Commissioner Jacobs, seconded by Commissioner Hemminger to authorize staff to approve the attached Amendment Outline form contained within Attachment 1 and direct staff to proceed accordingly.

VOTE: UNANIMOUS

8. Reports

NONE

9. County Manager's Report

Frank Clifton made reference to the Orange County Pride Campaign initiated last year with the Durham Herald. He said that Orange County won two marketing awards. One of those was for marketing tools in print advertising. The second award was the Most Creative Marketing Campaign Least Dollars Spent.

He made reference to the Efland sewer project, which was initiated 20 years ago. He said that a low-interest loan will be given to Orange County of $755,000 for this project. There is a tight schedule for this project.

He said that on April 20th, the CHCCS will have a groundbreaking on April 30th for Elementary School #11.

10. County Attorney's Report

John Roberts said that there was previous discussion of UDO codification and this may need to wait while text amendments continue to come in.

11. Appointments

NONE

12. Board Comments

Commissioner Jacobs noted that the parking code at the deck in Hillsborough where there is free parking for citizens has been changed to 0416m.

Commissioner Gordon – none

Commissioner Hemminger said that she participated in Chapel Hill High School Government Day. The Town Council, Mayor, Ed Kerwin from OWASA, and members of the school board were in attendance.

Commissioner Yuhasz – none

Commissioner McKee – none

Chair Pelissier said that she also enjoyed Government Day.

13. Information Items

- March 13, 2012 BOCC Meeting Follow-up Actions List
- March 22, 2012 BOCC Meeting Follow-up Actions List
- BOCC Chair Letter Regarding Request to Present Revaluation Information
- BOCC Chair Letter to Joe Phelps Regarding Request to Present Revaluation Information
- BOCC Chair Letter Regarding BOCC Members Receipt of Advisory Board Appointments Information

- BOCC Chair Letter Regarding Transit Discussions on Regular Meeting Agendas

14. Closed Session-two items

A motion was made by Commissioner Hemminger, seconded by Commissioner Yuhasz to approve a closed session to:

PER- [N.C.G.S. 143-318.11(a)(4)]

"To discuss matters relating to the location or expansion of business in the area served by this body."

And

Per 143-318.11(a)(3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.

VOTE: UNANIMOUS

15. Adjournment

A motion was made by Commissioner Jacobs seconded by Commissioner Yuhasz to adjourn the meeting at 10:30 pm.

VOTE: UNANIMOUS

Bernadette Pelissier, Chair

Donna S. Baker, CMC
Clerk to the Board

DRAFT

MINUTES
BOARD OF COMMISSIONERS
REGULAR MEETING
April 17, 2012
7:00 p.m.

The Orange County Board of Commissioners met in regular session on Tuesday, April 17, 2012 at 7:00 p.m. at the Southern Human Services Center in Chapel Hill. N.C.

COUNTY COMMISSIONERS PRESENT: Chair Bernadette Pelissier and Commissioners Valerie Foushee, Alice M. Gordon, Barry Jacobs, Pam Hemminger, Earl McKee and Steve Yuhasz
COUNTY COMMISSIONERS ABSENT:
COUNTY ATTORNEYS PRESENT: John Roberts
COUNTY STAFF PRESENT: County Manager Frank Clifton, Assistant County Managers Gwen Harvey, and Michael Talbert and Clerk to the Board Donna Baker (All other staff members will be identified appropriately below)

1. Additions or Changes to the Agenda

Chair Pelissier made reference to the items at the County Commissioners' places.

- Blue sheet – proposed modification to item 4-c from Commissioner Jacobs – Draft Resolution Regarding Hydraulic Fracturing in North Carolina
- Yellow sheet – updated information for item 7-a – Sales Tax Distribution
- Aqua sheet – update on the Emergency Services Work Group progress (requested by Commissioner Gordon)
- White sheet – information that will be addressed by the County Manager during his report

Chair Pelissier said that she needs a motion to approve changes to the agenda to defer item 5-d until May 1st. Also, item 5-g needs to be deferred for staff to resolve some details.

A motion was made by Commissioner Foushee, seconded by Commissioner Hemminger to approve the proposed changes to the agenda.
VOTE: UNANIMOUS

PUBLIC CHARGE

The Chair dispensed with the reading of the public charge.

2. Public Comments

a. Matters not on the Printed Agenda

NONE

b. Matters on the Printed Agenda

(These matters were considered when the Board addressed that item on the agenda below.)

3. Petitions by Board Members

NONE

4. Proclamations/ Resolutions/ Special Presentations

a. Special Recognition for the Carol Woods Retirement Community

The Board recognized the Carol Woods Retirement community for its continuing financial contribution to Orange County.

Financial Services Director Clarence Grier said that Carol Woods is a non-profit retirement community located in Chapel Hill. Since FY 2002-03, Carol Woods has been exempt from paying property taxes, but it has continued to make a contribution to Orange County's general fund for the budgetary needs. The contribution has been $1.9 million over the past nine fiscal years.

Pat Sprigg thanked the County for the recognition.

b. The Week of the Young Child Proclamation

The Board considered a proclamation designating April 22-28, 2012 as The Week of the Young Child and authorizing the Chair to sign.

Margaret Samuels, Executive Director of Partnership of Young Children, read the proclamation:

PROCLAMATION
THE WEEK OF THE YOUNG CHILD
April 22-28, 2012

WHEREAS, the Orange County Partnership for Young Children and other local organizations are celebrating April 22-28, 2012 as The Week of the Young Child in concert with the national theme of 'Early Years are Learning Years'; and

WHEREAS, these organizations are working to improve early learning opportunities which are crucial to the growth and development of young children and to building better futures for everyone; and

WHEREAS, making sure children are ready to learn is a community endeavor that involves parents, child care providers, policy makers, businesses, congregations and community agencies; and

WHEREAS, early care and education is a viable economic development strategy that nurtures the beginning of the talent pipeline workforce based on research that confirms that children with early learning success are more likely to finish school, more likely to attend college, and more likely to be employed; and

WHEREAS, high-quality early care is critical to Orange County successfully supporting the current workforce, and specifically a majority of families with young children, that relies on child care to work, to reduce employee absenteeism and turnover, and to support the school readiness of our youngest children; and

WHEREAS, teachers and others who make a difference in the lives of young children in Orange County deserve thanks and recognition; and

WHEREAS, public policies that support early learning for all young children are crucial to young children's futures;

NOW THEREFORE BE IT RESOLVED that we, the Orange County Board of Commissioners, do hereby recognize that 'Early Years are Learning Years' and that the ages of birth to 5 are the most critical time in children's development and build the foundation for later success in school and life.

BE IT FURTHER RESOLVED that we hereby proclaim April 22-28, 2012 as The Week of the Young Child in Orange County, and express our appreciation to those organizations and individuals who on a daily basis change the landscape of early childhood care for County residents to benefit current and future generations of young children and their families.

This the 17th day of April 2012.

A motion was made by Commissioner Jacobs, seconded by Commissioner Hemminger to approve the proclamation designating April 22-28, 2012 as The Week of the Young Child and authorize the Chair to sign.
VOTE: UNANIMOUS

Commissioner Jacobs said that the County Commissioners met with their legislative delegation yesterday and they brought forth their concerns about state cuts for support of childcare in Orange County.

c. Draft Resolution Regarding Hydraulic Fracturing in North Carolina

The Board considered a draft resolution regarding the potential extraction of shale gas resources in North Carolina.

Chair Pelissier said that there is a proposed modification to the resolution from Commissioner Jacobs at their places.

Department of Environment, Agriculture, Parks, and Recreation Director Dave Stancil said that this has been a hot topic recently with the rising costs of energy. There have been some new developments in looking at horizontal drilling/hydraulic fracturing. He said that staff has provided information from the Department of Natural Resources that speaks to the shale gas potential in Chatham and Lee Counties. He said that this resolution addresses that until more is known about fracturing to hold off on any type of activity.

Dave Stancil read the resolution with Commissioner Jacobs reading the proposed modification:

ORANGE COUNTY BOARD OF COMMISSIONERS

RESOLUTION

Shale Gas Development in North Carolina

WHEREAS, the organic-rich shale deposits located in the Triassic Basins of North Carolina appear to contain potentially significant quantities of natural gas; and

WHEREAS, a portion of Orange County is located in the Durham sub-basin of the Deep River Basin of Triassic age; and

WHEREAS, North Carolina has historically had essentially no history of oil or gas exploration and development, and neither horizontal drilling or well fracturing are currently allowed in North Carolina; and

WHEREAS, potential exists for the contamination of scarce surface water and groundwater resources, given some of the materials and procedures that are utilized to recover natural gas from deposits that were formerly unrecoverable; and

WHEREAS, millions of gallons of water are routinely used for the hydraulic fracturing of each natural gas well, and the resulting wastewater, which typically contains elevated concentrations of salts, metals and other compounds, possibly including naturally occurring radioactive materials, must be disposed of properly; and

WHEREAS, Orange County continues to participate in regional efforts to protect surface water resources, as well as plan for the utilization of these resources, throughout the Triangle region in a cooperative, safe, and sustainable manner; and

WHEREAS, the lack of experience and regulatory protections in North Carolina means that several aspects of these practices must be thoroughly studied in order to develop the adequate and appropriate regulations that must be in effect to safely permit the exploitation of shale gas resources in North Carolina;

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Board of Commissioners does hereby urge the North Carolina General Assembly to maintain existing laws and regulations that prevent the use of horizontal drilling and hydraulic fracturing in the State and to take no action that would weaken these laws and regulations before it is fully demonstrated that North Carolina public health, waters, land, air, economy, and quality of life can be protected from impacts that may occur by allowing the development of shale gas resources in the state.

BE IT FURTHER RESOLVED, that, should the State authorize hydraulic fracturing, local governments should retain some regulatory authority regarding proposed drilling-related activities as they affect water resources and previously identified significant natural areas, through land-use and other established regulation.

This the 17th day of April, 2012.

A motion was made by Commissioner Hemminger, seconded by Commissioner McKee to approve the resolution regarding the potential extraction of shale gas resources in North Carolina with the proposed modification in wording by Commissioner Jacobs.
VOTE: UNANIMOUS

5. Consent Agenda

- Removal of Any Items from Consent Agenda

Chair Pelissier said that the McPherson family is here in reference to item 5-f – Enhanced Voluntary Agricultural District Designation: McPherson Farm. The Board agreed to pull this item for separate discussion.

Item 5-d – North Carolina Tomorrow Grant Award – was deferred until the May 1st meeting.

Item 5-g – Fiscal Year 2011-12 Budget Amendment #8 was removed.

- Approval of Remaining Consent Agenda

A motion was made by Commissioner Hemminger, seconded by Commissioner McKee to approve the remaining items on the consent agenda.
VOTE: UNANIMOUS

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

f. Enhanced Voluntary Agricultural District Designation: McPherson Farm

The Board considered an application from the McPherson family to certify its farm as qualifying farmland within the Cane Creek/Buckhorn voluntary agricultural district, and designate it as an Enhanced Voluntary Agricultural District.

Dave Stancil said that this is the first voluntary agricultural district designation of its kind.

The family thanked the Board of County Commissioners for supporting agriculture in Orange County.

A motion was made by Commissioner McKee, seconded by Commissioner Jacobs to approve an application from the McPherson family to certify its farm as qualifying farmland within the Cane Creek/Buckhorn voluntary agricultural district, and designate it as an Enhanced Voluntary Agricultural District.
VOTE: UNANIMOUS

Commissioner Jacobs said that adding this farm pushes Orange County to more than 3,000 acres of preservation.

g. Fiscal Year 2011-12 Budget Amendment #8

The Board considered approving budget, grant, and capital project ordinance amendments for fiscal year 2011-12.

Clarence Grier clarified that since item 5-d was deferred, this item needs to be deleted from item 5-g. Also, for item 6, Lands Legacy, it should be FY 2011-12 Current Available Budget.

A motion was made by Commissioner Foushee, seconded by Commissioner Hemminger to approve Budget Amendment #8 for Aging, Social Services, Emergency Telephone System Fund, Economic Development, County Capital Project Ordinance, School Capital Project Ordinance (Elementary #11), and Cooperative Extension (4-H Fund), without the North Carolina Tomorrow Grant Award amendment and to approve the change in wording for item 6, Lands Legacy, as requested by Clarence Grier.
VOTE: UNANIMOUS

a. Minutes – None

b. Motor Vehicle Property Tax Release/Refunds

The Board accepted the report reflecting the 28 motor vehicle property tax release/refunds requested in accordance with the NCGS and approved the refund resolution, which is incorporated by reference.

c. Property Tax Releases and/or Refunds

The Board adopted a resolution, which is incorporated by reference, to release property values related to twenty-nine (29) requests for property tax release and/or refund in accordance with North Carolina General Statute 105-381.

d. North Carolina Tomorrow Grant Award

This item was deferred to the May 1st meeting.

e. Renewal of Urban Curbside Recycling Services Contract

The Board approved the addendum with Waste Industries to continue the provision of Urban Curbside Recyclable Materials Collection Services and authorized the Chair to sign the contract addendum.

f. Enhanced Voluntary Agricultural District Designation: McPherson Farm

This item was removed and placed at the end of the consent agenda for separate consideration.

g. Fiscal Year 2011-12 Budget Amendment #8

This item was removed and placed at the end of the consent agenda for separate consideration.

6. Public Hearings

a. Orange County Transit Plan Public Outreach

The Board received public comment on the Orange County Transit Plan prior to the Board's adoption of the draft plan tentatively scheduled for May 15, 2012.

Craig Benedict relayed all transit representation in attendance. Various representatives shared the PowerPoint presentation. There will be two informal public sessions in April.

Orange County Transit Plan Overview
Public Input Session
April 17 2012

Purpose of Tonight's Meeting

- **To provide information on:**
  - Authorizing Legislation
  - Sales and Vehicle Registration
  - Intent of Legislation: Equity
- **To receive public comment on the Orange County Transit Plan including:**
  - Plan expenditures
    - Light Rail
    - New and Expanded Bus Service (Provided by CHT, TTA and OPT)
    - Martin Luther King Jr. Blvd Bus Lanes
    - Small Capital Projects (Hillsborough Train Station, Park and Ride, etc)
  - Enhanced vs. Core Plans

Congestion Relief and Intermodal 21st Century Transportation Fund

- Passed in July 2009
- Authorizes a county to:
  - Hold a referendum on a ½ cent sales and use tax to fund public transportation
  - Increase the county vehicle registration fee up to $7.00
- Authorizes a Regional Public Transportation Authority to:
  - Increase the vehicle registration fee by and additional $3.00
- To levy tax, these requirements must be met:
  - Approval of County Commissioners
  - Develop and approve a financial plan in conjunction with Triangle Transit
  - Adoption by Metropolitan Planning Organizations
  - Adoption by Triangle Transit Board

- County public hearing prior to referendum
- Referendum passed by voters

Special Orange County Considerations Relating to the Legislation:

- Orange County intends to adopt a unique joint agreement with Triangle Transit to set the timing of the tax levy
- Cost sharing agreement with Durham County regarding Light Rail costs

½ Cent Sales Tax

- ½ cent sales tax will add 5 cents to a $10 retail purchase.
- Food, pharmaceuticals, gasoline, housing and health care are exempt from the sales tax.

VEHICLE REGISTRATION TAX

- Orange County is authorized to impose a Vehicle Registration fee of $7.00 that can be used to support existing services.

Orange County Draft Plan Overview

- Background
- Core Plan
  - Bus Capital Investment (2013-2017)
  - Bus Services (2013-2017)
  - Intercity Rail Station in Hillsborough (2015/2016)
  - Bus Lane(s) on MLK in Chapel Hill (2019)
- Enhanced Plan
  - Core Plan
  - Light Rail Transit (2026)

Background

- **Special Transit Advisory Commission (STAC) recommendations** (2008)
- **DCHC-CAMPO Joint 2035 Long Range Transportation Plan Adopted** (2009)
- **NC House Bill 148:Congestion Relief & Inter-modal 21st Century Transportation Fund** (2009)
  - Option of ½ sales tax (referendum required) for public transportation purposes in Triangle and Triad
  - Option of ¼ cent sales tax (referendum required) for public transportation purposes in all other NC Counties
  - Option of vehicle registration fee increase (up to $7) for public transportation purposes in all NC Counties

Agency & Public Involvement

- **Major Corridor Planning:**
- **3 Sets of Public Workshops totaling 19 meetings**
  - June and Sept 2010; March 2011
  - Multiple locations in Orange County
- **Bus Planning**
  - Onboard-bus customers surveys
  - Short Range Transit Plans

- Transit Agency Staff Input
- Call Center Data: "Does the bus go to _____?"

Bus Capital Investment:
$6 Million over 5 Years
Bus Services: 34,650 hrs Implemented by 2017
Bus Services: Proposed Apportionment by Agency (chart)

Intercity Rail:
Hillsborough Train Station

- Access from Hillsborough to Durham, Raleigh, Greensboro, Charlotte, more NC cities 4 times/day
- Direct service to NYC, DC, Richmond via Carolinian
- $4 to $8 million in investment

MLK Bus-Only Lanes by 2019

- From I-40 area to Estes Drive
- Will improve access to main campus and Carolina North

Craig Benedict reviewed the new schedule. Tonight is the second formal public hearing. There will be two open houses starting on April 23rd from 4-7 p.m. at Extraordinary Ventures and the repeat will be on April 30th in Hillsborough from 4-7 p.m. at the West Campus Office Building. He said that last year they created a prioritization of about 50,000 bus hours and they now have had to reduce this to 36,000 hours.

This information will be formally presented along with the bus element of the plan to the Board of County Commissioners on May 3rd at its work session.

The next very important meeting will be May 15th, where the Orange County Transit Plan, financial plan, Durham/Orange County cost share agreement, and the implementing agreement will be discussed. Finally, on June 5th, there will be a public hearing on the ½-cent Public Transit Tax referendum. There will also be a decision at that time on the referendum.

PUBLIC COMMENT:

Gerry Cohen read a prepared statement.

"My name is Gerry Cohen. I resided in Orange County from 1968 to 1984, and have lived in Wake County since then. I served on the Chapel Hill Town Council from 1973 to 1979 and have served on the Chapel Hill Transportation Board, the Raleigh Transit Authority and the City of Raleigh Passenger Rail Task Force. I served on the Special Transit Advisory Commission (STAC), and staffed the legislative commission which recommended the Regional Transit tax and referendum bill that is up for your consideration. I was involved in the start-up of Chapel Hill Transit in 1974 and the successful transit property tax referenda in Chapel Hill in 1974 and Carrboro in 1975. My wife has lived in Durham, Orange, and Wake Counties since 1977, and my father lived in Orange County from 1941 to 1943.

I urge you to place the issue before the voters of Orange County in a referendum. The local motor vehicle registration fee that you can separately implement will be totally up to local discretion within Orange County on its expenditure, but the half-cent sales tax is a part of a regional plan to improve mobility within and between the three Triangle counties. The authorization was approved by wide margins in the General Assembly after a comprehensive study.

The proposed light rail between Durham and Orange County will be built ONLY if there is federal funding. While we do not know if this will be approved by Congress, we do know that

without a successful referendum it will not be approved. Regardless, in the early years the sales tax money will be used, as it was in Mecklenburg County in the eight years before their light rail opened, for a rapid expansion of inner-city and intra-city bus service. The light rail is currently planned to stop at UNC Hospitals because that is the biggest employee and visitor destination in the county. A stop at the Smith Center will also serve events there and at Kenan Stadium.

Durham County voters approved by a more than 60-40% margin last October the tax based on the plan for expansion of bus service, light rail to Orange County, and commuter rail to Wake County. I know there is concern with rural vs. urban issues within Orange County, but this is at heart an urban transit program. You should simultaneously be urging a greater proportion of your bus funds with the registration fee and bus hours under the sales tax to improve mobility for your many rural residents who work in Chapel Hill, Carrboro, and Durham, and connectivity along the Mebane-Hillsborough-Durham corridor.

Rural vs. urban funding was an active issue 40 years ago when I held elective office in Orange County – for example, Chapel Hill and Carrboro residents pay through their property tax most of the costs of the Sheriff's Department, yet its patrolling benefits almost solely the unincorporated areas. Additionally, the sales tax allows capture of revenue from many Chapel Hill/Carrboro residents who may live in tax exempt housing but are consumers. I'll also echo past remarks of some residents who may in fact not favor the tax itself – let's vote at the time of highest turnout, not in the 2013 municipal elections.

Let's look at the big picture."

Jason Baker asked on behalf of the Orange/Chatham Sierra Club to place this item on the referendum for the public to vote on. He said that he is a commuter by bus on a daily basis to Raleigh but buses are not enough because of traffic congestion. He said that they need light rail and people need to be given a choice. It is important to move forward as soon as possible.

Harry Johnson is a member of the Tarheels for Transit at UNC and he said his roommate graduated from UNC Asheville in 2009 and now lives in Chapel Hill and has trouble finding a job, so he works weekends and nights and does not have a car. Since he does not have a car, this limits his options and the area needs more bus hours and light rail.

Travis Creighton echoed what had been said. He said that buses are not enough. He asked the Board to put this referendum on the ballot.

Marty Mandell said that the heart of this issue is growth. She said that light rail in Orange County would not be improving the quality of life at this time. She would like Orange County to get better and not necessarily bigger. She is in favor of a green solution. She suggested a loan guarantee program for fuel-efficient cars. She also suggested a for-profit ride share program for commuters. She said that she does support the ½-cent sales tax, but she hopes it will be used in the right manner.

Will Raymond thanked the County Commissioners for slowing down this public input process. He said that he is not against robust regional transit options. He is asking the County Commissioners to be selfish with the Orange County tax dollars. He said that, as an economic driver, the transit plan fails. He asked who this would profit and said that the only thing he can come up with is that Durham will profit the most from this. He said that the 15-501 corridor has the best economic options, but the economics of it have not been quantified. He would like to see how many properties there are in this corridor, who owns them, and who stands to benefit if the alignment is on 15-501. He said that until this question is answered, the Board should not move forward with the referendum.

Bonnie Hauser read a prepared statement from Julie McClintock (Chapel Hill resident and former member of the Chapel Hill Town Council)

Statement to Orange County Commission:

I favor common sense transit. I call on the County Commissioners to rethink the Transit Plan and Financial Plan for funding it. Given that the Commissioners are considering adding yet another tax we need to be reassured that the Transit plan and route makes sense. A route that misses most commercial nodes in Orange County will not benefit our economy or help people get places they are going.

We all know a long time horizon is needed to do big important projects. However, sometimes plans such as TTA's by now ancient route and plan to provide light rail from Durham to Chapel Hill becomes out-moded and can be overtaken by new growth patterns and more pressing needs of the population. Add to that fact, we need to make smart choices in uncertain economic times. We want common sense transit and don't want to see our tax money poured down the drain toward a modal choice and route that won't serve most citizens.

I do not believe that a strong case can be made to tax ourselves to support a light rail system. The County needs to put our precious resources toward a rapid bus system before we support expensive technologies that will not solve our congestion problems. I attended all the East 54 workshops. The Consultants on the East 54 study said less than 1% of the congestion on 54 would be relieved by the building of the proposed light rail.

Please consider revamping the funding plan that presently puts over 90% of the money toward an inflexible expensive technology incapable of serving a county that is still remarkably rural. Rail lines need to be built were the people are. The majority of any tax that is approved by the votes should put the majority of funding toward rapid bus service which is much more suited to meeting the needs of Orange County.

I encourage the Commissioners to adopt a plan that the majority of Orange County voters can support. Thank you.

Julie McClintock
614 Beech Tree Ct
Chapel Hill, NC 27514
919-967-3661
mcclintock.julie@gmail.com

Stewart Boss said that he is in support of this plan and there is demand for this service. He said that he rides the bus every day to UNC. He said that this plan would reduce air pollution and congestion.

Glen Wilson said that he believed that the Transportation Advisory Committee unanimously supported the light rail.

Geoffrey Green lives in Orange County and he and his wife spend a lot of time on the UNC Campus. He said that they both use the bus and he is in support of placing this item on the ballot. He said that UNC is the County's largest employer, and improved access to the medical center is critical. He said that the transit plan is not a light rail plan, but a transit plan, and the enhanced bus service will go into effect long before the light rail is constructed.

Katie O'Donnell is a UNC student and she urged the County Commissioners to put this item on the ballot, since students now depend on bikes and buses.

Tait Chandler said that buses are good now but they do not do late night runs and he would not be here tonight if it had not been for his friend. He said that population growth makes enhanced bus service a need.

Jasmine Ruddy said that she is a student at UNC and said that a public transit system would decrease gas consumption, which would improve air quality.

Chris Weaver said that he is an Orange County taxpayer and resident. He thanked the Board of County Commissioners for holding the upcoming information sessions. He said that he would like the County Commissioners to be at the public information sessions because three minutes at a time is not very helpful.

Chair Pelissier said that she would be attending the public information sessions.

Olivia Sanders is a UNC student and said that she relies heavily on public transit. She is also in favor of the regional plan. She said that improving student access is really important at night and during weekends. She hopes to see this referendum on the ballot.

Thomas Tillett said that he lives in Orange County and he supports the transit tax.

Will Leimenstoll said that he is a UNC student and Student Body President and he did not have a car for awhile, so he is in favor of this plan to increase bus service. He said that the light rail would open up UNC students to be able to enjoy the region.

Jeanne Brown lives in southern Chapel Hill and said that she is so glad to hear support for the increased bus service. She said that she wished the information sessions would have come before the public hearings. She said that she understood that the bus monies come after the light rail monies. She said that she has heard a lot tonight about the bus system but not much about light rail. She wants to make sure that adequate funding is guaranteed for bus service. She would like to see public transit that would easily transition to light rail if and when the community grows large enough to support it. She said that it appears that 1 million is the magic population number to support light rail systems.

Wilson Lamb said that this is preposterous, in the midst of the largest decline in real estate and underfunded schools. He said that in Chapel Hill there are buses that are underused. He said that he does not approve spending tax money – the county's or the federal government's - on transit. He asked that they fix what they have now – roads, schools, etc.

Ruby Seinrich supported the comments of the students. She spoke in support of the environmental benefits of public transit. She said that this transit tax is a no-brainer.

Commissioner Gordon told the public that if they have additional written comments, that they should submit them to Planning Director Craig Benedict.

Commissioner McKee said that he would definitely be at the public information sessions. He said that he continues to oppose the light rail component. He is in favor of bus rapid transit.

Commissioner Jacobs made reference to the public hearings and said that when the County Commissioners meet on May 15th to approve the plan, they will welcome public comment.

A motion was made by Commissioner Jacobs, seconded by Commissioner Foushee that at these public session meetings that proposed possible park and ride lots be added to the maps that would allow rural residents to get to one of the bus lines.
VOTE: UNANIMOUS

Patrick McDonough said that Triangle Transit is 90% completed with adding this to the maps and they will be ready by April 23rd.

Commissioner Gordon said that there is a core plan and an enhanced plan. She thinks that the public should be given more complete information concerning the difference between

the core plan and the enhanced plan. The core plan is the one that will be used just in case the federal funds and state funds do not come through. The enhanced plan is the more comprehensive plan which includes light rail. She suggested having this information in writing.

Commissioner Yuhasz said that he attended a community forum tonight in Hillsborough and that was why he was late tonight, and this topic of transit and serving the needs of the rural residents was important to them.

b. Amendments to Unified Development Ordinance (UDO/Zoning 2012-08) – Stormwater

The Board received the Planning Board's recommendation, closed the public hearing, and considered a decision on state required text amendments to the Unified Development Ordinance (UDO to meet the Falls Lake/Jordan Lake stormwater new development rules.

Stormwater Resource Officer for Orange County Planning Department Terry Hackett introduced this item. The proposed stormwater text amendments were heard at the February 27, 2012 Quarterly Public Hearing. The purpose of the proposed amendments is to meet state required Falls Lake and Jordan Lake new development rules. The state's Falls Lake rules became effective January 15, 2011 and the Jordan Lake rules became effective August 11, 2009. To meet these rules, the state requires local governments to adopt specific stormwater standards, including nitrogen and phosphorus limits. After discussing the proposed amendments, the Planning Board unanimously voted to recommend approval of this item.

A motion was made by Commissioner Hemminger, seconded by Commissioner Jacobs to receive the Planning Board's recommendation and to close the public hearing.
VOTE: UNANIMOUS

A motion was made by Commissioner Hemminger, seconded by Commissioner Jacobs to adopt the Amendments to Unified Development Ordinance (UDO/Zoning 2012-08) – Stormwater as contained in Attachment 2.
VOTE: UNANIMOUS

c. Review of Proposed UDO Text Amendment – Modification of Appeals Language

The Board received the Planning Board recommendation, closed the public hearing, and considered a decision on a Planning Director initiated Unified Development Ordinance text amendment.

Michael Harvey said that this was presented at the February 27, 2012 QPH.

NO PUBLIC COMMENT

A motion was made by Commissioner Hemminger, seconded by Commissioner McKee to receive the Planning Board's recommendation and to close the public hearing.
VOTE: UNANIMOUS

A motion was made by Commissioner Yuhasz, seconded by Commissioner Foushee to adopt the Ordinance of Approval for the UDO text amendments contained in Attachment 2.

VOTE: UNANIMOUS

d. Review of Proposed UDO Text Amendment – Political Signs

The Board received the Planning Board recommendation, closed the public hearing, and considered a decision on a Planning Director initiated Unified Development Ordinance text amendment.

Michael Harvey introduced this item. There were no comments made at the public hearing about this issue. The Planning Board voted unanimously to approve this item. He said that Commissioner Yuhasz recommended some word changes and the Attorney has reviewed these and there are no issues with the changes.

Commissioner Yuhasz asked to change language in section 8, which says, "Political signs shall only be allowed within rights-of-way of the state highway system in accordance with state law." He said that this could be interpreted to mean that this is the only place that the signs are allowed. He suggested moving the word "only" to follow the word "system" so that it would read, "Political signs shall be allowed within rights-of-way of the state highway system only in accordance with state law."

PUBLIC COMMENT

Wilson Lamb asked about the state highways and if this is all the roads in Orange County. He said that he thinks this is a bad idea.

Michael Harvey said that according to the session law, there are limitations as to where and when the signs can be erected.

A motion was made by Commissioner Foushee, seconded by Commissioner McKee to receive the Planning Board's recommendation and to close the public hearing.
VOTE: UNANIMOUS

A motion was made by Commissioner Yuhasz, seconded by Commissioner McKee to adopt the Ordinance of Approval for the UDO text amendments with the suggested word change.
VOTE: UNANIMOUS

e. Zoning Atlas Amendment – Buckhorn-Mebane Area

The Board received the Planning Board's recommendation, closed the public hearing, and considered a decision on a County initiated rezoning of approximately 232 acres land in the Buckhorn-Mebane area for properties currently zoned either Rural Residential (R-1) or Agricultural Residential (AR) and proposed for the Office/Institutional (O/I) zoning district.

Craig Benedict said that this item involves two areas within Orange County – south of I-85/I-40 near the City of Mebane jurisdiction and the county line (117 acres) and south of I-85/I-40 and west of Buckhorn Road (150 acres). Both of these parcels were at the February 27th Quarterly Public Hearing. There were some comments from the public. The staff will be working with NCDOT to make sure that the access along Buckhorn Road is proper. Staff still believes that Office/Institutional is appropriate for all properties in this area. The Planning Board reviewed this in March and unanimously approved the rezoning. This is consistent with the County's Comprehensive Plan.

PUBLIC COMMENT:

Matt Lawrence spoke on behalf of a Haw Mills Presbyterian Church. He said that the church did not receive any notification of this rezoning from Orange County. He said that there is a 1½-acre parcel adjacent to I-85 and this is owned by the Wilson family. This is important because this parcel is where the church was formed in the 1700's. This parcel has numerous unmarked grave sites, some as simple as a pile of rock. He asked that the developers be sensitive to the development of this parcel and would work to help maintain the historical

importance of the site. He asked that this property not be included in the rezoning as there is no development potential for the property.

Chair Pelissier asked staff to clarify on the map in their packets what parcel Mr. Lawrence spoke to.

Craig Benedict gave an overview of this parcel at Wilson Road. There is a telecommunications tower on the parcel. He said that the owners have told him that during a development plan that access to that site would be provided by a private easement.

Commissioner Yuhasz asked if there would be a problem with not including this parcel.

Craig Benedict said that if it remains Agricultural/Residential, the difference in uses would require larger buffers. There would have to be a five-acre area around a one-acre site.

Commissioner Jacobs said that there is a cultural inventory and this parcel is on it and will be protected. He said that this parcel should be protected and ok even though it is rezoned.

A motion was made by Commissioner Jacobs, seconded by Commissioner McKee to close the public hearing.
VOTE: UNANIMOUS

Commissioner McKee asked about the owners being amenable to providing an easement and Craig Benedict said yes.

Frank Clifton said that they would need to make sure that the property changes hands and someone comes forward with the development plan that encompasses an easement to reach that property.

A motion was made by Commissioner Jacobs, seconded by Commissioner Yuhasz to adopt the ordinance contained in Attachment 3, which approves the rezoning, recognizing the historical and cultural significance of the parcel – Hawfields Presbyterian Church – and the need to provide access should development take place on adjoining properties.
VOTE: UNANIMOUS

f. Amendments to Unified Development Ordinance (UDO/Zoning 2012-01)

The Board received the Planning Board recommendation, closed the public hearing, and considered a decision on Planning Director initiated amendments to certain sections of the Orange County Unified Development Ordinance.

Shannon Berry, Special Projects Planner, said that this is also a series of amendments to the Unified Development Ordinance. This item was also heard at the February 27th Quarterly Public Hearing. The proposed amendments are intended to broaden the development options in the Buckhorn Economic Development District and other targeted areas of the County designated as Economic Development transition Activity Node and Commercial-Industrial transition Activity Node. The proposed amendments include allowing for more retail and service uses within the EDD-1 classification. The Planning Board voted unanimously to recommend approval of the proposed amendments.

Commissioner Gordon made reference to page 12 of the packet and asked why the language in 5.2.1 is changed.

Shannon Berry said that because of the reduced list of exclusions to the two land use classifications – the Economic Development Transition Activity Node and the Commercial-Industrial Activity Node – the text needed to be amended to the table to clarify what is excluded within those two classifications only.

John Roberts said that the only thing this language change does is refer you back to Section 5.1.4(E) and lists the exclusions there.

NO PUBLIC COMMENT

A motion was made by Commissioner Jacobs, seconded by Commissioner Yuhasz to receive the Planning Board's recommendation of approval and to close the public hearing.
VOTE: UNANIMOUS

A motion was made by Commissioner Yuhasz, seconded by Commissioner Hemminger to adopt the Ordinance of Approval for the UDO amendments contained within attachment 2.
VOTE: UNANIMOUS

7. Regular Agenda

a. Sales Tax Distribution Method for Fiscal 2012/2013

The Board reviewed Sales Tax Distribution Options and considered options for the Orange County distribution of local option sales tax for fiscal year 2012/2013.

Michael Talbert made reference to the yellow handout, which was the revised abstract. He went through the various tables.

Commissioner McKee said that he was under the assumption that the way they are handling this now is how it has always been done and staff answered yes.

Commissioner Hemminger said that she is in favor of leaving it as is.

Chair Pelissier said that last week at the TJCOG meeting there were some Mayors that said they were told that they would be losing $1 million. She said that this is not right when folks are doing their budget and Orange County would not ever change this formula in April, but way in advance if they ever would change it.

Michael Talbert said that these numbers are certified in March by the state.

Commissioner McKee said that the County should continue to operate as is.

Commissioner Yuhasz said that if the County was contemplating a change, this discussion would have been in the fall. He said that as more retail comes in, he wants to make sure this is the most equitable way to distribute these sales taxes.

A motion was made by Commissioner Foushee, seconded by Commissioner Hemminger to use the population method for the distribution of sales tax revenues for FY 2012-13.
VOTE: UNANIMOUS

8. Reports

a. Official's Guide to Emergencies and Disasters

The Board received a guideline assisting the Board before, during and following disasters.

Emergency Services Director Frank Montes de Oca also introduced Darshan Patel, Emergency Management Specialist. He said that this document is intended only as a guide.

He said that in 2011, Emergency Services conducted two tabletop exercises, which were focused on the internal operations and capabilities in the event of a disaster.

9. County Manager's Report

Frank Clifton distributed an email/attachment from the Town of Carrboro about a water and sewer line issue. There is a failing line in downtown Carrboro that affects several businesses. There has been an application for a grant through the State and it appears that it may be awarded. If the County approves the agreement, some of the ¼-cent sales tax revenues will be used and the County will participate 50% with the Town of Carrboro on this project.

A motion was made by Commissioner Hemminger, seconded by Commissioner McKee to authorize the staff to move forward on this issue and for the County to be a partner with the Town of Carrboro.
VOTE: UNANIMOUS

10. County Attorney's Report

NONE

11. Appointments

a. Advisory Board on Aging – Appointment

The Board considered making an appointment to the Advisory Board on Aging.

A motion was made by Commissioner Hemminger, seconded by Commissioner Yuhasz to appoint Keith Cook to a first term ending June 30, 2014.
VOTE: UNANIMOUS

12. Board Comments

Commissioner Gordon said that she gave the Board her report by email regarding the Transportation Advisory Committee.

Commissioner Jacobs asked staff about Carrboro's plan at the intersection of Old NC 86 and Eubanks Road, which is also within Orange County's purview as far as joint planning. He would like to know what Orange County is doing to participate.

Commissioner Jacobs made reference to the Burlington-Graham MPO and the county's proposal that Orange County have a seat on the MPO. It was approved unanimously by the Burlington-Graham MPO that Orange County have a seat on this MPO.

Commissioner Hemminger said that she attended many community and political events over the weekend, but the largest one was helping to serve food in Carrboro. Over 630 people attended.

Commissioner Foushee – none

Commissioner McKee said that he had the pleasure of attending the first production in the new Stanford Middle School auditorium. The Principal asked him to convey the thanks to the County Commissioners for supporting this.

Commissioner Yuhasz said that he attended the groundbreaking for Orange Grove's Fire Station #2 on Sunday. He said that he will also be attending another meeting to discuss governance for the Greater PBH Mental Health. This continues to move along. PBH is now in charge of providing payment for services provided by OPC.

Chair Pelissier said that last week he and Frank Clifton met with the Sheriff about his annual evaluation.

Chair Pelissier mentioned a few highlights. Last week at the Triangle J meeting of Mayors and Chairs, an economics professor at N. C. State provided highlights of the economic outlooks, both short-term and long-term.

Chair Pelissier made reference to a letter that was sent regarding the 2040 Long Range Transportation Plan to the NCDOT, which said that the County Commissioners do not want any local property sales tax to support statewide transportation systems.

13. Information Items

- April 3, 2012 BOCC Meeting Follow-up Actions List
- Update on Emergency Services Workgroup Progress

Commissioner McKee said that there was a request for this update. There were several options before the workgroup. With respect to the Southern Triangle Fire District, the workgroup decided that for the immediate timeframe to not move forward with anything except giving notification to 112 homeowners and the fire departments involved in the southern Triangle area that they will continue for the next year under their current contract and then the contract will be renewed in a comprehensive way for that area. It is much more complicated and involved than they originally thought.

Commissioner Jacobs asked that when they get the report that it lists who is absent at these meetings.

Commissioner Gordon made reference to the last page on the aqua handout concerning the Emergency Services Work Group and asked exactly what was decided about the Southern Triangle area.

Commissioner McKee said that what they are going to do is to take no action now and their contracts now stipulate a one-year notice of any change; and to notify these fire stations that their contracts run until June 30, 2013. The 112 homeowners outside of the six-mile limit will not be addressed at this time, but will be addressed later on. He said that the solution is to ensure that in the future that these 112 will be within a six-mile limit in one way or another. This would need to be worked out before budget time in 2013.

Commissioner Gordon said that when the workgroup gets to the point of getting to solutions it needs to be talking to more than just the 112 homeowners.

Chair Pelissier said that this needs to be discussed at a later time.

Commissioner McKee said that there will be public information sessions with people outside the 112 homeowners within the next six to nine months.

14. Closed Session

NONE

15. Adjournment

A motion was made by Commissioner Hemminger, seconded by Commissioner McKee to adjourn the meeting at 10:09 PM.

VOTE: UNANIMOUS

Bernadette Pelissier, Chair

Donna S. Baker, CMC
Clerk to the Board

DRAFT

MINUTES
ORANGE COUNTY BOARD OF COMMISSIONERS
WORK SESSION
April 19, 2012
7:00pm

The Orange County Board of Commissioners met for a Work Session on Thursday, April 19, 2012 at 7:00 p.m. at the Southern Human Services Center, in Chapel Hill, N.C.

COUNTY COMMISSIONERS PRESENT: Chair Bernadette Pelissier and Commissioners Valerie Foushee, Alice M. Gordon, Barry Jacobs, Earl McKee, and Steve Yuhasz
COUNTY COMMISSIONERS ABSENT: Pam Hemminger
COUNTY ATTORNEY PRESENT: John Roberts
COUNTY STAFF PRESENT: County Manager Frank Clifton, Assistant County Managers Gwen Harvey and Michael Talbert and Clerk to the Board Donna S. Baker (All other staff members will be identified appropriately below)

Chair Pelissier asked that the Board add a closed session at the end of this meeting.

A motion was made by Commissioner Yuhasz, seconded by Commissioner McKee to add a closed session for the purpose of: per NCGS per 143-318.11(a)(3) to consult with an attorney regarding the ongoing case of Orange County vs. Eno River Parking Deck.

VOTE: UNANIMOUS

1. Discussion of Proposed Public Affairs and Information Officer Position

Frank Clifton said that staff has developed at the direction of the Board of County Commissioners a draft job description of the Public Affairs and Information Officer Position. There was a staff retreat and Laurie Paolicelli created a video on external feedback from citizens on Orange County's assets.

Laurie Paolicelli showed a video of citizens answering questions of the staff. She said that staff worked with a professional video company to find people throughout the county to interview.

Frank Clifton said that this highlights the difficulty of trying to reach the many diverse segments that reside in Orange County. He said that Orange County is getting ready to advertise and a lot of the direction they pursue depends on the strengths of the person they hire.

Commissioner Gordon made reference to the relationship with the Clerk's office. She said that this is proposed to be under the Manager, but it seems separate from what the Clerk and the Commissioners do. She asked about the relationship.

Frank Clifton said that David Hunt gets the official messages out for the Board of County Commissioners and this will continue. He said that one person cannot do it all.

Commissioner Gordon asked about the Strategic Communications Plan and noted that the Board of County Commissioners would like to have input into the new plan which is to be created. The way it is written, it will be left to the new staff person to develop and implement the plan.

Frank Clifton said that it depends on the primary skill sets of the person that is hired. Some of it will piggyback on other functions and the plan would be to bring it back to the Board in an organized fashion.

Commissioner Gordon said that, in terms of the broader policy, the Board of County Commissioners will be involved. She said that they need to be mindful that when they are dealing with controversial or complex items, that the County Commissioners receive this information ahead of time so they can be prepared.

Commissioner Jacobs said that there have been repeated discussions about the Chair and Vice-Chair picking issues at agenda review and doing news releases. This would be a simple place to do this. They need to be more proactive.

Commissioner Jacobs asked who is going to be responsible for maintaining the listing for the media members.

Frank Clifton said that it will be both David Hunt and this PIO.

Commissioner Jacobs made reference to page 3 of the abstract and the third bullet:

- Develops and implements public information programs for internal and external distribution. Promotes awareness of County operations, services and programs utilizing multiple media outlets such as radio, televisions, cable, print, and social media. Serves as Orange County's media representative on significant endeavors, breaking stories and news features; writes and distributes media advisories, press releases, fact sheets, annual reports, legislative responses and other official documents. Develops and delivers presentations for community groups. Coordinates a variety of special events, relevant news conferences and community meetings.

He said that this is the key function, to let people know what they are getting for their money.

Commissioner Jacobs asked about the $80,000 budget for this position. Laurie Paolicelli said that she and Frank Clifton talked about this and it would be a line item from the Visitor's Bureau budget for the marketing process. It would be stretched over two years. It is a ballpark estimate.

Commissioner Jacobs said that he wants to be careful in using money for self-promotion. Laurie Paolicelli said that the $80,000 is for programming costs.

Frank Clifton said that this process is not to promote the Board of County Commissioners individually but the County as a whole. They need to hire someone that may not be currently involved in county government but can communicate with the regular citizen that may not know about county government.

2. Specific Policies for Board of County Commissioners' Advisory Boards

County Attorney John Roberts said that the Board of County Commissioners adopted the overall advisory board policy about two months ago, but they need a specific document for each board. These drafts are based on the current procedures that are in place with the exception of the Economic Development Commission, which is brand new. The Commission for the Environment and the Human Relations Commission have submitted changes and they are not included in the packet.

The Human Relations Commission thinks that these policies are complex, confusing, restrictive, and will result in fewer and less diverse applicants. The process was not open and sought no input from the advisory boards. It imposes a burden on current volunteer advisory board members.

John Roberts said that these 11 boards are ready for the Board's review and discussion.

Commissioner Gordon said that a few of the board policies have some things about attendance and residency but others did not, some had information about special meetings and others did not, etc.

John Roberts said that each board policy will be different. The general policy has provisions for residency and such and that would cover all boards.

Commissioner Gordon said that if something, such as residency, is specifically in an individual board policy, then it should be in all of them.

John Roberts said that each board has different responsibilities and Commissioner Gordon said that she just wanted to find out the process that was used, and how it was applied to the policies of the various boards.

Commissioner Yuhasz said that some of what he said is similar to what Commissioner Gordon said because these are not all formatted the same. It would be helpful to have the same items under the different sections under each board's policy.

OUTBoard

Commissioner Gordon made reference to Duties, Section 2a, and said that she would like to acknowledge that the board will work on things besides roadway and transit needs. She suggested adding, "and other transportation needs" to this sentence. The Board agreed.

Chair Pelissier made reference to page 4, 3-b, and said that she thought there was no Transportation Services Board anymore. She suggested striking this. The Board agreed.

Commissioner Jacobs asked why it stipulates that members have to serve one year, etc.

John Roberts said that this is a holdover from the current policy.

Commissioner Jacobs suggested eliminating the language about the specific terms and create a template for new boards should something like this be needed.

Commissioner Yuhasz said that in a lot of these bylaws there were specific times and locations for meetings. He suggested striking these.

John Roberts said that this is in the OUTBoard bylaws at the request of staff members because there was concern from staff that the start times for this board have been extremely random.

Commissioner Jacobs said that the bylaws could state that the boards should adopt a set meeting schedule annually.

Commissioner Gordon said that there could be a general wording such as "every 1st Wednesday," etc.

Commissioner Foushee said that it does not have to be in the specific bylaws but in a general location such as the website.

Commissioner Yuhasz clarified that the general policy would be that each board would adopt a meeting schedule annually for time and location and that it would be distributed.

The detailed information will be deleted from these particular bylaws.

Economic Development Advisory Board (New Board):

Economic Development Director Steve Brantley said that he participated in drafting the bylaws for this board.

Frank Clifton said that the key to this is decided on how many members for this board. He suggested that membership be between 7-11 members.

Steve Brantley said that there are some enthusiastic candidates that are calling about this board – Chambers of Commerce and representatives from various business sectors.

Frank Clifton said that there will really be two groups – an advisory board and those with a specific skill set to help with special projects.

Chair Pelissier said that there was discussion about spinning this off to be a private entity at some point. She asked if that would be a role of this group.

Frank Clifton said that he would want to make sure they have the right people in place before spinning off.

Commissioner Yuhasz said that spinning off would be better as a specific charge to the board after it has been in session for a while.

Commissioner Jacobs said that the working group idea is similar to the MPO format. He said that it sounds like they are not going to advertise for any citizen applicants or have any Board of County Commissioners' recommendations.

Frank Clifton said that they wanted to go out to the community to find the people with the credentials they are looking for and bring back that list to the Board of County Commissioners.

Commissioner Jacobs said that this Board has traditionally looked at the demographics for boards. He does not think that it is appropriate for the staff to do this. It is a function of the Board of County Commissioners. He would like to have some appearance that this process is open.

Commissioner Gordon said that the way she reads this is that this is an advisory board and it should be appointed by the Board of County Commissioners. Also, she does not want the majority of this board to consist of non-Orange County residents.

Commissioner Yuhasz said that this board does not need an open recruitment format because of the nature of this board. He suggested adding in that the majority of the board should be residents of Orange County.

Frank Clifton said that the reality is that the development community does not know the boundary line.

Commissioner Foushee said that she tends to agree with the comments that Commissioner Yuhasz said with moving forward on this board in a different manner. She said that this board needs the expertise to move forward with economic development.

Commissioner Jacobs suggested also having someone from the non-profit sector because it is a different perspective.

Chair Pelissier clarified that the Board does not want to open this up to the open recruitment process but wants to see more than 9 recommendations to vote on. She said that the County is also partnering with the Chambers of Commerce and there would be some vetting there too.

Commissioner Gordon made reference to page 9, Section 3, item 3 and suggested leaving out "having direct economic development interest in Orange County." All other Board members wanted to leave this comment in.

Commissioner Jacobs said that if there is a non-profit representative, there would be 10 members.

Discussion ensued because the positions are not listed one-to-one.

The Board agreed to change the membership to 10.

Commissioner Gordon made reference to page 9, item 6-c, and asked if they should take out "and/or" because it seems ambiguous.

Frank Clifton said that this is the technical group of advisors that would work on an individual project. The people chosen would depend on the type of project.

Commissioner Jacobs suggested saying, "in consultation with appropriate members of the Economic Development Advisory Board." This is clear who would be choosing. The Board agreed.

Arts Commission

Commissioner Yuhasz asked if these membership terms should be the same as the rest of the boards.

John Roberts said that Martha Shannon was very tied to the existing bylaws.

Commissioner Yuhasz said that he would like to see these specific bylaws reduced by the general bylaws that are applicable for each of these boards. He suggested only putting into the individual bylaws those things that were not in the general policy. He said that someone needs to develop a format.

John Roberts said that each board was given the exact same format and Commissioner Yuhasz said that the format was not followed.

Commissioner Jacobs agreed with Commissioner Yuhasz and said that there are the general standards for the boards and to ask staff to make sure that there are not duplications in their individual policies.

Chair Pelissier said that she remembers discussing this and that the Board decided to have all of the terms the same for the different boards.

Chair Pelissier clarified that the Board wanted the specific bylaws to only have the items in them that are different from the general policy.

Commissioner Yuhasz said that he does not want to review these policies until the changes have been made by each board. He proposed deciding on a specific format and sending out to all boards and having them follow the specific changes only.

Commissioner Jacobs agreed.

John Roberts made reference to page 9, #5 and Length of Service. This should have gone into the general advisory board policy. He said that he could bring it back for review at an agenda in the next couple of months.

Chair Pelissier said that she noticed that some boards asked for a representative from Chapel Hill, Carrboro, and Hillsborough, but no rural representative. She asked if the Board wanted to consider adding that. The Board agreed to add this for boards that specify the three towns only.

Commissioner Yuhasz asked that Mebane be considered as well.

Commissioner Gordon asked if it was appropriate to mention that something is in the UDO, like for the Planning Board. She suggested that this be allowed.

This item will come back for further discussion at a work session.

3. Follow-up Discussion of the Manager's Recommended 2012-2017 Capital Investment Plan (CIP)

Paul Laughton said that he has provided updates from the March 15th meeting. There is also an hour set aside for discussion on May 24th.

Commissioner Jacobs asked if the school presentation could be first since the OCS representatives are present.

Paul Laughton made reference to bullet #5 on page 2 of the abstract, which references Attachment 4, a letter from the OCS Board Chair and Vice-Chair regarding some emerging capital needs.

OCS Board Chair Donna Coffey said that OCS is starting to grow and Mebane has kicked Orange County into a growth spurt. There is a need for a new elementary school sometime between 2015-16/2016-17. Since the SAPFO was created, there has been a great pre-K program, but they have lost 154 elementary seats in this process. The capacity numbers in SAPFO do not allow for this loss, so the capacity numbers are over stated. CHCCS has the same issue. When she wrote the letter, they assumed they would lose 225 seats in the

reassessment, but it is actually 352 seats. If OCS can build the addition onto Cedar Ridge, then high school capacity will last until 2020-21.

Commissioner Yuhasz asked if OCS has talked with Mebane to find out if the residential growth will continue in Orange County.

Donna Coffey said that she has not spoken with anyone from Mebane. She said that there is capacity now that the sewer line has been extended near Gravelly Hill Middle School.

Commissioner Yuhasz said that if more growth is expected from Mebane, then a new elementary school should be placed near the Mebane growth area. He sent an email to the Manager of Mebane asking whether the subdivision regulations include the provision for reserving school sites. He has not yet received a response.

Donna Coffey said that there is also a lot of growth from Hillsborough and Churton Grove.

Commissioner Jacobs said that there was a meeting with Mebane last year and both parties agreed to do joint planning. Nothing has been done in this regard. He urged the Board to get on with this.

Chair Pelissier suggested focusing on the Mebane area or the Hillsborough area for a new elementary school. In the long term, both areas need to be considered for future school sites.

Chair Pelissier asked what would happen to the debt ceiling if the County decides to fund this new elementary school #8.

Commissioner Gordon said that the question is where Mebane is going to grow, then the urban services boundary, and then the MPO boundary. She said that the Board cannot act on information tonight contained in the new handouts or in the CIP because it needs to go through the SAPFO process first. She thinks that the Board should follow the SAPFO process. Using the 105% level of service criterion, the elementary school would not be needed until 2020. She said that there needs some kind of policy regarding pre-K.

Commissioner Jacobs agreed with Commissioner Gordon about pre-K. He suggested asking staff and the school collaboration group to make a recommendation about incorporating pre-K.

Commissioner McKee said that if Mebane is not following the SAPFO process, then it is probably skewing the figures for OCS.

Commissioner Foushee said that the school collaboration group should review this and bring it back to the Board of County Commissioners.

Commissioner Yuhasz said that development has never been denied because of the SAPFO and it should not matter if Mebane is not following the SAPFO because the County would never let things get to this point.

Commissioner Yuhasz said that he wants to look at the costs for the proposed expansion for Cedar Ridge and for a new elementary school.

Commissioner Jacobs said that he thinks that Mebane's growth is factored into the SAPFO, but he is not sure about the accuracy. He said that the school collaboration group should look at this and have a systematic conversation and recommendation on this process.

Clarence Grier said that Orange County would go over the debt service limit in 2014-15 if the funding started in 2013-14.

Frank Clifton said that the key is that the County's budget is not growing and the economy is not growing.

Paul Laughton went back to the first item - McGowan Creek Outfall. The State has approved contingently the loan funds for this project. This will be a standalone CIP project and not part of the Central Efland/North Buckhorn Sewer Expansion Project because of the loan.

Attachment 2 is additional information from Solid Waste Director Gayle Wilson regarding landfill closure and estimated cost for this of $86,113/year.

Paul Laughton made reference to other possible discussion items:

- Board of Commissioners Meeting Room Space (Whitted Building or elsewhere)
- Environment and Agriculture Center (Planning and Ag Building) – see Attachment 3 (this attachment was presented to the BOCC at the March 1, 2012 budget work session as an example of costly maintenance projects needed at older County facilities). As a reminder, this building/project is currently not included in the FY 2012-17 CIP. Construction of a new Environment, Agriculture, Parks and Recreation building is included beginning in Year 6 within the Blackwood Farm Park project (page 36 of the CIP document)
- Southwest Branch Library (site search)
- Emergency Services Related Projects (pages 32-35 of the CIP document)

Frank Clifton said that the staff did an analysis of the Whitted Center and they would gain an additional 50 parking spaces if parking construction were done on the grassy areas. This would bring the total number of spaces to 220.

Regarding the Link Government Services Center Annex, Frank Clifton said that this is in a flood plain. Staff will need to research the cost for making this area usable (bringing electrical up two feet above the flood level, etc.). Flood insurance will be required.

Commissioner Yuhasz asked what this space could be used for if there was no annex. It was answered that a parking lot could go there, but not a parking structure.

Commissioner Jacobs suggested considering taking out the parking beside the Link Government Services and putting in a new structure.

Commissioner Jacobs made reference to the Millhouse Road Park and discussion about a gymnasium through a partnership with the town. There was just a proposal from St. Paul's to build a gymnasium. He asked if there could be a three-party agreement for a community gymnasium instead of duplicating a gymnasium a mile away for more money. He wanted to raise this as an issue.

Commissioner Jacobs made reference to the North East District Park and said that he would like to see the pre-concept plan for this park.

Department of Environment, Agriculture, Parks and Recreation (DEAPR) Director Dave Stancil said that he would provide this information to the Board. It is a preliminary plan and not a master plan.

Commissioner Yuhasz made reference to the Whitted Building and asked if this space would or would not be acceptable for a meeting room.

Frank Clifton said that the political leadership on both sides needs to discuss this. He has not had any follow-up conversations about this issue.

Commissioner Gordon said that she believed that there should not be a meeting room at the Whitted Building because it is a residential area.

Commissioner Jacobs made reference to landfill closure costs and the potential revenue from the sale of methane gas. He asked if there were any figures for this yet.

Frank Clifton said that he thinks it is a long time before this produces any revenue for the County.

Commissioner Jacobs said that the southwest library site search is an election topic and he would like some articulated statement of where the County stands as of now.

Frank Clifton said that it is scheduled for one of the work sessions before the summer break.

Commissioner Jacobs asked for some recommendations and analysis of the CIP if elementary #8 will have to be built fairly soon.

CLOSED SESSION

A motion was made by Commissioner Yuhasz, seconded by Commissioner McKee to adjourn the meeting to closed session at 9:46 PM for the purpose of: per NCGS 143-318.11(a)(3) to consult with an attorney regarding the ongoing case of Orange County vs. Eno River Parking Deck.

VOTE: UNANIMOUS

RECONVENE INTO REGULAR SESSION:

A motion was made by Commissioner Foushee, seconded by Commissioner Jacobs to reconvene into regular session at 10:45 p.m.

VOTE: UNANIMOUS

ADJOURN

A motion was made by Commissioner Foushee, seconded by Commissioner Jacobs to adjourn the meeting at 10:45 p.m.

VOTE: UNANIMOUS

Bernadette Pelissier, Chair

Donna S. Baker, CMC
Clerk to the Board

DRAFT

MINUTES
BOARD OF COMMISSIONERS
BUDGET WORK SESSION
April 24, 2012
7:00 p.m.

The Orange County Board of Commissioners met in regular session on Tuesday, April 24, 2012 7:00 p.m. at the Southern Human Services Center, Chapel Hill. N.C.

COUNTY COMMISSIONERS PRESENT: Chair Bernadette Pelissier and Commissioners Valerie Foushee, Alice M. Gordon, Barry Jacobs, Pam Hemminger, Earl McKee, and Steve Yuhasz
COUNTY COMMISSIONERS ABSENT:
COUNTY ATTORNEYS PRESENT: John Roberts
COUNTY STAFF PRESENT: County Manager Frank Clifton, Assistant County Gwen Harvey, Assistant County Manager Michael Talbert and Clerk to the Board Donna Baker (All other staff members will be identified appropriately below)

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

1. Fiscal Year 2012-13 Budget Drivers

Financial Services Director Clarence Grier said that they currently anticipate the FY 2012-13 General Fund budget to be approximately $178 million. Although it is anticipated that this will be the approximate amount of the budget, they are aware of several major budget drivers that will need to be addressed as the budget is formulated and finalized.

The known budget drivers for the FY 2012-13 budget are as follows:

• Medical Health Insurance increases – up to 11.5%	$	0.75 million
• Retirees Health Annual Funding Requirement		5.20 million
• Emergency Services Requests		1.80 million
• School Districts Budget Requests – up to		6.10 million
• Total budget drivers/impacts		$13.85 million

This represents 9.01 cents on the current property tax rate for the FY2012-13 budget.

Health Insurance

Clarence Grier said that currently, the County pays approximately $6.6 million for health insurance across all funds for employees ($5.5 million for the General Fund) each fiscal year. Additionally, the County pays approximately $1.4 million per year for all retiree health insurance related costs.

For the upcoming budget year, Mark III Benefits and United Healthcare have informed the county that they can expect up to an 11.5% increase in health insurance for employees and

retirees for the fiscal year ending June 30, 2013. Staff estimates the increase and the effect on the FY2012-13 budget to be as follows:

• Employee health insurance	$0.75 million
• Retiree health insurance	0.85 million
• Total	$1.60 million

Additionally, staff anticipates, based on past experience that our health insurance costs will continue to increase by 15 to 20 percent per year as a result of claims paid in previous fiscal years, and the current average age of the County's workforce. Annually, this would represent an increase of $1.1 million to $1.5 million per year in health insurance for current employees and retirees.

Clarence Grier said in the next few months staff and County insurance consultants will be bringing forth proposals from which the Board of County Commissioners can select an appropriate course of action.

Frank Clifton said they had a big spike this past fall in elective surgeries due to changing insurance companies and employees concerned about their new coverages. He said if they go self- insured then how will this affect retirees.

Other Post-Employment Benefits (Retirees Health Insurance Funding)

Clarence Grier said that the County currently funds post-employment benefits/retirees' health insurance (OPEB) on a pay-as-you-go basis. Our required annual actuarial contribution is approximately $5.1 million per year. As a result, this leaves the County with a funding deficit and an unfunded OPEB liability of $62.8 million, as of June 30, 2011. Putting this in perspective, the County recently issued debt to fund an elementary school, equipment, and refund existing County debt that totaled $58.9 million which represent the County's largest, most current, combined debt issuance. Our current unfunded OPEB liability is greater than that debt issuance.

He said that they will be proposing an approach to fund the liability beginning in the FY2012-13 Manager's Recommended Budget.

Frank Clifton said that if the County does not start addressing this issue, it can and will impact discussions with the bond rating agencies, impact our bond rating and the ability of the County to issue debt in the future. Additionally, as previously mentioned, the annual cost is increasing proportionately with the number of retirees.

Clarence Grier referred to articles at their places and said that some of this will affect how they issue debt.

Frank Clifton said that as part of the budget ordinance, staff will bring forward an action to change the benefits plan for new hires and to restructure the retiree benefit. The requirement for retirees will be proposed to be for employees that have served 20 years instead of 10 years.

Frank Clifton said that the County is very close to the 17% reserve fund policy and they are planning to do preliminary estimates of revenues and expenditures. He is going to propose a policy that states that any money left at the end of the year is to be set aside to fund the retiree

health insurance fund. He said that the changes they make will have a gradual impact. There will be no impact on existing employees or existing retirees.

Emergency Services

Clarence Grier said that staff will be proposing increases in expenditures for Emergency Services (911 and ES) in FY2012-13 to improve response time. These proposals will be provided prior to completion of the effort of the Board's appointed Emergency Services Work Group and the expected consultant's report. The final allocations can be adjusted based on later input, but considering the importance of these services to the public, necessary increased financial commitments are a reality.

School Districts and Education Requests for Funding

Both the Orange County and the Chapel Hill – Carrboro City Schools districts have requested increases in the per pupil allocation that the County provides to each district in the FY2012-2013 budget.

Orange County Schools has requested an increase in the per pupil allocation from the County that would increase the current expense allocation $220 per pupil. This would raise the County's current expense allocation for both school districts to $3,322. This would represent an increase of $6.07 million based the projected average daily membership (ADM) provided by North Carolina Department of Public Instruction (NC DPI) for both systems. This funding request would represent 3.95 cents on the current property tax rate.

Chapel Hill – Carrboro City Schools has requested an increase in the local per pupil allocation increase of $67. This requested increase in the local per pupil allocation for current expenses would increase the per pupil allocation to $3,169. This funding level would represent an approximate increase in the current expense for both school districts of $3.05 million, which would represent 1.98 cents of the current property tax rate based on the projected ADM provided by NC DPI for both systems.

Frank Clifton said that Clarence Grier has looked at each of the schools' fund balances and both have a generous fund balance and maybe this could help the schools fund some of their requests. He said that the schools have had little variance in revenue growth and remain basically flat. He said that the County is at a point in time that the schools are at or above the 48.1% limit and to fund the requests would require a tax increase.

Commissioner Hemminger asked about the increases in per-pupil.

Discussion ensued about the formula staff used to calculate this information and Clarence Grier – at end of meeting – brought forth a hard copy for them to review.

Commissioner Hemminger asked if the same amount was given to each student whichever formula amount they choose and staff said yes.

Employee Compensation

Frank Clifton said that this is a budget driver that has not been quantified, but an issue across all of the departments of the County is employee compensation. As they are interviewing and attempting to fill vacant positions, they are experiencing difficulty obtaining and maintaining employees due to the constriction of employee compensation. County employees have done an outstanding job of responding to increased demand for county services, provided by a smaller workforce, under difficult conditions. Staff will try to address this issue as they formulate the FY2012-13 budget.

He said that others are proposing salary increases and thus they would like to propose a salary increase for all employees and they will bring this back to the County Commissioners as part of the budget process.

Commissioner Gordon asked if the Emergency Services work group would be coming forth with recommendations and if this was a placeholder. Staff said that this is a little of both.

Frank Clifton said that they need to add another ambulance on the roads and to increase the number of dispatchers.

Frank Clifton said that if the County is going to stay as it has been in the past three years, the Board of County Commissioners will need to make some decisions since they have not raised taxes in the past three years.

Commissioner Yuhasz said that he would like to see a budget that does not require a tax increase.

Chair Pelissier said that the Board needs to assess first what it wants to accomplish and she does not want to say no at this time.

Commissioner Foushee said that she would like to see variations – no tax increase, a two-cent increase, and a five-cent tax increase.

Commissioner Jacobs said that this discussion is premature and they have not even met with the schools yet.

Commissioner Gordon said that the County Commissioners need to consider what would be the difference with different types of tax increases. Without committing, she would like to at least look at the different variations of tax increases as Commissioner Foushee suggested.

Commissioner McKee said that the County Commissioners need more information before making any commitments.

Frank Clifton said that their intention is to bring the County Commissioners a budget with no tax increase for basic services and the Board can add in items as they see fit.

2. Follow-up Discussion of the Manager's Recommended 2012-2017 Capital Investment Plan (CIP)

McGowan Creek Outfall

Paul Laughton said that this project was originally included within the Central Efland/North Buckhorn Sewer Expansion Project (page 53 of the CIP document). Since then, staff has been notified by the State that the McGowan Creek Outfall project is eligible to receive State Revolving Loan funds in the amount of $755,450. (See *Attachment 1, which is located in permanent agenda file in the Clerk's office)*

Central Efland/North Buckhorn Sewer Expansion

Paul Laughton said that Attachment 2 (a copy is located in the permanent agenda file in the Clerk's office) is a revised Central Efland/North Buckhorn Sewer Expansion project (pages 53-54) page to reflect the removal of the McGowan Creek Outfall project from this project.

Communications System Improvements

Paul Laughton said *that Attachment 3 (copy of which is located in the permanent agenda files in the Clerk's office)* is a revised Communications System Improvements project (pages 33-34) reflecting a funding plan for the replacement of 800 MHz radios for the Emergency Services and Sheriff's departments only. This project, as well as the Viper Radio System and Future EMS Stations projects, continues to be reviewed as part of the charge to the Emergency Services Work Group.

Commissioner McKee made reference for the MHz radios of $620,000 in the first year and said that this was a question that came up this afternoon and why the County is trying to replace all of the Emergency Services radios.

Chair Pelissier made reference tothe standardization of radios issue and asked if it was being addressed in the Emergency Services Work Group and Commissioner McKee said that there are not major compatibility issues with the radios. He said that the Highway Patrol basically controls the compatibility and standardization issues with radios. He said they need to move toward standardization and they are very close to it as well.

Sportsplex

Paul Laughton said that Attachment *4 (a copy of which is located in the permanent agenda files in the Clerk's office)* is a revised Sportsplex project (page 68) recommending the shifting of funding for Lobby Renovations, estimated at $125,000, from Year 2 to Year 1 of the CIP, due to a prominent need for renovations to enhance the appearance and appeal of the facility.

Commissioner McKee questioned having this type of savings.

Frank Clifton said that the Sportsplex has been performing very well and this is an enterprise fund. The lobby is the first impression that they can make.

Commissioner McKee said that he was wrong since this is not part of the general fund.

Commissioner Gordon asked how debt financing works for an enterprise fund.

Paul Laughton said that the County would issue the debt and would separate it out between projects and enterprise funds and this would be outside of the County project funds.

Commissioner Gordon asked what the rating agencies look at regarding total County debt with regard to this enterprise fund.

Frank Clifton said that the rating agencies look to see if this fund makes enough revenue to cover operating costs and to pay the debt.

Commissioner Yuhasz asked when the debt would be paid off for the Sportsplex purchase and Clarence Grier said maybe 2019-2020.

Paul Laughton said that the County Commissioners have at their places a pink debt capacity revision of the pages the staff has given in previous work sessions.

Paul Laughton said that this is the last scheduled discussion of the CIP. The next discussion would fall in one of the budget work sessions.

Clarence Grier showed a slide to clear up the school per pupil formula.

A motion was made by Commissioner McKee, seconded by Commissioner Yuhasz to adjourn the meeting at 8:25 p.m.
VOTE: UNANIMOUS

Bernadette Pelissier, Chair

Donna S. Baker, CMC
Clerk to the Board

DRAFT

MINUTES

ORANGE COUNTY BOARD OF COMMISSIONERS
CHAPEL HILL-CARRBORO BOARD OF EDUCATION
ORANGE COUNTY BOARD OF EDUCATION
JOINT MEETING
April 26, 2012

The Orange County Board of Commissioners met for a joint session with the Chapel Hill–Carrboro Board of Education and the Orange County Board of Education on Tuesday, April 26, 2012 at 7:00 p.m. at the DSS offices in Hillsborough, N.C.

COUNTY COMMISSIONERS PRESENT: Chair Bernadette Pelissier and Commissioners Alice M. Gordon, Barry Jacobs, Earl McKee, and Steve Yuhasz
COUNTY COMMISSIONERS ABSENT: Valerie Foushee and Pam Hemminger
COUNTY ATTORNEYS PRESENT: Jenny Galassi
COUNTY STAFF PRESENT: County Manager Frank Clifton, Assistant County Managers Gwen Harvey, Michael Talbert and Clerk to the Board Donna S. Baker (All other staff members will be identified appropriately below)
ORANGE COUNTY BOARD OF EDUCATION MEMBERS PRESENT: Chair Donna Coffey and Board Members Eddie Eubanks, Steve Halkiotis, Anne Medenbleck, and Tony McKnight. Superintendent Patrick Rhodes was also present.
ORANGE COUNTY BOARD OF EDUCATION MEMBERS ABSENT: Brenda Stephens and Debbie Piscitelli
CHAPEL HILL-CARRBORO CITY SCHOOL BOARD OF EDUCATION MEMBERS PRESENT: Chair Mia Burroughs, and Board Members James Barrett, Jamezetta Bedford, Gregory McElveen, Michelle Brownstein, Mike Kelly, and Annetta Streater. Superintendent Tom Forcella was also present.
CHAPEL HILL-CARRBORO CITY SCHOOL BOARD OF EDUCATION MEMBERS ABSENT:

1. Opening Comments

Chair Pelissier said that Commissioner Hemminger and Commissioner Foushee send their regrets in being unable to attend tonight. There will be an added item by County staff on budget drivers in the County budget.

Donna Coffey said that two of their board members were not able to attend.

Introductions were made.

Paul Laughton from Financial Services presented the County's budget drivers. He also made reference to the fund balance information from both school systems.

Paul Laughton said that the staff went over these drivers with the Board of County Commissioners on Tuesday night. Some of these drivers are requests only. The first driver is health insurance. There is a scheduled 11.5% increase for FY 2012-13. This is an impact of $750,000. Another driver is the OPEB, or Other Post Employment Benefits. There is an annual requirement to contribute $5.1 million to this. At this point, there is an unfunded OPEB

and the liability is $62.8 million as of June 30, 2011. There is a plan to try and fund that liability in 2012-13.

Another driver is the request from Emergency Services. The request now is a $1.8 million increase.

The school districts have a request up to $6.1 million because Orange County Schools has put in a request for $220/per pupil.

All of these requests total about $13.85 million, which is about 9 cents on the tax rate.

Paul Laughton said that in the packet there are three scenarios of per-pupil funding.

Anne Medenblik arrived at 7:15 PM.

Allocation of Projected Revenue for FY 2012-2013

(Based on Preliminary Revenue Estimates of $177.4 million)

	Schools	County	Total
% of Revenues	48.1%	51.9%	100.0%
Total Preliminary Allocation	**$85,352,144**	**$92,095,141**	**$177,447,285**

Schools - For FY 2012-13, assumes the **same per pupil amount for Current Expense** for appropriation
(does not include funding for Durham Technical College in calculation of the 48.1% target)

	FY 2011-12 Actual	FY 2012-13 Preliminary	Difference	% Change
Current Expense (Mandated Appropriation, Discretionary Dollars)	$59,375,382	$61,109,400	$1,734,018	2.9%
Recurring Capital (Mandated Appropriation, Discretionary Dollars)	$3,000,000	$3,000,000	$0	0.0%
Long Range Capital (Mandated Appropriation, Discretionary Dollars)	$2,628,969	$2,628,969	$0	0.0%
School Related Debt Service (Mandated Appropriation)	$18,182,682	$18,182,682	$0	0.0%
Fair Funding (Non Mandated Appropriation)	$988,000	$988,000	$0	0.0%
Total School Funding [(1)]	**$84,175,033**	**$85,909,051**	**$1,734,018**	**2.1%**
% of County General Fund Revenues	**47.2%**	**48.4%**		**0.0%**

[(1)] Does not include additional County funding for School Health Nurses, School Social Workers, School Resource Officers.

Calculation of Current Expense/Per Pupil Appropriation

	FY 2011-12	FY 2012-13	Difference	% Change
Projected # of Students	19,141	19,700	559	2.9%
Projected Per Pupil Allocation	$3,102	$3,102	$0	0.0%

Allocation of Projected Revenue for FY 2012-2013

(Based on Preliminary Revenue Estimates of $177.4 million)

	Schools	County	Total
% of Revenues	48.1%	51.9%	100.0%
Total Preliminary Allocation	**$85,352,144**	**$92,095,141**	**$177,447,285**

Schools - For FY 2012-13, assumes a **$67 increase in per pupil amount for Current Expense** *(does not include funding for Durham Technical College in calculation of the 48.1% target)*

	FY 2011-12 Actual	FY 2012-13 Preliminary	Difference	% Change
Current Expense (Mandated Appropriation, Discretionary Dollars)	$59,375,382	$62,429,300	$3,053,918	5.1%
Recurring Capital (Mandated Appropriation, Discretionary Dollars)	$3,000,000	$3,000,000	$0	0.0%
Long Range Capital (Mandated Appropriation, Discretionary Dollars)	$2,628,969	$2,628,969	$0	0.0%
School Related Debt Service (Mandated Appropriation)	$18,182,682	$18,182,682	$0	0.0%
Fair Funding (Non Mandated Appropriation)	$988,000	$988,000	$0	0.0%
Total School Funding [(1)]	**$84,175,033**	**$87,228,951**	**$3,053,918**	**3.6%**
% of County General Fund Revenues	**47.2%**	**49.2%**		**0.0%**

[(1)] *Does not include additional County funding for School Health Nurses, School Social Workers, School Resource Officers.*

Calculation of Current Expense/Per Pupil Appropriation

	FY 2011-12	FY 2012-13	Difference	% Change
Projected # of Students	19,141	19,700	559	2.9%
Projected Per Pupil Allocation	$3,102	$3,169	$67	2.2%

1
2

Allocation of Projected Revenue for FY 2012-2013

(Based on Preliminary Revenue Estimates of $177.4 million)

Schools - For FY 2012-13, assumes the **same total dollar amount for Current Expense** for appropriation *(does not include funding for Durham Technical College in calculation of the 48.1% target)*

	FY 2011-12 Actual	FY 2012-13 Preliminary	Difference	% Change

Current Expense (Mandated Appropriation, Discretionary Dollars)	$59,375,382	$59,375,382	$0	0.0%
Recurring Capital (Mandated Appropriation, Discretionary Dollars)	$3,000,000	$3,000,000	$0	0.0%
Long Range Capital (Mandated Appropriation, Discretionary Dollars)	$2,628,969	$2,628,969	$0	0.0%
School Related Debt Service (Mandated Appropriation)	$18,182,682	$18,182,682	$0	0.0%
Fair Funding (Non Mandated Appropriation)	$988,000	$988,000	$0	0.0%
Total School Funding [(1)]	**$84,175,033**	**$84,175,033**	**$0**	**0.0%**
% of County General Fund Revenues	**47.2%**	**47.4%**		**0.0%**

[(1)] Does not include additional County funding for School Health Nurses, School Social Workers, School Resource Officers.

Calculation of Current Expense/Per Pupil Appropriation

	FY 2011-12	FY 2012-13	Difference	% Change
Projected # of Students	19,141	19,700	559	2.9%
Projected Per Pupil Allocation	$3,102	$3,014	($88)	-2.8%

Paul Laughton gave an overview of the general fund budget.

Orange County General Fund Approved Budgets (Previous 5 Fiscal Years)

FY 2007-08 Approved	FY 2008-09 Approved	FY 2009-10 Approved	FY 2010-11 Approved	FY 2011-12 Approved	FY 2012-13 Preliminary	
173,624,351	183,005,580	177,589,039	175,313,920	178,177,522	178,000,000	approx.

Paul Laughton then reviewed the handout of each school's fund balance.

Chapel Hill - Carrboro City Schools
Fund Balance Calculation

CHCCS Fund Balance 6/30/2011 **$ 10,328,358**

Fund Balance percentage per Board policy
of Original Budgeted GF Local expenditures.(max) **5.50%**

Original General Fund Budget	**(FY2012)**	**$61,078,312**			
	Calculated maximum amount of fund balance			**$**	**3,359,307**
	Excess Fund Balance		**C**	**$**	**6,969,051**
FY2012-13 Increase in budget per pupil ($67.00)		**$67.00**	**1**		
FY2012-13 Estimated Enrollment		**12,115**	**1**		
	Requested increase in funding		**1**	**$**	**2,086,627**
	Appropriated Fund Balance			**$**	**3,652,913**
Fund Balance remaining if CHCCS funded their requested increase			**D**	**$**	**1,229,511**
Amount over (under) the maximum	**(C-D)**			**$**	**(2,129,796)**

CHCCS would be under the maximum allow fund balance by $2,129,796.

Note 1 - Formula for Funding the Increase in Per Pupil

Total Pupils	x	increase	=		Increase for All Pupils
$ 12,115	x	$ 67.00		A	$ 811,705

Pupil Increase	x	Base Per Pupil allocation		Pupil Increase Base
$ 411		$ 3,102.00	B	$ 1,274,922

Increase in funding (A+B) **$ 2,086,627**

Orange County Schools
Fund Balance Calculation-UPDATED

OCS Fund Balance 6/30/2011				**$ 4,875,245**
Fund Balance percentage per Board policy of Original Budgeted G F Local expenditures (max)			**3.00%**	
Original General Fund Budget	**(FY2012)**		**$23,989,855**	
	Calculated maximum amount of fund balance			**$ 719,696**
	Excess Fund Balance	**C**		**$ 4,155,549**
FY2012-13 Increase in budget per pupil ($220.00)		**1**	**$220.00**	
FY2012-13 Estimated Enrollment		**1**	**7,585**	
	Requested increase in funding	**1**		**$ 2,127,796**
	Proposed FY2012-13 Budget Appropriated Fund Balance			**$ 1,431,698**
Fund Balance remaining if OCS funded their requested Increase		**D**		**$ 596,055**
Amount over (under) the maximum requirement	**(C- D)**			**$ (123,641)**

Orange County Schools would be under the maximum allowed fund balance by $123,641.

Note 1 - Formula for Funding the Increase in Per Pupil

Total Pupils	x	increase	=		Increase for All Pupils
7,585	x	$ 220.00	A	$	1,668,700

Pupil Increase	x	Base Per Pupil allocation			Pupil Increase Base
148		$ 3,102.00	B	$	459,096

Increase in funding (A+B)	**$**	**2,127,796.00**

Donna Coffey said that this fund balance policy has been updated since 1986 and that Orange County Schools' fund balance is 3%.

Chair Pelissier asked Paul Laughton to explain why the County's fund balance is what it is.

Frank Clifton said that because the County is the agency that issues all the debt, the state establishes a minimum fund balance, which is 8%. Orange County's currently is at 17%.

Superintendent Patrick Rhodes said that in 2008 OCS did change their fund balance to 3%, and he read this.

Steve Halkiotis said that their fund balance would cover one month of employee salaries.

Annetta Streater arrived at 7:37 PM.

2. Chapel Hill Carrboro City Schools - Presentation of FY 2012-13 Board of Education Approved Budget

Mia Burroughs said that in this budget discussion of the fund balance, they set up a three-year plan of bringing the fund balance up, knowing that the federal money was going away. She said that they have repurposed things and are not just adding things onto the budget. She believes that they are running a lean operation.

Various members of the Board of Education went through the PowerPoint presentation.

- Board of Education's
  2012-13 Budget Request
  April 26, 2012

Budget Development Process

- Focus on Student Learning and Instruction
- Priorities
- Collaborative Process
- Building Level/SIT
- Central Office Review
- Future Direction
- Economic Reality

Mission/Vision/Goals

- Priorities
  - Current
    - World Languages
    - Literacy
    - Common Core
    - Technology
  - 2012-2013
    - World Languages
    - Literacy
    - Common Core
    - Instruction
    - Strategic Plan

Instructional Focus

- Building Relationships
- Review of Current Staffing and Programs
- Common Vision/Focus
- Training Development

Setting Priorities

- Instruction and Common Core
  - Professional Development—IFL
  - Literacy Coach Training

- Leadership Development
- Common Language about Instruction

Support for Student Learning

- Focused on Specific Curricular Content
- Organized on Real Problems of Practice
- Connected to Teachers' Work with Children
- Linked to Analysis of Student Learning
- Supported by Coaching, Modeling, Observation and Feedback
- Integrated into School and Classroom Planning around Curriculum, Instruction and Assessment

Future Budgets

- Instruction as Focus
- Strategic Plan
- Hiring Practices and Procedures
- Professional Development and Training
- Re-Purpose Existing Staff Depending on Needs
- Salary Scale Review—Use of Local Supplements

Change Process

- Driven by Mission/Vision/Beliefs in Long-Range Plans
- Building Internal Capacity
  - Culture
  - Practices and Procedures
  - Staffing
- Focus
  - Common Language of Instruction
  - High Quality Staff
  - Use of Resources

Challenge:

- To Move Toward the Fulfillment of our Mission and Vision while at the Same Time Being Cognizant of the Extraordinarily Difficult Economic Times
- To Continue to Improve Student Learning and Positive Results

2012-13 State Student Enrollment Projection

2012-13 District Enrollment Projection	12,129
2011-12 State Enrollment Projection	11,718
District Projected Enrollment Increase	411

Projected Local Revenue Increase

- County per pupil for enrollment growth $1,265,616
- 1% Inflationary increase to district tax $ 315,851
- Changes in other Local Sources $ 117,000

Total Net Increase $1,698,467

Local Continuation Budget Requests

State Mandates

- Employer health insurance match increase (5.3% incr. to $5192) $ 207,000
- State retirement match increase (9% incr. to 14.31%) $ 340,000

Subtotal	$ 547,000	
Continuation of Current Services		
■ Non-personnel school allotments for growth ($78/student)	$ 25,740	
■ Transportation operating budget	$ 30,000	
Subtotal	$ 55,740	
TOTAL OF CONTINUATION BUDGET REQUESTS		$ 602,740

Local Expansion Budget Requests

Expansion Requests	
■ Elementary #11 Planning Budget	$ 339,460
■ Ephesus Elementary: .5 AIG Specialist	$ 36,633
■ Phoenix Academy: stipends $4,500; field trips $1,000; community and family events $1,000; extend sec. pos. to 12 mos. $5,000; full-time SRO $25,000	$ 36,500
■ Exceptional Children: 1.0 elem. teacher $73,265; 2.0 system level TAs $68,904; classroom supplies $1,500; computer equip. $7,500; and .5 prog. facilitator for CHS and Phoenix $36,633	$ 187,802
■ BRMA Program: Parent Univ.: .5 sec. $22,940; operating expenses $12,000	$ 34,940
■ Staff development funds	$ 50,000
■ $500 one-time bonus for 2000 employees incl. benefits	$1,219,600
TOTAL OF EXPANSION BUDGET REQUESTS	$1,904,935
GRAND TOTAL	$2,507,675

Projected Local Budget Balance

■ Projected Local Revenue Increase	$1,698,467
■ Less: Continuation & Expansion Increase	$2,507,675
Local Budget Shortfall	($ 809,208)

The $809,208 budget shortfall will require a $67 increase in the per pupil appropriation ($808,208/12,112 students).

Assigned fund balance in the amount of $3,652,913 will again be required to balance the 2012-13 budget.

Rationale for One-time Bonus

- No wage increases for three consecutive years; the 2012-13 year will be the fourth year
- 10 hours of furloughed pay in 2008-09
- 3.5% inflation growth for the past three years
- The 80/20 health insurance plan now costs employees $22.76 per month
- Health insurance co-pays have increased
- Monthly premiums have increased by $2,120.88 since 2008-09

Local Fund Balance

- Increased fund balance by reallocating, reducing, and savings efforts throughout the district for the past two years - $1.5 million
- Spent all of the Education Jobs grant funds in 2010-11 and saved the Local dollars - $2.4 million
- Balanced the 2011-12 budget by assigning $2.7 million in fund balance (mostly salaries and benefits)

- Must assign $2.7 million again to balance the 2012-13 budget
- Projecting an unassigned Local fund balance at 6/30/12 of $6 million or 9.5%

Revenues Contributing to Fund Balance Increase

■ Education Jobs Grant	$2.4 million
■ State/Local Position Trades	$ .7 million
■ ARRA Grants	$ .5 million
■ Savings initiatives	$ .4 million
Total	$4.0 million

Local Fund Balance (table)

Projected 2012-13
State Budget

■ Projected enrollment growth	$1,940,520
Less Cost Increases:	
■ 13 Teacher positions	(780,247)
■ 4 TA positions	(121,200)
■ Increase in Discretionary Reduction	(586,109)
Total of Cost Increases	($1,487,556)
Projected Net Increase to State Budget	$452,964

(These funds will be allotted across several program areas.)

Projected 2012-13 Formula Grant Allocations

Based on current year allotments:

Career Technical	$ 90,000
IDEA VI-B Cap. Bldg & Improv.	$ 50,000
IDEA VI-B Preschool Handicap.	$ 36,000
Title I	$1,000,000
IDEA VI-B Handicapped	$2,709,578
IDEA Early Intervening Services	$ 400,000
Improving Teacher Quality	$ 380,000
IDEA VI-B Spec. Needs Targeted	$ 17,000
Race to the Top	$ 300,000
Projected Total	$4,982,578

Recurring Capital Budget

2012-13 Recurring Budget Projected at the Current 2011-12 Amount

$1,861,467

Capital Investment Plan Revenue History

	Pay-as-You-Go	Lottery Funds	10 Yr Total	Reduction
■ 2008-18	39,451,994	12,304,854	51,756,848	

■ 2009-19	33,023,429	14,898,408	47,921,837	(3,835,011)
■ 2010-20	29,418,298	12,397,617	41,815,915	(6,105,922)
■ 2011-21	17,625,836	9,383,630	27,009,466	(14,806,449)
■ 2012-22	17,463,944	8,150,000	25,613,944	(1,395,522)

- Concerns about the long term impact of reduced CIP funding.

Capital Challenges

- Aging and aged facilities
- About half of our schools are over 40 years old with a few at 60 years
- Capital money has been cut in half. We have about $1.2 million a year to maintain 2 million sq. ft. and 500 Acres
- If we achieved a 2:1 computer ratio, current CIP funding only provides for a replacement every 8 years.

Commissioner Jacobs asked how the revenue from the ¼-cent sales tax fits into this. Todd Lofriese said that it is not included in the CIP.

Commissioner Jacobs asked how much would be realized in the next fiscal year and Paul Laughton said $760,000 for CHCCS and $490,000 for OCS.

Commissioner Jacobs said that in the past when CHCCS opened a new school, they have now learned to ask for a district tax increase. He asked if there are any recommendations for this at this time.

Todd Lofriese said that the significant operating expenses will be next year when the school is opened.

Jamezetta Bedford said that the cover letter indicated that CHCCS was asking for an increase in the district tax this year; but stated that they were doing that so that the commissioners would be allowed to increase the tax if they choose to do so. That is because the school district must ask for the increase before the BOCC can raise the tax.

Commissioner Jacobs asked for a brief synopsis on where CHCCS stands on world language issues.

Tom Forcella said that they are working under the assumption that these programs will continue, so the budget requests those programs as they now exist.

Commissioner Gordon asked about the capital budget and where it is hurting the most and Tom Forcella said that a lot of schools are very old. The biggest concern is keeping up with the repairs.

Commissioner Gordon asked about the Qualified School Construction Bonds on page 3-3 at the bottom. She asked if this money was being requested.

Todd Lofriese said that they have been able to get a head start by taking advantage of these programs.

Commissioner Gordon noted the need to fund the Culbreth Middle School science labs. These labs are very substandard.

Chair Pelissier said that in the school collaboration meetings, they are looking at the older schools and this is a work in progress.

3. Orange County Schools

Presentation of FY 2012-13 Board of Education Approved Budget

Superintendent Patrick Rhodes made a PowerPoint presentation.

Superintendent's Recommended Budget 2012-2013

YEAR IN REVIEW

Milestones:

- Student achievement and proficiency continue to rise
- Achievement gap continues to close
- Graduation rate continues among highest in NC – 82.8%
- Lowest dropout rate on record – 2.37%
- SAT and ACT scores exceed state and national averages
- Record $5.7 million in scholarships awarded

Current Year Budget Overview

	Total Revenue	**Per Pupil Equivalent**	**% of Total Revenues**
Local	$25,287,217	$3,449	36.4%
State	$38,518,909	$5,254	55.4%`
Federal	$5,724,772	$781	8.2%
Total	**$69,530,898**	**$9,484**	

2012-2013 OUTLOOK

2012-13 Budget Highlights

- Increase in number of students to serve
- Loss of federal revenue
- Fewer state dollars
- Additional unfunded mandates

Projected Enrollment Increase – 202
County enrollment has outpaced state projections at least over the past six years.
This year 40.4% of students are eligible for free and reduced lunch

(various graphs of student projections)

2012-2013 FEDERAL FUNDING OUTLOOK

- **Decrease from $5,724,772 to $4,244,772 in 2012-13**

2012-2013 STATE FUNDING OUTLOOK

- North Carolina ranks 48th in the nation for combined per pupil funding
- Orange County Schools was required to return funding equal to 173.1 staff positions to the state since 2009

2011-2012 State Funding Cuts

Instructional Support (-1.4%) $33,564

- Reduced funding for guidance counselors, social workers, technology staff, and literacy coaches

School Technology (-14%) $14,488

- Contracted Services and day-to-day operations

Instructional Supplies (-49.7%) $239,020

- Classroom and instructional supplies

Assistant Principal Allotment (-17.8%) $13,004

- Reduced salaries for each AP by 2 months

Central Office Administration (-14.4%) $114,795

- Reduced 2 state funded district administration positions

To project the classroom, OCS has cut 16 Central Office staff positions since 2007

Central Office Staffing Reductions 2007-2012

District Nutritionist	2007
Director of Classified Employment	2008
District Lead Nurse	2008
Director of Health Living	2008
District Internal Auditor	2008
Foreign Language Coordinator	2009
Arts Coordinator	2009
Testing Coordinator	2009
CTE Coordinator	2009
District Secretary	2009
School Transportation Officer	2010
District Math and Science Coordinator	2011
District Math Specialist	2011
Reading Recovery Lead Teacher	2011
Director of Student Services	2011
School Improvement Specialist	2011

Lottery Funds

- Cannot be used for day-to-day operations
- Cannot be used for technology purchases
- Must be used for capital expenditures
  - Emergency lighting
  - Safety upgrades
  - HVAC upgrade
  - Phase II construction on partnership academy
  - Restroom renovations

2012-13 SUPERINTENDENT'S RECOMMENDED BUDGET

Key Initiatives for 2012-2013

- Meet district's critical funding needs
- S.T.E.M initiatives and opportunities (Science, Technology, Engineering and Mathematics)
- Strengthen academic rigor district-wide
- Continue support of at-risk programs
- Increase student access to technology
- Planning for Cedar ridge High addition & new elementary school

Critical Need - $1,406,850
Protect Classroom Positions and Prevent Job Loss as a Result of Loss of Federal EduJobs Monies

- Affects 33 classroom teachers and assistants
- Affects 1,600 students

- Loss will result in increased class sizes

Critical Need - $251,508
Preserve Elementary and Middle School Foreign Language Programs
- 6 teaching positions funded with Federal grant
- Grant expires June 30, 2012
- Loss of teachers would result in elimination of elementary Spanish and middle school French language instruction
- Affects 2,100 students

Critical Need - $280,000
Unfunded State Mandates
- Electricity cost increase $55,000
  - Approved by state utilities commission
- Retirement contribution increase $170,000
- Hospitalization cost increase $55,000
  - Increase of $261 per employee

Critical Need - $2,500,524
Offset Mandated State Funding Reversions
- The State requires districts to revert money it originally funded to help balance the state's budget
- An increase of $394,077 from 2011-12
- Equivalent of 56.8 positions including 45 teaching positions

Superintendent's Funding Recommendation to Meet Critical Needs
Increase Per Pupil Allocation from Orange County to $3,322, an increase of $220 from Current Year Appropriation of $3,102
- $2,307,184

Maximize State and Federal Personnel Funding Allocations as Identified in Recent Efficiency Review
- $700,000

Appropriate Fund Balance $1,431,698

Total Funding Necessary to Cover Critical Needs $4,438,882

2012-13 Funding Scenarios
2012-13 County Appropriation Formulas

	County Appropriations	2012-13 Project Enrollment	Per Pupil Amount
Same Dollar Amt as 2011-12	$23,069,574	7,639	$3,020
Same Per Pupil Amt as 2011-12	$23,696,178	7,639	$3,102
Increase Per Pupil Amt by $100	$24,460,078	7,639	$3,202
Increase Per Pupil	$25,223,978	7,639	$3,302

Amt by $200			
Fully Fund $4,438,882 in Funding Losses	$27,508,456	7,639	$3,601
Recommending $220 Per Pupil Increase (Superintendent's Recommendation)	**$25,376,758**	**7,639**	**$3,322**

The Superintendent's Recommended Local Budget Request for 2012-13:

$25,376,758

Donna Coffey said that OCS thanked the Board of Commissioners for the high priority put on children. She said that since 2008 they have reverted back to the state and to the charter schools $10 million. She said that for the last three years OCS has not asked for any increases in their budget, but they are at a point now that federal funding is going away and the state continues to turn their back on the schools. They are letting the Board of County Commissioners know what their needs are. They will trust the Board of County Commissioners to do the right thing and if need be set aside the 48.1% funding limit.

Commissioner McKee said that he heard that under the funding scenarios and if the Board of County Commissioners was to hold the current funding as $3,102 per pupil that OCS would lose the 33 teachers and assistants.

Superintendent Rhodes said that if there is not additional funding from the County Commissioners, there will be job losses in the classroom. He said that he does not know the exact numbers.

Steve Halkotis said that the State is balancing the budget on the backs of children and this is wrong. He said that the schools need the County Commissioners' help because they are not getting it from the State.

Commissioner McKee asked about the impact of the charter schools reducing the funding for schools and staff answered that for OCS it is $1 million this year.

Members from the CHCCS Board said that the impact is unknown at this time.

Frank Clifton said that a bond referendum could be done without having to fund on a per-pupil basis.

Mia Burroughs thanked the Board of County Commissioners for its support and courage to do the right thing throughout the years.

Chair Pelissier said that the County Commissioners have asked the County Manager to come up with a variety of options for tax increases for this year. She said that this Board has been supportive of education through the recession these past three years. She said that last year the County made cuts everywhere except education. She said that the State should provide for education and not the counties. Orange County provides almost half of the schools' budgets and that is not right.

Chair Pelissier said that she would like to see the graduation rates from both school systems. The public asks about these things.

Commissioner Gordon said that the County Commissioners did not decide definitively in their work session on proposed tax scenarios. She said that she has been concerned about the older schools for a long time. She suggested starting with the older middle schools and upgrading these facilities.

Commissioner Jacobs said that in the last few years they have stopped reporting Orange County's total effort toward funding education in their budget presentations. He would like to see this in the budget presentations again. For years, Orange County was number one in the state for funding education. He thinks that it is important for the public to know this.

Commissioner Yuhasz said that the impact of enhanced revenues for schools is that the parents of the children eligible for free lunch will have to pay if property taxes are raised. He suggested looking to the state to raise revenues for local schools.

Commissioner McKee said that the media needs to get the word out about the reversion of funds from the state, etc.

Superintendent Rhodes said that Orange County currently ranks fourth in per pupil funding in the state.

Greg McElveen said that there is a spirit of increased collaboration in the region and he suggested seeking out opportunities to work with UNC to assist in education.

Eddie Eubanks said that there is a systematic attack against public education in this state, and the public needs to be informed.

4. Closing Comments

With no further items to discuss, the meeting adjourned at 9:20 PM.

Bernadette Pelissier, Chair

Donna S. Baker, CMC
Clerk to the Board

DRAFT

MINUTES
BOARD OF COMMISSIONERS
WORK SESSION
May 3, 2012
7:00 p.m.

The Orange County Board of Commissioners met for a work session on Thursday, May 3, 2012 at 7:00 p.m. at the West Campus Office Building, West Margaret Lane, Hillsborough, N.C.

COUNTY COMMISSIONERS PRESENT: Chair Bernadette Pelissier and Commissioners Valerie Foushee, Alice M. Gordon, Pam Hemminger, Earl McKee, and Steve Yuhasz
COUNTY COMMISSIONERS ABSENT: Barry Jacobs
COUNTY ATTORNEYS PRESENT: John Roberts
COUNTY STAFF PRESENT: County Manager Frank Clifton, Assistant County Managers Gwen Harvey, and Michael Talbert and Clerk to the Board Donna Baker (All other staff members will be identified appropriately below)

ADDITION TO THE AGENDA:

A motion was made by Commissioner Yuhasz, seconded by Commissioner McKee to go into closed session for the purposes of:

Per NCGS 143-318.11(a)(3) to consult with an attorney regarding the ongoing case of Orange County vs. Eno River Parking Deck;
and
PER N.C.G.S. 143-318.11(a)(4)] "To discuss matters relating to the location or expansion of business in the area served by this body, "
VOTE: UNANIMOUS

1. Orange County Transit Plan – Current Status and Discussion

a) Review of Durham/Orange DRAFT Cost Share Agreement

Chair Pelissier said that Planning Director Craig Benedict asked for direction to flesh out details of the bus plan that would be part of the package for May 15th. She suggested discussing the draft cost-share agreement, which will be on the agenda for May 15th. The Durham Board of Commissioners has this on a work session this Monday.

John Roberts said that Durham County added several modifications to the cost-share plan. Mainly what Durham County changed was to add Durham County to the clause, #5 on page 2. Nothing was changed that benefited Orange County.

Commissioner Gordon suggested clarifying where the revenues would come from and specifying the exact fees.

John Roberts said that this is referencing Orange County and Durham County and Triangle Transit so he cannot say what Durham County's registration fee is. Craig Benedict said that the other entities have the same authority as Orange County does.

Patrick McDonough suggested checking with Durham County regarding the fees they may have.

Frank Clifton said to add the fees that are authorized by House Bill 148.

Regarding Commissioner Yuhasz' question about Orange County's share, John Roberts said that the change has already been made to reflect this. He read his version:

"Durham's share, including federal, state, and local transit tax proceeds, and this total shall be 1.061.8 billion and Orange's share, including federal, state, and local transit tax proceeds, and this total shall be $316.2 million."

Commissioner Hemminger made reference to #13 and why this would be modified only once every three years.

John Roberts said that this was the suggestion, but it may be changed. The three attorneys agreed to this.

Commissioner Hemminger made reference to #15 and said that the County Manager of Orange County should be added to this statement.

Frank Clifton suggested for section 3 to include that it is anticipated that the federal share is 50%, the state share is 25%, and the remaining 25% will be split as per the percentages with Durham and Orange Counties.

Commissioner Gordon made reference to page 5, #11 and the terms of agreement, 4th line from the bottom, and she suggested adding "shall renegotiate *this cost-sharing* agreement." She asked about the federal monies and whether the receipt of the federal funds should be in the implementation agreements regarding timelines, etc.

John Roberts said that he did not know when they would get the federal funds.

Commissioner Gordon asked when they would know that the federal funds would not be coming through.

Patrick McDonough said that it should not be thought of as in years, but project milestones. He said that the federal government would rather remove projects they think will fail much earlier in the process than they used to do.

Commissioner Gordon said that this language does not address the project not happening at all.

Chair Pelissier said that she is fine with the way it is worded. The Board agreed by consensus to leave the wording as is.

Commissioner McKee made reference to #8 on page 5 and said that he is fuzzy on where they would be supplanting a route. He said that if Chapel Hill Transit discontinues a route and then waits 6 months to a year to reinstitute a new route with changes, he would like to know if this constitutes a supplementation.

John Roberts said that staff is looking to add more on this topic in this agreement.

Commissioner McKee said that he would prefer that more information be added.

Frank Clifton said that this is a cost sharing agreement and many of these suggestions would be better addressed in the implementation agreement.

Commissioner Gordon said that she would prefer to have separate agreements, with one agreement for Orange County and Triangle Transit, and then one for Durham County and Triangle Transit.

b) Discussion on Public Input Received on Orange County Transit Plan

Chair Pelissier said that the County Commissioners have at their places a summary of comments made at the public input sessions on transit. She said that the comments were very similar to what was heard at the public hearing.

Chair Pelissier said that Craig Benedict would like some direction on how to outline the bus component of the transit plan that will come before the Board on May 15th.

Craig Benedict said that he is suggesting turning the OPT hours to the $97/hour like all of the other areas, acknowledging that this was the model for the original 50,400 hours. This will have to be decreased to 40,000 hours.

Chair Pelissier said that they never had an opportunity to discuss with the partners such a change.

Commissioner Foushee said that there was one meeting where the $58/hour was discussed as opposed to the $97/hour. It started out as $97/hour but was adjusted to the numbers provided by OPT, which was $58/hour.

Chair Pelissier said that since there is the merger study with OPT and Chapel Hill Transit, etc., the transit plan should be the starting point for the first few years. The implementation agreement could include that, as the costs change, the hours are reviewed with the regional routes. The Board agreed.

Commissioner McKee said that whatever route they use, he does not want to see the rural routes get penalized.

Commissioner Yuhasz said that they need to have the cost to serve as being the same all across the whole system. In that case, $58/hour does not make sense.

Commissioner Gordon said that part of the trouble tonight is that there are handouts the Board had not seen until tonight. She suggested putting this on a future agenda. She made reference to page 13 and said that it uses the year 2045, but all other documents say 2035. She asked if this was correct.

Patrick McDonough said that they prepared an updated version and used the date 2045.

Commissioner Gordon suggested going back to 2035 because everything else is calculated using this year. Patrick McDonough said that he could go back to 2035.

Chair Pelissier said that the distribution of vehicle tag dollars has never been clarified. The question is how to allocate those hours. The legislation said that it should be distributed by population served.

All agreed.

At this point, there was a webinar and there was no recording.

2. Paperless Agenda Process Options

The Board went into another room (IT Computer Training Room) to attend a webinar which were vendor-led demonstrations of two potential paperless agenda solutions. Two companies (Granicus and Sire) made presentation on automated agendas. The Granicus solution would cost $31,000 with ongoing annual costs of $12,000/year. The Sire Solution would cost $86, 272 including hardware with ongoing annual costs of $6, 280/year.

Each company presented its product to the Board, with a question and answer period after each presentation. It was discussed that automation efficiencies are gained largely through the development of strict chain of approvals tied to schedules, and for staff adhering to the same. Staff pointed out that while agenda automation software has mechanisms for circumventing these schedules and approval chains, automation gains are quickly lost through such actions. Staff also pointed out that it is of critical importance to the success of these systems that County staff and Board members assess their willingness to adhere to the schedules and disciplines enforce by these systems; otherwise the third option, the low cost solution offered by IT staff which was presented, may be the preferable option.

The internal option would cost $700/board member for iPads or equivalent tablets; and, high volume printers would be made available for those board members wishing to print out their full agenda packets from home at a cost of $1450/Board member.

After discussion, it was concluded that this internal option may be the best option for all and thus, staff would pursue this option.

CLOSED SESSION:

A motion was made by Commissioner Foushee, seconded by Commissioner Hemminger to go into closed session at 9:55 p.m. for the purposes of:

Per NCGS 143-318.11(a)(3) to consult with an attorney regarding the ongoing case of Orange County vs. Eno River Parking Deck;
and
PER N.C.G.S. 143-318.11(a)(4)] "To discuss matters relating to the location or expansion of business in the area served by this body. "

VOTE: UNANIMOUS

RECONVENE INTO REGULAR SESSION:

A motion was made by Commissioner Hemminger, seconded by Commissioner McKee to reconvene into regular session at 10:25 p.m.
VOTE: UNANIMOUS

ADJOURNMENT:

A motion was made by Commissioner Hemminger, seconded by Commissioner Yuhasz to adjourn the meeting at 10:25 p.m.
VOTE: UNANIMOUS

Bernadette Pelissier, Chair

Donna S. Baker, CMC
Clerk to the Board

DRAFT

MINUTES
ORANGE COUNTY BOARD OF COMMISSIONERS
BUDGET PUBLIC HEARING
May 17, 2011

The Orange County Board of Commissioners met on Thursday May 17, 2010 at 7:00 p.m. at Department of Social Services, Hillsborough Commons in Hillsborough, North Carolina. The purpose of this meeting was to hold a public hearing on the County Manager's Recommended 2012-2013 Budget.

COUNTY COMMISSIONERS PRESENT: Chair Bernadette Pelissier and Commissioners Valerie Foushee Alice M. Gordon, Barry Jacobs, Earl McKee and Steve Yuhasz
COUNTY COMMISSIONERS ABSENT: Pam Hemminger
COUNTY STAFF PRESENT: County Manager Frank Clifton, Assistant County Managers Gwen Harvey and Michael Talbert and Clerk to the Board Donna S. Baker (All other staff members will be identified appropriately below)

1. Opening Remarks-Chair Pelissier

Chair Pelissier welcomed everyone and said that Commissioner Hemminger was sick and would be unable to attend this meeting.

2. Presentation of County Manager's Recommended FY 2012-13 Budget (PowerPoint Presentation)

Financial Services Director Clarence Grier made the PowerPoint presentation.

County Manager's Recommended FY 2012-13 Annual Operating Budget and Capital Investment Plan

Presentation
Southern Human Services Center, Chapel Hill
Orange County, NC
May 15, 2012

Guiding Principles

- Balances County's operating budget without a property tax rate increase – 4th Consecutive Year
- Provides funding for County services at current levels without a reduction in the workforce
- Funds local school districts enrollment growth and provides for increased funding for the long range capital needs for each school district.

Recommended General Fund Budget

Totals $178.5 million

- Represents an increase of $300,000 from original current year budget of $178.2 million, which is a .17 percent increase from previous year original budget

- Represents a $4.8 million decrease in the current year's amended budget
- Orange County Budget
  Past 5 Fiscal Years

Proposed Ad Valorem Tax Rate Effective July 1, 2012

Proposed tax rate of 85.8 cents per $100 of assessed valuation

- This rate produces $136.9 million in property tax revenues for FY 2012-2013
- Overall Real Property Valuation increased 1.1%

One cent on property tax estimated to generate $1,574,232

Sales Tax Revenues

- Recommended Sales Tax Revenues of $15.7 million is 3% higher than the $15.3 million budgeted in FY 2011-2012
- Actual sales tax revenues are down over 30% since the peak of $22.5 million in fiscal year 2007-2008

Orange County General Fund FY 2012-13 Revenues – Property Taxes – 76.7%; Sales Taxes – 8.8%; Intergovernmental – 7.6%; Charges for Services – 5.2%; Other – 1.5%; Licenses and Permits – 0.2%

Proposed Chapel Hill-Carrboro City Schools District Tax Rate Effective July 1, 2012

- Recommended tax rate of 18.84 cents per $100 of assessed valuation
  - ✓ Represents no increase in the property tax rate for the District
- Recommended tax rate will generate $19.1 million for the Chapel Hill – Carrboro School District
  - ✓ This represents an additional $1,577 per pupil above the County's allocation
- One cent on district tax is estimated to generate $1,013,877

Recommended Funding for Chapel Hill - Carrboro City and Orange County Schools

- Total General Fund appropriation totals $84.2 million
  - Funds day-to-day operations, repayment of school related debt, and capital
  - Equals an appropriation of 47.16 percent of total General Fund Budget
  - Reflects $101,278 net increase from current year General Fund appropriation due to a decrease in debt service and passing the debt service savings on to the school districts
  - Equates to $3,102 per student for each of the 19,700 students in both districts for day-to-day operating funds

Additional Funding for Local Schools

- In addition to the $84.2 million for operations, debt and capital, recommended budget allocates $1.9 million to fund non-mandated safety net initiatives for both school districts Some of these initiatives are:
    - School Health Nurses - $683,706, an increase of $49,374
    - School Resource Officers - $531,405, an increase of $1,995
    - School Social Workers - $692,283, an increase of $49,909
- With these additional non-mandated funding initiatives, the total funding for the local school districts total 48.2% of the General Fund Budget

County Education Funding

Fiscal Year	Original Budget	General Fund % of Budget
2008-2009	$90,180,363	49.3%
2009-2010	$87,114,600	49.1%
2010-2011	$86,917,149	49.0%
2011-2012	$85,981,149	48.3%
2012-2013	$86,082,427	48.2%

Major Funded County Initiatives

- Maintains all County services at current levels
- Funds the increase in medical insurance and fully funds the 401(k)/457 plans for non-sworn employees
- A cost of living and in-range increase equating up to 3% in compensation for employees
- Provides funding for a Public Information Officer and a Risk Management Position
- Increases positions for EMS Communicators, an Assistant Fire Marshal, and Paramedics which will be staggered throughout the year
- Adds one (EMS) ambulance and staffing, funded in an internal service fund, to continue to improve emergency response times
- Provides the Sheriff with six additional patrol vehicles, funded in an internal service fund
- Provides for the replacement of several County vehicles due for replacement with the establishment of a Vehicle Replacement Internal Service Fund
- Long range/pay-as-you go County capital is $500,000.

Orange County General Fund FY 2012-13 Expenditures- Education – 48.2%; Human Services – 17.2%; Public Safety – 11.3%; Governing and Managing – 8.3%; Non-Departmental – 6.1%; General Services – 4.3%; Community and Environmental – 3.3%; Culture and Recreation – 1.3%

Solid Waste Initiatives

- The closure of the landfill with public education and other related planning efforts of the landfill in FY2012-13. It is expected closure cost in FY 2012-13 will be $3.1 million
- The conversion to single stream in all recycling programs
- The reconstruction and expansion of Walnut Grove and High Rock solid waste convenience centers
- Proposed changes in the following landfill fee rates are as follows:

- Construction and Demolition decrease from $44.00 to $40.00 per ton
- Charges for the sale of mulch from $22.00 to $25.00 per 3 cubic yard scoop

- Proposed increases in the sanitation household fee to be charged per household are as follows:
  - Rural Residential from $10.00 to $20.00
  - Urban Household from $ 5.00 to $10.00

Additional Funding Options

- Appropriate Fund Balance, if necessary; The Board may use up to $555,000 without a negative impact on fund balance
- Delaying the Property Revaluation will provide $350,000 in funds for other purposes directed by the Board
- Property tax increase

Revenues Generated By Property Tax Increase

Tax Increase	Property Tax Revenues Generated	Per Pupil Equivalency
1 cent	$1,574,232	$79.91
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3 cents	$4,722,696	$239.73

Concerns and Issues for FY 2013-2014

- Health Insurance
- Post-employment Insurance benefit for retirees
- Debt Service
- County Capital Projects
- School Capital Projects
- Economic Development
- Revaluation
- State or Federal Budget Issues
- Inflation
- Economy

- Public Hearings and Work Sessions

  (All Meetings Begin at 7:00 p.m.)
- Document Availability

  Clerk to Board of Commissioners
  County Financial Services Office
  Orange County Library
  Chapel Hill Public Library
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  Orange County Website
  - **www.co.orange.nc.us**

Commissioner McKee asked if the money saved from the revaluation process of $300,000 to be used for education and Clarence Grier said that it could.

3. Public Comment

Dan Derby, Chair of the Employees Relations Consortium, which represents the employees of Orange County. He said that the employees would like to speak about employee pay and benefits. He said that employees know the restraints of the economy but have had no pay increases in three years. There are also additional costs of health benefits. He asked the County Commissioners to keep in mind its most valuable assets, which are the employees and they feel undervalued. The ERC recommends a long-range compensation package to address the problems in the coming years.

Vivian Noe spoke in support of the funding for Orange County Schools. She said that her family has chosen to live in Orange County because of the schools. She said that her children have been positively affected by the language programs at Gravelly Hill. She is concerned that this program will be lost. She also has an autistic child who has been positively affected by the language programs.

Joyce Kuhn is the Director of Pre-Trial Services, which investigates releases. She said that this program saves over four times its costs. She said that they are very busy and work with fluidity with their judges. She said that they are basically courthouse social workers. They need $130,000 to continue in the new fiscal year. The recommendation from the Manager is for $70,000. She referred to the handouts at the County Commissioners' places.

Gwen Esch is a parent of students in Orange County Schools. She spoke on behalf of the world language program for elementary and middle schools. OCS received a three-year grant for foreign language. She said that there are many benefits of world language programs, including increased standardized test scores. She urged the County Commissioners to fund the schools per the Superintendent's per-pupil funding recommendation.

Fay Jones is an OCS employee. She asked the County Commissioners to please support the schools and fund the per-pupil amount. She said that student enrollment is up and staffing allotments are down. She said that North Carolina is rated in the 40's in the nation for the per-pupil allotment. She said that the schools need the County's help.

John Delconte is Chair of the newly formed Orange County Cultural Center. He said that they have been petitioning County staff and the County Commissioners to use the old library at the Whitted Building for cultural arts, education, and art exhibition. He said that residents would like to have this space for after school art activities and this could also be a meeting space. This space is about economic development and he would like to champion this space for a cultural center.

Nan Lujan introduced Ayesha Swinton and said that they are the Co-Chairs of the Elementary World Language Department at OCS. She teaches Spanish to K-5 at Pathways Elementary. She said that they support the OCS budget proposal and asked the County Commissioners to fully fund the request. She has been teaching in OCS since 2002. The Spanish program was added in 2004 and she has been involved in developing the program from the ground up. She said that the exposure to other languages and cultures is a positive impact. When the district lost funding in 2009, the department applied and was awarded a foreign language assistance program grant and received the funding for two years. The federal government has decided to cut the program and they are losing $250,000 in funding for world languages for the upcoming school year. In the past two years, they have conducted an assessment to determine if the students are showing growth in proficiency. Students in all elementary schools have shown a statistically significant gain in proficiency in Spanish as a result of the program. The program also increased students' skills in other content areas.

Ayesha Swinton spoke about the students and how they are affected by the language program. She asked for support of the students.

Jennifer Carson said that she was here as a parent of a child at Grady Brown Elementary. She is a former educator and she asked the County Commissioners to fully fund the per-pupil request.

Stan Morris thanked the County Commissioners for the opportunity to speak. He echoed the emphasis on education.

Cole Hopper is a student that takes French at a middle school. He said that he takes French because Spanish was not his thing in elementary school. He said that students should have the opportunity to take another language besides Spanish if they want.

Jessica Nagy said that she is Cole Hopper's teacher and is here to help save the world language programs that lost their funding through the grant. She said that students that take foreign language are intelligent, cultured, and well-rounded and able to adapt to a multitude of situations. She said that universities require that students have 2-4 years of previous foreign language to be considered for admittance.

Loralie Bible is a French teacher at Gravely Hill Middle School and she said that students in Orange County deserve to have a first class education and that includes a foreign language. She asked the County Commissioners to fully fund Orange County Schools. This would include Spanish in the elementary schools and French in the middle schools.

Beverly Holzhauser said that she has had the honor of teaching French in Orange County Schools for 30 years. She asked for support for the foreign language programs (Spanish and French) and the full funding of the Orange County Schools.

Francesca Cheng is a French teacher at Cedar Ridge High School and she said that recently her class read a French language novel in French. She said that it was amazing for her class to do this. She said that when she gets high school students they are ready because they have had French in elementary and middle schools. She said that some of her students have achieved fluency and are attending some of the best colleges in the nation.

Shannon Smith is a mother of a middle school student and she is opposed to the removal of the foreign language programs in the elementary and middle schools.

Eric Davis is Chair of Cameron Park PTO and father of students in the Orange County Schools. He said that people want to live in Orange County because of the great schools. He said that the Board of County Commissioners has always done a great job of funding the schools and he would like them to continue to do what they have been doing. He supports the Superintendent's budget and he asked the County Commissioners to fully fund the Orange County Schools' budget. He said that he supports the funding of the foreign language programs.

Dara Williams spoke on behalf of the foreign language program. She said that she moved to Orange County in 2008 because of the school system. She said that she would pay her taxes for the education of her children. She said that since students are required to have foreign language to get into colleges, it seems backwards to cut out foreign language at an earlier age.

Jillian Altrichter is a junior at Cedar Ridge High School. She is President of the French Club and Secretary of the French National Honor's Society. She said that she is a success story in the making because of the French program. She started taking French in 7th grade and it gave her a jump start in high school. She said that this foreign language training makes her a better write and capable of communicating effectively. She said that Orange County Schools needs to globalize their students. She said that she is looking at colleges overseas because of her training in French.

Terrence Batson is a Spanish teacher at Central Elementary and he asked the County Commissioners to fully fund the schools, which in turn will allow them to fund the foreign language programs. He said that studies have shown that SAT scores rise with each additional year of foreign language.

Sara Stratton spoke in favor of fully funding the school system's budget. She has two daughters in the school system. She echoed the comments regarding foreign language.

Caroline Branan is a 6th grader at Gravelly Hill Middle School and takes French classes. She said that she loves this class. She said that this class has enriched her education. She asked the County Commissioners to please seriously consider funding French classes in middle school.

Robert Dowling, Executive Director of Community Home Trust, said thank you to the County Commissioners for the support of the Home Trust. The County has been supporting this organization for 21 years. He asked that the support be continued as recommended by the Manager. There are now 195 homes in the Home Trust and there are nine more under construction right now. The Home Trust has about 17 homes on the market. The housing market is very difficult right now.

Brian McRae is a parent of a kindergartner and said that he supports fully funding the schools. He said that being in the 40's in the nation in allocation per-pupil is embarrassing. He supports increasing this funding.

Manuel Moreno is a Spanish teacher at Stanford Middle School and he has been there for nine years. He said that everything the County Commissioners have heard tonight about language is true.

Lisa Dumain has students in the Orange County schools. She said that she was volunteering at Stanback this week as a proctor. She said that as the students were getting ready to take tests, they were asking Spanish-speaking students to converse with them so that they could practice their Spanish. She asked the County Commissioners to please fully fund the schools.

Edward Mann is from Orange County and came up through the Orange County school system. He said that his family was involved in the schools for years. He asked the County Commissioners to please fully fund the schools. He said that the schools have great leadership and great teachers.

PUBLIC COMMENT VIA EMAILS:

We need you to support the federal funding for the world language program in elementary schools. The easiest time to learn a second language is when you are young! Our students learn so much and benefit so much from being exposed to other languages. It is so important for our students to have global awareness and learning a second language is an excellent way for that to happen.

We also need you to support the $220 increase in per pupal funding. We are really feeling the results of our resources being so sparse. We need more support!

I believe that the children deserve to be helped in every way that we possibly can. We are teaching and training our future adults. The more we are able to help and teach them, the better citizens they will grow up to be!

PLEASE SUPPORT US WITH MONEY THAT FUNDS EDUCATION!
--
Kristin Sawyer
First Grade Teacher
Central Elementary School

Please support the **federal funding for the world language program in elementary schools**. Our students benefit greatly from the exposure to a second language. As a first grade teacher, I know and recognize the importance of global awareness.

Also, please support the **$220 increase in per pupil funding**. Our resources are stretched so thin already. We need more support!!!!

MOVE MONEY TO FUND EDUCATION!!!

These children are our future! They deserve every resource available.

--
Kari Mashburn
First Grade Teacher
Central Elementary School

I am a parent of two students at Gravelly Hill Middle School and am writing to ask you to please approve the superintendent's funding recommendation of increasing the per pupil allocation for Orange County by $220. This is the first year my children have been in Orange County schools (we moved here last year from CA) and their experience at Gravelly Hill has been wonderful in every way. In particular, my 7th grade daughter took French for the first time and has fallen in love with the language and hopes to travel there as an exchange student in high school. She was recently offered the chance to attend another school (Orange County Charter School) but turned it down because they do not offer French. She would be broken-hearted if GHMS were to lose the funding for foreign language classes next year.

I hope you will approve this budget on her behalf and all the other Orange County students who will benefit from this increase.

Best regards,

Becca White
626-235-8094

Dear Board of County Commissioners members,

I know that there is a public hearing tonight about the proposed increase in funding for Orange County students. I will not be able to attend, so I'm hoping this email will still let my voice be heard.

I am an Orange County teacher and an Orange County parent. From both of these vantage points, I have watched what shrinking budgets are doing to the opportunities for our students. Every year, we are trying to do more with less. We are shortchanging our own future as a community.

You can change that for next year. You can stop the downward trend by voting to increase the funding to Orange County Schools. Please do so.

Samantha Bryant

To the Orange County Board of County commissioners:

The Orange County (Hillsborough) schools and teachers have served my two daughters well over the last 10 years with sufficient opportunities to challenge them, support their strengths, and provide the foundation for college that I expect them both to follow up with.

I appreciate the county's continued commitment to support education that prepares students for their path in life, be it any type of college or the workplace. We are all aware of the importance of good schools for the economic benefit of our county in attracting and retaining a diverse, well educated, and well earning (and spending!) population.

The expected shortfall in funding for the Orange County schools is shocking and a further reduction in my view unacceptable. After several years of reduced funding for teachers and significant increases in class sizes that we personally observed, the threat of further reductions in teaching staff and academic programs is cutting into the very heart of what is great about our local schools. Cutting language programs (particularly at the early ages when language learning is actually efficient and effective) or other academic instruction is jeopardizing our standing in an increasing globally oriented community and business world.

I fully agree that we should not live and spend beyond our means. I personally believe it misguided to exclude revenue and tax increases to pay for the increasing demands on county services. But given the current situation of the county finances, I would strongly urge you give school funding highest priority and assure full funding of the carefully prepared budget request by the school board. I would also urge you to utilize whatever 'rainy-day' funds to off-set any shortfall in this year's budget.

Uli Hartmond, PhD
Parent and
Director Magic Wings Butterfly House and Insectarium, Museum of Life and Science
H: 1001 Deas Drive, Durham, NC 27705

From: Janet Braswell
Phone Number: 919-304-1019
Message:
Please forward this to Board of Commissioners for tonights meeting.

I strongly urge you to APPROVE THE SUPERINTENDENT'S FUNDING RECOMMENDATION OF INCREASING THE PER PUPIL ALLOCATION FOR ORANGE COUNTY.

Thank you,
Janet Braswell

And I am writing to you today to urge you to approve Orange County Superintendent's funding request that increases the per pupil allocation for Orange County by $220. We cannot be competitive with other districts if we lose our foreign language program!

I urge you to please do the right thing and approve this request as I know that we rank 48th in the nation for per pupil funding. This is backwards thinking and wrong. It is simply wrong in ANY economy.

I would come to the meeting in person but my child's school is having a sports award ceremony and I have promised her that I would be there. As a tax paying parent in Orange County I would be happy to meet with anyone at any time to discuss this matter further.

Sincerely,

Zoe Guy
501 Widgeon Way
Mebane, NC 27302

Please support Orange County Schools and approve their request for $220 in additional funding per student. I am a parent of 2 children in the Orange County School system and have been the treasurer for one PTA for the past 4 years. I hear more and more every day about federal and state budget cuts and thus receive a lot of requests for PTA help. While the PTA's purpose is to support the school, it can only do so much with the money that it has. Please consider education a top priority when you make your final budget for the 2012-2013 fiscal year.

Thank you for the consideration,

Kim Curtis
Concerned OCS parent

Good morning all,

My name is Derek Smith, I'm a long time resident of Hillsborough and father of a student attending ALS.

I am unfortunately unable to attend the public Budget Meeting this evening but would still like to voice my opinion concerning any thoughts on cutting the education funding.

Across the nation, in every state, city, and town governments are scrambling to find ways to cut and save and fill the holes left by our current economy. It seems that everyone is looking for the 'quick fix', for the immediate returns and savings, without taking in potential impact of those actions. Native Americans wouldn't make large community changing decisions without taking into consideration how it would affect seven generations past them. We don't need to look that far. In just a decade or so our children are going to be the ones supporting and running our communities, and you don't build a strong house by cutting corners on the foundation.

Please remove any budget cut considerations to education off the table.

Thank you for your time.
Derek Smith

To: The Members of the Orange County Board of County Commissioners

I am writing to you as an Orange County tax payer and a parent of a sophomore at Cedar Ridge High School. It is crucial that the budget request from the Orange County School Board of Education be fully funded. All of our futures depend on our children receiving the very best education possible.

Please show your support for the future by fully funding the Orange County Schools Budget.

I apologize for not being able to make this plea in person. However, I have a previous commitment to help with the CRHS Chorus Department's "POPS CONCERT 2012". The shows begin at 7:30 pm tonight and Friday night at the CRHS Auditorium.

Thank you for your continued support of the Orange County Schools.

Sincerely,

Tracy Tew Carver

I am unable to attend the public hearing tomorrow night but would like my voice heard.

PLEASE do not cut funding to Orange County Schools. We need to keep our class sizes small and keep our Spanish classes.
Please consider increasing the per pupil expenditures to invest in our children and our future.

Thank you,
Sandy Silverman
Hillsborough resident

Commissioners,

I am unable to make the public budget hearing tomorrow night. However, I have strong feelings with regards to the budget and I am writing to you all to share my position.

I believe that it is extremely important to fully fund the Orange County Schools budget request. The school systems in this county are the backbone and foundation of our community. As such, it is our duty to care for them if we wish to maintain the quality of life that we all enjoy here in Orange County. If we begin to erode the quality of our schools, the rest of the community will follow.

Please fully fund the Orange County Schools budget request.

Thank you,
Rebecca Stephens

Dear Commissioners,

I have been a resident of Orange County for 39 years and I have a son who is a student at Cedar Ridge High School. I am writing to express my support of the school budgets for next year. Please fund our schools!! Our students of today are the future of this county and state and any money we spend on their education today is an investment in our future.
I own a home off of Dairyland Rd and want you to know that I would support an increase in property tax if it would go to support our schools. Even though my last child will graduate in a few years, I still want to support the school system even after I no longer have a child in it.
Thank you for voting in favor of a strong education system for Orange County.

Sincerely,

Nancy Oglesby
6518 Green Rise Rd
Hillsborough, NC 27278
Dear County Commissioners,

My name is Anne Campbell and I live in Northern Orange County. I want to start by thanking you for your service to our community as county commissioners. Your commitment to our community is what keeps Orange County a great place to live and raise a family. I also want to thank you for continued support of our county school system. Your strong support has been instrumental in keeping our schools strong during this time of state and federal cutbacks.

I have 3 children in Orange County Schools, 1 in middle and 2 in elementary. This year the school board is requesting you increase your funding to help offset monies that are being lost from state and federal funding. I realize that it is hard to make increases during our difficult economic time, but I hope that you will remember the importance of our educational system in the training for our future in this country.

As the budget stands currently if the county keeps the same per child funding after the state and federal cuts have been made, several foreign language options would be cut from our school systems. Both our elementary Spanish teachers and our middle school French teachers are set to be cut in the process. Our elementary Spanish teachers are helpful beyond teaching our children a language that is becoming more and more prevalent in our country. They help to be a bridge between many of the spanish speaking families and the teachers and other staff that may not be as fluent in Spanish. French in the middle schools is also important. It opens up an extra option for helping our children become fluent in more than one language. So many countries have their children learning 2 and 3 languages in elementary and we have such a small introduction that we can't afford to cut any of the offerings that might encourage children to want to learn other languages. I have a child who has never been very interested in taking foreign language and this year, in sixth grade, she got placed in a semester of French as her second choice behind regular electives. She told me that would be her one semester of foreign language in middle school, and then she loved the class so much she wants to sign up for full year French for the next 2 years so she can go ahead and get some high school credits for it. What a difference it made in her attitude toward languages and I would hate for her to miss out on this opportunity due to budget cuts. Middle school gives children a chance to branch out and try a few new things and I think a having a choice in the foreign language you study is definitely an important choice in children looking positively at studying other languages.

I know that these programs are not all that will be cut, but they were the largest change when announcements were made. Other teachers will be lost and class sizes will have to increase if funding does not get increased. Our teachers have a hard enough time now trying to support our children without continued cuts in supplies and support.

Please increase your funding to match the school board's request for what it needs to continue funding its current programs. I appreciate your consideration of the request and hope you will keep the children in your thoughts as you make your decisions. Thank you again for your time

Sincerely,
Anne Campbell

Hi,

I am emailing you as I was unable to attend tonight's meeting on the Orange County School Budget. I wanted to show my support for the Orange County School's budget request. My understanding is that if it is not fully funded we will lose foreign language classes in elementary and middle school. I am sure you understand the benefits of foreign language in elementary education, but I have attached a few articles that point to all the benefits. It has been proved that learning another language improves learning in other areas as well. Most foreign countries insist on learning at least one other language and many learn more. If we continue to cut funding for schools we will continue to fall behind in the education of our children.

Again my hope is that you fully support the Orange County School's Budget request.

Thanks,

Linda Horne

5. Adjournment

A motion was made by Commissioner Jacobs, seconded by Commissioner Foushee to adjourn the meeting at 8:16 PM
VOTE: UNANIMOUS

Bernadette Pelissier, Chair

Donna S. Baker, CMC
Clerk to the Board

DRAFT

MINUTES
ORANGE COUNTY BOARD OF COMMISSIONERS
BUDGET PUBLIC HEARING
May 22, 2012

The Orange County Board of Commissioners met on Tuesday, May 22, 2011 at 7:00 p.m. at Southern Human Services Center in Chapel Hill, N.C. The purpose of this meeting was to hold a public hearing on the County Manager's Recommended 2012-2013 Budget.

COUNTY COMMISSIONERS PRESENT: Chair Bernadette Pelissier and Commissioners Valerie Foushee, Alice M. Gordon, Pam Hemminger, Barry Jacobs, Earl McKee and Steve Yuhasz
COUNTY COMMISSIONERS ABSENT:
COUNTY STAFF PRESENT: County Manager Frank Clifton, Assistant County Managers Gwen Harvey and Michael Talbert and Clerk to the Board Donna S. Baker (All other staff members will be identified appropriately below)

A motion was made by Commissioner Hemminger, seconded by Commissioner Yuhasz to approve a closed session at the end of the public hearing for the purposes of**:**

a. 143-318.11 (a) (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee, or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.
b. Approval of Closed Session Minutes Jan 2012 –May 15, 2012

VOTE: UNANIMOUS

1. Opening Remarks-Chair Pelissier
Chair Pelissier dispensed with the reading of the public charge, but referred to it.

2. Presentation of County Manager's Recommended FY 2012-13 Budget (PowerPoint Presentation)
Clarence Grier presented the PowerPoint.

County Manager's Recommended FY 2012-13 Annual Operating Budget and Capital Investment Plan

Presentation
Southern Human Services Center, Chapel Hill
Orange County, NC
May 15, 2012

Guiding Principles

- Balances County's operating budget without a property tax rate increase – 4th Consecutive Year

- Provides funding for County services at current levels without a reduction in the workforce
- Funds local school districts enrollment growth and provides for increased funding for the long range capital needs for each school district.

Recommended General Fund Budget

Totals $178.5 million

- Represents an increase of $300,000 from original current year budget of $178.2 million, which is a .17 percent increase from previous year original budget
- Represents a $4.8 million decrease in the current year's amended budget
- Orange County Budget
  Past 5 Fiscal Years

Proposed Ad Valorem Tax Rate Effective July 1, 2012

Proposed tax rate of 85.8 cents per $100 of assessed valuation

- This rate produces $136.9 million in property tax revenues for FY 2012-2013
- Overall Real Property Valuation increased 1.1%

One cent on property tax estimated to generate $1,574,232

Sales Tax Revenues

- Recommended Sales Tax Revenues of $15.7 million is 3% higher than the $15.3 million budgeted in FY 2011-2012
- Actual sales tax revenues are down over 30% since the peak of $22.5 million in fiscal year 2007-2008

Orange County General Fund FY 2012-13 Revenues – Property Taxes – 76.7%; Sales Taxes – 8.8%; Intergovernmental – 7.6%; Charges for Services – 5.2%; Other – 1.5%; Licenses and Permits – 0.2%

Proposed Chapel Hill-Carrboro City Schools District Tax Rate Effective July 1, 2012

- Recommended tax rate of 18.84 cents per $100 of assessed valuation
  - ✓ Represents no increase in the property tax rate for the District
- Recommended tax rate will generate $19.1 million for the Chapel Hill – Carrboro School District
  - ✓ This represents an additional $1,577 per pupil above the County's allocation
- One cent on district tax is estimated to generate $1,013,877

Recommended Funding for Chapel Hill - Carrboro City and Orange County Schools

- Total General Fund appropriation totals $84.2 million
  - Funds day-to-day operations, repayment of school related debt, and capital

- Equals an appropriation of 47.16 percent of total General Fund Budget
- Reflects $101,278 net increase from current year General Fund appropriation due to a decrease in debt service and passing the debt service savings on to the school districts
- Equates to $3,102 per student for each of the 19,700 students in both districts for day-to-day operating funds

Additional Funding for Local Schools

- In addition to the $84.2 million for operations, debt and capital, recommended budget allocates $1.9 million to fund non-mandated safety net initiatives for both school districts Some of these initiatives are:
  - School Health Nurses - $683,706, an increase of $49,374
  - School Resource Officers - $531,405, an increase of $1,995
  - School Social Workers - $692,283, an increase of $49,909
- With these additional non-mandated funding initiatives, the total funding for the local school districts total 48.2% of the General Fund Budget

County Education Funding

Fiscal Year	Original Budget	General Fund % of Budget
2008-2009	$90,180,363	49.3%
2009-2010	$87,114,600	49.1%
2010-2011	$86,917,149	49.0%
2011-2012	$85,981,149	48.3%
2012-2013	$86,082,427	48.2%

Major Funded County Initiatives

- Maintains all County services at current levels
- Funds the increase in medical insurance and fully funds the 401(k)/457 plans for non-sworn employees
- A cost of living and in-range increase equating up to 3% in compensation for employees
- Provides funding for a Public Information Officer and a Risk Management Position
- Increases positions for EMS Communicators, an Assistant Fire Marshal, and Paramedics which will be staggered throughout the year
- Adds one (EMS) ambulance and staffing, funded in an internal service fund, to continue to improve emergency response times
- Provides the Sheriff with six additional patrol vehicles, funded in an internal service fund
- Provides for the replacement of several County vehicles due for replacement with the establishment of a Vehicle Replacement Internal Service Fund
- Long range/pay-as-you go County capital is $500,000.

Orange County General Fund FY 2012-13 Expenditures- Education – 48.2%; Human Services – 17.2%; Public Safety – 11.3%; Governing and Managing – 8.3%; Non-

Departmental – 6.1%; General Services – 4.3%; Community and Environmental – 3.3%; Culture and Recreation – 1.3%

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County Capital Investment Plan

Concerns and Issues for FY 2013-2014

- Health Insurance
- Post-employment Insurance benefit for retirees
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  - Cybrary, Carrboro
  - Orange County Website
    - **www.co.orange.nc.us**

Commissioner Jacobs said that the Board of County Commissioners does not allocate specific funds for programs because that is up to the school boards. The County Commissioners give money per-pupil and the school boards determine how to allocate the money.

Commissioner McKee made reference to the additional funds from the delay of valuation and said that there will be other savings if they do not go through with capital funding. He asked if this could be used for other things and it was answered yes.

Frank Clifton said that most of the capital needs are restricted.

Commissioner Jacobs asked for a copy of the updated fund balance policy for the schools. He would like to see the totals versus the recommended fund balance.

Chair Pelissier said that one of the school board members asked that they discuss the fund balance policy at their next school collaboration meeting, which is next week.

3. Public Comment

Kris Bergstrand is Chair of the Animal Services Advisory Board for Orange County and she said that Orange County is very fortunate to have such a wonderful animal shelter. There is also a successful spay/neuter program. They look forward to working with staff and County Commissioners in the face of financial challenges.

Krysia Lynes is past President of CHCCS PTA Council. She asked for continued support of the students of Orange County. She said that OCS did not make their request lightly and the CHCCS only asked for the minimum. She said that she felt that CHCCS aimed low. She said that she has now moved her child into a private school due to being in a classroom that was not conducive to learning. She urged the County Commissioners to meet the needs of students.

Dena Papzoglou has a first grader in the CHCCS and she expressed support for the school board recommended budget for a $67 per-pupil increase.

Tom Fenn thanked them for their support for the CHCCS in the past. He supports the current request for an additional $67 per-pupil funding. He said that this will make a difference for the teachers and staff.

Annie Caulkins is a volunteer Board Chair for the Dispute Settlement Center and a 22-year resident of Orange County. She said that most of the staff and Board of Directors are present. She said that this center was started by three women who saw this as an alternative to court mediation. The Board of County Commissioners shared that vision and created the Dispute Settlement Center, the first mediation center in North Carolina. In the early 1980's, the State began to fund the center. She said that last year the State eliminated all funding for mediation centers in N.C. However, the conflict still exists in Orange County. She asked for support to keep the Dispute Settlement Center open.

Matt Epstein said that he has been involved in mediation for 30 years and is currently a board member and a volunteer at the Dispute Settlement Center. He said that the service that was cut by the state was for cases that come to court (such as simple assault, injury to property,

unauthorized uses of vehicles). He said that they are asking Orange County for $60,000. This is a small amount considering what this center does for the community.

Neil Offen is a member of the Board of Directors of the Dispute Settlement Center. He said that this center helps ease the burden on the court system. The center helps with resolutions that are acceptable to all sides. He said that the center's mediation services are a service to the citizens of Orange County. He asked the County Commissioners to support the Dispute Settlement Center.

LeAnn Brown is a resident of Orange County and has been in the community for 39 years. She is also a volunteer member of the Dispute Resolution Board. She said that she believes in the power of mediation and what it brings to the community. This system needs to be brought back to protect the citizens from the types of disputes that continue to happen.

Moses Carey spoke on behalf of the Dispute Settlement Center and commended the County Commissioners for valuing the citizens of Orange County. He said that they all know the services the center provides and the dividends they provide to Orange County. He said when this center diverts over 200 cases a year from the court systems to mediation, a value cannot be put on this. He urged the County Commissioners to support the Dispute Settlement Center.

Sue Harvin has lived in Orange County for 42 years. She said that she said is speaking for Joal Hall Broun, a past Carrboro Alderman. She was ill and could not attend the meeting. She read a statement from Ms. Broun:

"I apologize for my absence, but I've been sick with a cold and I do not want to pass it on to you. I've been a resident of Orange County for over 19 years. During that period, I've had the opportunity to serve on the Board of the Dispute Settlement Center twice (she is currently a board member). While I was an assistant public defender, I had the opportunity to observe the work of the Dispute Settlement Center and Criminal Misdemeanor Court. The judges determined which cases were appropriate for mediation with input from the prosecution and the defense counsel. The mediators resolved the vast majority of these cases. The resolutions alleviate the docket and reduce the costs of the incarcerating first-time offenders for misdemeanors. This reduces the cost of operating the jail, frees up the judicial docket for more serious crimes. Another added benefit to court mediation is that the participants are exposed to a method of resolving their issues without having to first go to a magistrate. Additionally, these offenders participate in a successful mediation and do not have an additional criminal record. This provides Orange County citizens with no prior record and makes them more employable in this continuing challenging economy.

Finally, as a former elected official, I am aware of the constraints that the County faces. However, the allocation of additional funds to the Orange County Dispute Settlement Center provides a service that is not provided otherwise but benefits your bottom line. This service benefits the entire community by investing in the community and reducing costs from the jails and courts and to individuals. I hope that I will be able to address you in the future in person about this allocation."

Margaret Samuels has a son in CHCCS and she thanked the Board of County Commissioners for their continued support for the school systems. She asked the County Commissioners to support the school system's requests.

Susan Walser read a prepared statement:

"I'm Susan Walser and I'm speaking for Orange County Voice. We support the county's shift to single stream recycling. The option to extend the existing vendor contract makes perfect sense given the uncertainty around Chapel Hill's plans. We hope you will also delay the investments in trucks and bins for the rural recycling program. Might you take this opportunity to decide on your going forward policy for the rural curbside recycling program. As you know,

based on our survey of nearly 1000 households, we believe the program should be voluntary – not mandatory.

Personally – I like the program. It works for me because I also get curbside trash collection. But I believe that the thousands of rural households who don't use the program should be given the ability to "opt out" That doesn't mean, we won't recycle – it's just that we'd prefer to take our materials to the convenience center when we take or trash.
Since the county expects to save money when they switch to single stream recycling, if you make the change now, it should minimally impact those of us who enjoy the service.
Please – make the rural recycling program voluntary – and allow the county to base their upcoming budgets on a service and fee model that works for everyone.

Thank you. "

Bonnie Hauser also read a prepared statement:

OCV Statement on 2012 budget

"We'd like to echo a letter that we've already sent to you about solid waste. With the landfill closing and the possibility of Chapel Hill pursuing its own services, we'd like to see more transparency of costs, fees and funding for these services. A major change is underway and millions of dollars will be redirected.

The county's $15 million dollar solid waste budget is confusing. We can't tell where the funding is coming from or how the money is being used. We did notice that county has started to shift costs from the landfill to other operations.

We realize that all the money comes from the Enterprise fund but the Enterprise fund is funded through a combination of fees, property taxes and reserves. The budget doesn't explain the funding sources or how it relates to services or fees.

We can't answer even basic questions.

- Where are the savings from single stream recycling and why are the numbers increasing?
- How and where are property taxes used, and could these funds be redirected to schools.
- What is the total cost per household for county solid waste services and how will it change over the next 3-5 years as the landfill closes and operations change

In our letter, we asked you to explore the option of outsourcing remains of the county's solid waste operations to a professional service vendor such as Republic or Waste Industries? We're not asking you to decide – we just asking you to assure our citizens, our schools and the towns that you are looking at the entire situation now that the landfill is closing. And we ask that you delay investing in recycling or other features of an aging infrastructure until you have the answers.

It costs nothing to secure bids and the benefits could be substantial. Vendors bring technology, expertise, and efficiency, and can offer our employees well-paying, meaningful careers. They manage hundreds of convenience centers, and already handle most of our recycling. The vendors might even offer to help with the landfill closing and operation of the C&D landfill.

Done properly, outsourcing could improve service, save money and mitigate the impact of the landfill closing and other changes. Certainly it's an option worth exploring.

It's not business as usual. Solid waste is undergoing a major transition. Without transparency and leadership, unnecessary costs will shift to other operations and services will suffer.

Please ask the county to disclose funding sources and uses, projected fees and taxes for the next three to five years, and a briefing on outsourcing as an alternative before you approve further investments in the county's solid waste operation.

Thank you."

Jane Kerwin spoke in support of the CHCCS request for the per-pupil funding. She said that her family moved to Orange County because of the schools. The Board of County Commissioners has been the only reliable funding for their schools. She said that the property taxes are their funding source and it is education that drives the property values and keeps them up. She said that by funding education, it is funding the other programs because of the increase in property values. She said that she trusts that the school board has asked for the bare minimum.

Colleen Blue works at El Centro Hispano and is a resident of Orange County. She said that since opening the office in Carrboro in 2010, El Centro has served more than 2,000 individuals annually. This center services Latino immigrants and others. The center helps individuals access basic County services and understand these services, learn English, prepare for kindergarten, improve grades, and gain parenting skills.

Jerry Passmore is a retired Orange County employee and he commended the County Commissioners for this budget and commitment to older adults in this community. He commended Frank Clifton and his staff for this budget and said that the County is on a maintenance budget. He said that he really appreciated that Orange County sees value in public/private partnerships. He is involved in the Senior Day Health Program at the Triangle Sportsplex. He said that this is the most unique facility in the state.

Elvira Mebane lives in northern Orange County and asked for the County Commissioners' support of the OCS budget request. She has a child at Hillsborough Elementary School with special needs.

4. Closed Session

A motion was made by Commissioner Hemminger, seconded by Commissioner McKee to go into closed session at 7:59 PM for the purposes of:

a. 143-318.11 (a) (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee, or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.

b. Approval of Closed Session Minutes Jan 2012 –May 15, 2012

VOTE: UNANIMOUS

RECONVENE INTO REGULAR SESSION

A motion was made by Commissioner Jacobs, seconded by Commissioner Yuhasz to reconvene into regular session at 8:30 p.m.

VOTE: UNANIMOUS

5. Adjournment

A motion was made by Commissioner Jacobs, seconded by Commissioner Yuhasz to adjourn the meeting at 8:30 p.m.

VOTE: UNANIMOUS

Bernadette Pelissier, Chair

Donna S. Baker, CMC
Clerk to the Board

DRAFT

MINUTES
ORANGE COUNTY BOARD OF COMMISSIONERS
ORANGE COUNTY PLANNING BOARD
QUARTERLY PUBLIC HEARING
May 29, 2012
7:00 P.M.

The Orange County Board of Commissioners and the Orange County Planning Board met for a Quarterly Public Hearing on Tuesday, May 29, 2012 at 7:00 p.m. at DSS Offices, Hillsborough Commons, Hillsborough, N.C.

COUNTY COMMISSIONERS PRESENT: Chair Bernadette Pelissier, and Commissioners Alice Gordon, Barry Jacobs, Valerie Foushee, Pam Hemminger, Earl McKee, and Steve Yuhasz
COUNTY COMMISSIONERS ABSENT:
COUNTY ATTORNEY PRESENT: John Roberts
COUNTY STAFF PRESENT: County Manager Frank Clifton, Assistant County Manager Michael Talbert, and Deputy Clerk to the Board David Hunt (All other staff members will be identified appropriately below)
PLANNING BOARD MEMBERS PRESENT:, Vice Chair Larry Wright, Pete Hallenbeck, Mark Marcoplos, H.T. "Buddy Hartley", Andrea Rohrbacher, Lisa Stuckey, Maxecine Mitchell, and Tony Blake

PLANNING BOARD MEMBERS ABSENT: Chair Brian L. Crawford, Rachel Phelps Hawkins, Alan Campbell, and Johnny Randall

Chair Pelissier called the meeting to order at 7:04:05 PM.

A. OPENING REMARKS FROM THE CHAIR

Chair Pelissier said that the Board needed to add a closed session for the following purposes:

PER NCGS 143-318.11(a)…

(5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; and (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.

A motion was made by Commissioner Hemminger, seconded by Commissioner McKee to add the closed session as stated above.
VOTE: UNANIMOUS

Chair Pelissier asked for the Board to approve adding an item at the end of the meeting before going into closed session to appoint an Interim Tax Administrator.

A motion was made by Commissioner Foushee, seconded by Commissioner Hemminger to add an agenda item at the end of the meeting to appoint an Interim Tax Administrator.
VOTE: UNANIMOUS

B. PUBLIC CHARGE

The Chair dispensed with the reading of the public charge.

C. PUBLIC HEARING ITEMS

Planning Board Vice Chair Larry Wright introduced this item.

1. **Zoning Atlas Amendment and Class A Special Use Permit Modification** - To review an application to modify an existing Class A Special Use Permit governing the development of the Heartwood at Blackwood Mountain Planned Development by removing a parcel from the project and rezoning it from PD-H-R1 (Planned Development Housing Rural Residential) and RB (Rural Buffer) to RB (Rural Buffer). The property is located off of Pathway Court, a private road.

Michael Harvey: This is a special use permit. At this time, all individuals that are seeking to provide testimony have to be sworn.

Those who were speaking to this item were then sworn in.

Michael Harvey: I have been sworn. This item involves a request to review a modification to an existing special use permit and the review of a general use rezoning application for lot 31R in the Heartwood at Blackwood Mountain Planned Development. As you will note, in attachment 2 in your packets, Mr. Spence Dickinson is the owner of this property property that is currently split-zoned Rural Buffer and Planned Development Housing rural Residential. I would like to remind the Board that you have a copy of the PowerPoint presentation at your places for your review. As indicated in the abstract, the property is currently split zoned and approximately two acres is located within the boundary of the special use permit. The Heartwood at Blackwood Mountain project is zoned Planned Development Housing Rural Residential and is directly adjacent to existing camp/retreat center, also owned and operated by Mr. Dickenson. The other portion of this property, which is two acres in area is to the north zoned Rural Buffer. It is not and was not part of the original Heartwood at Blackwood Mountain Planned Development. As you will note from the abstract provided to you, at some point, Mr. Dickenson recombined this tract of land (staff identified the portion of property zoned Planned Development) with this tract of land (staff identified the portion of property zoned Rural Buffer), which technically constituted a special use permit modification and should have been approved by the County at the time the recombination occurred. This was done in the mid-90's. This proposal will correct that problem. Ultimately, what Mr. Dickenson is requesting is lot 31R in its entirety, this two-acre portion currently zoned Rural Buffer, and this two-acre portion currently zoned PD-H-R1, be rezoned totally to Rural Buffer and removed from the provisions of the Heartwood special use permit. You will find a copy of the application in Attachment 1 of your abstract packet. As we indicated in our abstract, as Mr. Dickenson argues the request is an attempt to address existing and long-standing septic and development issues at the creative learning center, specifically the camp retreat center operating to the east. Mr. Dickenson has been working with the current Planning staff for several years to bring this particular parcel of property into compliance with the provisions of the code. He is currently operating the retreat center on the property in

accordance with a previously issued Class B special use permit, issued by the Board of Adjustment in 2008.

As indicated in the application and in this PowerPoint, the applicant only intends to recombine the separate parcel with the adjacent camp property and construct the required septic system and repair area for compliance not only with the special use permit, but the Orange County Health Department.

This is a two-tiered process. The application involves a rezoning request changing the property from PD-H-R1 and Rural Buffer to just Rural Buffer. That is a legislative decision. I will call the Board's attention to Attachment 4 of your packet where staff has provided a chart outlining the differences between legislative and a quasi-judicial, which is a special use permit process. We also are looking at a modification of a Class A Special Use Permit in accordance with Section 2.7 inclusive of the Unified Development Ordinance. What Mr. Dickenson is modifying would be to remove lot 31R as it's currently shown on this map (staff identified the property on a map) from the provisions and requirements of the special use permit. The decision on this modification is rendered and based on the sworn testimony from the applicant, any supporters, any detractors. The applicant still bears the burden of proof in order to determine whether or not the request complies with the provisions of the code, the previously approved special use permit and the required findings of fact. You will note from the abstract that staff's initial findings are that the applicant has submitted all required documentation with this proposal, the request does not appear to invalidate previously issued conditions or dimensional standards associated with the Heartwood subdivision.

I will call your attention specifically to pages 2, 3 and 4 of your abstract where staff breaks down the various provisions associated with the Heartwood special use permit. The removal of this tract does not invalidate existing ratio standards or proposals for land use that Mr. Dickenson had originally proposed for the Heartwoods project as approved by the County in the mid to late 80's. Finally, I will say that there are policies within the Comprehensive Plan lending credence to the viability of this proposal.

What you are being asked to do tonight is receive the application, conduct the public hearing, accept County Commissioner and Planning Board comments, refer the matter to the Planning Board with a request that a recommendation be referred to the County Board of Commissioners in time for your September 18th meeting, and that you adjourn the public hearing until this date and time certain in order to receive the Planning Board recommendation. Mr. Dickenson, the applicant is here this evening. If you have any other questions, I'd be more than happy to answer them.

There were no questions from the Planning Board or the Board of County Commissioners.

Spence Dickenson: I have been sworn in. I have owned Spence's Farm since 1984, and I've worked with over 10,000 children at the farm. I've made a significant difference in the people that have been there for 15 years and even worked for me at this point. At some point we looked at what to do to have the farm be legal, in compliance with everything. As a farm, it was exempt from the Planning zoning. We have been trying to bring it all into compliance. The only thing left at this point is the septic system. I have been turned down by the Health Department as far as being able to find any septic system on Spence's Farm proper. I own the adjacent land. Michael Harvey is of the mind that we couldn't go across the PDD to put it where we were going to put it on the upper piece until we took it out of the special use.

Chris Lamb: My name is Chris Lamb, and I have been duly sworn in. I live in the Heartwood community and know Spence well and drive by his farm every day. I do support resolving the issue around the septic system. It's been going on for too long, it needs to be resolved. My main concern with this change this piece of property will no longer be subject to our existing covenants as well as the provisions of the special use permit. In the plans I see here and potential interpretations of the special use permit and whoever may own that piece of property in the future, I do not see enough protections of my property value rights. This property will now extend that farm/camp/retreat into the Heartwood community. And while Spence has done a lot to improve appearances of the farm with Heartwood, recently that's not been the history and it might not be the history of future owners of that property. So I would like to see some sort of protection where this piece of property can only be used for that septic field and no other activities or services or hindrances into the farm so that we could still have this border that protects the Heartwood community and the value of our properties for the many activities on the farm. I think this plan really opens up a whole host of interpretations of what could be run on that piece of property right next to our Heartwood homeowners and our pond. I would like to see some type of extra specification be put in that it could be only be used for that septic system and no other services or buildings or structures.

Michael Harvey: I will speak the best that I can to that. What the Board is essentially being asked to do this evening is allow lot 31R to be removed from the existing special use permit and have it rezoned to Rural Buffer. Mr. Dickenson is not going to be able to develop the septic system on the property until it goes back to the Orange County Board of Adjustment and combines this parcel with the existing special use permit, where it will have to be reviewed and approved at a public hearing. Mr. Dickenson will have to allow the Board of Adjustment to develop findings of fact making the determination that the request is consistent with the various general standards detailed within Section 2.7 as well as 5.3.2 of the Unified Development Ordinance. He will also be required to maintain buffers as required by the ordinance in terms of separation, the natural buffer separating this particular parcel of property from the Heartwood development. There will be limitations imposed by the Board of Adjustment through that process relating to the developability and use of the property consistent with existing standards within the Ordinance. I think the concerns expressed this evening are more appropriately addressed through the Class B Special Use Permitting review process, as Mr. Dickenson will have to prove compliance with the various applicable standards including the required landscaping separation buffers at that time. I will also state for the record here this evening, Planning staff would not allow for a connector onto Pathway Court from the campy property. The reason being is that this is a private road governed by a special use permit for the Heartwood planned development. There is no guarantee of access from the farm because it is not governed by the Heartwood special use permit and such an action would invalidate a required buffer.

Commissioner Jacobs: I just want to ask Mr. Harvey if he could please make sure that Mr. Lamb gets a notification of the Board of Adjustment meeting.

Michael Harvey: He will certainly, because he is within the 500 feet of the property boundary, and as you know, we are required and obligated to send letters to everyone within 500 feet, so he will be notified.

A motion was made by Commissioner Hemminger, seconded by Commissioner Yuhasz to receive the application, refer the matter to the Planning Board with a request that a recommendation be returned to the Board of Commissioners for the September 18th regular

meeting, and adjourn the public hearing until September 18th in order to receive and accept the Planning Board's recommendation and any submitted written comments.
VOTE: UNANIMOUS

2. 2. Zoning Atlas Amendment – To review an application to rezone two parcels of property approximately 1.71 acres in size from R-1 (Rural Residential) and NC-2 (Neighborhood Commercial) to NC-2 (Neighborhood Commercial). The properties are located on US 70 East.

Glenn Bowles from the Planning Department introduced this item. This rezoning was property owner initiated. The two platted lots involved total 1.71 acres, 0.58 acres of which are zoned R-1 and the remainder are zoned NC-2. Only the R-1 portion of the lots is affected.

Chair Pelissier said that she is curious how the County has zoning that does not match up.

Michael Harvey said that this is indicative throughout the County. The Planning staff has been trying to fix these instances. A lot of them are the result of previous interpretation of former Planning staff and the former County Attorney.

Public Comment:

Michelle Kempinski said that she works with Southern Design and Engineering Services and she is available to answer questions on the project.

Commissioner McKee verified that this rezoning would bring this property in compliance with the current use.

A motion was made by Commissioner Hemminger, seconded by Commissioner McKee to receive the proposal to amend the zoning atlas, refer the comments to the Planning Board with a request that a recommendation be returned to the Board of County Commissioners in time for the August 21st regular meeting, and adjourn the public hearing until August 21, 2012 in order to receive and accept the Planning Board's recommendation and submitted written comments.

VOTE: UNANIMOUS

3. 3. Zoning Atlas Amendment – To review an application to rezone two parcels of property approximately 2.11 acres in size from R-1 (Rural Residential) and NC-2 (Neighborhood Commercial) to NC-2 (Neighborhood Commercial). The properties are located on US 70 East.

Glenn Bowles introduced this item. This is property owner initiated. There are two platted lots involved totaling 2.11 acres, 0.83 of which are zoned R-1 and the remainder of which are zoned NC-2. Only the R-1 portion of the lots is affected.

A motion was made by Commissioner Gordon, seconded by Commissioner Foushee to receive the proposal to amend the zoning atlas, refer the comments to the Planning Board with a request that a recommendation be returned to the Board of County Commissioners in time for the August 21st regular meeting, and adjourn the public hearing until August 21, 2012 in order to receive and accept the Planning Board's recommendation and submitted written comments.

VOTE: UNANIMOUS

4.

4. Class A Special Use Permit - To review and application for a Class A Special Use Permit to develop a solar array/public utility station on 46 acres of a 122 acre parcel of property located off of White Cross Road.

Michael Harvey presented this item.

The Deputy Clerk to the Board David Hunt swore in all of the parties that would speak to this item.

CLASS A SPECIAL USE PERMIT
DEVELOPMENT OF A PUBLIC UTILITY – SOLAR ARRAY

PROPERTY INFORMATION

- **PIN(s)**: 9748-34-9639.
- **Size**: 122 acres. Strata Solar is proposing to lease approximately 53 acres of the property.
- **Zoning** : Agricultural Residential (AR). A portion of the property, is located within the Haw River Protected Watershed Overlay District.
- **Future Land Use Map Designation**: Agricultural Residential
- **Growth Management System Designation**: Rural

Michael Harvey: The portion of the property north of the proposed development is not located in a protected or critical watershed overlay district, meaning that there are no impervious surface requirements. However, the applicant will be required to maintain identified and protected stream buffers and will be required to submit a detailed erosion control and stormwater management plans as currently required by the Unified Development Ordinance and State law.

REQUEST:

- Erect approximately 960 individual solar array panels on a 53 acre portion of the subject property.
- Typical array is 7 feet in height, with approximately 2 feet of ground clearance, and 47 feet in length.
- Arrays will be screened by existing vegetation and a 6 foot high chain link security fence, topped with 3 strand barbed wire, shall enclose the perimeter of the array to prevent access.
- Gravel paths/drives will be installed around these arrays in order to permit access by Strata Solar technicians to service the panels. In certain areas there will be natural, grass, paths depending on soil.
- Vehicular access to the site is restricted by a 24 foot access gate off of White Cross Road.
- An overhead, medium voltage, power line will be installed on the north of the identified leased area, adjacent to the existing mobile home park, allowing the proposed facility to tie into the power grid.

SITE PLAN:

Michael Harvey: This is the copy of the site plan. Very quickly what I would like to do is sort of identify, here are the individual arrays that we talked about (staff identified the arrays on a map). This is an existing identified stream, and you will note from your abstract, Attachment 3, under staff comments, we do have what is known as a Surface Water Identification where Orange County Erosion Control staff have gone out and verified the location of the stream. Strata Solar personnel have gone out and verified the location of the stream on the site plan, and the site plan denotes the required stream buffer as detailed within Article 6 of our zoning, excuse me our Unified Development Ordinance that will have to be left in a natural state. You will also note that the site plan delineates required landscaped areas per the Unified Development Ordinance. They are using what we is defined within Article 6 known as the Overhead Utility Option landscape standard that would allow smaller trees in order to ensure that a taller tree would not cast a shadow on the array, rendering it virtually useless. The site will be buffered, however, so that it will not be visible from White Cross Road, but the trees will be managed so that they don't interfere with the natural operation of the proposed array.

REQUIRED REVIEW:

Project involves the review of a Class A Special Use Permit in accordance with the provisions of Section 2.7 of the UDO.

- Decision is based on sworn testimony from applicant, supporters, and detractors
- Applicant bears the burden of proving compliance with the UDO
- Those in opposition to the project are required to submit evidence demonstrating project does not comply.

STAFF INITIAL REVIEW:

- Applicant has submitted all documentation required for the review of a proposed utility (i.e. required by Section 5.9.3)
- Applicant has submitted required documentation for a Class A Special Use Permit (i.e. required by Section 2.7.3)
- There are policies within the Comprehensive Plan lending credence to the viability of the proposal

RECOMMENDATION:

1. Receive the application,
2. Conduct the Public Hearing and accept public, BOCC, and Planning Board comments.
3. Refer the matter to the Planning Board with a request that a recommendation be returned to the County Board of Commissioners in time for the **September 18, 2012** BOCC regular meeting.
4. Adjourn the public hearing until **September 18, 2012** in order to receive and accept the Planning Board's recommendation and any submitted written comments.

Beth Trehos: Manager and members of the County Commissioners, Mr. Vice Chair and members of the Planning Board, my name is Beth Trehos, I'm the Attorney with Smith, Moore, and Leatherwood. My address is 434 Fayetteville St., Raleigh, N. C. I am here today on behalf

of Strata Solar, who is the contract tenant of the project. As you've heard, they would like to construct a solar array on 53 acres out of the 112-acre farm. As has been explained to you, your process is a quasi-judicial one, which requires that we provide expert testimony to indicate that we have met the findings of fact that are set out in your Unified Development Ordinance. In the interest of not taking up too much of your time, we have put together affidavits of the experts that we have brought to testify before you tonight. They will summarize the testimony provided in those affidavits for you and of course answer any questions that you might have.

I must apologize to you, I misunderstood and thought that this initial hearing was just the Board of County Commissioners and I thought I was arriving with an ample number of affidavits, and I find now that I don't have quite enough and I apologize to you. Mr. Harvey has indicated that he would be happy to include those in the Planning Board packet so that everybody can have a copy. I do apologize.

Here with me tonight is engineer Phil Post of Philip Post and Associates, real estate appraiser Rich Kirkland, and Lance Williams of Strata Solar, as well as Beth Bradshaw, who is a representative of the family who owns the property. I will ask each of them to come forward and share their testimony with you. I wonder if it might be appropriate at this time to pass up the affidavits that we have and to ask that they be included in the record. I would of course ask that the staff report and associated attachments be incorporated into the record. Is that acceptable to the Board? *It was answered yes.* Thank you very much. So at this time I'll call Phil Post, our engineer.

Phillip Post: Members of the Commissioners and members of the Planning Board, my name is Phil Post. I reside in Chapel Hill. I've been properly sworn. I've been an engineer in Chapel Hill for over 33 years. I'm really happy to be associated with the Bradshaw property, and particularly this element of the development property. This is White Cross Road here. The entire parcel is 122 acres. The Strata project will occupy about 53 acres. The Bradshaw Mobile Acres is here, that will continue to operate as it has for residential purposes. The array will be in this area. The stream buffers, these hashed areas represent the area of the stream buffer that the County and we agree is the protected stream buffer area. The other piece that we have on this is the Type E 75-foot buffer that we're proposing around the entire perimeter of the project. It doesn't include of course the right-of-way. It does not include the power line; it's in addition to that. I'll just point out a few features of our proposed plan here. There is one part of the Bradshaw Mobile Acres; most of it is really heavy, nice, old hardwood. There is one area that is sort of a lawn area, so we're going to have an alternative buffer right here. That's why there's a discontinuation. We'll still have a Type E buffer, but it will be planted in a slightly different way and a little more intense and narrow buffer.

Our proposed driveway is here. It will be a gravel drive directly opposite to the existing gravel residential driveway on the opposite side of White Cross. There will be a small gravel area here where the array materials and construction materials will be deposited as it's being erected. That will be a permanent sort of parking area with the gate right here. As Michael has told you, the array really rests off the ground, so underneath the array would be grass. It will really be a grass field with the raised arrays on it. The only feature that is kind of different about it, is the little square places right here, and I think there's five of them. There will be sort of some electrical equipment that will gather the electricity that is generated by these solar panels so that it can be converted from DC power to AC power, and then distributed back to Duke Power. I'm really pleased to be associated with a project of this type because I think it provides so many benefits to our County and particularly in advancing the environmental goals, not only of the Board, but of the County Comprehensive Plan. There are many citizens in Orange County that

would like to see us be less dependent on fossil fuel and more dependent on sustainable renewable energy. This is a project that will produce electricity and be able to support about 750 homes. My colleagues will explain a little bit more about the exact benefits that are derived from this. I just want to point out that it will be a tremendous investment in the County and will provide very little pressure or new addition to the County services. In other words, there won't be any new school children, there won't be any new school buses, there's no new traffic, there's no water needs, there's no sewer needs, there's no additional refuse removal, there's no need for any emergency services. It provides a nice investment in the County with virtually no impact on any County services. So I'd like to point that out as being not only an advancing our environmental goals but also just being a nice positive addition to our County.

This application we believe meets all of the requirements of Section 2.7 of the UDO. We therefore ask for your support. We further note the objective, the specific objectives in the County Comprehensive Plan regarding sustainable energy and reduction of carbon footprint. We believe that this project will take some giant steps in those directions. I'll stop there and answer any questions.

Chair Pelissier: Yes, could you tell us a little bit more about the power line that would be installed there and where are the other power lines that it's going to hook up to?

Phillip Post: Let me start with the power lines that it will hook up to. As you know, White Cross Road municipal Duke Power lines are on the west side right here, along the edge of the right-of-way. So that's the existing power line, the Duke Power line that's been there for many years. The collection line that will be much, much smaller and it will be tied into these five west points here that I've pointed out to you, will be underground wires that run to an overhead line that will be right on our fence line. So it will not be in the green area, but it will be right along this area here and it will tie into a Duke Power pole right there. So, it's inside the 75-foot type E buffer, and it's inside our fence. It will be basically what we call single-phase lines where it will just have two wires on a short pole. It will be fed by underground lines and feed into the Duke Power line.

Commissioner Gordon: I just want to have you explain again about the trees along the road that you're saying you cannot see.

Phillip Post: The 75-foot type E buffer will be composed of the existing vegetation. The only penetration will be just our one single driveway right here. Otherwise, there will be no disturbance of the 75-foot buffer. We believe that the buffer, which is composed of large trees, we believe that the spacing of the vegetation will keep the arrays unseeable. It's much shorter than even the shortest amount of vegetation.

Mark Marcoplos: Speaking about the issue of the view, it sounds like it is considered undesirable to see.

Phillip Post: I haven't considered that. It's happens at our houses and our businesses and they're pretty innocuous. These are low to the ground, seven feet high at the most, so they're not gigantic things. They absorb the sunlight, so they don't reflect anything. Being very innocuous, they don't create any noise or any humming. They are only working when the sun is shining, and of course when the sun is down, there is absolutely nothing going on there.

Mark Marcoplos: It seems like there might even be some benefits for being able to see it a little bit, for public education.

Phillip Post: I think that's true. I think it's an advantage for folks to know about what's happening in the County.

Rich Kirland: My name is Rich Kirkland, I've been duly sworn in. I've been appraising in the Triangle area for the last 16 years and grew up in the area. What I have found is that there is no information out there that suggests any kind of negative impact. The standard criteria would be any kind of noise, site detriment, any kind of odor, and there's nothing along those lines on any of these properties associated with solar power. As far as the site goes, even if you could see it, it looks remarkably similar to greenhouse type of uses, which don't have a negative impact. To that end, around this property the uses are either agricultural, vacant land, and a mobile home park.

Andrea Rohrbacher: I'm not sure if this is the appropriate time to ask this question, but the plan talks about the power generator being sold to Duke Power. What if there were a future purchase or acquisition with respect to Duke Power company and the new owner was no longer interested in purchasing this power? What would happen?

Beth Trehos: One of the reasons that green energy like solar power is so attractive in this area is that there are state law requirements that the energy companies contract with providers, so there is an incentive for a company that would buy Duke Power to continue on. Also, we are actively involved in the negotiations of a contract which would bind that.

Lance Williams: Hi, my name is Lance Williams, I'm in site development for Strata Solar. We have a regulated power industry. There are regulations that require power companies to buy power. We sell our power at a competitive rate of other sources of power. This model is to sign a power purchase agreement for a 15-year term.

The construction process, I'll just tell you a little bit about that. We look for sites that don't have more than a 7% grade. So basically, we come into the site and we install fence posts. They go six to ten feet in the ground. Then we attach the solar panels. Then the wires run together and we attach them into the power grid. So it is a very nonintrusive piece of the land. We're not normally reshaping the way that the work goes off the property. Many people find this a very compatible use to rural agricultural land. As mentioned before, they don't create a lot of noise. There is not a lot of traffic. If there is a problem with the array, then we send someone to check it out, so the amount of traffic we're creating is less than what would be created for a single house. It is encouraged by the Comprehensive Plan and it is also considered a public good by both the state and the federal government. This site creates enough energy for about 748 houses. This equates to about the same as 2.8 million miles of vehicular traffic the amount of savings in greenhouse emissions that is created by one solar panel.

Construction takes about 14 weeks, so, we're not intrusive to neighbors other than during the construction period. Once again, we're not causing a large increase in cost to the County. Thank you very much. We look forward to building a solar farm in Orange County. Since Orange County is our home, we have strong ties to the site and I think this use fits very well into the surrounding community.

Commissioner Jacobs: What is the life of one of these panels?

Lance Williams: Well, we haven't quite lived that long yet. The best guess is 50 to 60 years. At the end of 25 years, the panel is at 85% capacity. The panels do not have moving parts, they

are not trackers, so they don't follow the sun. So it is a fairly old technology adopted in the 70's, with silicone as the base material, which is some glass and basically dirt, so there's not a whole lot there that could go wrong. The upkeep for one of these farms is small in comparison to other utility projects.

Pete Hollenbeck: Do I understand this correctly that you're saying it is roughly a 6.3 megawatts setup.

Lance Williams: Yes, 6.38 megawatts is DC. Most people speak in terms of AC. This is 5 megawatts AC.

Pete Hollenbeck: And there are 960 individual solar panels. That would mean about 6.8 kilowatts per panel? Is that clusters of panels?

Lance Williams: An array is made up of individual panels. While there may be 960 arrays there are somewhere between 26,000 and 27,000 panels. The panels are typically between 235-240 watts.

Pete Hollenbeck: So the 960 individual solar array panels means 960 clusters of groups of individual panels?

Lance Williams: Yes. And the individual panel is about the size of a piece of plywood.

Pete Hollenbeck: And you mentioned that there would be grass underneath. How is that maintained?

Lance Williams: That is sort of a work in progress. The story that we like to say and it's not true in all seasons, is that normally there are sheep on farms, so during growing season there are sheep grazing there. We do allow the shepherd to use the property to help keep the grass down. We would work with the various grass types to figure out what the best low-growth grass is for the area.

Pete Hollenbeck: The key concept here is that one way or another it is getting cut and the plan is not to let it grow wild.

Lance Williams: That's the plan and the less we need out there, the less chance of somebody damaging it.

Pete Hollenbeck: One last question. You said it's a single-phase power connection to Duke Power? I have some issues with this and I think it would be very acceptable to come back to the Planning Board after talking to Duke with greater detail. For 190 amps going into a single-phase feed, I was surprised you could take that much in an imbalanced feed.

Lance Williams: We met with Duke on site today. We normally look for areas that have three-phase lines. There's a three-phase line at the street and the substation is within a couple hundred feet of the end of the property. So both three-phase lines are close to a substation to help with those issues. I can't really answer whether the line coming off the array is single or three-phased. Duke actually wants a 90-degree angle off the wire coming into the site, I think they said about 120 feet.

Beth Trehos: In conclusion, we believe that we have met the burden of proof that is required of us and we have provided substantial material to accomplish our task in demonstration compliance with the findings of fact we were required to make. Thank you for your time.

Christen Smith: Good evening, my name is Christen Smith and I've been duly sworn. I am the Director of Public Policy at the Chapel Hill-Carrboro Chamber of Commerce. We wanted to enthusiastically express our support for this project. We have a chance for economic development, community improvement, and reputation building that comports with our community's values and commitment to the environment and sustainability. This is a local company that has put down roots here and has a great reputation at quality work throughout the state and in the southeast. You have a great partner. Strata Solar won the 2012 Business of the Year Award and has the Chamber's full trust and confidence. We are happy to comment and encourage you to support this project. This is a local company creating local green jobs with an economic impact and an increased use of renewables, showing again Orange County's commitment to sustainability. This is also a movement towards developing solar as a potential cluster??? in our economic development strategy. It is consistent with our expressed values of our commitment to the environment, our commitment to people and jobs, and our commitment to the economy. We are very excited to support this project.

Michael Harvey: I have a couple of closing remarks. I want to call the Board's attention to Attachment 3, which contains various memorandum from departments indicating that they have no issues or concerns with the proposed development. We also have a memorandum from Orange County Health Department saying they have done reviews and have no issues. We have not received any concerns from the Sheriff's Department, the fire department concerning this site. Obviously, there will not be facilities, so again, there is no septic or well.

I'd like to remind the Board, as we have identified in your abstract, specifically on page 2, this property is in a forest management plan. Meaning there is tree harvesting and replacing trees throughout the property. Our goal at the Planning department is to continue to allow the family to adequately farm their property while working with Strata Solar to preserve sufficient landscape buffers. On page 3 of our abstract, we have outlined the various development requirements associated with a Class A Special Use Permit. You will note specifically with respect to Section 5.9.3 of the UDO we have found this project to be complaint. As I already talked about, there will be a 75-foot managed landscape buffer and the trees will be managed properly so that they don't create an adverse impact on the array but they still provide the necessary visual obstruction. I'll conclude my remarks by saying the County staff has not been provided any documents or comments or concerns from the adjacent property owners indicating their lack of support for the project. The Planning Director's recommendation is to receive the application, conduct the hearing, refer the matter to the Planning Board for their review and comment, that you adjourn this public hearing to September 18th for a recommendation.

Commissioner Jacobs: On page 39, the letter from the North Carolina Wildlife Resources Commission, their recommendation is a 100 foot vegetative stream buffer on the property. I don't recall what he said about the buffer on the stream.

Michael Harvey: It's going to observe the appropriate stream buffer as defined within Article 6 of our Unified Development Ordinance. You're going to have a 65-80-foot buffer depending on the slope. So if I could call your attention to that too. This slide, Commissioner Jacobs, the protected stream buffer is consistent with what is required within Article 6. The edge of the leased area essentially is the center of the stream. The stream buffer is going to be preserved and maintained. We would allow under the current guidelines for it to be maintained and to

replace the existing dead vegetation so that it does not cast a shadow on the array. Even the forest management plan that the Bradshaw family is operating under falls under the preservation and protection of the stream, so there will be trees necessarily harvested from the stream buffer.

Commissioner Jacobs: So, this is what the Wildlife Resources Commission recommended?

Michael Harvey: Correct. And you will note, if I could call your attention to page 33, you have the letter offered by Mr. Wesley Poole delineating the stream as part of the stream buffer.

A motion was made by Commissioner Hemminger, seconded by Commissioner Yuhasz to receive the application, refer the matter to the Planning Board to come back with a recommendation for the September 18th meeting, and adjourn the public hearing until September 18th in order to receive and accept the Planning Board recommendation.
VOTE: UNANIMOUS

6.

7. 5. Comprehensive Plan Future Land Use Map and Zoning Atlas Amendments – To continue review of government-initiated amendments to the Comprehensive Plan Future Land Use Map of approximately 493.5 acres in the vicinity of the Interstate 85/US Highway 70 interchange (in the vicinity of the Eno Economic Development District near the eastern county line) and to change the zoning district of approximately 245.82 acres of property in the same but limited general area. This item was continued to the May quarterly public hearing from the February 27, 2012 quarterly public hearing.

Craig Benedict introduced this item and made a PowerPoint presentation.

Agenda Item C.5
Eno Township and Economic Development Area
Land Use and Zoning Amendments

Contextual Plans and Agreements

1. 1981 Orange County Land Use Plan map (Durham's Urban Growth Boundary)
2. 1988-1993 Land Use Elements Updates
3. 1994 Land Use Plan Map Amendments to Economic Development
4. 1994-1996 Stoney Creek Basin Small Area Plan
5. 1996-2001 Water and Sewer Management Planning and Boundary Agreement (WASMPBA)
6. 2006-2009 Eno EDD Area Small Area Plan

7.a. Orange County/Durham County Utility Service Agreement (2011-2012)
b. BOCC Consensus to proceed with land use amendments to provide consistency with Orange County Land Use and Durham City Urban Growth Boundary – November 2011

OUTREACH MEETING DATES
PUBLIC OUTREACH MEETINGS
FEBRUARY 22, 2012
and
APRIL 25, 2012 - Pictures

- Rail looking east from Mt. Herman
- Industrial opposite Mobile Home Acres

- Mt. Herman looking north, Caddy Shack on east side, I-85 Overpass in the distance
- Mt. Herman looking south, I-85 in background
- Stonegate MHP off Mt. Herman with Industrial Warehouse use across road
- dac Awnings opposite Stonegate MHP
- Old Hillsborough Road looking east; Whispering Pines on north and some residential and undeveloped on South
- Old Hwy 10 from Mt. Herman looking west
- Old Hwy 10 from Mt. Herman looking east
- High Power Transmission Substation off of US 70

Eno Neighborhood Meeting

Citizen Comments

1. **Stoney Creek Basin EDE-1 vs. EDE-2**
   The EDE-2 is suggested by staff because of the frontage along I-85 and its relative isolation between the interstate, Mt. Herman Church Road, railroad tracks, and high voltage primary electric transmission lines. The opposite side (east) of the road is also presently EDE-2. Also to the east is Existing Commercial zoning (EC-5).

2. **Resource Protection Areas (RPA)**
   RPAs are a layer of the land use plan and are still operational in the Unified Development Ordinance (UDO) to protect environmental areas (i.e. stream buffers, steep slopes, etc.).

3. **What is light industrial; compare Orange County and Durham County?**
   The uses were discussed during the Eno EDD SAP meetings and comparability was achieved. Uses are not of the higher impact industrial. List of specific uses were added to webpage.

4. **Why now public utilities?**
   This area has been noted as an urban growth land use since 1981 and reconfirmed in 1994 and 2008. Recommendations in the Eno Small Area Plan suggested an agreement with the City of Durham which was accomplished in January 2012. Orange County is facilitating the proposed land use pattern since any one small or large business could not afford to build infrastructure. Job growth is more important than ever in designated areas. 84% of the county is rural and only 16% including cities and along interstates is designated as Urban.

5. **Annexation**
   These land use and zoning amendments do not create annexation programs. If a new business or resident wants public water and sewer, they will sign a voluntary annexation form and if the City of Durham decides the petition meets state law and is fiscally feasible then it may be annexed. (See annexation monograph from City of Durham)

6. **Why are there two plans Orange County and City of Durham?**

There are two land use plans (Orange County and City of Durham) and one zoning plan (only Orange County). The area is within Orange County which has a land use and zoning program. If a city also has an area of county within its future urban growth boundary (UGB) then they also have a future land use plan map. Land use comparability is key in these urban but non-extraterritorial jurisdictions (non-ETJ).

7. Mobile Home Parks

The northern mobile home park is being rezoned to EDE-2 which has frontage on I-85. The southern mobile home park will remain Planned Development HR 4 zoning since its approval contains special 'Planned Development' conditions until such time a different project is proposed. The future land use and existing zoning would allow residential to remain and/or be upgraded.

- Economic Development Eno Lower Intensity (EDE-1)

EDE-1 Allows:

- Finance
- Government
- Services *
- Transportation
- Miscellaneous
- Residential

EDE-1 Doesn't Allow:

- Agricultural
- Construction
- Information
- Manufacturing, Assembly & Processing
- Recreation
- Wholesale Trade

EDE-2 Allows:

- Agricultural
- Construction
- Finance
- Government
- Manufacturing, Assembly & Processing
- Retail
- Services
- Transportation
- Wholesale Trade

EDE-2 Doesn't Allow:

- Information
- Recreation
- Residential

Recommendations

1. Receive the proposal to amend:
    a. Land Use

b. Zoning

2. Conduct the Public Hearing and receive public, BOCC and Planning Board comments,
3. Refer the matter to Planning Board to be returned for BOCC action by September 6, 2012,
4. Adjourn the Public Hearing until September 6, 2012 to receive any written comments between May 29, 2012 and Planning Board recommendation.

Commissioner Gordon asked why the County was doing the land use amendments and the zoning amendments together.

Craig Benedict said that the UDO allows government-initiated amendments to have a land use and zoning change together. Also, the differentiation between land use and zoning to the general public is a nuance. For clarity, it is better to bring them forward together.

Public Comment:

Charles Gunter said that he has written a number of letters to the elected officials and his concern with this matter. He said that he is not opposed to economic development. He has owned a business for 31 years. This is a heavy construction business. He is concerned that there are unintended consequences that can occur. He said that Stoney Creek from Gorilla Materials runs through his property. He does not want to see the County make another mistake by inviting other businesses that might also follow that same pattern. He asked the Board to look at this further and to look at the effects that this one business is causing and consider how other ones like that might affect the people there. He said that in the future it should be proposed to the public differently. It should be explained and then the questions that should be asked by the public should also be brought forward. He asked the County to do further investigation on this.

Darcy Willson said that one of the things that concerns him is that some residential areas have been removed and others have not. He said that this does not seem fair. He said that he would like to be removed as well. He said that the negative financial and social impacts to area residents are too great to allow this zoning change to move forward. He said that this zoning change will greatly reduce the buffer between new non-residential development and existing small residential properties. He said that by incorporating the small residential properties, it will reduce the required buffers from the current 100 feet to as little as 25 feet. He said that the tax value of the residential properties will go up and many people will be unable to afford the increases. The areas affected by this change have a high percentage of affordable housing. He said that the Eno economic Development District Small Area Plan states that "development in the Eno Economic Development District is intended to occur under Orange County development regulations with coordination with the City of Durham." The interlocal agreement between Orange County and the City of Durham for construction and operation of water and sewer facilities in the Eno Economic Development zone of Orange County does not include provisions for this to occur. He said that it needs to be amended so that it complies with the Eno Economic Development Small Area Plan regarding this matter.

Babette Brown lives in Weldon Ridge and her house backs up on Old NC 10. She said that she is here to voice her concern about the proposed zoning changes. She said that they moved here because of the rural character and the great school system. She is worried that the entire character of the area will change, particularly on Old NC 10. She referred to the letter from Ms. Kelsey, which the County Commissioners received. She said that she supports the points on the character of the rural residential area. She said that this area does not seem to fit with commercial development. She said that a lot of this seems to be requested to benefit one or two large landowners. She said that there seems to be some space to do economic development north of the railroad tracks. She asked about any legal implications for the County if the property values decrease. She said that she wonders if Commissioner Yuhasz has a conflict of interest because he also does work for the largest landowner, who was his largest contributor. He said that one of his other contributors owns Cardesec, the business.

Jim Brown said that he agrees with his wife, Babette Brown. He made reference to the access to I-85 and NC 86 and said that this property has not been used. He made reference to the impact of high speed rail, which will use the existing tracks. This rail will bisect EDD. He asked if this has been taken into account.

Sarah Glass lives in Weldon Ridge also and has lived there for about a year. She spoke about the rural character and the close proximity to places like RTP, Duke, Durham, etc. She said that at the time the house backing up to Old NC 10 was not a big issue. She said that she did call someone before they bought the house and was assured that there was not going to be any changes happening around this area in the near future. She said that the Planning Board has not been forthcoming with information. She said that the negative environmental impacts need to be explored, especially the species of wildlife. One of the major issues that bother her is that the proposed changes seem to be driven by some financial interests of a few landowners in the area. She said that it is not equitable to allow one landowner to benefit at the cost of a lot of the residents surrounding the area.

Oliver Glass (husband of previous speaker) spoke of the rural character of this development. He said that the proposed amendments to the zoning and land designation will take away all of the enjoyment living at Weldon Ridge and negatively impact the future of quality of life of his family. Environmentally, the amendments will destroy the natural habitat of numerous wildlife species.

Matthew Edwards also lives in Weldon Ridge. He thanked Craig Benedict and the Planning Board for all of the work and for changing the zoning from ED-1 back to R-1. However, he is concerned with the future land use change because it sets a permanent precedent. He said that his family decided to move to this area because of the rural character.

Robin Jacobs is the Executive Director of the Eno River Association and an Orange County resident. She came to represent the Eno River Association and herself. She applauded the Planning staff for modifying the recommendations that were initially made to rezone property. There are some proposed changes that she thinks are unnecessary. The area that is proposed to be zoned EDE-2, the more intense zone, is right next to Stoney Creek. She made reference to Attachment 7-c and said that it shows the boundary of the Stoney Creek Small Area Plan. This property is in the small area plan for Stoney Creek and that is why it was not included in the EDD when it was zoned several years ago. It was left out on purpose. She said that the Stoney Creek Small Area Plan was strictly talking about residential development and there was nothing about commercial development in there at all. One of the guidelines is protection of natural terrain and features and sensitive ecological areas including Duke Forest, wildlife corridors along Stoney Creek, and other identified natural areas. Another one of the guidelines is protection of the character of existing neighborhoods from incompatible uses, densities, and direction of growth not rural in character. She pointed out one of the bullets under that, which says, “no new commercial development in the planning area.” This is the Stoney Creek Overlay area, which is now proposed to go from Rural Residential to EDE-2. She said that, in reality, there is an agreement that can legally provide for water and sewer, but this will be really expensive. It means that some developer will have to acquire enough property and have big enough lands to run the lines all the way into this district, or the County will have to find the money somewhere. She asked about the EDE-2 at the mobile home park and if that would make the current use non-conforming.

Blythe Ardyson has lived on Mt. Herman Church Road on 13 years. She spoke about the yellow area, C. She is also concerned about the dark purple areas, A, where commercial is being brought into residential areas. She said that they moved into this area specifically because of the rural residential character. She knew that there were commercial centers nearby when she moved here, but this would change the nature of the neighborhood tremendously and would hurt the quality of life. She said that her family bikes every weekday around here and this commercial development would pose a danger. She said that there are underutilized or not yet developed areas with easy interstate access that are very close by, such as Waterstone.

Janet Arvik lives in Weldon Ridge. She said that this development has become special in more ways than just being small. She said that it is a mixed age community that gets along well with all of the neighbors. She asked the Board to please not commercialize the area.

Heidi Hackney lives in Weldon Ridge. She read a letter from the Crabtree builders. This letter was sent to the County Commissioners prior to this meeting.

“On behalf of Crabtree Home Building, we would like to express our concerns regarding the proposed zoning change along Old NC 10 and Orange County. Several years ago, we chose to develop a small community that would complement the current character of Old NC 10 and would be important to the long-term land use plan and current zoning. The neighborhood is called Weldon Ridge and consists of nine homes, each built on one-acre lots. Those would purchased property in our neighborhood did so because they wished to live in a rural Orange County neighborhood. The proposed zoning changes, which would allow numerous enterprises to be established on this rural residential road are simply not consistent with the character of Old NC 10 and will significantly compromise the charm and appeal of this part of the County. As a homebuilder, we chose this area in part because of the current zoning and long-term land use plan. If non-residential entities are allowed to be mixed among homes along this road, this will seriously compromise home values and severely diminish the desire for future homebuyers to purchase properties in this part of the County.

I would strongly suggest that the County Commissioners, in conjunction with the Planning Board, retain the current long-term land use plan and current zoning for Old NC 10.

Sincerely,

Gail Crabtree"

Jon Arvik is a retired research scientist and a resident of Weldon Ridge. He said that he and his wife hope this is their final home in rural Orange County. He said that this zoning change will cause significant noise and air pollution. He said that the last 30 years of his career included growth studies in urban, suburban, and rural areas, as well as environmental management. This experience has led him to express his concerns. His primary concern is the EDE-2 zoning. The commercial operations that will be permitted here will result in high rates of particulate, which cause increases in cardiac and respiratory diseases. He is also concerned about traffic, which could triple or quadruple.

Ray Hackney lives in Weldon Ridge. He said that he is concerned about the safety of their children. In the neighborhood, there are seven children under the age of 8 and more on the way. The proposed rezoning would bring businesses that could present some hazards for their children. He urged the Board to reconsider these changes.

Chris Kelsey lives along Old NC 10. He spoke to Amendment #3. He said that this is a beautiful, quiet, historic, rural residential road. He said that Craig Benedict has indicated that it has been proposed by the Planning Department to retain the rural residential zoning along this road. He wholeheartedly agreed with this decision. However, it is still proposed to change the land use classification along Old NC 10 to EDE-2, which allows a number of non-residential enterprises. This inconsistency will lead to future tension and discord. Furthermore, the Durham long-term plan calls for the same area in yellow to be residential. This is a discrepancy between the zoning, the land use plan, and Orange County's plan and the City of Durham's plan. He said that EDE-1 would allow government, real estate, banking, and other commercial enterprises to be added haphazardly among rural residential neighbors.

Christi Kelsey is a stay-at-home mom and she lives in Weldon Ridge. She has three of the seven children mentioned before. She spoke against the zoning change in this rural residential area. She said that she grew up in the city where she could easily walk to commercial industry and she did not feel safe. She said that she moved to Orange County to get away from this.

Emily Bane said that her mother is Dorothy Bane. She said that part of the property that was removed in the yellow is her family's property and the other part was the mobile home park. She said that the family is appreciative that the County values the property that her mother sold that is Weldon Ridge. Her mother has been a wonderful steward of the property in that area and she is a large landowner. She said that property that is changing, which is Mobile Acres 2 in the B section, does not belong to her mother. She said that this would not be a conflict of interest. She said that she appreciates everything that Commissioner Yuhasz has done for them as a surveyor and a friend. She said that the landowners in this area care deeply about this area.

Kristen Smith is the Director of Public Policy and Member Engagement at Chapel Hill-Carrboro Chamber of Commerce. She is an Orange County resident. She said that she is representing 1,100 local lawyers who employ about 80,000. She thanked the Board and encouraged the County Commissioners to continue to strengthen the County's positioning on availability for economic development, extending a real invitation to businesses to come and grow in Orange. She said that they support the proposed rezoning and increasing the County's commercial tax base, reducing the tax pressure on the homeowner, and retaining and recruiting employers in Orange County, and increasing work opportunity for the children of the community. She said that Orange County identified EDDs and locations for economic development over 25 years ago and today is the right time to take the steps needed to rezone them for that long plan and much needed economic development opportunity, including job opportunities.

Jennifer Sharpe is a single mom and she pointed to where she lives on the map. She works for the Orange County Health Department. She lives in her grandmother's house, which was bought in 1965. She moved there in 2003. She said that she lives exactly halfway on Old NC 10 and people turn around in her driveway. She said that she has done a lot of research to oppose this rezoning and said that this road is rich in history.

Barbara Robertson said that she did not find out about this except through their neighbor and they have lived in the neighborhood for 34 years. She spoke about sustainability and said that the County should really be thinking about this. She spoke against the rezoning.

Laura Streitfield was representing the citizens of Preserve Rural Orange. She thanked the staff for the maps because in the past she has found some of the proposed maps a little confusing. She said that all of the residential properties should be reconsidered. She has a list of 137 affected property owners. She said that 500 feet in a rural area is not very much in terms of who is actually affected. She urged the staff to make sure that everyone that is affected is contacted before reaching any kind of decision. She said that there needs to be a lot more information about the purpose for these changes.

Todd Orr lives in Weldon Ridge neighborhood. Agreed with his neighbors about the inconsistency between the land use plan and the zoning does not make sense. He requested that the section in yellow be removed from the EDD area or create something else besides EDE-1 or EDE-2. He said that there should be a residential land use plan.

Donna Underwood submitted a prepared statement:

"I am writing to respond to the rezoning of NC 10. We are a concerned family that lives at 4010 Old NC 10. We are right beside the middle railroad tressel. We have twin 8 year old girls and a 15 year old boy. Right now, the speed is 55 mph. I do not let the kids ride the bus, letting off on the other side, the traffic coming over the hill would not be able to stop.

The road is already heavy with traffic, which is not wise to check mail from 3pm – 7pm daily. Now, there are more and more bicycles sharing the road and they are extremely narrow. Many would have to be spent to widen the road and widening and raising the railroad tresses.

The schools here – New Hope Elementary, Stanback, and Cedar Ridge are our only schools for this area. They are already crowded, so new ones will have to be built.

When I found out about the rezoning that Mrs. Bane wants approved, I became so stressed with worry. We moved here 15 years to take advantage of the wonderful schools. The traffic back then wasn't as bad.

I know Mrs. Bane has a lot of land and it would benefit her financially. She would break her land into smaller pieces and sell. It would not benefit any of us. Thank you for reading my letter since I had to work. Please consider the feelings and safety of the families that live in this little neighborhood, unless Mrs. Bane is willing to pay for the new roads, tresses, and schools."

Commissioner Jacobs asked Craig Benedict to go back to slide 4 (a map of Eno EDD Area Small Area Plan – Area Perspective). He said that it looks like continuous development from Hillsborough to the Durham County line.

Craig Benedict said that this was a map that came out of the Eno Small Area Plan. There has been a modification since then with the Strategic Growth Plan with Hillsborough. The boundary has been contracted and the larger green area is a long-term interest area.

Commissioner Jacobs made reference to page 23 and different intensities based on EDE-1 and EDE-2. He asked about the asterisks next to "services."

Craig Benedict said that "services" means it is not commercial or retail. For example, banks are in the services category.

Commissioner Jacobs made reference to the Eno EDD that was adopted after the small area planning effort and asked how far west the EDD went.

Craig Benedict said that it was suggested to go out to the Stoney Creek Basin. It was suggested by the small area plan that the area south of Old NC 10 switch to a soft economic development zoning category.

Commissioner Jacobs made reference to page 5 and said that he would like to see links to the Eno EDD Small Area Plan, the Stoney Creek Basin study, and the City of Durham's Urban Growth Plan that goes into Orange County.

Commissioner Jacobs said that he would also like to see the meeting notes from February 25th. Craig Benedict said that he would provide those.

Commissioner Jacobs asked about the comments from citizens about the railroad crossings and the non-conforming uses. He asked that these questions be answered in writing when it is discussed by the Planning Board and the County Commissioners.

Craig Benedict said that he took notes during the public comment and he will provide the answers during the Planning Board meeting.

Commissioner Jacobs said that he has worked on the NC 57 Small Area Plan, the Hillsborough EDD, the Buckhorn EDD, and to some extent on the Eno EDD. He said that in none of those cases did the County go in defiance of the people who lived in the area. He just wanted to report this to the Board.

Commissioner McKee asked about road construction on Old NC 10 and Mt. Herman Church Road. He said that he understood that this was a sight line improvement and a safety issue. He does not think it has anything to do with potential development. He asked about residential development in EDE-2.

Craig Benedict said that no new residential development could happen in EDE-2. Any existing residential development such as the mobile home park would be a legal non-conforming use.

Commissioner McKee asked about the impact of the high speed rail on the crossings. He asked if these crossings would be closed.

Craig Benedict said that he would give formal responses at a later time.

Commissioner Gordon reiterated that she would like to have the links to the information sources and the questions asked by the citizens should be answered formally.

Commissioner Gordon asked about the thinking for changing the zoning in these residential areas.

Craig Benedict said that all through the Eno Economic Development Small Area Plan and going back to the mid-80's, Area 2 was designated as a commercial, non-residential node. For 30 years, those two areas have been intended for non-residential activity. It was actually changed so that there could be mixed uses and residential development allowed.

Commissioner Gordon said that it would be helpful if some alternatives to the proposed zoning are given for the Planning Board and the County Commissioners to consider, along with the pros and cons.

Commissioner Yuhasz said that everyone needs to recognize that change will occur and the alternative to changing some residential areas to commercial use is to maintain exactly the same kind of residential to commercial tax base that the County currently has. This has been damaging to the County's ability to provide the services that people want without having an exceedingly high property tax rate. He said that the County is trying to get a handle on the property tax rate that every resident of Orange County has to pay. In order to expand the commercial tax base, the County needs to expand opportunities for commercial enterprises to locate in the County.

Mark Marcoplos said that a couple of people mentioned that they thought the Planning Board let them down a few years back and did not warn the citizens about things happening in the neighborhood. He said that the Planning Board had the information when the staff brings it at the appropriate time. He said that they only got this information a couple of months ago before the last public hearing.

A motion was made by Commissioner Foushee, seconded by Commissioner McKee to receive this proposal, refer the matter to the Planning Board to return to the Board of County Commissioners for action by September 6, 2012 and adjourn the public hearing until September 6, 2012 in order to receive any written comments between now and the Planning Board recommendation.

VOTE: UNANIMOUS

B. 6. Zoning Atlas Amendment - To review government-initiated amendments to the Zoning Atlas to apply the Special Flood Hazard Zoning Overlay District to portions of ten parcels located in the vicinity of the Orange-Alamance county line. These parcels were affected by the adjustment of the county line which became effective on January 1, 2012.

Planning staff Glenn Bowles made a PowerPoint presentation.

ZONING ATLAS (MAP) AMENDMENT
FROM: AGRICULTUREAL RESIDENTIAL (AR)
TO: AR WITH SPECIAL FLOOD HAZARD AREA OVERLAY DISTRICT

BACKGROUND

- May 25, 2011 NC General Assembly session law transferred 65 parcels into Orange County.
- November 2011 BOCC public hearing to zone the parcels to AR.

- Planning Department received information from the State Floodplain Mapping Program that 10 of these properties contain floodplain.

Information

- Ten parcels containing 320 acres,
- 20.7 acres of Floodplain
- No structures involved

Mark Marcoplos left at 10:13PM.

Glenn Bowles said that an open house was held and the property owners that were affected were invited. No one attended, however.

A motion was made by Commissioner Hemminger, seconded by Commissioner Yuhasz to refer this matter to the Planning Board asking for a recommendation to be returned to the Board of County Commissioners in time for the August 21, 2012 meeting and adjourn the public hearing until August 21, 2012 for final action.
VOTE: UNANIMOUS

9. 7. Unified Development Ordinance (UDO) Text Amendments - To review government-initiated amendments to the text of Article 3 of the UDO to revise various Dimensional and Ratio Standards in commercial and industrial zoning districts if the district is applied to property located in Commercial or Commercial-Industrial Transition Activity Nodes, as depicted on the Future Land Use Map contained in the 2030 Comprehensive Plan.

Planner Perdita Holtz made a PowerPoint presentation.

Unified Development Ordinance
Proposed Text Amendments
(UDO/Zoning 2012-11)

Task
Propose amendments to the UDO that will allow for a greater intensity of property use in the Commercial and Commercial-Industrial Transition Activity Nodes.

- Existing ratios developed for areas that are not served by public water and sewer systems and which are intended to remain rural.

Proposal

- This proposal is similar to the revisions made to the Economic Development (ED) zoning districts earlier this year and to the O/I district last year.
- Proposed ratios and height limits for the zoning districts applicable to CTAN and CITAN areas are in keeping with similar ED zoning districts.
  - Would allow for greater floor area (e.g., building with more square feet) and less “open space” in Nodes.
- Other requirements of the UDO, including impervious surface limits, still apply.

Simple Example
3 acre tract zoned Light Industrial (LI)
located in a CITAN
Current
FAR max = 0.20 = 26,136 s.f.
Height, max = 45 ft.
Open Space, min. = 0.80 = 104,544 s.f. (2.4 acres)
Pedestrian/Landscape, min = 0.20 = 26,135 s.f.
Proposed
FAR max = 0.60 = 78,408 s.f.
Height, max = 45 ft.
Open Space, min. = 0.45 = 58,806 s.f. (1.35 acres)
Pedestrian/Landscape, min = 0.05 = 6,534 s.f.

Recommendation

1. Receive the proposed amendments to the Unified Development Ordinance as detailed in the abstract and attachments.
2. Conduct the public hearing and accept public, BOCC, and Planning Board comment on the proposed amendments.
3. Refer the matter to the Planning Board with a request that a recommendation be returned to the BOCC in time for the August 21, 2012 BOCC regular meeting.
4. Adjourn the public hearing until August 21, 2012 in order to receive and accept the Planning Board's recommendation and any submitted written comments.

Commissioner Jacobs asked how to coordinate traffic studies before a development is proposed when the ultimate square footage is not known.

Perdita Holtz said that this would be done in conjunction with the developer, so the square footage would be known.

Pete Hollenbeck said that buildings higher than two stories should have sprinklers, because it can affect the fire district insurance rating.

A motion was made by Commissioner Yuhasz, seconded by Commissioner Jacobs to refer this amendment to the Planning Board for a recommendation to come back to the Board of County Commissioners for the August 21, 2012 meeting and to adjourn the public hearing until August 21, 2012 in order to receive and accept the Planning Board's recommendation and any submitted written comments.
VOTE: UNANIMOUS

A motion was made by Commissioner Hemminger, seconded by Commissioner Yuhasz to close the Quarterly Public Hearing.
VOTE: UNANIMOUS

8. Resolution to Appoint Paul Laughton as Interim Tax Administrator (Added item)

A motion was made by Commissioner Jacobs, seconded by Commissioner Hemminger to approve a resolution, which is incorporated by reference, to appoint Paul Laughton as interim Tax Administrator.
VOTE: UNANIMOUS

CLOSED SESSION:

A motion was made by Commissioner Hemminger, seconded by Commissioner Yuhasz to go into closed session at 10:34 p.m. for the purposes of:

PER NCGS 143-318.11(a)

(5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; and (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.

VOTE: UNANIMOUS

RECONVENE INTO REGULAR SESSION:

A motion was made by Commissioner Hemminger, seconded by Commissioner Yuhasz to reconvene into regular session at 10:57 p.m.
VOTE: UNANIMOUS

D. ADJOURNMENT OF PUBLIC HEARING

A motion was made by Commissioner Foushee, seconded by Commissioner Yuhasz to adjourn the meeting at 10:57 p.m.
VOTE: UNANIMOUS

Bernadette Pelissier, Chair

David Hunt
Deputy Clerk to the Board

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: August 21, 2012

Action Agenda Item No. 5-b

SUBJECT: Motor Vehicle Property Tax Release/Refunds for FY 2011-2012

DEPARTMENT: Tax Administration

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):
Resolution
Release/Refund Data Spreadsheet
Reason for Adjustment Summary

INFORMATION CONTACT:
Dwane Brinson, Tax Administrator,
919-245-2109

PURPOSE: To consider adoption of a release/refund resolution related to 55 requests for motor vehicle property tax releases or refunds.

BACKGROUND: North Carolina General Statute (NCGS) 105-381(a)(1) allows a taxpayer to assert a valid defense to the enforcement of the collection of a tax assessed upon his/her property under three sets of circumstances:

(a) "a tax imposed through clerical error", for example when there is an actual error in mathematical calculation;
(b) "an illegal tax", such as when the vehicle should have been billed in another county, an incorrect name was used, or an incorrect rate code (the wrong combination of applicable county, municipal, fire district, etc. tax rates) was used;
(c) "a tax levied for an illegal purpose", which would involve charging a tax which was later deemed to be impermissible under state law.

NCGS 105-381(b), "Action of Governing Body" provides that "Upon receiving a taxpayer's written statement of defense and request for release or refund, the governing body of the taxing unit shall within 90 days after receipt of such a request determine whether the taxpayer has a valid defense to the tax imposed or any part thereof and shall either release or refund that portion of the amount that is determined to be in excess of the correct liability or notify the taxpayer in writing that no release or refund will be made".

For classified motor vehicles, NCGS 105-330.2(b) allows for a full or partial refund when a tax has been paid and a pending appeal for valuation reduction due to excessive mileage, vehicle damage, etc. is decided in the owner's favor.

FINANCIAL IMPACT: Approval of these release/refund requests will result in a net reduction of $8,427.95 to Orange County, the towns, and school and fire districts. Financial impact year to date for FY 2011-2012 is $83,903.48.

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

- Accept the report reflecting the 55 motor vehicle property tax release/refunds requested in accordance with the NCGS; and
- Approve of the attached refund resolution.

NORTH CAROLINA **RES-2012-065**

ORANGE COUNTY

REFUND/RELEASE RESOLUTION (Approval)

Whereas, North Carolina General Statutes 105-381 and/or 330.2(b) allows for the refund and/or release of taxes when the Board of County Commissioners determines that a taxpayer applying for the release/refund has a valid defense to the tax imposed; and

Whereas, the properties listed in each of the attached "Request for Property Tax Refund/Release" has been taxed and the tax has not been collected: and

Whereas, as to each of the properties listed in the Request for Property Tax Refund/Release, the taxpayer has timely applied in writing for a refund or release of the tax imposed and has presented a valid defense to the tax imposed as indicated on the Request for Property Tax Refund/Release.

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY THAT the recommended property tax refund(s) and release(s) are approved.

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

Ayes: Commissioners _____

_____

Noes: _____

I, Donna Baker, Clerk to the Board of Commissioners for the County of Orange, North Carolina, DO HEREBY CERTIFY that the foregoing has been carefully copied from the recorded minutes of the Board of Commissioners for said County at a regular meeting of said Board held on _____, said record having been made in the Minute Book of the minutes of said Board, and is a true copy of so much of said proceedings of said Board as relates in any way to the passage of the resolution described in said proceedings.

WITNESS my hand and the corporate seal of said County, this _____day of _____, 2012.

_____
Clerk to the Board of Commissioners

Clerical error 105-381(a)(1)a.(Incorrect rate)
Illegal tax 105-381(a)(1)b.
Appraisal appeal 105-330.2(b)

BOCC REGISTERED MOTOR VEHICLE REPORT
AUGUST 21, 2012

NAME	ABSTRACT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
Alagha, Sanz	997086	2012	22,090	18,997	(47.64)	High mileage (Appraisal appeal)
Alvis, Christopher	643194	2011	7,000	5,460	(14.08)	High mileage (Appraisal appeal)
Barber, Jennifer	966769	2009	8,700	0	(83.42)	Changed county to Durham (Illegal tax)
Biron, Holly Renee	965239	2012	23,060	0	(407.22)	Changed county to Durham (Illegal tax)
Bradshaw, Patricia	328090	2012	8,230	5,432	(41.35)	High mileage (Appraisal appeal)
Brady, George	999593	2012	12,390	11,390	(14.78)	High mileage (Appraisal appeal)
Bud Matthews Service	999382	2012	19,310	0	(327.45)	Changed county to Chatham (Illegal tax)
Chang, Yin Fu	999697	2012	28,720	19,990	(142.82)	Purchase Price (Appraisal appeal)
Crittenton, William Chad	356970	2012	6,340	5,706	(5.73)	High mileage (Appraisal appeal)
Cunningham, Melissa Anne	999772	2012	2,420	1,210	(19.79)	Repair Estimate (Appraisal appeal)
Davis, Oliver	998752	2012	25,780	12,890	(210.86)	Holds a totalloss title (Appraisal appeal)
Dimitrov, Daniel	965205	2012	3,650	1,825	(26.97)	Damage condition (Appraisal appeal)
Docro Inc.	965216	2012	55,293	45,313	(163.25)	Damage condition (Appraisal appeal)
Freedom House Recovery	998997	2012	7,620	0	(147.38)	Tax exempt status (Illegal tax)
Freedom House Recovery	998271	2012	1,620	0	(54.95)	Tax exempt status (Illegal tax)
Freedom House Recovery	998178	2012	2,350	0	(66.20)	Tax exempt status (Illegal tax)
Fuller, James Robert Jr.	962389	2011	20,790		(41.19)	Incorrect rate code (Clerical error)
Gilmour, Arnold	962488	2011	18,090	16,099	(29.43)	Purchase Price (Appraisal appeal)
Gonzalez, Danny	979071	2011	40,200	0	(708.08)	Changed county to Durham (Illegal tax)
Hagy, Judith	1000008	2012	11,780	10,366	(21.77)	High mileage (Appraisal appeal)
Hayes, Edward	994397	2011	28,292	0	(465.81)	Changed county to Chatham (Illegal tax)
Heyer, Walter James	996791	2011	17,390	14,608	(25.43)	High mileage (Appraisal appeal)
Inantino, Patricia	996455	2012	19,080	17,172	(29.40)	High mileage (Appraisal appeal)
Jensen, Timothy	358811	2011	4,690	0	(43.52)	Changed county to Alamance (Illegal tax)
Kehren, Jessica	649271	2012	14,840	0	(258.60)	Military leave & earning statement home of record MN (Illegal tax)
Kurt, Mark Robert	998559	2012	25,380	19,796	(86.02)	High mileage (Appraisal appeal)
Lagan, Garrett	564202	2011	2,160	0	(69.22)	Change county to Jackson (Illegal tax)
Markland, Gail	359694	2012	9,850	9,450	(6.17)	High mileage (Appraisal appeal)
Mauk, Rhiannon	359767	2012	12,000		(94.73)	Incorrect rate code (Clerical error)
Meacham, Marvin	997767	2012	790	0	(6.78)	Changed county to Chatham (Illegal tax)
Meachan, Marvin Cook	997767	2012	790	0	(6.78)	Changed county to Chatham (Illegal tax)
Monroe, Andrew Martin	984167	2011	4,410	4,000	(6.32)	Incorrect model (Appraisal appeal)
Morgan, Robert William	999185	2012	13,400	8,844	(74.53)	High mileage (Appraisal appeal)
Morris, Joseph Norman	997809	2012	189,900	7,524	(1,728.01)	Over assessment (Appraisal appeal)

Clerical error 105-381(a)(1)a.(Incorrect rate)
Illegal tax 105-381(a)(1)b.
Appraisal appeal 105-330.2(b)

BOCC REGISTERED MOTOR VEHICLE REPORT
AUGUST 21, 2012

NAME	ABSTRACT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
Murphy, Daniel Reilly Jr.	360304	2012	13,500	500	(200.25)	Antique auto plate (Appraisal appeal)
Njord, Rebecca Anne	999688	2012	20,860	0	(371.23)	Changed county to Durham (Illegal tax)
Nolen-Weathington, Eric	963221	2012	23,850	20,511	(30.20)	High mileage (Appraisal appeal)
Nudelman, Devon	970794	2012	11,780	0	(222.69)	Military leave & earning statement home of record TX (Illegal tax)
Parker, Billy William	835835	2012	3,000	800	(19.91)	Condition (Appraisal appeal)
Peters-Williams, Cherelle	667411	2010	3,500	0	(93.12)	Military leave & earning statement home of record NY (Illegal tax)
Shaw, William	999070	2012	10,770	0	(118.09)	Changed county to Chatham (Illegal tax)
Sleboda, Robert	361871	2012	2,724	2,125	(9.23)	High mileage (Appraisal appeal)
Smith, Kyle	999080	2012	12,980	0	(229.94)	Changed county to Chatham (Illegal tax)
Stone, Julie Kristen	999847	2012	45,630	0	(732.89)	Changed county to Durham (Illegal tax)
Strayhorn, Michael	641979	2012	14,256	12,691	(23.14)	High mileage (Appraisal appeal)
Teague, Jeffery	687468	2011	8,700	5,012	(59.44)	High mileage & damage (Appraisal appeal)
Turner, Jessica Lauren	993419	2011	4,640	0	(109.70)	Changed county to Durham (Illegal tax)
Vollmer, Tiffany	965637	2012	18,810	16,929	(17.19)	High mileage (Appraisal appeal)
Watson, Georg Ann	362860	2012	13,460	11,306	(35.23)	High mileage (Appraisal appeal)
Wheeler, Stephanie	998619	2012	9,070	0	(169.72)	Changed county to Durham (Illegal tax)
Widenheftm, Betsy	363015	2012	18,890	12,467	(58.10)	High mileage (Appraisal appeal)
Williamson, Wayne	363081	2012	12,570	11,745	(9.28)	High mileage (Appraisal appeal)
Wrynn, Matthew Taylor	999192	2012	12,390	10,676	(26.41)	High mileage & repair estimate (Appraisal appeal)
Xu, Longquan	363232	2012	11,480		(76.44)	Incorrect rate code (Clerical error)
Zelasko, Scott Matthew	363294	2011	19,170	0	(340.07)	Military leave & earning statement home of record PA (Illegal tax)
				Total	(8,427.95)	

May 31, 2012 thru June 30, 2012

Military Leave and Earning Statement: Is a copy of a serviceman's payroll stub covering a particular pay period. This does list his home of record, which is his permanent state of residence where he would pay any state income taxes.

Vehicle Titles

Salvaged and Salvage Rebuilt: Any repairs that exceed 75% of the vehicle's market value using NADA, Kelly Blue Book and various other publications.
When the insurance company has totaled the vehicle, and the customer has received the claim check, four things can happen:

- Insurance company can keep the vehicle.
- Customer can keep the vehicle. The customer is instructed to contact the local DMV inspector to have an initial inspection done, for vehicles 2001 to 2006 (these dates change yearly, example in 2007 the models will be 2002-2007).
- Affidavit of Rebuilder- The inspector lists each part that needs to be repaired.
- Final inspection- if all work is cleared and approved by the inspector then the rebuilt status is then removed (salvaged status remains).

Note: Finance companies will not finance a salvaged vehicle.

Total Loss: Repairs were more than the market value of the vehicle and the insurance company is unwilling to pay for the repairs.

Total Loss/Rebuilt: Whatever the repairs were to make the vehicle road worthy after a Total Loss status has been given. Vehicle must be 5 years old or older. Vehicle status then remains as salvaged or rebuilt.

Certificate of Reconstruction: When work has been done on (vehicles 2001-2006 in year 2006) this is issued when the inspector didn't see the original damaged and the vehicle has been repaired.

Certificate of Destruction: NC DMV will not register this type of vehicle. It is not fit for North Carolina roads.

Custom Built: When the customer has built this vehicle himself or herself. Ex. parts taken from various vehicles to build one vehicle. Three titles are required from the DMV in this case. 1) Frame 2) Transmission 3) Engine.
Then an indemnity bond must be issued. An indemnity bond must also be issued when the vehicle does not have a title at all.

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: August 21, 2012

Action Agenda Item No. 5-c

SUBJECT: Motor Vehicle Property Tax Release/Refunds for FY 2012-2013

DEPARTMENT: Tax Administration

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):
Resolution
Release/Refund Data Spreadsheet
Reason for Adjustment Summary

INFORMATION CONTACT:
Dwane Brinson, Tax Administrator,
919-245-2109

PURPOSE: To consider adoption of a release/refund resolution related to 48 requests for motor vehicle property tax releases or refunds.

BACKGROUND: North Carolina General Statute (NCGS) 105-381(a)(1) allows a taxpayer to assert a valid defense to the enforcement of the collection of a tax assessed upon his/her property under three sets of circumstances:

(a) "a tax imposed through clerical error", for example when there is an actual error in mathematical calculation;
(b) "an illegal tax", such as when the vehicle should have been billed in another county, an incorrect name was used, or an incorrect rate code (the wrong combination of applicable county, municipal, fire district, etc. tax rates) was used;
(c) "a tax levied for an illegal purpose", which would involve charging a tax which was later deemed to be impermissible under state law.

NCGS 105-381(b), "Action of Governing Body" provides that "Upon receiving a taxpayer's written statement of defense and request for release or refund, the governing body of the taxing unit shall within 90 days after receipt of such a request determine whether the taxpayer has a valid defense to the tax imposed or any part thereof and shall either release or refund that portion of the amount that is determined to be in excess of the correct liability or notify the taxpayer in writing that no release or refund will be made".

For classified motor vehicles, NCGS 105-330.2(b) allows for a full or partial refund when a tax has been paid and a pending appeal for valuation reduction due to excessive mileage, vehicle damage, etc. is decided in the owner's favor.

FINANCIAL IMPACT: Approval of these release/refund requests will result in a net reduction of $8,220.22 to Orange County, the towns, and school and fire districts. Financial impact year to date for FY 2012-2013 is $8,220.22.

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

- Accept the report reflecting the 48 motor vehicle property tax release/refunds requested in accordance with the NCGS; and
- Approve of the attached refund resolution.

NORTH CAROLINA **RES-2012-066**

ORANGE COUNTY

REFUND/RELEASE RESOLUTION (Approval)

Whereas, North Carolina General Statutes 105-381 and/or 330.2(b) allows for the refund and/or release of taxes when the Board of County Commissioners determines that a taxpayer applying for the release/refund has a valid defense to the tax imposed; and

Whereas, the properties listed in each of the attached "Request for Property Tax Refund/Release" has been taxed and the tax has not been collected: and

Whereas, as to each of the properties listed in the Request for Property Tax Refund/Release, the taxpayer has timely applied in writing for a refund or release of the tax imposed and has presented a valid defense to the tax imposed as indicated on the Request for Property Tax Refund/Release.

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY THAT the recommended property tax refund(s) and release(s) are approved.

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

Ayes: Commissioners _____

_____

Noes: _____

I, Donna Baker, Clerk to the Board of Commissioners for the County of Orange, North Carolina, DO HEREBY CERTIFY that the foregoing has been carefully copied from the recorded minutes of the Board of Commissioners for said County at a regular meeting of said Board held on _____, said record having been made in the Minute Book of the minutes of said Board, and is a true copy of so much of said proceedings of said Board as relates in any way to the passage of the resolution described in said proceedings.

WITNESS my hand and the corporate seal of said County, this _____day of _____, 2012.

_____
Clerk to the Board of Commissioners

Clerical error 105-381(a)(1)a.(Incorrect rate)
Illegal tax 105-381(a)(1)b.
Appraisal appeal 105-330.2(b)

BOCC REGISTERED MOTOR VEHICLE REPORT
AUGUST 21, 2012

NAME	ABSTRACT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
Atwater, James Travers	973076	2011	9,430	0	(96.09)	Changed county to Chatham (Illegal tax)
Atwater, James Travers	1001381	2012	4,680	0	(43.43)	Changed county to Chatham (Illegal tax)
Bane, John	990607	2011	16,640	0	(304.90)	Changed county to Durham (Illegal tax)
Beane, Carla Priddy	965104	2012	11,560	7,167	(40.32)	High mileage (Appraisal appeal)
Belcher, Charles Edward	1001404	2012	20,050	0	(219.83)	Changed county to Chatham (Illegal tax)
Belcher, Charles Edward	1001204	2012	25,910	0	(284.08)	Changed county to Chatham (Illegal tax)
Berini, Joseph	1000608	2012	11,480	6,323	(46.34)	Holds a totalloss title (Appraisal appeal)
Bettmann, Alicia	1001624	2012	23,630	0	(219.29)	Changed county to Alamance (Illegal tax)
Bettmann, William	1001742	2012	23,390	0	(217.06)	Changed county to Alamance (Illegal tax)
Bozarth, Cecil	328073	2012	19,400	500	(291.14)	Holds an antique plate (Appraisal appeal)
Carroll, Robert	364338	2012	4,334	3,855	(4.46)	High mileage (Appraisal appeal)
Cleveland, Rodney	1000067	2012	3,000	1,200	(16.28)	Damage condition (Appraisal appeal)
Collman, Mitchell	364644	2012	4,088	3,679	(6.30)	High mileage (Appraisal appeal)
Core Strategic Management	364704	2012	28,640	0	(471.17)	Changed county to Chatham (Illegal tax)
Cox, William	966974	2012	54,800	500	(496.35)	Holds an antique plate (Appraisal appeal)
Dolinger, Aaron	975094	2012	13,780	0	(280.21)	Changed county to Durham (Illegal tax)
Donald J. Wenzel, MD PA	357250	2012	40,430	0	(652.78)	Changed county to Durham (Illegal tax)
Ellis, Frederick	980726	2012	4,280		(47.31)	Incorrect rate code (Clerical error)
Evarts, Jeffrey	647845	2012	12,560	11,304	(11.52)	High mileage (Appraisal appeal)
Finn, John	990631	2011	7,730	0	(157.70)	Changed county to Durham (Illegal tax)
Gardinier, Robert Edward	648111	2012	3,970	0	(44.66)	Changed county to Chatham (Illegal tax)
Glenn, Rachel	995515	2012	690		(32.93)	Incorrect rate code (Clerical error)
Ha, Yoon Cheol	1000940	2012	5,090	4,581	(7.84)	High mileage (Appraisal appeal)
Ha, Yoon Cheol	1001464	2012	14,360	11,775	(39.82)	High mileage (Appraisal appeal)
Hajirahim, Mohsen	358153	2012	10,940	8,971	(30.33)	High mileage (Appraisal appeal)
Hannan, Michael	648518	2012	13,860		(91.54)	Incorrect rate code (Clerical error)
Hansbrough, Amy	1001770	2012	22,720	0	(249.10)	Changed county to Chatham (Illegal tax)
Hassan, Mona	358303	2012	23,050	22,335	(11.03)	Damage condition (Appraisal appeal)
Hernandez, Laurie & Putney, Devino	992220	2012	17,900	0	(174.98)	DMV error incorrect co owner (Illegal tax)
Johnson, Robert Evans	649127	2012	15,310	12,248	(50.08)	High mileage (Appraisal appeal)
Krisko, John Frank	649446	2012	8,970		(49.05)	Incorrect rate code (Clerical error)
Krisko, John Frank	649447	2012	7,670		(46.29)	Incorrect rate code (Clerical error)
Lancaster, Alvis Earl	649504	2012	11,190	8,728	(22.94)	High mileage (Appraisal appeal)
Lasley, Linda Horner	1002087	2012	13,520	0	(121.52)	Changed county to Alamance (Illegal tax)
Latta,Yolanda	649549	2012	15,980		(33.97)	Incorrect rate code (Clerical error)
Neal, Michael	351988	2012	21,150	17,766	(30.94)	High mileage (Appraisal appeal)
Niezgoda, Steven	1001586	2012	125,234	0	(1959.11)	Changed county to Harnett (Illegal tax)
Pate, Wiliam	650795	2012	7,610	6,240	(12.57)	High mileage (Appraisal appeal)
Ringeisen, Lani	1000800	2012	32,280	0	(353.92)	Changed county to Chatham (Illegal tax)
Robinson, Roger	651477	2012	5,400	0	(50.11)	Changed county to Alamance (Illegal tax)
Russell, Robert	651613	2012	10,680	9,612	(16.45)	High mileage (Appraisal appeal)
Shao, Peimin	1001682	2012	28,720	19,677	(139.31)	Purchase Price (Appraisal appeal)
Simmons, Andrew Joseph	1001906	2012	21,310	0	(283.00)	Changed county to Alamance (Illegal tax)
Simmons, Andrew Joseph	1001947	2012	22,050	0	(292.83)	Changed county to Alamance (Illegal tax)

July 1, 2012 thru August 1, 2012

Clerical error 105-381(a)(1)a.(Incorrect rate)
Illegal tax 105-381(a)(1)b.
Appraisal appeal 105-330.2(b)

BOCC REGISTERED MOTOR VEHICLE REPORT
AUGUST 21, 2012

NAME	ABSTRACT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
Smith, Sharon	652027	2012	11,720	11,595	(1.14)	High mileage (Appraisal appeal)
Snyder, Kandi	1001957	2012	20,970	18,454	(22.99)	High mileage (Appraisal appeal)
Taylor, Denise	1001667	2012	15,600	0	(140.18)	Changed county to Durham (Illegal tax)
Trevino, Duane	652581	2012	8,340	7,790	(5.03)	Damage condition (Appraisal appeal)
				Total	(8,220.22)	

Military Leave and Earning Statement: Is a copy of a serviceman's payroll stub covering a particular pay period. This does list his home of record, which is his permanent state of residence where he would pay any state income taxes.

Vehicle Titles

Salvaged and Salvage Rebuilt: Any repairs that exceed 75% of the vehicle's market value using NADA, Kelly Blue Book and various other publications.
When the insurance company has totaled the vehicle, and the customer has received the claim check, four things can happen:

- Insurance company can keep the vehicle.
- Customer can keep the vehicle. The customer is instructed to contact the local DMV inspector to have an initial inspection done, for vehicles 2001 to 2006 (these dates change yearly, example in 2007 the models will be 2002-2007).
- Affidavit of Rebuilder- The inspector lists each part that needs to be repaired.
- Final inspection- if all work is cleared and approved by the inspector then the rebuilt status is then removed (salvaged status remains).

Note: Finance companies will not finance a salvaged vehicle.

Total Loss: Repairs were more than the market value of the vehicle and the insurance company is unwilling to pay for the repairs.

Total Loss/Rebuilt: Whatever the repairs were to make the vehicle road worthy after a Total Loss status has been given. Vehicle must be 5 years old or older. Vehicle status then remains as salvaged or rebuilt.

Certificate of Reconstruction: When work has been done on (vehicles 2001-2006 in year 2006) this is issued when the inspector didn't see the original damaged and the vehicle has been repaired.

Certificate of Destruction: NC DMV will not register this type of vehicle. It is not fit for North Carolina roads.

Custom Built: When the customer has built this vehicle himself or herself. Ex. parts taken from various vehicles to build one vehicle. Three titles are required from the DMV in this case. 1) Frame 2) Transmission 3) Engine.
Then an indemnity bond must be issued. An indemnity bond must also be issued when the vehicle does not have a title at all.

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: August 21, 2012

Action Agenda
Item No. 5-d

SUBJECT: Property Tax Releases and/or Refunds

DEPARTMENT: Tax Administration

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):
Resolution
Spreadsheet

INFORMATION CONTACT:
Dwane Brinson, Tax Administrator,
(919) 245-2109

PURPOSE: To consider adoption of a resolution to release property values related to fifty-three (53) requests for property tax release and/or refund.

BACKGROUND: The Tax Administration Office has received fifty-three (53) requests from taxpayers for refunds of property taxes paid in prior fiscal years. North Carolina General Statute 105-381(b), "Action of Governing Body" provides that "upon receiving a taxpayer's written statement of defense and request for release or refund, the governing body of the Taxing Unit shall within 90 days after receipt of such a request determine whether the taxpayer has a valid defense to the tax imposed or any part thereof and shall either release or refund that portion of the amount that is determined to be in excess of the correct liability or notify the taxpayer in writing that no release or refund will be made". North Carolina law allows the Board to approve property tax refunds for the current and four previous fiscal years.

FINANCIAL IMPACT: Approval of this change will result in a net reduction in revenue of $18,224.27 to the County, municipalities, and special districts. The Tax Assessor recognized that refunds could impact the budget and accounted for these in the annual budget projections.

RECOMMENDATION(S): The Manager recommends the Board approve the attached resolution approving these property tax refund requests in accordance with North Carolina General Statute 105-381.

NORTH CAROLINA **RES-2012-067**

ORANGE COUNTY

REFUND/RELEASE RESOLUTION (Approval)

Whereas, North Carolina General Statutes 105-381 and/or 330.2(b) allows for the refund and/or release of taxes when the Board of County Commissioners determines that a taxpayer applying for the release/refund has a valid defense to the tax imposed; and

Whereas, the properties listed in each of the attached "Request for Property Tax Refund/Release" has been taxed and the tax has not been collected: and

Whereas, as to each of the properties listed in the Request for Property Tax Refund/Release, the taxpayer has timely applied in writing for a refund or release of the tax imposed and has presented a valid defense to the tax imposed as indicated on the Request for Property Tax Refund/Release.

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY THAT the recommended property tax refund(s) and release(s) are approved.

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

Ayes: Commissioners _____

_____

Noes: _____

I, Donna Baker, Clerk to the Board of Commissioners for the County of Orange, North Carolina, DO HEREBY CERTIFY that the foregoing has been carefully copied from the recorded minutes of the Board of Commissioners for said County at a regular meeting of said Board held on _____, said record having been made in the Minute Book of the minutes of said Board, and is a true copy of so much of said proceedings of said Board as relates in any way to the passage of the resolution described in said proceedings.

WITNESS my hand and the corporate seal of said County, this _____day of _____, 2012.

_____
Clerk to the Board of Commissioners

Releases/refund both clerical errors illegal tax - GS 105-381

BOCC REPORT- REAL/ PERSONAL
AUGUST 21, 2012

NAME	ABSTRACT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
Amareld, Robert W. Jr.	296619	2011	302,964	290,200	(196.62)	PTC appeal settled with taxpayer (Illegal tax)
Bane, Dorothy	988949	2011	14,280	0	(143.32)	Double billed (Illegal tax)
Best Buy Stores, L.P.	951485	2011	80,338	0	(1,423.55)	Double billed (Illegal tax)
Blostein, Estelle R.	311529	2011	207,089	0	(3,538.17)	Missed property transfer for 2010 (Illegal tax)
Browne, Katherine Andrews Revocable Trust	320894	2010	730,806	725,900	(75.58)	PTC appeal Final Decision (Illegal tax)
Browne, Katherine Andrews Revocable Trust	320894	2011	730,806	725,900	(75.58)	PTC appeal Final Decision (Illegal tax)
Chapel Hill Carrboro Tae Kwon Do Inc.	183984	2011	25,807	0	(457.28)	Double billed (Illegal tax)
Chapel Hill Sportswear	968636	2011	31,288	0	(577.90)	Double billed (illegal tax)
CIT Tech. Financing Servicing	983089	2011	25,220	25,118	(10.45)	Not located in Orange Co. Jan 1st (Illegal tax)
Community Prop of N.C. LLC.	308763	2011	12,966	0	(134.59)	Missed property transfer for 2010 (Illegal tax)
Community Prop of N.C. LLC.	308764	2011	20,685	0	(212.48)	Missed property transfer for 2010 (Illegal tax)
Delgado, Eduardo	961386	2011	10,000	0	(99.99)	Double billed (Illegal tax)
First Citzens Bank	980034	2011	40,786	0	(657.22)	Double billed (Illegal tax)
G.E. Capital Corp Property Tax Compliance	951369	2011	28,232	0	(281.77)	Listed in Error (Clerical error)
Gomez-Benitez, Maria Reina	946097	2010	9,960	0	(91.43)	Double billed (Illegal tax)
Gomez-Benitez, Maria Reina	946097	2011	9,462	0	(86.85)	Double billed (Illegal tax)
Hair Spraye of N.C.	305219	2011	48,253	0	(786.03)	Double billed (Illegal tax)
Hill, Danny A. Jr.	267865	2010	412,729	379,800	(303.47)	PTC appeal settled with taxpayer (Illegal tax)
Hill, Danny A. Jr.	267865	2011	412,729	379,800	(301.00)	PTC appeal settled with taxpayer (Illegal tax)
Hines, Bernita	266175	2006	48,041	0	(871.36)	Double billed (Illegal tax)
Hines, Bernita	266175	2007	48,041	0	(864.57)	Double billed (Illegal tax)
Hines, Bernita	266175	2008	48,041	0	(857.02)	Double billed (Illegal tax)
Hines, Bernita	266175	2009	36,894	0	(519.81)	Double billed (Illegal tax)
Hines, Bernita	266175	2010	36,894	0	(482.46)	Double billed (Illegal tax)
Hines, Bernita	266175	2011	36,894	0	(445.11)	Double billed (Illegal tax)
Honore, Gerard	97736	2011	81,240	0	(799.76)	Double billed (Illegal tax)
Honore, Gerard	97736	2011	500	0	(5.38)	Property sold 2010 (Illegal tax)
Morrison, Joseph	171764	2011	26,792	6,070	(54.91)	Incorrect owner (Illegal tax)
Navitas Research, L.L.C.	305263	2011	8,845	0	(144.07)	Listed in Error (Clerical error)
Nicolaysen, David Lind	294576	2009	839,693	742,150	(803.40)	PTC appeal settled with taxpayer (Illegal tax)
Nicolaysen, David Lind	294576	2010	839,693	742,150	(803.40)	PTC appeal settled with taxpayer (Illegal tax)
Nicolaysen, David Lind	294576	2011	839,693	742,150	(803.40)	PTC appeal settled with taxpayer (Illegal tax)
Nicolaysen, David Lind	294576	2009 Deferred	839,693	742,150	(102.03)	PTC appeal settled with taxpayer (Illegal tax)
Nicolaysen, David Lind	294576	2010 Deferred	839,693	742,150	(94.56)	PTC appeal settled with taxpayer (Illegal tax)
Nicolaysen, David Lind	294576	2011 Deferred	839,693	742,150	(87.29)	PTC appeal settled with taxpayer (Illegal tax)
PELCO Enterprises, L.L.C.	297174	2010	260,257	250,500	(89.19)	PTC appeal Final Decision (Illegal tax)

May 31, 2012 thru August 1, 2012

Releases/refund both clerical errors illegal tax - GS 105-381

BOCC REPORT- REAL/ PERSONAL
AUGUST 21, 2012

NAME	ABSTRACT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
PELCO Enterprises, L.L.C.	297174	2011	260,257	250,500	(89.19)	PTC appeal Final Decision (Illegal tax)
PELCO Enterprises, L.L.C.	297175	2010	258,058	247,500	(96.51)	PTC appeal Final Decision (Illegal tax)
PELCO Enterprises, L.L.C.	297175	2011	258,058	247,500	(96.51)	PTC appeal Final Decision (Illegal tax)
PELCO Enterprises, L.L.C.	297176	2010	258,058	247,500	(96.51)	PTC appeal Final Decision (Illegal tax)
PELCO Enterprises, L.L.C.	297176	2011	258,058	247,500	(96.51)	PTC appeal Final Decision (Illegal tax)
RAI Development Corporation	234706	2011	800	0	(14.68)	Property sold prior to Jan 1st (Illegal tax)
Robertson, Randy	303250	2008	2,240	0	(34.91)	Mobile home sold prior to Jan 1st (Illegal tax)
Robertson, Randy	303250	2009	2,090	0	(26.10)	Mobile home sold prior to Jan 1st (Illegal tax)
Robertson, Randy	303250	2011	1,862	0	(19.83)	Mobile home sold prior to Jan 1st (Illegal tax)
Sallie Holt Hrs.	306588	2011	67,900	58,900	(81.42)	PTC appeal settled with taxpayer (Illegal tax)
Santiago, Carmen	310217	2011	950	0	(10.05)	Double billed (Illegal tax)
Saucedo, Armado R.	299801	2010	2,470	0	(26.29)	Sold mobile home 2009 (Illegal tax)
Saucedo, Armado R.	299801	2011	2,347	0	(25.00)	Sold mobile home 2009 (Illegal tax)
Sentry Financial	968865	2011	1,298	290	(16.01)	Double billed (Illegal tax)
Simon Pure Development, L.L.C.	1002135	2011	7,857	0	(92.88)	Not located in Orange Co. Jan 1st (Illegal tax)
Trans America	286583	2011	6,639	0	(120.87)	Not located in Orange Co. Jan 1st (Illegal tax)
				Total	(18,224.27)	

May 31, 2012 thru August 1, 2012

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: August 21, 2012

Action Agenda Item No. 5-e

SUBJECT: Applications for Property Tax Exemption/Exclusion

DEPARTMENT: Tax Administration

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):
Exempt Status Resolution
Spreadsheet
Requests for Exemption/Exclusion

INFORMATION CONTACT:
Dwane Brinson, Tax Administrator,
(919) 245-2109

PURPOSE: To consider five (5) untimely applications for exemption/exclusion from ad valorem taxation for the 2012 tax year.

BACKGROUND: North Carolina General Statutes (NCGS) require applications for exemption to be filed during the normal listing period, which is during the month of January. Exclusion for Elderly/Disabled, Circuit Breaker and Disabled American Veterans should be filed by June 1st of the tax year being applied. NCGS 105-282.1(a) (5) does allow some discretion. Upon a showing of good cause by the applicant for failure to make a timely application, an application for exemption or exclusion filed after the close of the listing period may be approved by the Department of Revenue, the board of equalization and review, the board of county commissioners, or the governing body of a municipality, as appropriate. An untimely application for exemption or exclusion approved under this subdivision applies only to property taxes levied by the county or municipality in the calendar year in which the untimely application is filed.

The applicants are applying for homestead exclusion based on NCGS 105-277.1, which allows exclusion of the greater of twenty-five thousand dollars ($25,000) or fifty percent (50%) of the appraised value of the residence.

Based on the information supplied in the applications and the above referenced General Statutes, the applicants can be approved for 2012. The opinion of the Tax Administrator is the information provided to date satisfies the good cause requirement of NCGS 105-282.1(a)(5) and these properties should be approved for exclusion.

FINANCIAL IMPACT: The reduction in the County's tax base associated with approval of these exemption applications will result in a reduction of FY 2012/2013 taxes due to the County, municipalities, and special districts in the amount of $6,306.30.

RECOMMENDATIONS: The Manager recommends the Board approve the attached resolution for the above listed applications for FY 2012/2013 exemption.

NORTH CAROLINA **RES- 2012-068**

ORANGE COUNTY

EXEMPTION/EXCLUSION RESOLUTION

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

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

Whereas, the Tax Administrator has determined that the applicants could have been approved for 2012 had applications been timely.

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY THAT the properties applying for exemption for 2012 are so approved as exempt.

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

Ayes: Commissioners _____

_____

Noes: _____

I, Donna Baker, Clerk to the Board of Commissioners for the County of Orange, North Carolina, DO HEREBY CERTIFY that the foregoing has been carefully copied from the recorded minutes of the Board of Commissioners for said County at a regular meeting of said Board held on _____ said record having been made in the Minute Book of the minutes of said Board, and is a true copy of so much of said proceedings of said Board as relates in any way to the passage of the resolution described in said proceedings.

WITNESS my hand and the corporate seal of said County, this _____day of _____, 2012.

_____
Clerk to the Board of Commissioners

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

BOCC REPORT REAL/PERSONAL
AUGUST 21, 2012

NAME	ABSTRACT NUMBER	BILL YEAR	ORIGINAL VALUE	TAXABLE VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
Hill, Betty W.	251827	2012	267,484	172,233	(887.35)	Late HE application for 2012
Peoples, Deanna E.	162802	2012	147,900	73,950	(1,209.68)	Late HE application for 2012
Pixley, Mary Boland	262816	2012	138,075	95,922	(392.70)	Late HE application for 2012
Rego, Philip	260062	2012	274,772	137,386	(2,116.29)	Late HE application for 2012
Zachary, Iris T.	33805	2012	207,884	103,942	(1,700.28)	Late HE application for 2012
	,			Total	(6,306.30)	

Orange County 1752 North Carolina

Request for Tax Relief
Late Application Filing

Date: 7-13-12

To Whom It May Concern:

I Betty W. Hill, am applying for a late
(PRINT NAME)

Homestead Exemption for the year 2011 on parcel number

(PIN) # _____.

The reason for my late request is:

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

____ I just found out about the Property Tax Relief Program.

✓ Other

Thank you,

Betty W. Hill
(Signature)

How did you find out about this exemption?

I do not remember, memory overload!

Request for Tax Relief
Late Application Filing

Date: 7.6.12

To Whom It May Concern:

I Deanna Peoples **(PRINT NAME)**, **am applying for a late**

Homestead Exemption for the year 2012 **on parcel number**

(PIN) # 9778 56 5094.

The reason for my late request is:

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

____ **I just found out about the Property Tax Relief Program.**

____ **Other**

Thank you,

Deanna Peoples
(Signature)

How did you find out about this exemption?

_____

_____

FILED
JUL 13 2012
ORANGE COUNTY
TAX ADMINISTRATION

Request for Tax Relief
Late Application Filing

Date: July 12-2012

To Whom It May Concern:

I Mary Boland Pixley **(PRINT NAME)**, **am applying for a late**

Homestead Exemption for the year 2012 **on parcel number**

(PIN) # 9848733203.

The reason for my late request is:

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

____ **I just found out about the Property Tax Relief Program.**

✓ **Other**

Thank you,

Mary Boland Pixley
(Signature)

How did you find out about this exemption?

a friend

Orange County 1752 North Carolina

Request for Tax Relief
Late Application Filing

Date: 7-13-12

To Whom It May Concern:

I Philip Rego (PRINT NAME), am applying for a late Homestead Exemption for the year _____ on parcel number (PIN) # _____.

Don't know this

The reason for my late request is:

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

____ I just found out about the Property Tax Relief Program.

✓ Other Filed taxes late

Sorry to be late! Nancy said would be OK. PR

Thank you,

P M Rego
(Signature)

How did you find out about this exemption?

Don't remember
Had it for several years

Orange County 1752 North Carolina

FILED
JUL 16 2012
ORANGE COUNTY
TAX ADMINISTRATION

Request for Tax Relief
Late Application Filing

Date: 7/14/12

To Whom It May Concern:

I Iris Trotter Zachary, **am applying for a late**
(PRINT NAME)

Homestead Exemption for the year 2012 **on parcel number**

(PIN) # Do not know about Pin#. Track # 706208

The reason for my late request is:

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

____ **I just found out about the Property Tax Relief Program.**

✓ **Other**

Thank you,

Iris Trotter Zachary
(Signature)

How did you find out about this exemption?

I donot remember. I thought when I became 65 I would get the reduction. This didnt happen. Now I am 90 and I think I deserve it. I hope you do also.

Thank You; Iris T.

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: August 21, 2012

Action Agenda
Item No. 5-f

SUBJECT: Adjustment to Salary Range Maximums

DEPARTMENT: Human Resources **PUBLIC HEARING: (Y/N)** No

ATTACHMENT(S):

INFORMATION CONTACT:
Nicole Clark, Human Resources Director, (919) 245-2552

PURPOSE: To consider approving a two percent (2%) increase in all salary range maximums to correspond to the two percent (2%) Cost of Living Adjustment (COLA) increase authorized in the approved FY 2012-13 budget effective July 1, 2012.

BACKGROUND: The County maintains a Salary Schedule, defined as a schedule of salary ranges systematized into sequential rates including minimum and maximum salaries for each class assigned to any given salary range. Every County position has been studied at least once during the past three years, and the findings indicate that the County's salary ranges remain competitive with the labor market.

A major issue affecting employee morale and recruitment is compression. Employee salaries did not increase during FY 2009-10, FY 2010-11, and FY 2011-12. Departments have found it difficult to offer competitive salaries to new employees when current employee salaries are compressed in the lower half of the salary ranges. In response, the County Manager recommended and the Board approved a 2% Cost of Living Adjustment increase. To aid in addressing the compression issue, the Cost of Living Adjustment applied to Permanent employees' annual salaries and did not affect the salary ranges.

The majority of County employee salaries are at or below the midpoint for their respective salary range. When the recommended budget was developed, 86% of Permanent employees were at or below the midpoint for their respective salary range. Currently, 83% are at or below the midpoint, following the effective date of the Cost of Living Adjustment.

Prior to July 1, 2012, the annual salaries of seven Permanent employees were at or above the maximum salary for their respective salary ranges. Article V, Sec. 28-68 – "Salary increase maximum", of the Orange County Personnel Ordinance states:

> "When an employee attains the maximum rate of a salary range for present position, no further salary increases will be received unless (a) the position is reclassified; (b) the employee is promoted to another position with a higher salary range; or (c) the salary range for the present position is increased."

Due to this provision, the seven employees were considered ineligible to receive the 2% Cost of Living Adjustment. Increasing all salary range maximums by 2% will enable these seven employees to receive the salary increase provided to other Permanent employees for FY 2012-13.

FINANCIAL IMPACT: Funds have been budgeted in FY 2012-13 to provide a 2% Cost of Living Increase to all Permanent employees.

RECOMMENDATION(S): The Manager recommends that the Board increase the maximum of the salary ranges by two percent (2%).

#ORD-2012-029

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: August 21, 2012

Action Agenda Item No. 5-g

SUBJECT: Fiscal Year 2012-13 Budget Amendment # 1

DEPARTMENT: Finance and Administrative Services

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):

Attachment 1. Budget as Amended Spreadsheet

Attachment 2. Year-To-Date Budget Summary

Attachment 3. 7/16/12 Letter from NCDOT (Orange Grove Driveway Reimbursement)

Attachment 4. BOCC Resolution (Orange Grove Driveway Reimbursement)

INFORMATION CONTACT:
Clarence Grier, (919) 245-2453

PURPOSE: To approve budget, grant, and capital project ordinance amendments for fiscal year 2012-13.

BACKGROUND:

Department on Aging

1. The Department on Aging has received additional revenue for the following programs:

- **UNC – School of Social Work Donation** - The Department on Aging has received additional revenue in the amount of $4,250 from the University of North Carolina Chapel Hill - School of Social Work to support the work of a graduate student team. This team will assist with the implementation of the Master Aging Plan.
- **Senior Health Insurance Information Program (SHIIP)** - funds of $5,055 from the N. C. Department of Insurance to continue the Senior Health Insurance Information Program (SHIIP) and the Low income Subsidy outreach and enrollment project in Orange County.

- **National Family Caregiver Support Program** - funds totaling $25,672 to provide support to individuals who are the primary caregivers of frail older adults through the Caregiver Day Out program, in-home respite, and support group staff for counseling support groups.
- **Donations** – receipt of funds totaling $15,000 for FY 2012-13 from the Friends of the Seymour Center, the Friends of Central Orange Senior Center and the Triangle Sportsplex to continue after hours service two evenings (5-9 p.m.) per week at Central Orange and two evenings (5-9 p.m.) and some Saturday hours (9 a.m.-1 p.m.) at the Seymour Center through the use of non-permanent personnel.

This budget amendment provides for the receipt of the above mentioned funds. *(See Attachment 1, column 1)*

Department of Social Services

2. This year the Department of Social Services will assume responsibility for guardianships. In the past this service was provided through Orange-Person-Chatham (OPC) Area Program. OPC has decided to no longer provide this service given the merger with Piedmont Behavioral Health. The cost of the guardianship support is $15,000 for approximately seven cases and will be transferred from the OPC budget to the Social Services budget. This budget amendment provides for the transfer of $15,000 from the OPC Area Program budget to the Department of Social Services for FY 2012-13. *(See Attachment 1, column 2)*

Miscellaneous

3. In May 2009, the Board of County Commissioners approved the Human Resources Department to annually review one third of the County's position classifications to ensure classifications accurately reflect the work being performed by County employees, as well as provide a more manageable fiscal implementation for classification changes. The County's final review occurred in FY 2011-12 and the cost for covering the adjustments (up to $60,000) was included in the Approved FY 2012-13 Budget within the Governing and Management Non-Departmental section. Most of the positions in the third review were determined to be appropriately classified, but a total of 26 positions were reclassified at a total General Fund cost of $84,597, which reflects both the salary and benefits impact. This budget amendment provides for the allocation of $60,000 from the Pay and Classification Study Non-Departmental account, and appropriates fund balance of $24,597 from the General Fund to the affected employees' departments to cover the total costs. *(See Attachment 1, column 3)*

Orange Grove Fire Department

4. The Orange Grove Fire Department has recently completed driveway construction at Station #2 located on SR 1113 (Rocky Ridge Road). The department spent a total of $27,012 for the project. North Carolina Department of Transportation (NCDOT) received a request form the Orange Grove Fire Department for reimbursement cost for the driveway construction at Station #2. Under NCDOT policies, the County is responsible for invoicing NCDOT for reimbursement of eligible construction costs not to

exceed $25,000 (see Attachment 3). NCDOT will remit payment to the County and the County will in turn disperse the funds to Orange Grove Fire Department. This budget amendment provides for the receipt of these reimbursement funds for remittance to the Orange Grove Fire Department, and provides for the Board of County Commissioners to adopt the attached Resolution (see Attachment 4) for reimbursement authorizing the Finance and Administrative Services Director to act as the County's agent and submit an invoice to NCDOT in the amount of $25,000 on behalf of Orange Grove Fire Department *(See Attachment 1, column 4)*

Solid Waste Enterprise Fund

5. The Board of Commissioners adopted a bond resolution authorizing the issuance of Limited Obligation Bonds at their February 21, 2012 meeting. A portion of that issuance was for the financing of $3,000,000 for improvements to solid waste convenience centers. The loan proceeds in the amount of $3,000,000 were received in April 2012, but bids were not awarded and work was not performed as of June 30, 2012, so these proceeds rolled into fund balance within the Solid Waste Enterprise Fund. This budget amendment provides for the appropriation of fund balance of $3,000,000 from the Fund in order to budget for the necessary expenditures needed during FY 2012-13, such as the Walnut Grove Church Road Convenience Center costs, which is estimated at approximately $1,250,000. *(See Attachment 1, column 5)* The remaining $1,750,000 of proceeds from the financing will be used to complete improvements to other Solid Waste Convenience Centers as scheduled in the FY 2012-2017 Capital Investment Plan.

Board of Elections

6. Orange County held a 2nd Primary election on July 17, 2012, which was originally anticipated and budgeted within FY 2011-12. In order to use the funds that were budgeted in FY 2011-12 for this Primary, an appropriation of fund balance from the General Fund of $49,327 is necessary to cover the expenditures incurred for this election during FY 2012-13. This budget amendment provides for a fund balance appropriation of $49,327 from the General Fund to cover these expenditures. *(See Attachment 1, column 6)*

Sheriff Department

7. The Sheriff Department has requested to purchase a vehicle totaling $25,500 out of received drug funds, which currently resides in a balance sheet account within the general ledger system. This budget amendment provides for a fund balance appropriation of $25,500 from the General Fund for the transfer of these funds from the drug fund account to the Sheriff's departmental recurring capital account for the purchase of this vehicle. *(See Attachment 1, column 7)*

Animal Services

8. The Orange County Animal Services Department has received the following additional revenues for use in FY 2012-13:

   - **Sale of Donated Vehicle** – proceeds of $4,412 from the sale of a donated vehicle on GovDeals; these funds will be used towards the purchase of an x-ray machine or other medical equipment at the shelter.
   - **PHE, Inc**. **Donation –** donated funds of $1,780 will be used towards animal services' advertising costs.
   - **Miscellaneous Donations** – donated funds totaling $4,750 from several residents will be used to cover the cat sheltering/condo-conversion construction and furnishing project.

   This budget amendment provides for the receipt of these additional funds. *(See Attachment 1, column 8)*

Health Department

9. The Health Department has received the following additional revenues for the following programs:

   - **Eat Smart, Move More Community Grant** – receipt of a grant award of $42,000 for FY 2012-13 to fund local healthy eating and physical activity projects, such as partnering with Orange County Cooperative Extension, a neighborhood community watch group, a local church, and Orange County Habitat for Humanity to revitalize a community garden in a low-resource community in Hillsborough; as well as implement strategies to prevent overweight and obesity and promote activity and healthful eating.
   - **Donation** - receipt of $2,330 from Kidcycle, LLC, to help supplement the cost of care management and program supplies/materials for the department's Care Coordination for Children program.
   - **Tobacco Prevention Program** – receipt of $4,896 from the National Association of City and County Health Officials (NACCHO) for training and support with a resulting action plan for sustaining local tobacco control efforts.
   - **Medical Reserve Corps Program** – receipt of $4,792 from the National Association of City and County Health Officials (NACCHO) for training and support costs in support of the department's Medical Reserve Corps Program.

   This budget amendment provides for the receipt of these additional funds*. (Attachment 1, column 9)*

10. The Health Department has received notification from the State of increased funding of $1,408 for FY 2012-13 related to the Child Care Health Consultant Grant. Specific activities and services provided by this grant include: health, safety and nutrition consultation to parents and caregivers, training in review of children's health and immunization records to ensure compliance with State monitoring and reporting

requirements, assisting parents and staff in accessing health care services and health related information, assistance in health and safety policy development, assisting with the development and implementation of improvement plans related to the areas of need identified by the Child Care Health Consultant. This budget amendment provides for the receipt of these additional Smart Start funds of $1,408, and amends the following Grant Project Ordinance: *(See Attachment 1, column 10)*

Child Care Health Consultant Grant ($1,408) – Project # 294152

Revenues for this project:

	Approved FY 2012-13	FY 2012-13 Amendment	FY 2012-13 Revised
Smart Start Funds	$63,588	$1,408	$64.996
Total Project Funding	**$63,588**	**$1,408**	**$64,996**

Appropriated for this project:

	Approved FY 2012-13	FY 2012-13 Amendment	FY 2012-13 Revised
Child Care Health Consultant	$63,588	$1,408	$64,996
Total Project Costs	**$63,588**	**$1,408**	**$64,996**

School Capital Projects

11. The FY 2012-13 Approved Budget included a total amount of pay-as-you-go (PAYG) funding of $3,724,849 to the School systems, but did not reflect the allocation to each of their prioritized projects. This budget amendment provides for the FY 2012-13 PAYG funding allocation of $2,290,782 to the Chapel Hill-Carrboro City Schools and amends the capital project ordinances as follows: (Note: Once Orange County Schools Board of Education approves its project allocations of $1,434,067, staff will provide those project ordinances at an upcoming Board of Commissioners' meeting.)

Chapel Hill-Carrboro City Schools ($2,290,782):

Information Technology ($1,609,430)

Revenues for this project:

	Through FY 2011-12	FY 2012-13 Amendment	FY 2012-13 Revised
Sales Tax	$3,997,003	$1,609,430	$5,606,433
Total Project Funding	**$3,997,003**	**$1,609,430**	**$5,606,433**

Appropriated for this project:

	Through FY 2011-12	FY 2012-13 Amendment	FY 2012-13 Revised
Technology	$3,997,003	$1,609,430	$5,606,433
Total Costs	**$3,997,003**	**$1,609,430**	**$5,606,433**

ADA Requirements ($35,000)

Revenues for this project:

	Through FY 2011-12	FY 2012-13 Amendment	FY 2012-13 Revised
Sales Tax	$140,505	$35,000	$175,505
Total Project Funding	**$140,505**	**$35,000**	**$175,505**

Appropriated for this project:

	Through FY 2011-12	FY 2012-13 Amendment	FY 2012-13 Revised
General Renovations	$140,505	$35,000	$175,505
Total Costs	**$140,505**	**$35,000**	**$175,505**

Abatement Projects ($35,000)

Revenues for this project:

	Through FY 2011-12	FY 2012-13 Amendment	FY 2012-13 Revised
Sales Tax	$343,000	$35,000	$378,000
Total Project Funding	**$343,000**	**$35,000**	**$378,000**

Appropriated for this project:

	Through FY 2011-12	FY 2012-13 Amendment	FY 2012-13 Revised
Abatement	$343,000	$35,000	$378,000
Total Costs	**$343,000**	**$35,000**	**$378,000**

Indoor Air Quality ($25,000)

Revenues for this project:

	Through FY 2011-12	FY 2012-13 Amendment	FY 2012-13 Revised
Sales Tax	$451,340	$25,000	$476,340
Total Project Funding	**$451,340**	**$25,000**	**$476,340**

Appropriated for this project:

	Through FY 2011-12	FY 2012-13 Amendment	FY 2012-13 Revised
Construction	$451,340	$25,000	$476,340
Total Costs	**$451,340**	**$25,000**	**$476,340**

Planning for Future Projects ($200,000)

Revenues for this project:

	Through FY 2011-12	FY 2012-13 Amendment	FY 2012-13 Revised
Sales Tax	$150,000	$200,000	$350,000
Total Project Funding	**$150,000**	**$200,000**	**$350,000**

Appropriated for this project:

	Through FY 2011-12	FY 2012-13 Amendment	FY 2012-13 Revised
Planning for Future Projects	$150,000	$200,000	$350,000
Total Costs	**$150,000**	**$200,000**	**$350,000**

Mobile Classrooms ($145,000)

Revenues for this project:

	Through FY 2011-12	FY 2012-13 Amendment	FY 2012-13 Revised
Sales Tax	$352,696	$145,000	$497,696
Total Project Funding	**$352,696**	**$145,000**	**$497,696**

Appropriated for this project:

	Through FY 2011-12	FY 2012-13 Amendment	FY 2012-13 Revised
Mobile Classrooms	$352,696	$145,000	$497,696
Total Costs	**$352,696**	**$145,000**	**$497,696**

Electrical Systems ($150,000)

Revenues for this project:

	Through FY 2011-12	FY 2012-13 Amendment	FY 2012-13 Revised
Sales Tax	$339,740	$150,000	$489,740
Total Project Funding	**$339,740**	**$150,000**	**$489,740**

Appropriated for this project:

	Through FY 2011-12	FY 2012-13 Amendment	FY 2012-13 Revised
Construction	$339,740	$150,000	$489,740
Total Costs	**$339,740**	**$150,000**	**$489,740**

Classroom Improvements ($91,352)

Revenues for this project:

	Through FY 2011-12	FY 2012-13 Amendment	FY 2012-13 Revised
Sales Tax	$595,000	$91,352	$686,352
Total Project Funding	**$595,000**	**$91,352**	**$686,352**

Appropriated for this project:

	Through FY 2011-12	FY 2012-13 Amendment	FY 2012-13 Revised
Construction	$595,000	$91,352	$686,352
Total Costs	**$595,000**	**$91,352**	**$686,352**

Chapel Hill-Carrboro City Schools Capital Projects

12. The Chapel Hill-Carrboro City Schools (CHCCS) has received approval from the North Carolina Department of Public Instruction for the use of remaining Qualified School Construction Bond (QSCB) funds ($18,406) from the completed Carrboro High School Arts Wing project for bathroom renovations at various schools throughout the CHCCS system. This budget amendment provides for the transfer of the QSCB funds, and amends the capital projects as follows:

Carrboro High School Arts Wing Project (Project #53052)

Revenues for this project:

	Through FY 2011-12	FY 2012-13 Amendment	FY 2012-13 Revised
QSCB Funds	$4,066,434	($18,406)	$4,048,028
Total Project Funding	**$4,066,434**	**($18,406)**	**$4,048,028**

Appropriated for this project:

	Through FY 2011-12	FY 2012-13 Amendment	FY 2012-13 Revised
Construction	$4,066,434	($18,406)	$4,048,028
Total Costs	**$4,066,434**	**($18,406)**	**$4,048,028**

Bathroom Renovations Project (Project #54017)

Revenues for this project:

	Through FY 2011-12	FY 2012-13 Amendment	FY 2012-13 Revised
Sales Tax Reimbursement	$105,000	$0	$105,000
QSCB Funds	$70,000	$18,406	$88,406
Total Project Funding	**$175,000**	**$18,406**	**$193,406**

Appropriated for this project:

	Through FY 2011-12	FY 2012-13 Amendment	FY 2012-13 Revised
Construction	$175,000	$18,406	$193,406
Total Costs	**$175,000**	**$18,406**	**$193,406**

FINANCIAL IMPACT: Financial impacts are included in the background information above.

RECOMMENDATION(S): The Manager recommends the Board approve the budget, grant, and capital project ordinance amendments for fiscal year 2012-13 and approve the resolution provided at Attachment 4.

Attachment 1. Orange County Proposed 2012-13 Budget Amendment

The 2012-13 Orange County Budget Ordinance is amended as follows:

	Original Budget	Encumbrance Carry Forwards	Budget as Amended	#1 - Reciept of additional funding: UNC School of Social Work ($4,250), NC Dept of Insurace - SHIIP ($5,055). National Family Caregiver ($25,672), and Donations ($15,000)	#2 - OPC Area Program will transfer $15,000 to the Social Services budget to assume guardianship cases	#3 - The allocation of $60,000 from the Pay and Classification Study Non-Departmental account and a $24,597 fund balance appropriation from the General Fund to the affected employees' departments for a total amount of $84,597	#4 - Reimbursement funds of $25,000 from NCDOT for Orange Grove Fire Department's driveway construction at Station #2	#5 - Appropriation of fund balance of $3,000,000 from the Solid Waste Enterprise Fund for receipt of loan proceeds received in FY 2011-12	#6 - Appropriation of fund balance of $49,327 from the General Fund to the Board of Elections Office to cover the costs of the 2nd Primary election held on July 17, 2012	#7 - Appropriation of fund balance of $25,500 from the General Fund to the Sheriff's Office for the purchase of a vehicle	#8 - Receipt of donations by Animal Services from the Sale of a donated vehicle ($4,412); PHE, Inc. donation ($1,780); and Miscellaneous Donations from residents ($4,750)	#9 - Receipt of additional Health Department revenue: Eat Smart, Move More Grant ($42,000); Kidcycle, LLC donation ($2,330); Tobacco Prevention funds ($4,896); and Medical Reserve Corps funds ($4,792)	#10 - Receipt of additional Smart Start funds of $1,408 related to the Health Department's Child Care Health Consultant Grant	Budget as Amended Through BOA #1
General Fund															
Revenue															
Property Taxes	$ 136,928,193	$ -	$ 136,928,193	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 136,928,193
Sales Taxes	$ 15,742,304	$ -	$ 15,742,304	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 15,742,304
License and Permits	$ 313,000	$ -	$ 313,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 313,000
Intergovernmental	$ 13,595,810	$ -	$ 13,595,810	$ 34,977	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 51,688	$ -	$ 13,682,475
Charges for Service	$ 9,292,257	$ -	$ 9,292,257	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 9,292,257
Investment Earnings	$ 105,000		$ 105,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 105,000
Miscellaneous	$ 798,340		$ 798,340	$ 15,000								$ 10,942	$ 2,330		$ 826,612
Transfers from Other Funds	$ 1,040,000		$ 1,040,000												$ 1,040,000
Fund Balance	$ 2,187,872		$ 2,187,872			$ 24,597			$ 49,327	$ 25,500					$ 2,287,296
Total General Fund Revenues	$ 180,002,776	$ -	$ 180,002,776	$ 49,977	$ -	$ 24,597	$ -	$ -	$ 49,327	$ 25,500	$ 10,942	$ 54,018	$ -		$ 180,217,137
Expenditures															
Governing & Management	$ 15,339,623	$ -	$ 15,339,623	$ -	$ -	$ (34,191)	$ -	$ -	$ -	$ -	$ 10,942	$ -	$ -		$ 15,316,374
General Services	$ 17,910,408	$ -	$ 17,910,408	$ -	$ -	$ -	$ -	$ -	$ 49,327	$ -	$ -	$ -	$ -		$ 17,959,735
Community & Environment	$ 5,851,987	$ -	$ 5,851,987	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -		$ 5,851,987
Human Services	$ 30,711,556	$ -	$ 30,711,556	$ 49,977	$ -	$ 58,788	$ -	$ -	$ -	$ -	$ -	$ 54,018	$ -		$ 30,874,339
Public Safety	$ 20,121,532	$ -	$ 20,121,532	$ -	$ -	$ -	$ -	$ -	$ -	$ 25,500	$ -	$ -	$ -		$ 20,147,032
Culture & Recreation	$ 2,332,405	$ -	$ 2,332,405	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -		$ 2,332,405
Education	$ 82,300,134		$ 82,300,134	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -		$ 82,300,134
Transfers Out	$ 5,435,131		$ 5,435,131	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -		$ 5,435,131
Total General Fund Appropriation	$ 180,002,776	$ -	$ 180,002,776	$ 49,977	$ -	$ 24,597	$ -	$ -	$ 49,327	$ 25,500	$ 10,942	$ 54,018	$ -		$ 180,217,137
	$ -	$ -	$ -	$ -	$ -	$ -	$ -								$ -
Solid Waste Fund															
Revenues															
Sales & Fees	$ 8,368,480		$ 8,368,480												$ 8,368,480
Intergovernmental	$ 483,622		$ 483,622												$ 483,622
Miscellaneous	$ 123,605		$ 123,605												$ 123,605
Licenses & Permits	$ 67,520		$ 67,520												$ 67,520
Interest on Investments	$ 7,500		$ 7,500												$ 7,500
From General Fund (Sanitation Opers)	$ 1,594,226		$ 1,594,226												$ 1,594,226
Appropriated Fund Balance	$ 4,284,065		$ 4,284,065					$ 3,000,000							$ 7,284,065
Total Revenues	$ 14,929,018	$ -	$ 14,929,018	$ -	$ -	$ -	$ -	$ 3,000,000	$ -	$ -	$ -				$ 17,929,018
Expenditures															
General Services	$ 14,929,018		$ 14,929,018					$ 3,000,000							$ 17,929,018
Fire District Funds															
Revenues															
Property Tax	$ 3,608,643		$ 3,608,643												$ 3,608,643
Intergovernmental	$ -		$ -				$ 25,000								$ 25,000
Investment Earnings	$ -		$ -												$ -
Appropriated Fund Balance	$ 10,911		$ 10,911												$ 10,911
Total Fire Districts Fund Revenue	$ 3,619,554	$ -	$ 3,619,554	$ -	$ -	$ -	$ 25,000								$ 3,644,554
Expenditures															
Remittance to Fire Districts	$ 3,619,554		$ 3,619,554				$ 25,000								$ 3,644,554

Attachment 1. Orange County Proposed 2012-13 Budget Amendment
The 2012-13 Orange County Budget Ordinance is amended as follows:

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Grant Project Fund														
Revenues														
Intergovernmental	**$ 96,588**		**$ 96,588**										**$ 1,408**	**$ 97,996**
Charges for Services	**$ 24,000**		**$ 24,000**											**$ 24,000**
Transfer from General Fund	**$ 71,214**		**$ 71,214**											**$ 71,214**
Miscellaneous	**$ -**		**$ -**											**$ -**
Transfer from Other Funds	**$ -**		**$ -**											**$ -**
Appropriated Fund Balance	**$ -**		**$ -**											**$ -**
Total Revenues	**$ 191,802**	**$ -**	**$ 191,802**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 1,408**	**$ 193,210**
Expenditures														
NCACC Employee Wellness Grant	**$ -**		**$ -**											**$ -**
Governing and Management	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**							**$ -**
NPDES Grant	**$ -**	**$ -**	**$ -**											$ -
NC Tomorrow CDBG (Multi-year)	**$ -**	**$ -**	**$ -**											$ -
Growing New Farmers Grant	**$ -**		**$ -**											$ -
Community and Environment	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**							**$ -**
Child Care Health - Smart Start	$ 63,588		$ 63,588										$ 1,408	$ 64,996
Scattered Site Housing Grant														$ -
Carrboro Growing Healthy Kids Grant														$ -
Healthy Carolinians														$ -
Health & Wellness Trust Grant														$ -
Senior Citizen Health Promotion(Wellness)	$ 98,604		$ 98,604											$ 98,604
Dental Health - Smart Start			$ -											$ -
Intensive Home Visiting														$ -
Human Rights & Relations HUD Grant														$ -
Senior Citizen Health Promotion (Multi-Yr)														$ -
SeniorNet Program (Multi-Year)														$ -
Enhanced Child Services Coord -SS														$ -
Diabetes Education Program (Multi-Year)														$ -
Specialty Crops Grant														$ -
Local Food Initiatives Grant														$ -
Reducing Health Disparities Grant (Multi-Yr)														$ -
FY 2009 Recovery Act HPRP														$ -
Human Services	**$ 162,192**	**$ -**	**$ 162,192**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 1,408**	**$ 163,600**
Criminal Justice Partnership Program	$ 29,610		$ 29,610											$ 29,610
Hazard Mitigation Generator Project														$ -
Buffer Zone Protection Program														$ -
800 MHz Communications Transition														$ -
Secure Our Schools - OCS Grant														$ -
Citizen Corps Council Grant														$ -
COPS 2008 Technology Program														$ -
COPS 2009 Technology Program														$ -
EM Performance Grant														$ -
2010 Homeland Security Grant - ES														$ -
2011 Homeland Security Grant - ES														$ -
Justice Assitance Act (JAG) Program														$ -
Public Safety	**$ 29,610**	**$ -**	**$ 29,610**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 29,610**
Total Expenditures	**$ 191,802**	**$ -**	**$ 191,802**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 1,408**	**$ 193,210**

Attachment 2

Year-To-Date Budget Summary

Fiscal Year 2012-13

General Fund Budget Summary

Original General Fund Budget	$180,002,776
Additional Revenue Received Through Budget Amendment #1 (August 21, 2012)	
Grant Funds	$42,000
Non Grant Funds	$72,937
General Fund - Fund Balance for Anticipated Appropriations (i.e. Encumbrances)	
General Fund - Fund Balance Appropriated to Cover Unanticipated Expenditures	$99,424
Total Amended General Fund Budget	**$180,217,137**
Dollar Change in 2012-13 Approved General Fund Budget	
% Change in 2012-13 Approved General Fund Budget	0.00%

Paul Laughton:
$24,597 to cover remaining costs of Pay and Class Study allocation; $49,327 to cover 2nd Primary Election costs (BOA #1); $25,500 to cover Sheriff Office vehicle purchase (BOA #1)

Authorized Full Time Equivalent Positions

Original Approved General Fund Full Time Equivalent Positions	801.425
Original Approved Other Funds Full Time Equivalent Positions	86.750
Position Reductions during Mid-Year	
Additional Positions Approved Mid-Year	
Total Approved Full-Time-Equivalent Positions for Fiscal Year 2012-13	**888.175**

Attachment 3

STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, Jr.
SECRETARY

July 16, 2012

ORANGE COUNTY

Tommy Holmes
Chief- Orange Grove Fire Department
6800 Orange Grove Road
Hillsborough, NC 27278

Subject: Orange Grove Fire Station No. 2 Located on SR 1113 Rocky Ridge Road
Verification of Minimum Construction Standards and Reimbursement for Driveway Construction

Dear Mr. Holmes,

District staff has performed a final inspection of the driveway construction at the above location. The installation was found to be in reasonable conformance with the approved plans and NCDOT standards. Orange Grove Fire Department is eligible for reimbursement for verifiable construction costs for the portion of the driveway serving the apparatus bays up to $25,000.00. In order to receive reimbursement it will be necessary for you to submit the following items:

1. Copies of itemized invoices from your contractor for the subject work.
2. Copies of cancelled checks and/or receipts indicating proof of payment.
3. Invoice from Orange County on County letterhead in the exact amount of verifiable and eligible construction costs not to exceed $25,000.

Upon receipt and verification of these documents, NCDOT will make payment to Orange County with the expectation that funds will be appropriately credited to Orange Rural Fire Department.

Feel free to contact me if you have any questions.

Sincerely,

C. N. Edwards Jr., PE
District Engineer

Cc: J. M. Mills, PE, Division Engineer
J. B. Hunsinger, Division Project Manager
Frank Clifton, Orange County Manager

P.O. Box 766 Graham, N.C. 27253 Telephone (336)-570-6833

RES-2012-069 Attachment 4

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

A RESOLUTION REQUESTING TRANSPORTATION FUNDS TO REIMBURSE THE ORANGE GROVE FIRE DEPARTMENT FOR DRIVEWAY COSTS

WHEREAS, the Orange Grove Fire Department Station #2 is within Orange County located on SR 1113 (Rocky Ridge Road); and

WHEREAS, the Orange Grove Fire Department has recently constructed a driveway access from Station #2 to SR 1113 (Rocky Ridge Road); and

WHEREAS, the Orange County Board of County Commissioners and Orange Grove Fire Department respectfully ask the North Carolina Department of Transportation for the reimbursement of expenditures noted in the attached letter as is customary; and

WHEREAS, the Orange County Board of County Commissioners will pass through this money to the Orange Grove Fire Department;

NOW, THEREFORE, BE IT RESOLVED that the Orange County Board of County Commissioners requests reimbursement in the amount of $25,000 and authorizes the Chair to forward the request to the North Carolina Department of Transportation.

Upon motion of Commissioner _____, seconded by Commissioner _____, the foregoing resolution was adopted this the ___ day of _____, 2012.

I, Donna Baker, Clerk to the Board of County Commissioners for the County of Orange, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on _____, 2012, as relates in any way to the adoption of the foregoing and that said proceedings are recorded in the minutes of said Board.

WITNESS my hand and seal of said County, this ___ day of _____, 2012.

_____
Clerk to the Board of Commissioners

(SEAL)

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: August 21, 2012

Action Agenda
Item No. 5-h

SUBJECT: Bid Award: Track Loader for Landfill

DEPARTMENT: Financial Services & Solid Waste Management

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):

INFORMATION CONTACT:
Gayle Wilson, 968-2885
Clarence Grier, 245-2453

PURPOSE: To consider awarding a bid for the purchase of a Track Loader for the Landfill from Gregory Poole of Mebane, North Carolina and to declare the current loader that is being replaced as surplus.

BACKGROUND: A Track Loader was Included in the 2012-2013 Solid Waste Management budget to replace an existing unit. This equipment has a bucket on the front and is used in multiple applications around the Landfill that will continue following the closure of the Municipal Solid Waste Landfill scheduled for June 30, 2013. Among these applications are:

- Loading mulch into public/contractor's trucks
- Loading and unloading large bulky items
- Loading gravel and other materials on County trucks during the normal operation of the Landfill
- Pushing yard waste when unloaded
- Pushing clean wood into piles when unloaded and loading clean wood chips into trailers for hauling to market
- Pushing vegetative waste to and away from the grinder during grinding operations

North Carolina General Statute 143-129 allows local governments to use the "piggy-back" acquisition method to obtain items without a separate bid procedure. If a vendor is willing to extend the same or more favorable price and other terms to the local government, the law allows that the acquisition may be made from a contractor that has, within the past 12 months, contracted to furnish the item to: (1) the federal government or any federal agency; (2) the State of North Carolina or any agency or political subdivision of the state; or (3) any other state or agency or political subdivision of that state. The acquisition contemplated would be "piggy-backed" on a cooperative bid awarded by the United States Defense Supply Center (DSCP) of Philadelphia, Pennsylvania (contract number SPM500-01-D-0059 expiring on July 1, 2015) to Caterpillar, Inc. for a Caterpillar 963D Track Loader. The terms of the contract call for the items to be sold and serviced through the local Caterpillar dealer. Gregory Poole of Mebane, North

Carolina is the local dealer. A five (5) year/7500 hour power train warranty is included in the submitted price.

The statute that authorizes “piggy-back” bids requires that the entity advertise its intentions ten (10) days prior to a meeting in which the matter is to be considered. Orange County has fulfilled that advertising requirement.

The unit that is being replaced is a 2002 Caterpillar Model 963 C Track Loader and, once declared as surplus, would be sold via GovDeals after the new unit has arrived and has been placed into service.

FINANCIAL IMPACT: The purchase price of the track loader is $310,492. Sufficient funds were allocated in the adopted FY 2012-2013 Solid Waste Management budget to purchase the equipment.

RECOMMENDATION(S): The Manager recommends that the Board

- award the piggyback bid to Gregory Poole of Mebane, North Carolina at a cost of $310,492;
- authorize the Finance Director to execute the necessary paperwork;
- declare the 2002 Caterpillar Model 963 C Track Loader as surplus; and
- authorize the Financial Services Director to effect the sale of the surplus loader through GovDeals.

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: August 21, 2012

Action Agenda
Item No. 5-i

SUBJECT: Acceptance of Grant Funds for the Orange County Community Response Program and Extend Time-Limited Position

DEPARTMENT: Social Services

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):

INFORMATION CONTACT:
Nancy Coston, (919) 245-2802
Denise Shaffer, (919) 245-2246

PURPOSE: To accept grant funds through the Orange County Partnership for Young Children to implement the Orange County Community Response Program, and to extend a time-limited position until June 30, 2015.

BACKGROUND: The Orange County Community Response Program is a collaborative effort of the Orange County Partnership for Young Children and Orange County Department of Social Services. At the end of last fiscal year, the Orange County Partnership for Young Children received this grant and began discussions concerning how to implement the program. Initially both agencies believed a contractor could provide this service. After further discussions regarding referrals, child protective services confidentiality, liability, and integration of services, it appeared more appropriate to utilize a social services staff member in this role. Although available grant funds are not sufficient to pay all the annual salary and benefits of a staff position, the Department of Social Services believes this will be a valuable resource for the child welfare program.

This project seeks to address a gap in the continuum of child maltreatment services by reaching out to families with children birth to five years who have been reported to and investigated or received a family assessment by Orange County Child Protective Services, but whose cases have been closed with findings of 1) no services needed, 2) services recommended, or 3) unsubstantiated.

The ultimate goal of the Community Response Program is to actively engage the families in increasing protective factors, leading to enhanced family functioning and better developmental outcome for the children. Services will be family-centered, with active implementation of the Principles of Family Support. Assessment of child and family needs will be informed by the five factors in the Protective Factor Framework. Through referrals and shared planning, the Orange County Partnership for Young Children and the Department of Social Services will actively

collaborate with a range of local community services that encompass all five protective factors. The Program will provide services to 60 children (and 40 caregivers) in the first year.

The Orange County Department of Social Services currently has an unfunded, time-limited position that can be extended through June 30, 2015 and reclassified to serve as the Community Response Worker in this capacity.

FINANCIAL IMPACT: The Orange County Partnership for Young Children will reimburse the County for the salary costs of the position, up to $45,000 annually. The annual cost for this position with benefits will be approximately $60,000. Since this Program will only operate for ten months this year, sufficient funds are available without additional County appropriation. The Orange County Partnership for Young Children and the Department of Social Services will develop a plan to address the additional costs for the position prior to next year's budget. Should the grant funds cease to be available, the Program would be discontinued.

RECOMMENDATION(S): The Manager recommends that the Board accept the funds from the Orange County Partnership for Young Children to implement the Orange County Community Response Program and extend the time-limited position until June 30, 2015.

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: August 21, 2012

Action Agenda Item No. 5-j

SUBJECT: Amendment to the Orange County Board of Commissioners' Advisory Board Policy

DEPARTMENT: County Attorney

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):
Ethics Excerpt from Policy with Proposed Amendment Highlighted

INFORMATION CONTACT:
John Roberts, 245-2318

PURPOSE: To amend the ethics provisions of the Orange County Board of Commissioners' Advisory Board Policy.

BACKGROUND: In February 2012 the Board of Commissioners adopted a general policy document to establish controls and procedures for numerous Orange County advisory boards and commissions. The document is extensive and imposes numerous requirements on members of and applicants to advisory boards. Among the requirements are ethics provisions for all advisory board members and additional requirements for members of specified advisory boards. Since the adoption of the policy in February, staff members have become aware of certain actions by advisory board members that raise concerns that the ethics provisions may be inadequate. For that reason the County Attorney recommends the Board of Commissioners amend the policy to include a requirement that advisory board members be specifically prohibited from utilizing a position on an advisory board for personal gain or profit.

FINANCIAL IMPACT: There is no financial impact associated with adoption of the recommended amendment.

RECOMMENDATION(S): The Manager recommends the Board approve the amendment to the Orange County Board of Commissioners' Advisory Board Policy.

SECTION IX. ETHICS

A. Conflict of Interest
   1. During advisory board meetings, a member shall immediately disclose any potential conflict of interest and request to be excused from voting when he or she has a conflict of interest.
   1. During appeal proceedings, the applicant has the right to question the interest of any voting member. The advisory board chair should consult with the County Attorney or staff attorney on any potential conflict of interest in appeal matters.
   2. In determining from existing facts and circumstances whether a conflict of interest exists the determining party shall consider the facts and circumstances as would an ordinary and reasonable person exercising prudence, discretion, intelligence, and due care.

B. Gifts
   1. An advisory board member shall not directly or indirectly ask, accept, demand, exact, solicit, seek, assign, receive, or agree to receive any gift or honorarium for the advisory board member, or for another person, in return for being influenced in the discharge of the advisory board member's official responsibilities.
   2. This section shall not apply to gifts or awards authorized by Orange County Policies, Resolutions, or Ordinances.

C. Code of Ethics
   1. Advisory board members should act with integrity and with independence from improper influence as they exercise the functions of their offices. Characteristics and behaviors that are consistent with this standard are:
      a. Adhering firmly to a code of sound values.
      b. Behaving consistently and with respect towards everyone with whom they interact.
      c. Exhibiting trustworthiness.
      d. Living as if they are on duty as appointed officials regardless of where they are or what they are doing.
      e. Using their best independent judgment to pursue the common good as they see it, presenting their opinions to all in a reasonable, forthright, consistent manner.
      f. Remaining incorruptible, self-governing, and not subject to improper influence, while at the same time being able to consider the opinions and ideas of others.
      g. Disclosing contacts and information about issues that they receive outside of public meetings, and refraining from seeking or receiving information about quasi-judicial matters outside of the quasi-judicial proceedings themselves.
      h. Treating other advisory boards and advisory board members and the public with respect, and honoring the opinions of others even when they disagree.
      i. Being careful not to reach conclusions on issues until all sides have been heard.
      j. Showing respect for their appointed office and not behaving in ways that reflect badly on the office, the advisory board, Orange County, or the

Orange County Board of Commissioners.

k. Recognizing that they are part of a larger group and acting accordingly.
l. Recognizing that individual board members are not generally allowed to act on behalf of the board, but may only do so if the board specifically so authorizes, and that the board must take official action as a body.
m. Being faithful in the performance of the duties of their offices.
n. Acting as especially responsible residents whom others can trust and respect.
o. Faithfully attending and preparing for meetings.
p. Carefully analyzing all credible information that is properly submitted to them, and when applicable, being mindful of the need not to engage in communications outside the meeting in quasi-judicial matters.
q. Being willing to bear their fair share of the board's workload.
r. To the extent appropriate, they should be willing to put the board's interests ahead of their own and shall avoid the appearance of a conflict of interest and shall, under no circumstances, use their position on any board for personal gain or profit.

2. Members of the Planning Board, Board of Adjustment, Economic Development Commission, and Board of Equalization and Review shall upon initial appointment, and prior to December 31 annually thereafter, disclose:
    a. Any interest he or she or his or her spouse or domestic partner has in real property situated in whole or in part in Orange County and the general description of that property.
    b. Any legal, equitable, beneficial or contractual interest he or she or his or her spouse or domestic partner has in any business, firm or corporation, which is currently doing business with Orange County pursuant to contracts awarded by Orange County, or which is attempting, or has attempted in the past calendar year, to secure the award of a bid from Orange County or the approval of any Board or Agency of Orange County.
    c. Failure to file a disclosure statement setting out the above required information shall result in immediate removal of the member from the applicable board.

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: August 21, 2012

Action Agenda
Item No. 5-k

SUBJECT: Lease of the County-Owned Building at 500 Valley Forge Road to the Piedmont Food and Agricultural Processing Center, Inc.

DEPARTMENT: Economic Development
County Attorney

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):
Lease Agreement

INFORMATION CONTACT:
Steve Brantley, 245-2300
John Roberts, 245-2318

PURPOSE: To enter into a lease agreement with the Piedmont Food and Agricultural Processing Center, Inc., regarding the occupation and lease of the building at 500 Valley Forge Road, Hillsborough.

BACKGROUND: In 2011 the Piedmont Food and Agricultural Processing Center ("PFAPC") began operations as a County entity, part of the Economic Development Department. The initial intent was for the PFAPC to be a standalone nonprofit entity. For various reasons the PFAPC was not initially incorporated as a nonprofit entity. Operations were and remain housed in the County-owned building at 500 Valley Forge Road. In July 2012 the PFAPC was registered with the North Carolina Secretary of State as a nonprofit entity. Operations are ongoing and to date the PFAPC has experienced substantial growth and success in its current location. The County and PFAPC desire to have operations remain in the 500 Valley Forge Road location. Because PFAPC is no longer a County entity, the County and PFAPC must enter into a lease of the premises to establish the rights and responsibilities of each party.

FINANCIAL IMPACT: The fair rental value of the Leased Premises as stated in the Lease Agreement is estimated at $2,166.67 per month ($26,000 per annum). The fair rental value is subject to a five percent (5%) annual percentage increase.

The County will receive one dollar ($1) per month for the first two (2) years. The County will receive payment equal to thirty-three percent (33%) of the fair rental value for the third year of the term commencing on September 1, 2014. The County will receive payment equal to sixty-six percent (66%) of the fair rental value including the annual percentage increase for the fourth year of the term commencing on September 1, 2015. The County will receive the fair rental value including the annual percentage increase for the fifth year of the term commencing on September 1, 2016.

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

Prepared by: John L. Roberts, P.O. Box 8181 Hillsborough, NC 27278
9874-31-5787 Return after recording to John L. Roberts

STATE OF NORTH CAROLINA
COUNTY OF ORANGE **LEASE**

THIS LEASE, made and entered into as of the 1st day of September, by and between Orange County, a political subdivision of the State of North Carolina, hereinafter referred to as "County," and the Piedmont Food and Agriculture Processing Center Corporation., a North Carolina Nonprofit Corporation, hereinafter referred to as "Tenant;"

WITNESSETH:

THAT FOR and in consideration of the mutual covenants and conditions hereinafter set forth, the parties hereto do hereby agree as follows:

1. Premises. County does hereby lease and let unto Tenant and Tenant does hereby accept as Tenant those certain premises designated as the 500 Valley Forge Road, Hillsborough, Orange County, North Carolina, and having PIN 9874315787 (the “Leased Premises”).

2. Acceptance of Premises. The Tenant represents that the Leased Premises including the fixtures, furniture and equipment (“FFE”) installed on the premises and listed on Exhibit A attached hereto and incorporated herein, the sidewalks and structures adjoining the Leased Premises, any subsurface conditions thereof, and the present uses and non-uses thereof have been examined by the Tenant. The Tenant accepts the same in the condition in which they now are without representation or warranty, express or implied, in fact or by law, by the County, the nature, condition or usability thereof, or the uses to which the Leased Premises including the FFE installed on the Leases Premises may be put. Provided, County shall be responsible for ensuring that the heating/air-conditioning system is in good operating condition; the exterior walls and roof, the lighting system (excluding such additions as may be required for Tenant's particular business operation) and the parking area and sidewalks are in good repair on the date of commencement of the lease term. County represents and warrants to Tenant that it holds unencumbered fee title to the Leased Premises. The County shall not be responsible for any latent defect or change of condition in such building, improvements, FFE and personalty, and the rent hereunder shall in no case be withheld or diminished on account of any defect in such property, any change in the condition thereof, any damage occurring thereto or the existence with respect thereof of any violations of the laws or regulations of any

governmental authority, except as hereinafter provided. In addition, Tenant acknowledges that the Leased Premises is a smoke free building and does not permit tobacco use inside of the building.

3. Term and Rental.

(a) This lease shall commence on September 1, 2012, and shall continue for a term of five (5) years, ending on August 31, 2017, unless sooner terminated as herein provided.

(b) Tenant acknowledges that the fair rental value of the Leased Premises notwithstanding the rent listed in Section 3(c)(i) is estimated at $2,166.67 per month ($26,000 per annum). The fair rental value shall be subject to a five percent (5%) annual percentage increase.

(c) The Tenant agrees to pay the County without demand at its office, or at such other place or places as County may from time to time designate in writing, the following amounts as rent for the Leased Premises:

i) sum of one dollar ($1) per month for the first two (2) years of the term;
ii) a sum equal to thirty-three percent (33%) of the fair rental value for the third year of the term commencing on September 1, 2014;
iii) a sum equal to sixty-six percent (66%) of the fair rental value including the annual percentage increase for the fourth year of the term commencing on September 1, 2015;
iv) the fair rental value including the annual percentage increase for the fifth year of the term commencing on September 1, 2016.

(d) Rent shall be due and payable on or before the fifth day of each month. Tenant acknowledges this rental rate is discounted for a portion of the term in an effort to assist Tenant in providing a public benefit that being regional food and agricultural processing services and that any renewal of this Lease shall be subject to an increased rental rate as determined by County.

(e) The extension of time for the payment of any installment of rent, or the acceptance by the County of any money other than of the kind herein specified, shall not be a waiver of the right of the County to insist on having all other payments of rent made in the manner and at the time herein specified.

(f) If any installment of rent is not received by the fifth (5th) day of any month it is due, Tenant shall pay as additional rent a late payment fee of Fifty Dollars ($50.00). This additional rent shall be due immediately without demand therefor and shall be added to and paid as a part of the installment payment of rent with respect to which it is incurred.

(g) This Lease may be renewed with the consent of the County for up to two additional three-year terms upon written notice to the County six (6) months prior to the expiration of the term.

4. Holdover. If the Tenant shall remain in possession of the Leased Premises after the expiration of the original or renewal period as set out above, such possession shall be as a month-to-month tenant. During such month-to-month tenancy, rent shall be the rent in effect during the last month of the term immediately preceding plus an additional 50%.

5. Insurance and Taxes.

(a) The County shall keep in force insurance to provide for property damage to the building for replacement cost purposes. Provided, however, Tenant shall be responsible for and

pay to County any increase in County's insurance premium occasioned by the nature of the Tenant's business.

(b) The Tenant shall maintain fire and casualty insurance covering the Tenant's FFE, equipment and other property located in the Leased Premises.

(c) Tenant shall keep the Leased Premises insured, at its sole cost and expense, against claims for personal injury or property damage under a policy of general public liability insurance, with limits of at least $1,000,000 for bodily injury and $100,000 for property damage. Such policies shall name the County as additional named insured under the policy.

(d) Tenant shall additionally insure the Leased Premises, at its sole cost and expense, against claims for personal injury or property damage under a food and/or beverage preparation and/or distribution or other relevant liability insurance policy with appropriate limits for bodily injury, sickness, or death. Such policy shall name the County as additional named insured under the policy.

(e) The Tenant shall provide the County certificates of such insurance at or prior to the commencement of the term of this lease, and thereafter within ten (10) days prior to the expiration of such policies. Such policies shall provide that the same may not be canceled without at least ten (10) days prior written notice to County.

(f) Tenant shall pay all property taxes, if and when they become due.

6. Rental Adjustment. In addition to the base rental, the Tenant shall assume and pay any additional fire insurance premium, hazard insurance premium, or other extended coverage insurance premium required as a result of any particular operation or use of said premises over and above the insurance premium required to be paid by County in the absence of said operation or use.

7. Signs. The Tenant will place and maintain in and about the Leased Premises at appropriately designated places, such neat and appropriate signs advertising the Tenant as such. Any special Tenant sign will be at the sole cost of the tenant but in the same styling, provided, however, that County shall not unreasonably withhold approval of such signs as Tenant may desire. Upon the termination of this lease the Tenant shall remove all signs and repair any damage to the Leased Premises caused by the erection, maintenance or removal of such signs.

8. Repairs. The County shall maintain the roof and exterior walls of the demised property including exterior paint, provided that in the event Tenant desires to alter the interior color scheme, said alteration must be approved by County and shall be at the Tenant's expense. In addition, County shall maintain the paved parking area and front entry to the building. The Tenant shall not cause or permit any waste, damage or injury to the Leased Premises. The Tenant, at its sole expense, shall keep the Leased Premises clean and in good condition (reasonable wear and tear excepted), and shall make all repairs, replacements and renewals, whether ordinary or extraordinary, seen or unforeseen, including all structural repairs, necessary to maintain the interior of the Leased Premises. All repairs, replacements and renewals shall be at least equal in quality of materials and workmanship to that originally existing in the Leased Premises. The County shall be responsible for repairs and maintenance of the roof and outside walls and other external structural members, including the foundation of the Leased Premises. The County shall be responsible for maintenance of the heating plant and air-conditioning systems in such condition as existed at the commencement of this lease, which County warrants to be in good working condition as of the date of this lease. The County shall be responsible for the removal of snow (in a timely manner) from the parking lot and the walkways. The County shall in no event be required to make any repair, alteration or

improvement to the interior of the Leased Premises. Any equipment replaced by the Tenant shall belong to the Tenant, save equipment replaced in connection with Tenant's obligation to maintain the premises in the same condition as exists at the commencement of this lease, and all proceeds from the disposition thereof may be retained by the Tenant. The Tenant shall indemnify the County against all costs, expenses, liabilities, losses, damages, suits, fines, penalties, claims and demands including reasonable attorneys' fees, because of Tenant's failure to comply with the foregoing. Maintenance of the paved parking area shall be defined as and limited to maintaining and keeping the parking area in good condition.

9. Fixtures, furniture and equipment ("FFE") and Improvements. No substantial alteration, addition or improvement to the Leased Premises shall be made by the Tenant without the written consent of the County. Any alteration, addition or improvement made by the Tenant after such consent shall have been given and any FFE permanently installed as part thereof, shall at the County's option, become the property of the County upon expiration of or other sooner termination of this lease; provided however, that the County shall have the right to require the Tenant to remove such FFE at the Tenant's cost upon such termination. This clause shall not preclude Tenant from decorating the interior of the leased premises from time to time in Tenant's discretion. Tenant shall not remove or alter any vegetation on the exterior of the Leased Premises without the prior written approval of County.

10. Liens for Improvements by Tenant. The Tenant shall not permit any mechanic's lien to be filed against the fee of the property by reason of work, labor, services or materials supplied or claimed to have been supplied, whether prior or subsequent to the commencement of the term hereof, to the Tenant or anyone holding the Leased Premises, through or under the Tenant. If any such mechanic's lien shall at any time be filed against the Leased Premises, the Tenant shall, within 30 days after notice of the filing thereof, cause such lien to be discharged of record by payment, deposit, bond, order of a court of competent jurisdiction, or otherwise. If the Tenant shall fail to cause such lien to be discharged within such 30 day period, then, in addition to any other right or remedy of the County, the County may, but shall not be obligated to, discharge such lien either by paying the amount claimed to be due or by procuring the discharge of such lien by deposit or by bonding proceedings, and in any such event the County shall be entitled, if the County so elects, to compel the prosecution of an action for the foreclosure of such mechanic's lien by the lienor and to pay the amount of the judgment for and in favor of the lienor, with interest, costs and all other allowances. Any amount paid by the County for any such purposes, shall be repaid by the Tenant to the County on demand, with interest thereon at the rate of 6% per annum from the date of payment, and if unpaid may be treated as additional rent as provided for elsewhere in this lease. Nothing in this lease shall be construed in any way as constituting the consent or request of the County, express or implied, by inference or otherwise, to any contractor, subcontractor, laborer or materialmen for the performance of any labor or the furnishing of any materials for any property or as giving the Tenant the right, power of authority to contract for or permit the rendering of any service or the furnishing of any material that would give rise to the filing of any mechanic's lien against the fee of the Leased Premises.

11. Tenant's Warranty of Non-Disturbance. Tenant hereby expressly covenants and agrees that the Tenant shall be responsible for controlling the noise level emanating from the Tenant's use of the Leased Premises. Tenant shall be responsible for and pay for the installation of any special padding for other noise suppression devices that may be required for control of the level of sound emanating from the Leased Premises.

12. Tenant's Obligation to Comply with Applicable Laws and Compliance with Requirements of Insurance Policies. The Tenant shall throughout the term of this lease, at its sole expense, promptly comply with all laws and regulations of all federal, state and municipal governments and appropriate departments, commissions, boards and officers thereof, and the orders and regulations of the National Board of Fire Underwriters, or any other body now or hereafter exercising similar function, which may be applicable to the Leased Premises, the FFE, therein, and the sidewalks and curbs adjoining the Leased Premises. The Tenant shall comply with the requirements of all policies of public liability, fire and all other types of insurance at any time in force with respect to the building and other improvements on the Leased Premises.

13. Utilities. Tenant shall transfer all utilities to its name September 1, 2012. The Tenant shall pay charges for gas, electricity, light and power, and water used, rendered or supplied upon or in connection with the Leased Premises.

14. Condition of Premises. The Tenant shall, during the term of this lease and any renewal or extension hereof, at its sole expense, cause the Leased Premises to be kept clean and in a manner satisfactory to the County.

15. Surrender in Same Good Order and Condition. The Tenant shall vacate the Leased Premises in the good order and repair in which such property now is, ordinary wear and excepted, and shall remove all its property therefrom so that the County can repossess the Leased Premises no later than Noon on the day upon which this lease ends, whether upon notice or by holdover or otherwise. The County shall have the same rights to enforce this covenant by ejectment and for damages or otherwise as for the breach of any other condition or covenant of this lease. Tenant may at any time prior to or upon the termination of this lease or any renewal or extension thereof remove from the leased property all materials, equipment, and property of every other sort or nature installed by the Tenant thereon, provided that such property is removed without substantial injury to the leased property. No injury shall be considered substantial if it is promptly corrected by restoration to the condition prior to the installation of such property, if so requested by the County. Any such property not removed shall become the property of the County.

16. Prohibition Against Unlawful or Extrahazardous Use-Enforcement Against Subtenants. The Tenant may use and occupy the Leased Premises for food and agricultural processing and office uses and for no other purpose without the prior written consent of County. Tenant shall not use or occupy nor permit the Leased Premises or any part thereof to be used or occupied for any unlawful business, use or purpose, nor for any business, use , or purpose deemed extrahazardous, nor for any purpose or in any manner which is in violation of any present or future governmental laws or regulations. The Tenant shall promptly after the discovery of any such unlawful or extrahazardous use take all necessary steps, legal and equitable, to compel the discontinuance of such use and to oust and remove any subtenants, occupants, or other persons guilty of such unlawful or extrahazardous use. The Tenant shall indemnify the County against all costs, expenses, liabilities, losses, damages, injunctions, suits, fines, penalties, claims and demands, including reasonable counsel fees, arising out of any violation of or default in these covenants.

17. County's Right to Cause Expiration or Termination upon Listed Defaults.

(a) The occurrence of any of the following shall constitute an event of default:

i) Delinquency in the punctual payment of any rent or additional rent payable under this lease when such rent shall become payable. Should

such rent payment not be made when due then upon the expiration of five days after the due date, such rent payment shall be delinquent.

ii) Delinquency by the Tenant in the performance of or compliance with any of the conditions contained in this lease other than those referred to in the foregoing subparagraph 1, for a period of thirty (30) days after written notice thereof from the County to the Tenant. In the event, Tenant is incapable of curing the default within such thirty (30) day period, the County may in its discretion extend the time for as long as the County deems necessary to cure such default. Provided, however, the Tenant shall promptly and diligently commence action to cure such default and provide County with evidence of Tenant's intent to cure the default. Any additional period of time beyond thirty (30) days granted to Tenant to cure any default shall not be so extended as to jeopardize the interest of the County in this lease or so as to subject the County to any civil or criminal liabilities.

iii) Filing by the Tenant in any court pursuant to any statute, either of the United States or any state, or a petition in bankruptcy or insolvency or for reorganization, or for the appointment of a receiver or trustee of all or a portion of the Tenant's property, or an assignment by the Tenant for the benefit of creditors.

iv) Filing against the Tenant in any court pursuant to any statute, either of the United States or of any state, of a petition in bankruptcy or insolvency, or for reorganization, or for appointment of a receiver or trustee of all or a portion of the Tenant's property, if within 180 days after the commencement of any such proceeding against the Tenant such petition shall not have been dismissed.

v) Failure to comply with Federal and/ or state laws, or engaging in activities resulting in the loss or revocation of the Tenant's section 501(c)(3) tax exempt status.

(b) Upon the expiration or termination of this lease, the Tenant shall peacefully surrender the Leased Premises to the County, and the County, upon or at any time after such expiration or termination, County may, without further notice, reenter the Leased Premises and repossess it by force, summary proceedings, ejectment, or otherwise, and may dispossess the Tenant and remove the Tenant and all other persons and property from the Leased Premises and the right to receive all rental income therefrom.

(c) At any time after such expiration, the County may relet the Leased Premises or any part thereof, in the name of the County or otherwise, for such term (which may be greater or less than the period which would otherwise have constituted the balance of the term of this lease) and on such conditions (which may include concessions or free rent) as the County, in its uncontrolled discretion, may determine, and may collect and receive the rent thereof.

(d) No such expiration or termination of this lease shall relieve the Tenant of its liability or obligations under this lease, and such liability and obligations shall survive any such expiration or termination. In the event of any such expiration or termination, whether or not the Leased Premises or any part any part thereof shall have been relet, the Tenant shall pay to the

County the rent and additional rent required to be paid by the Tenant up to the time of such expiration, and thereafter the Tenant, until the end of what would have been the term of this lease in the absence of such expiration, shall be liable to the County for, and shall pay to the County, as and for liquidated and agreed current damages for the Tenant's default:

i) The equivalent of the amount of the rent and additional rent which would be payable under this lease by the Tenant if this lease were still in effect, less

ii) The lesser of:

1. The fair rental value of the Leased Premises for the remaining term of the lease, after deducting all the County's reasonable expenses in connection with such reletting, including, without limitation, all repossession costs, brokerage Commissions, legal expenses, reasonable attorney's fees, alteration costs, and expenses of preparation for such reletting.
2. The net proceeds of any reletting effected pursuant to the provisions of paragraph d. of this article, after deducting all the County's reasonable expenses in connection with such reletting, including, without limitation, all repossession costs, brokerage commissions, legal expenses, reasonable attorney's fees, alteration costs, and expenses of preparation for such reletting.

(e) The Tenant shall pay such current damages (herein called "deficiency") to the County monthly on the days on which the rent and additional rent would have been payable under this lease if this lease were still in effect, and the County shall be entitled to recover from the Tenant each monthly deficiency as such deficiency shall arise. At any time after any such expiration, whether or not the County shall have collected any monthly deficiency, the County shall be entitled to recover from the Tenant, and the Tenant shall pay to the County, on demand, as and for liquidated and agreed final damages for the Tenant's default, an amount equal to the difference between the rent and additional rent reserved hereunder for the expired portion of the lease of the Leased Premises for the same period. In the computation of such damages the difference between any installment of rent becoming due hereunder after the date of termination and the fair and reasonable rental value of the Leased Premises for the period for which such installment was payable shall be discontinued to the date of termination at the rate of four percent per annum.

(f) The terms "enter", "reenter", "entry", or "reentry" as used in this lease are not restricted to their technical meaning.

18. Lien on Tenant's Improvements and Personal Property. The County shall have first lien paramount to all others on every right and interest of the Tenant in and to this lease, and on any building or improvement on or hereafter placed on the Leased Premises, and on any FFE, or other personal property of any kind belonging to the Tenant, or the equity of the Tenant therein, on the Leased Premises. Such lien is granted for the purpose of covenanted to be paid by the Tenant, and for the purpose of securing the performance of all of the Tenant's obligations under this lease. Such liens shall be in addition to all rights of the County given under statutes of this state, which are now or shall hereinafter be in effect. The provisions of this paragraph shall not be applicable to liens existing at the commencement of this lease. Provided, that County may, at his option, agree to subordinate this lien to liens arising in connection with purchased of equipment or leasehold improvement financing by Tenant, which agreement County covenants not to unreasonably withhold.

19. County's Right to Receiver upon Tenant's Default. In addition to any other security for the performance of this lease, the Tenant hereby assigns to the County all of the rents and profits which might otherwise accrue to the Tenant from the use, enjoyment, and operation of the Leased Premises, such assignment to become effective, however, only after default by the Tenant in the performance of its obligations under this lease. If the County, upon default of the Tenant, elects to file a suit in equity to enforce the lease and protect the County's right hereunder, the County may upon notice to the Tenant, as ancillary to such suit, apply to any court having jurisdiction for the appointment of a receiver of the Leased Premises, the improvements and buildings located thereon, the personal property located therein, and thereupon the court may forthwith appoint a receiver with the usual powers and duties of receivers in like cases. Such appointment shall be made by such court as a matter of strict right to the County and without consideration of the adequacy of the value of the Tenant's interest in the lease, or of the value of the property, or the commission of waste thereon, or the deterioration thereof. Nothing herein shall prevent the enforcement of the County's lien for rent in any court or by proceeding authorized to the laws of this state, or the institution by the County of a separate proceeding in equity for the appointment of a receiver as an ancillary remedy to protect the rights and interest of the County. Any and all remedies or proceedings are considered cumulative and not exclusive.

20. Waiver of County's Rights Only by Written Instrument. No failure by the County to insist upon the strict performance of any item or condition of this lease or to exercise any right or remedy available on a breach thereof, and no acceptance of full or partial rent during the continuance of any such breach shall constitute a waiver of any breach or of any such term or condition. No term or condition of this lease required to be performed by the Tenant, and no breach thereof, shall be waived, altered or modified, except by a written instrument executed by the County. No waiver of any breach shall affect or alter any term or condition in this lease, and each such term or condition shall continue in full force and effect with respect to any other then existing or subsequent breach thereof.

21. Performance of Tenant's Obligations - Unpaid Insurance Premiums

(a) If the Tenant shall at any time fail to pay any amount in accordance with the provisions of this lease, or shall fail to take out, keep in force, or shall fail to perform any of its other obligations under this lease, then the County may after notice and opportunity to cure in accordance with the provisions of Section 17(a)(2), or without notice if any emergency exists, and without releasing the Tenant from any obligation of the Tenant contained in this lease, may (but shall be under no obligation to) pay any amount payable by the Tenant hereunder, and perform any other act required to be performed by the Tenant hereunder. The County may enter upon the Leased Premises for such purposes and take any action necessary therefore.

(b) All sums so paid by the County and all costs and expenses incurred by the County in connection with the performance of any such act, together with interest thereon at the rate of 6% per annum from the respective dates of each such payment and such costs and expenses, shall constitute additional rent payable by the Tenant under this lease and shall be paid by the Tenant to the County on demand.

(c) Notwithstanding anything in this lease to the contrary, the County shall not be limited, in the proof any damages which the County may claim against the Tenant by reason of the Tenant's failure to provide and keep insurance in force, to the amount of the insurance premiums not paid or incurred by the Tenant. The County shall also be entitled to recover as damages for such breach the uninsured amount of any loss, together with damages, costs, and

expenses of any suit offered or incurred by reason of damage to the Leased Premises occurring during any period when the Tenant shall have failed to provide and keep such insurance in force.

22. Performance of Tenant's Obligations - Costs. If the Tenant shall default in the performance of any obligation under this lease, the County may, after notice and opportunity to cure in accordance with Section 17(a)(2) or without notice if any emergency exists, perform such obligation for the account and at the expense (including reasonable counsel fees) of the Tenant. The amount of any payment made or expense incurred by the County for such purpose, with interest thereon at the rate of 6% per annum, shall be deemed additional rent and forthwith shall be repaid by the Tenant to the County, or, at the County's election, may be added to any subsequent installment of rent due and payable under this lease. Nothing herein contained shall be deemed to waive any right of the County to sue for and recover by action at law any sums of which the County may have incurred under the provisions of this subparagraph. The provisions of this paragraph shall survive the termination of this lease.

23. Right of Entry. The County or its agent shall within twenty-four (24) hours notice have the right to enter the Leased Premises at reasonable times in order to examine it, to show it to prospective purchasers or lessees, or to make such decorations, repairs, alterations, improvements or additions as the County may deem necessary or desirable. The County shall be allowed to take all material into and upon the Leased Premises that may be required therefore without the same constituting an eviction of the Tenant in whole or in part. The rent reserved shall not abate while decorations, repairs, alterations, improvements, or additions are being made, whether by reason of loss or interruption of the business of the Tenant or otherwise. During the last month prior to the expiration of the term of this lease, the County may place upon the Leased Premises the usual notices "To Let" or "For Sale", which notices the Tenant shall permit to remain thereon without molestation. If during the last month of the term the Tenant shall have removed all or substantially all of the Tenant's property therefrom, the County may, with the Tenant's permission, immediately enter and later, renovate and redecorate the Leased Premises without elimination of abatement of rent and without liability to the Tenant for any compensation, and such acts shall have no effect upon this lease. If the Tenant or its employees shall not be personally present to permit entry at any time when an entry therein shall be immediately necessary, as herein provided, the County may enter the premises by such means as may be appropriate, including forcible entry, without rendering the County or such agents liable therefore (if during such entry the County or his agents shall accord reasonable care to the Tenant's property), and without in any manner affecting the obligations and covenants of this lease. The County's right of reentry shall not be deemed to impose upon the County any obligation, responsibility or liability for the care, supervision or repair of the Leased Premises other than as herein provided. In the event that it becomes necessary for County to replace or repair any major component or any structural or other system in the leased premises, the County shall have full and unrestricted access to the building and the Leased Premises. The County reserves the right temporarily to interrupt, curtail, stop or suspend air-conditioning and heating service, and all other utility or other services, because of accident or emergency or for repairs, alterations, additions, or improvements, or because of the County's inability to obtain, or difficulty or delay in obtaining, labor or materials necessary therefore or compliance with governmental restrictions in connection therewith, or because of any other cause beyond the County's reasonable control, provided that, except in cases of emergency, the County will use its best efforts to limit such stoppage to after-business hours, will notify the Tenant in advance, if possible, of any such stoppage, and, if ascertainable, its estimated duration, and will proceed diligently with the work necessary to resume such service as promptly as possible and in a manner and at times as will

not materially interfere with or impair the Tenant's use of the Leased Premises. No diminution or abatement of fixed rent or other compensation shall be claimed by the Tenant, nor shall this lease or any of the obligations of the Tenant hereunder be affected or reduced by reason of such interruption, stoppage, or curtailment, nor shall the same give rise to a claim in the Tenant's favor that such failure constitutes total or partial eviction from the Leased Premises, provided that if the Leased Premises shall be unreasonably untenantable for a continuous period of more than four business days by reason of any such stoppage, the fixed rent payable by the Tenant shall abate until the Tenant shall be again able to use the Leased Premises.

24. Destruction by Fire or Other Casualty. In the event the premises or any substantial portion thereof are destroyed by fire or other casualty during the term of this lease, it is understood and agreed that County shall have no obligation to rebuild, and, at the election of County or Tenant the lease may be terminated.

25. Condemnation. If the whole of the Leased Premises, or such portion thereof as will make the Leased Premises unsuitable for the purposes herein leased, is condemned for any public use or purpose by any legally constituted authority, then in either of such events this lease shall cease from the time when possession is taken by such public authority and rental shall be accounted for between the County and the Tenant as of the date of the surrender of possession. Such termination shall be without prejudice to the rights of either the County or the Tenant to recover compensation from the condemning authority for any loss or damage caused by such condemnation. Neither the County nor the Tenant shall have any rights in or to any award made to the other by the condemning authority.

26. Assignment of Lease. The Tenant shall not assign, mortgage, or encumber this lease, nor sublet or permit the Leased Premises or any part thereof to be used by others, save and except direct clients of Tenant with whom Tenant has contractual agreements, without the prior written consent of the County in each instance. If this lease is assigned, or if the Leased Premises or any part thereof, is sublet, or occupied by anybody other than the Tenant except as stated above, the County may, after an event of default, as hereinabove defined, by the Tenant, collect rent for the assignee, subtenant, or occupant and apply the net amount collected to the rent herein reserved. No such assignment, subletting, occupancy or collection shall be deemed a waiver of this covenant, or the acceptance of this assignee, subtenant, or occupant as tenant, or a release of covenants in this lease. The consent by the County to an assignment or subletting shall not be construed to relieve the Tenant from obtaining the consent in writing of the County to any further assignment or subletting. Provided, further, County shall not unreasonably withhold consent to assignment.

27. Assignment of Interest in Rents. The County shall have the right, without selling its fee interest in the leased property or assigning its interest in this lease, to assign from time to time the whole of the net rent at any time payable hereunder to persons, firms, corporations, trusts or other entities designated by the County in a written notice to the Tenant, and in any such case the Tenant shall pay the net rent, subject to the terms of this lease, to the County's designee at the address mentioned in any such notice for the period covered by such assignment.

28. Exoneration from Liability. The County shall not be liable for any personal injury to the Tenant or to its officers, agents and employees, or to any other occupant of any part of the Leased Premises, irrespective of how such injury or damage may be caused, whether from action of the elements or acts of negligence of the occupants of adjacent properties, or any other persons; provided that nothing contained herein shall relieve the

County of the consequences of his own negligence. The Tenant agrees to defend, indemnify and hold harmless the County from all loss, liability, claims or expense, including attorney's fees, arising out of or related to the Tenant's lease, use, sublease, or occupation of the facility and arising from bodily injury including death or property damage to any person or persons caused in whole or in part by the negligence or misconduct of the Tenant except to the extent same are caused by the negligence or willful misconduct of the County. It is the intent of this provision to require the Tenant to indemnify the County to the fullest extent permitted under North Carolina law.

29. Reimbursement of Expenses. The Tenant shall pay and indemnify the County against all legal costs and charges, including counsel fees lawfully and reasonably incurred, in obtaining possession of the leased premises after default of the Tenant or after the Tenant's default in surrendering possession upon the expiration or earlier termination of the term of the lease or enforcing any covenant of the Tenant herein contained. The Tenant further covenants that in case the County shall be made party to any litigation commenced against the Tenant, due to act or omission on the part of the Tenant alone, then the Tenant shall pay all expenses, costs, and reasonable attorney's fees incurred by or imposed on the County in connection with such litigation, and such expenses, costs, and attorney's fees shall be additional rent due on the last day after services of notice of such payment or payments, together with interest at a rate of 9% per annum from the date of payment, and shall be collected as any other rent specifically reserved herein. Provided that this claim shall not be applicable where the County shall be made a party by reason of any independent liability of the County caused by some act or omission on the part of the County or resulting from any act or omission on the part of both Tenant and County.

30. Smoke Free Facility. Tenant acknowledges that County buildings are smoke-free. Tenant shall ensure that employees, customers or invitees of the Tenant abide by the County's ordinances, which prohibit smoking.

31. Weapons Prohibited. Tenant acknowledges that a County ordinance has been approved by the Board of Commissioners that prohibits weapons in County facilities, except in limited situations Tenant will ensure that employees, customers or invitees of the Tenant abide by the County's ordinance that prohibits weapons in the facility.

32. Notice by Registered or Certified Mail. Any notice under this lease must be in writing and must be sent by registered or certified mail to the last address of the party to whom the notice is to be given, as designated by such party in writing. The County hereby designates its address as:

County of Orange
Attn: County Manager
200 South Cameron Street
PO Box 8181
Hillsborough, NC 27278

The Tenant hereby designates its address as:

PFAPC
Attn: Executive Director
500 Valley Forge Road
Hillsborough, NC 27278

33. Grammatical Usage. In construing this lease, feminine or neuter pronouns shall be substituted for those masculine in form and vice versa, and plural terms shall be substituted for singular and singular for plural in any place in which the context so requires.

34. Entire Agreement. This lease contains the entire agreement between the parties, and any executory agreement hereafter made shall be ineffective to change, modify, or discharge it in whole or in part, unless such executory agreement is in writing and signed by the party against whom enforcement of the change, modification or discharge is sought.

IN TESTIMONY WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

COUNTY: ATTEST:

BY:_____ _____
Bernadette Pelissier, Chair Donna S. Baker, Clerk to the Board

TENANT: WITNESS:

_____ _____

STATE OF NORTH CAROLINA
ORANGE COUNTY

I, _____, a Notary Public for _____ County, North Carolina, do hereby certify that Donna S. Baker personally appeared before me this date and acknowledged that she is the Clerk to the Board of Commissioners of Orange County, and that by authority duly given and as the act of Orange County, the foregoing instrument was signed in its name by Bernadette Pelissier, Chair, sealed with its official seal, and attested by herself as its Clerk.

Witness my hand and official seal, this the _____ day of _____, 2012

_____
Notary Public

My Commission expires:_____

STATE OF NORTH CAROLINA
COUNTY OF ORANGE

I, _____, a Notary Public for _____ County, North Carolina, do hereby certify that _____, personally appeared before me this day and acknowledged the due execution of the foregoing Lease Agreement.

WITNESS my hand and official seal this the _____day of _____, 2012.

_____
Notary Public

My commission expires: _____

EXHIBIT - A
INVENTORY OF FIXTURES, FURNITURE & EQUIPMENT (FFE)

EECBG Transportation Grant

Orange County, NC

Equipment	Serial #	Total Equipment Cost	ARRA Funds	Tag #	Location
1. Excalibur Dehydrator	6275	$ 14,825.00	$ 16,025.00	2423	500 Valley Forge Road, Hillsborough NC 27278
2. Sealed Air T-6H Shrink Tunnel	T11-090-01	$ 11,800.00	$ 12,900.00	2424	500 Valley Forge Road, Hillsborough, NC 27278
3. Vulcan VG30 Braising Pan	463002262	$ 12,300.00	$ 13,500.00	2425	500 Valley Forge Road, Hillsborough, NC 27278
4. Vacu Fresh VFDC860 Vacuum Sealer	P11040710	$ 20,050.03	$ 22,597.26	2426	500 Valley Forge Road, Hillsborough, NC 27278
5. Baxter PW2S-40 Roll-In Proofer	242004697	$ 9,257.21	$ 10,433.28	2427	500 Valley Forge Road, Hillsborough, NC 27278
6. Cleveland KGL60-T Tilting Kettle	110523057542	$ 20,386.37	$ 22,976.34	2428	500 Valley Forge Road, Hillsborough, NC 27278
7. Simplex VS-1 Bottle Filler	8448	$ 22,629.17	$ 25,504.07	2429	500 Valley Forge Road, Hillsborough, NC 27278
8. Southbend SLG/225C Convection Oven	11E25185	$ 5,784.19	$ 6,519.03	2463	500 Valley Forge Road, Hillsborough, NC 27278
9. Southbend SLG/225C Convection Oven	11E25187	$ 5,784.19	$ 6,519.03	2464	500 Valley Forge Road, Hillsborough, NC 27278

ARRA Funds column includes installation, freight, material, and any applicable taxes

Piedmont Food and Ag. Processing Facility (PFAP)

		updated	1/23/2012
		project code	10043
	$301,869	MUNIS Update	11/9/2010
		SF	10440
	$1,023,500	$/SF	118.39

Summary Revenues			
NC ADFP	$132,000		35-610-6199-07-00-449221-10043
TTF, RAFI Grants	$479,000	479000	35-610-6100-07-00-449222-10043
RAFI Grant	$28,819		
Golden Leaf Foundation	$250,000		35-610-6100-07-00-449223-10043
HUD Economic Dev. Initiative	$237,500		35-610-6100-07-00-448112-10043
NC Specialty Crops Block Grant from USDA	$79,950		35-610-6100-07-00-449235-10043
EECBG Transportation Grant	$193,100		35-610-6100-07-00-449224-10043
Deduct of Operations Funds (from Tobacco Trust Fund)	-$75,000		
Total Funds Available	**$1,325,369**		

	Item			Cost	SubTotal	Liquidate
Construction - 613570035-880000-10043:						
1.	General Construction	Bid date 4/13/10; BOCC Award 6/15/10	Morlando Const.	725,670 x		
				76,800 x		
					802,470	
	Asbestos Abatement		EHG	1,350 x		
					1,350	
	CO1 - Base Bid closeout:					
	PCO1	Insulation Substitution		-4,929 x		
	PCO2	Additional site sign	Owner	553 x		
	PCO4R	Venting per 1.3	Designer	5,015 x		
	PCO5	Canopy Footings	Designer	1,263 x		
	PCO8	Reswing Door	Designer	468 x		
	PCO9	Roof curb supports	Designer	1,539 x		
	PCO18	Dumpster gate rebuild per Solid Waste	Inspections	3,070 x		
	PCO20	Light Level Adjustments	Inspections	689 x		
	PCO21	Move-in Dumpsters	Owner	1,486 x		
	PCO22	Credit for Duke Connection Fees, Hbro W&S Fees		-22,690 x		
					-13,536	
	CO2 - Cold Chain , Owner Equipment Connection					
	PCO14	Electrical Connection for Cooler/Freezer package-panel to disconnect		6,566 x		
	PCO15	Freezer Floor Slab w/Epoxy		19,934 x		
	PCO16	Electrical Connection for Cooler/Freezer package-disconnect to units		9,280 x		
	PCO17	Used Fryer Electrical Connections		4,344 x		
					40,125	
Professional Services - 613570035-870000-10043:						
	Arch.Engr Base Contract		CRZ	75,000 x		
	SubConsultant Fees		CRZ	24,600 x		
	Architect Reimburseables		CRZ	5,000 x		1,772.00
	Materials Testing		Summit	2,500 x		1,000.00
	Asbestos Testing		MacTec	1,480 x		230.00
	Roof Testing		Spady	400 x		
	Hillsborough Water and Sewer Fees			12,548 x		
					121,528	
Equipment - 613570035-800000-10043:						
	Morlando Equipment	ARRA	Morlando	57,985 x		
	Morlando Equipment	ARRA	Morlando	0 x		
	Holt Equipment	ARRA	Holt	106,059 x		1,451.31
	Quality Refrigeration		Quality	95,358 x		
	Douglas Equipment	ARRA	Douglas	24,242 x		
	Douglas Equipment-casters			142 x		
	Douglas Equipment Installation		Hbro Plumbing	6,451 x		
	Carpentry		Ryan Stamey	2,500 x		122.96
	Carpentry					
	Concrete Apron, Landscaping		Mackem	4,800 x		
	Smart Card		ProNet	3,012 x		
	Fencing		Dickerson	4,783 x		
	Fencing		Dickerson	600 x		
	Floor Maintenance		NICE & Green	901 x		
	Pallet Jack		Grainger	342 x		
	NC Dept Admin	?		550 x		
	Dock Leveler, Curtain					
	Keying		AOK	395 x		
	Sink Fixtures-Holt	Sink Fixtures	Holt	6,010 x		
	Equipment-Holt	?	Holt	1,193 x		1,193.00
	Equipment-Holt	Varimixer	Holt	3,846 x		1,153.80
	Produce Washer		Market Farm	8,150 x		
	Wester Auction-Used Equipment		Wester Auction	1,358 x		
	Goodnature Juicer		Goodnature	12,805 x		
	OESCO UV Unit		OESCO	17,620 x		
					359,101	6,923
Designated Enterprise Fund Items:						
		Operations and Personnel Funds		0		
					0	

Total Encumbered Project Cost		1,311,037
Budget Variance (surplus/shortfall)[1]	delta ($)	14,332
Percentage Variance	delta (%)	1.09%

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: August 21, 2012

Action Agenda Item No. 5-l

SUBJECT: Change in BOCC Regular Meeting Schedule for 2012

DEPARTMENT: County Commissioners **PUBLIC HEARING: (Y/N)** No

ATTACHMENT (S):

INFORMATION CONTACT:
Donna Baker, 245-2130
Clerk to the Board

PURPOSE: To consider one change to the County Commissioners' regular meeting calendar for 2012.

BACKGROUND: Pursuant to North Carolina General Statute 153A-40, the Board of County Commissioners must fix the time and place of its meetings or provide a notice of any change in the Regular Meeting Schedule by:

- Adding a joint meeting of the Board of Commissioners and the Volunteer Fire Chiefs for Thursday, October 4, 2012 at 7:00pm at the Southern Human Services Center, 2501 Homestead Road, Chapel Hill, N.C.

FINANCIAL IMPACT: NONE

RECOMMENDATION (S): The Manager recommends the Board amend its regular meeting calendar for 2012 by:

- Adding a joint meeting of the Board of Commissioners and the Volunteer Fire Chiefs for Thursday, October 4, 2012 at 7:00pm at the Southern Human Services Center, 2501 Homestead Road, Chapel Hill. N.C.

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: August 21, 2012

Action Agenda Item No. 5-m

SUBJECT: Bid Award: Walnut Grove Church Road Solid Waste Convenience Center

DEPARTMENT: Solid Waste Management, Financial Services, Asset Management Services

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):
1) Certified Bid Tabulation-General Construction
2) Bid Tabulation-Compaction Equipment
3) General Construction Agreement

INFORMATION CONTACT:
Gayle Wilson, (919) 245-2652
David Cannell, (919) 245-2651
Michael Talbert, (919) 245-2153
Jeff Thompson, (919) 245-2658

PURPOSE: To consider:

- Awarding the general construction bid and approve a construction agreement to W.L. Bishop Construction of Hillsborough, NC in the amount of $877,092 for the construction of the Walnut Grove Church Road Solid Waste Convenience Center;
- Awarding the compaction equipment bid and approve a purchase agreement with Baker Waste of Asheville, NC in the amount of $160,367;
- Authorizing the Chair to sign the general construction agreement on behalf of the Board of County Commissioners, subject to final review by the County Attorney; and
- Authorizing the Manager to execute individual change orders within the limit of his authority ($250,000) up to the extent of the project budget.

BACKGROUND: The BOCC approved proceeding with the modernization of the Walnut Grove Solid Waste Convenience Center as part of the Fiscal Year 2011/12 budget process. The center is the first in a series of convenience centers to be built to serve the County after the scheduled 2013 closing of the Orange County landfill.

After several conceptual plan reviews and public presentations, the BOCC approved the plan for the center in December, 2011 and authorized the Manager to proceed with final design and bidding of the project.

Staff planned to bid the general construction of the project separately from the compactor and refuse container equipment component of the project.

General Construction Project Component:

The project's engineering consultant, HDR Engineering, Inc., worked with staff to complete construction documents through the spring of 2012. The construction component of the project was bid in April, 2012. On June 5, 2012, the bids were rejected by the BOCC due to the withdrawal of bids from the first and second low bidder. The BOCC authorized staff to rebid the project and to present the recommended award to the BOCC after the summer break.

On June 24, 2012 Orange County advertised Bid Number 387-284 for the general construction component of the project. A pre-bid conference for the bid was held on July 2, 2012 with County staff and the designer. Seven contractors attended the meeting. Sealed bids were received by Orange County on July 26, 2012 with seven (7) companies submitting bids for the project. Attachment 1 is the certified bid tabulation of the results.

After a period of review of the bid documents by the County's engineering consultant, W.L. Bishop Construction of Hillsborough, NC was determined to be the lowest responsive, responsible bidder for the construction project.

Equipment Component of Project:

On July 13, 2012 Orange County advertised Bid Number 285 for the stationary compactors and 40 cubic yard octagon compaction containers for the project. Sealed bids were received by Orange County on July 26, 2012 with seven (7) companies submitting bids for the project. Attachment 2 is the bid tabulation of the results. After thorough staff review, Baker Waste of Valdese, NC was determined to be the lowest responsive, responsible bidder for the equipment for the project.

Temporary Services During Construction/Public Communication:

When construction begins at the Walnut Grove Church Road convenience center site, current operations at the site will be modified. At that time the collection of household garbage and the disposal of used motor oil and filters, antifreeze, and batteries will become the only operation that will occur at this site for the duration of the construction project. These activities will take place on the leased portion of the property only. The leased site is too small to provide for continuing all current activities.

For recycling purposes, a 24-hour temporary recycling drop-off center will be located at Cedar Grove Park, 5800 Highway 86 North, Hillsborough, four (4) miles north of the Convenience Center. This site will only accept mixed paper, magazines and newspaper, plastic bottles, jugs, glass bottles and jars, aluminum and steel cans in single stream roll-off containers and corrugated cardboard in dumpster containers. All other materials and services currently handled at the site will need to be delivered to another convenience center site or held until the Walnut Grove Church Road construction is complete and the center is open for use. The 24-hour recycling drop-off site at Hampton Pointe, behind Home Depot in Hillsborough, will also be available for traditional recycling.

Upon award of the construction contract by the BOCC, the Solid Waste Management Department will begin a broad-based advertising campaign to notify the residents in the vicinity of Walnut Grove Church Road as well as site users and the general public through the following:

- Letter to all property owners within 2,500 feet of the Center
- Palm cards to be distributed to visitors to the Walnut Grove Center by site attendants (or recycling assistants on weekends) that provides necessary information to site users
- Installation of a banner at Walnut Grove Church Road Center announcing the construction and temporary recycling site
- Newspaper Articles/Press Release
- Cedar Grove Park banner announcing the temporary recycling center
- Walnut Grove Church Road Center Grand Opening Event

The following timeline represents the delivery of the project:

TASK	PROPOSED BEGINNING DATE	END BY DATE
BOCC Action: Walnut Grove Bid Award	**8/21/12**	**8/21/12**
Solid Waste Convenience Center Construction	9/4/12	1/7/12
Solid Waste Convenience Equipment Installation	1/7/13	2/25/13
Facility Opening	3/31/13	3/31/13

FINANCIAL IMPACT: Financing proceeds were received in FY2011-12 in the amount of $1,250,000 for the construction improvements and are budgeted in the Solid Waste Enterprise Fund.

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

1.) Award the general construction bid and approve a construction agreement to W.L. Bishop Construction of Hillsborough, NC in the amount of $877,092 for the construction of the Walnut Grove Church Road Solid Waste Convenience Center;
2.) Award the compaction equipment bid and approve a purchase agreement with Baker Waste of Asheville, NC in the amount of $160,367 for the compactor equipment for the Walnut Grove Church Road Solid Waste Convenience Center;
3.) Authorize the Chair to sign the general construction agreement on behalf of the Board of County Commissioners, subject to final review by the County Attorney; and
4.) Authorize the Manager to execute individual change orders within the limit of the Manager's authority ($250,000) up to the extent of the project budget.

ATTACHMENT 1

August 6, 2012

Mr. Gayle Wilson
Orange County Solid Waste Director
1207 Eubanks Road
PO Box 7177
Chapel Hill, NC 27516-2113

Re: Orange County Convenience Center
Walnut Grove Church Road Convenience Center Expansion
HDR Project No. 350207-142839-018

Dear Mr. Wilson:

HDR Engineering, Inc. of the Carolinas (HDR) has reviewed the bids for the Walnut Grove Church Road Convenience Center Expansion Construction project. The project consists of an expansion to the existing convenience center. Construction activities include excavation/structural fill of soil, retaining walls & other structural components, paving & gravel access roads, erosion and sediment control measures, etc.

The following information is provided regarding our evaluation of bids received.

Background

Seven bids were received by 4:00 p.m. on July 26, 2012. Bids were received from the following contractors and are listed in ascending order of the total lump sum bid price for the Walnut Grove Church Road Convenience Center Expansion:

1. W.L. Bishop Construction Company
2. Bar Construction Company, Inc.
3. SEPI Engineering & Construction, Inc.
4. DeVere Construction Company, Inc.
5. Triangle Grading & Paving Z.
6. Mackem Construction, LLC
7. Environmental Specialties International, Inc.

Tabulation

The above-referenced bids were examined for accuracy and compliance with the bid requirements. A certified tabulation is enclosed and includes all numerical information provided with the bid. Irregularities have been noted on the tabulation.

HDR Engineering, Inc. of the Carolinas

128 S Tryon Street
Suite 1400
Charlotte, NC 28202-5004

Phone: (704) 338-6700
Fax: (704) 338-6780
www.hdrinc.com

Mr. Gayle Wilson

Required Contractor Qualifications

Attached is a copy of the financial and legal documents provided by W.L. Bishop Construction Company for review by the Orange County.

Recommendations

Based on HDR's initial review of supporting documentation from W.L. Bishop Construction Company and reference calls made by HDR to W.L. Bishop Construction Company references, HDR finds that W.L. Bishop Construction Company meets all required qualifications. Pending a satisfactory review of the information by Orange County, HDR recommends that the contract be awarded to W.L. Bishop Construction Company in the Lump Sum Bid amount of $887,092 (eight hundred eighty-seven thousand, ninety-two dollars).

HDR appreciates the opportunity to provide continued service to Orange County. Please feel free to contact me at (919) 785-1118 should you have questions regarding this information.

Respectfully submitted,

HDR Engineering Inc. of the Carolinas

Thomas M. Yanoschak, PE
Project Engineer

TY/spf

Enclosures: Bid Tabulation Summary
W.L. Bishop Construction Company Qualifications

cc: David Cannell, Orange County
Jeff Thompson, Orange County
Ed Shuffler, PE, HDR w/o enclosures
Joe Readling, PE, VP, HDR, w/o enclosures

HDR Engineering, Inc. of the Carolinas

Bid Tabulation Sheet Summary
Walnut Grove Convenience Center Expansion
Bids Received July 26, 2012 at 4:00 pm

CONTRACTOR:	W.L. Bishop Construction Company	Bar Construction Company, Inc.	SEPI Engineering & Construction, Inc.	DeVere Construction Company, Inc	Triangle Grading & Paving Z.	Mackem Construction, LLC	Enivonmental Specialties International, Inc.
ADDRESS:	2211 Leah Dr Hillsborough NC 27278	611-A Industrial Avenue Greensboro, NC 27406	1025 Wade Avenue Raleigh, NC 27605	1030 DeVere Drive Alpena MI 49707		PO Box 1205 Carrboro NC 27510 (919) 428-5826	
PHONE:							
FAX:							
LICENSE #:	NC - 54471	7973	64643	46097	17456	66601	52537
TYPE:							
STATUS:							
EXPIRATION:							
CLASSIFICATION:						jan@mackemconstruction.com	

Item No.	Description	Estimated Quantity	Unit	Lump Sum Total Cost	Lump Sum Total Cost	Lump Sum Total Cost	Lump Sum Total Cost	Lump Sum Total Cost	Lump Sum Total Cost	Lump Sum Total Cost
	Total Lump Sum Bid Price for Contract			$ 887,092.00	$ 1,025,700.00	$ 1,068,500.00	$ 1,109,500.00	$ 1,126,905.91	$ 1,173,353.30	$ 1,494,695.00
	Unit Costs Provided as the following unit costs as a means of determining the value of Work added to or deleted from the Contract			Unit Cost / Total Cost	Unit Cost / Total Cost	Unit Cost / Total Cost	Unit Cost / Total Cost	Unit Cost / Total Cost	Unit Cost / Total Cost	Unit Cost / Total Cost
1	Excavation		CY	$ 4.00 / $ -	$ 8.00 / $ -	$ 4.20 / $ -	$ 4.00 / $ -	$ 4.50 / $ -	$ 4.75 / $ -	$ 13.00 / $ -
2	Undercut and Backfill Unsuitable Soils		CY	$ 17.00 / $ -	$ 25.00 / $ -	$ 26.80 / $ -	$ 30.00 / $ -	$ 17.00 / $ -	$ 28.00 / $ -	$ 12.50 / $ -
3	Structural Fill		CY	$ 9.00 / $ -	$ 25.00 / $ -	$ 14.60 / $ -	$ 19.00 / $ -	$ 19.00 / $ -	$ 15.00 / $ -	$ 5.00 / $ -
4	Asphalt Paving		SY	$ 33.00 / $ -	$ 36.00 / $ -	$ 22.53 / $ -	$ 18.75 / $ -	$ 19.00 / $ -	$ 26.82 / $ -	$ 40.00 / $ -
5	Aggregate Base Course		SY	$ 14.00 / $ -	$ 18.00 / $ -	$ 8.80 / $ -	$ 11.60 / $ -	$ 8.80 / $ -	$ 10.78 / $ -	$ 34.00 / $ -
6	Seeding		AC	$ 3,186.00 / $ -	$ 3,000.00 / $ -	$ 3,000.00 / $ -	$ 2,000.00 / $ -	$ 2,500.00 / $ -	$ 1,650.00 / $ -	$ 3,000.00 / $ -
7	Concrete		CY	$ 348.00 / $ -	$ 450.00 / $ -	$ 111.60 / $ -	$ 281.00 / $ -	$ 800.00 / $ -	$ 450.00 / $ -	$ 800.00 / $ -
8	Groundwater Collection Trenches		LF	$ 13.00 / $ -	$ 19.00 / $ -	$ 7.68 / $ -	$ 19.00 / $ -	$ 17.30 / $ -	$ 11.50 / $ -	$ 18.50 / $ -
9	Rock Removal		CY	$ 55.00 / $ -	$ 75.00 / $ -	$ 78.75 / $ -	$ 200.00 / $ -	$ 85.00 / $ -	$ 41.50 / $ -	$ 250.00 / $ -
10	Install Owner Supplied Trees		EA	$ 177.00 / $ -	$ 250.00 / $ -	$ 170.00 / $ -	$ 250.00 / $ -	$ 520.00 / $ -	$ 150.00 / $ -	$ 30.00 / $ -
	All Addenda Acknowledged			yes	yes	yes	yes	yes	yes	yes
	Irregularities (see highlighted areas on form)			Highlighted number was difficult to read on bid form.		Exceptions & notes were made on the unit cost schedule		Highlighted number was difficult to read on bid form.		

CERTIFICATION: This is certified to be an accurate tabulation of bids received for the project. NC Engineering Board No. F0116

NORTH CAROLINA PROFESSIONAL SEAL 18887 ENGINEER THOMAS M. YANOSCHAK

8/6/12

Bid Tabulation_WGConvCntr.xlsx

ATTACHMENT 2

BID TABULATION
BID # 285

BID FOR: **STATIONARY COMPACTORS AND 40 CU YD OCTAGON COMPACTION CONTAINERS**

BID AWARDED TO: _____

CLOSING DATE: 7-26-2012

BID PRICE: _____

CLOSING TIME: 2:00 PM

BUDGETED AMOUNT: _____

Bidder	Item #1 - Heavy Duty 5 Cubic Yard Trash Compactor (qty 1)	Item #2 - Three Yard Stationary Compactor (no teeth) (qty 2)	Item #3 - Three Yard Stationary Recycling Compactor (w/teeth) (qty 2)	Item #4 - Octagon Compaction Container 40 Cu Yd (qty 8)	Total all items
Reaction Distributing Oshawa, Ontario	$27,590.00	$37,830.00	$37,830.00	$63,600.00	$166,850.00
CES Kernersville, NC	$47,900.00	$75,260.00	$75,260.00	$87,600.00	$287,240.00
Waste Industries Raleigh, NC	$45,720.00	$36,012.25	$36,602.78	$85,746.30	$204,089.33
Wastequip Statesville, NC	$38,032.00	#29,612.00	$30,002.00	$71,536.00	$169,182.00
THC Enterprises DBA Mid Atlantic Waste Easton, MD	$51,976.20	$44,684.40	$45,474.40	$87,912.00	$230,047.00
JV Manufacturing Springdale, AR	$37,204.40	$42,213.60	$42,213.60	No Bid	N/A
Baker Waste Valdese, NC	**$35,595.00**	**$31,596.00**	**$32,096.00**	**$61,080.00**	**$160,367.00**

ATTACHMENT 3

[Departmental Use Only]
TITLE Walnut Grove Conv. Ctr
FY FY11-12

NORTH CAROLINA

ORANGE COUNTY

CONSTRUCTION AGREEMENT UNDER $1,000,000.00

THIS CONSTRUCTION AGREEMENT (hereinafter called "Agreement"), made as of the 21st day of August, 2012, by and between W.L. Bishop Construction, Inc., (hereinafter called the "Contractor"), and Orange County, a body politic and a political subdivision of the State of North Carolina, (hereinafter called the "Owner").

WITNESSETH:

That the Contractor and the Owner, for the consideration herein named, agree as follows:

1. CONTRACT DOCUMENTS; PRIORITY

The Contract Documents consist of this Agreement, the Request for Proposals, Proposal, Construction Drawings and Written Specifications. The Contract Documents form the Contract and are fully incorporated herein. In the event of any inconsistency between or among the Contract Documents the Contract Documents shall be interpreted in the following order of priority:

a. This Agreement.

b. Designer Approved Bulletins and/or Field Orders.

c. Request for Proposals and addenda thereto.

d. Proposal.

2. SCOPE OF WORK

The Contractor shall furnish and deliver all of the materials, and perform all of the work required by this Agreement within the time period stipulated in a written Notice-to-Proceed to be executed by the Contractor and Owner and in accordance with the following enumerated documents, which are made a part hereof as if fully contained herein:

a. Construction Drawings prepared by HDR Engineering Inc. of the Carolinas, Inc. (Sheet sets G01-3; C00-18; S01-4; P01-2; E01-6; related addendum 1,2 and 3 dated June2012)

b. Written specifications prepared by the project engineer.

c. W.L. Bishop Construction, Inc. proposal dated July 26, 2012 which fully describes the work to be performed, such work (hereinafter called the "Work").

d. Related documents listed under Section 1 above.

3. TERM AND SCHEDULING

a. The Contractor agrees to commence work pursuant to the written Notice-to Proceed.

b. The Contractor agrees to complete substantially all Work included by January 4, 2013, or 120 calendar days from the time of written Notice to Proceed.

c. Time is of the essence with respect to all dates specified in the Contract Documents as Completion Dates.

d. The Contractor shall perform the Work in the time, manner and form required by the Contract Documents and as stipulated in a written Notice-to-Proceed to be executed by the Contractor and Owner.

e. It is expressly understood that the Owner will employ other contractors to perform work as a part of the Project whose work will be performed simultaneously and sequentially with the performance of the Work by the Contractor. It shall be necessary for the Contractor to coordinate its activities with such other contractors, particularly with respect to access to work areas, storage of materials and other common facilities.

f. Should the Owner determine that the Contractor is behind schedule Owner may require, at no additional cost to the Owner, the Contractor to expedite and accelerate its efforts, including providing additional resources and working overtime, as necessary, to perform the Work in accordance with the approved project schedule.

4. STANDARD OF CARE

a. The Contractor shall exercise reasonable care and diligence in performing the Work in accordance with the highest generally accepted standards of this type of Contractor practice throughout the United States and in accordance with applicable federal, state and local laws and regulations applicable to the performance of these services. Contractor is solely responsible for the professional quality, accuracy and timely completion and/or submission of all work.

b. The Contractor shall not load or permit any part of the Work to be loaded with a weight that will endanger its safety, intended performance or configuration.

c. Contractor shall be responsible for all errors or omissions, in the performance of the Agreement. Contractor shall correct any and all errors, omissions, discrepancies, ambiguities, mistakes or conflicts at no additional cost to the Owner.

d. Contractor is an independent contractor of Owner. Any and all employees of the Contractor engaged by the Contractor in the performance of any work or services required of the Contractor under this Agreement, shall be considered employees or agents of the Contractor only and not of the Owner, and any and all claims that may or might arise under any workers compensation or other law or contract on behalf of said employees while so engaged shall be the sole obligation and responsibility of the Contractor.

e. Contractor agrees that Contractor, its employees, agents and its subcontractors, if any, shall be required to comply with all federal, state and local antidiscrimination laws, regulations and policies that relate to the performance of Contractor's services under this Agreement.

f. If activities related to the performance of this Agreement require specific licenses, certifications, or related credentials Contractor represents that it and/or its employees, agents and subcontractors engaged in such activities possess such licenses, certifications, or

credentials and that such licenses certifications, or credentials are current, active, and not in a state of suspension or revocation.

5. **PAYMENT & TAXES**
   a. The Owner hereby agrees to pay to the Contractor for the faithful performance of this Agreement, and the Contractor hereby agrees to perform all of the Work for a sum not-to-exceed Eight Hundred Eighty Seven Thousand Ninety Two Dollars Dollars ($887,092.00). Not later than the fifth (5th) day of each calendar month the Contractor shall submit to the Owner's Representative, generally the architect if an architect is retained on the Work, a Request for Payment for work done during the previous calendar month.
      i. The Request for Payment shall be in form of a standardized invoice or AIA Document G702-703 appropriately addressed to Owner's Representative at PO Box 8181, Hillsborough NC 27278 and shall show substantially the value of work done during the previous calendar month.
      ii. The amount due for payment shall be ninety-five percent (95%) of the value of work completed since the last Request for Payment and this amount shall be paid by the Owner on or before the last business day of the month. Owner shall retain five percent (5%).
         1. Upon Owner's Representative's certification that ninety percent (90%) of the Work has been satisfactorily completed retainage may be discontinued. Retainage may be discontinued, at Owner's Discretion, so long as work continues to be completed satisfactorily and on schedule.
      iii. Final payment shall not be due to the Contractor until thirty (30) days after one hundred percent (100%) of the Work, including punch list work, has been satisfactorily completed and an appropriate affidavit as required in Section 7(c) below has been received by Owner.

   b. Should Owner reasonably determine that Contractor has failed to perform the Work related to a Request for Payment, Owner, at its discretion may provide the Contractor ten (10) days to cure the breach. Owner may withhold the accompanying payment without penalty until such time as Contractor cures the breach.
      i. Should Contractor or its representatives fail to cure the breach within ten (10) days, or fail to reasonably agree to such modified schedule, Owner may immediately terminate this Agreement in writing, without penalty or incurring further obligation to Contractor.
      ii. This section shall not be interpreted to limit the definition of breach to the failure to perform the Work related to a Request for Payment.

   c. The Contractor has included in the Contract Price and shall pay all taxes assessed by any authority on the Work or the labor and materials used therein. It shall be the Contractor's responsibility to furnish the Owner documentary evidence showing the materials used and sales and use tax paid by the Contractor and each of its subcontractors.

6. **INSURANCE AND BONDS**
   a. Minimum requirements – The Contractor shall obtain, at its sole expense, all insurance required under this Agreement and the Contractor shall not commence work until such insurance is in force nor shall the Contractor allow any Subcontractor to commence work on its subcontract until all insurance required to be procured by Subcontractors hereunder has been so obtained by or for the Subcontractor and evidence thereof submitted to Owner. All required insurance shall be procured from insurance companies licensed to do business in North Carolina with a Best's Insurance Guide Rating of A- or better. Coverage for the following

types of insurance shall be maintained continuously during the life of the Project until Final Completion of the Work. Coverages shall be maintained continuously during the life of the Project until Final Completion of the Work for the following types of insurance in the amounts listed:

i. Worker's Compensation Insurance with limits for Coverage A Statutory - State of North Carolina and Coverage B Employers Liability $500,000 each accident and policy limit and disease each employee.

ii. Comprehensive General Liability and Property Damage Insurance ($500,000 Each Occurrence; $1,000,000 Aggregate).

iii. Contractual Liability (Bodily Injury and Property Damage $500,000 Each Occurrence; Property Damage $1,000,000 Aggregate).

iv. Personal Injury, with Employment Exclusion deleted ($1,000,000 Aggregate).

v. Comprehensive Automobile Liability Insurance (Bodily Injury $100,000 Each Person/Each Accident, $300,000 Each Occurrence; Property Damage $100,000 Each Occurrence).

b. Additional Insured – The Owner shall be named as additional insured on all forms of insurance except Worker's Compensation. Each certificate of insurance and policy required hereunder, except the worker's compensation policy, shall bear the provision that "The policy cannot be canceled or reduced in amount and that coverage cannot be eliminated in less than thirty (30) days after mailing written notice to the Owner of such alteration, cancellation, or elimination, the written notice to be sent by Certified Mail."

c. Performance Bonds – Contractor shall furnish bonds covering the faithful performance of the Contract and payment of all obligations arising under any of the Contract Documents or related in any way to the Work. Contractor shall immediately furnish a copy of such bonds to any requesting person who appears to be a potential beneficiary of bonds covering payment obligations arising under any of the Contract Documents. This subsection 6(c) applies only to Contracts of fifty thousand dollars ($50,000.00) or more where the total cost for the project is three hundred thousand dollars ($300,000.00) or more.

7. INDEMNITY

a. The Contractor shall indemnify and hold harmless to the extent permitted by law the Owner and its agents and employees from and against any and all claims, damages, losses and expenses, including attorney's fees, arising out of or resulting from the performance or nonperformance of the Work, provided that any such claim, damages, loss or expense (A) is attributable to bodily injury, sickness, disease or death or injury to, or destruction of, property, including the loss of use resulting therefrom; and (B) is caused in whole or in part by any breach of any provision of the Agreement or by any negligent or wrongful act or omission of the Contractor, any Subcontractor, or supplier of the Contractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable. The indemnification obligation under this paragraph shall not be limited in any way by any limitation of the amount or type of damages, compensation or benefits payable by or for the Contractor or any subcontractor under workers' compensation acts, disability benefits acts or other employee benefit acts.

b. The Contractor shall indemnify and hold harmless Owner from any lien of whatever type through the purchase of appropriate bonds and insurance as designated in Section 6 above. In the event any such lien is filed against Owner's property Contractor shall, through such bonds and insurance or at Contractors expense, defend Owner against all such claims of lien.

c. Upon completion of the Work the Contractor shall execute an affidavit stating there are no unpaid debts for any work that has been done or materials that have been furnished to the Project prior to and as of the date of substantial completion and further stating that Contractor shall indemnify, save and protect Owner and Owner's lender, if any, harmless from and against any and all claims, liabilities, losses, damages, causes of action, and expenses (including court costs and reasonable attorney's fees related thereto) arising out of, in connection with, or resulting from any such debts and liens. Such indemnification shall be in a form and substance acceptable to Owner.

d. By executing this Agreement Contractor agrees to abide by and be bound by the indemnification provisions herein and of Section 7(c) specifically.

8. DISPUTE RESOLUTION AND GOVERNING LAW

a. Owner and Contractor agree that should a dispute arise as to the terms of the Contract Documents the architect shall serve as the initial decision-maker, unless there is no architect retrained on the project related to the Work. Owner and Contractor further agree as follows:
   i. If there is no architect retained for the Work, Owner and Contractor agree, prior to the initiation of any civil litigation, to submit to mediation by agreeing on an individual to serve as mediator to mediate the dispute.
   ii. Should the Owner and Contractor fail to mutually agree on an individual to serve as mediator Owner may select a mediator to mediate the dispute.
   iii. Any mediator selected under this section shall be an attorney licensed to practice law in the State of North Carolina and shall be generally recognized as having experience in mediating construction disputes.
   iv. Owner and Contractor agree to equally share in the cost of a mediator selected under this section.

b. The laws of the State of North Carolina shall apply to the interpretation and enforcement of this Agreement. Any and all suits or actions to enforce, interpret or seek damages with respect to any provision of, or the performance or nonperformance of, this Agreement or the Contract shall be brought in the General Court of Justice of North Carolina sitting in Orange County, North Carolina and it is agreed by the parties that no other court shall have jurisdiction or venue with respect to such suits or actions.

c. Notice of any claim by Owner or Contractor must be initiated by written notice to the other Party within thirty (30) days of the occurrence of the event giving rise to the claim or within thirty (30) days of the discovery of the event or condition giving rise to the claim, whichever is later.
   i. Should any claim be made, regardless of whether such claim is made by Owner or Contractor, Contractor shall continue to faithfully and diligently perform the Work in such a manner as to meet all scheduled timelines. Any failure to faithfully and diligently perform the Work may be deemed, by the Owner, a breach of the Contract.
   ii. If a claim is made such claim shall be made to the initial decision maker, if applicable, who may request more supporting data, reject the claim in whole or in part, approve the claim in whole or in part or advise the parties the claim is unable to be resolved.

iii. If a claim is made by the Owner the Owner may, but is not obligated to, notify the surety.

9. NON–APPROPRIATION

a. Contractor acknowledges that Owner is a governmental entity, and the validity of this Agreement is based upon the availability of public funding under the authority of its statutory mandate.

b. In the event that public funds are unavailable and not appropriated for the performance of Owner's obligations under this Agreement, then this Agreement shall automatically expire without penalty to Owner immediately upon written notice to Contractor of the unavailability and non-appropriation of public funds. It is expressly agreed that Owner shall not activate this non-appropriation provision for its convenience or to circumvent the requirements of this Agreement, but only as an emergency fiscal measure during a substantial fiscal crisis.

c. In the event of a change in the Owner's statutory authority, mandate and/or mandated functions, by state and/or federal legislative or regulatory action, which adversely affects Owner's authority to continue its obligations under this Agreement, then this Agreement shall automatically terminate without penalty to Owner upon written notice to Contractor of such limitation or change in Owner's legal authority.

10. NOTICES

Any notice required by this Agreement shall be in writing and delivered by certified or registered mail, return receipt requested to the following:

Owner:
Orange County
Attn: Jeff Thompson
P.O. Box 8181
Hillsborough, NC 27278

Contractor:
W.L. Bishop Construction Company, Inc.
2211 Leah Drive
Hillsborough, NC 27278

11. MISCELLANEOUS

a. Duties and Obligations imposed by the Contract Documents shall be in addition to any Duties and Obligations imposed by state, federal or local law, rules, regulations and ordinances.

b. No act or failure to act by the Owner or Contractor shall constitute a waiver of any right or duty granted them under the Contract Documents, nor shall any act or failure to act constitute any approval except as specifically agreed in writing.

c. The Work shall be tested and inspected as required by the Contract Documents and as required by law. Unless prohibited by law the costs of all such tests and inspections related to state and federal codes such as ADA, Administrative, Electrical, Plumbing, Mechanical and Building Codes shall be borne by the Contractor. The costs for material and structural testing shall be conducted by an independent third party at the expense of the Owner. Delays related to any of the aforementioned tests and inspections shall not be grounds for delaying the completion of the work. If any such tests and inspections reveal deficiencies in the Work such that the Work does not comply with terms or requirements of the Contract Documents and/or the requirements of any code or law the Contractor is solely responsible for the cost of bringing such deficiencies into compliance with the terms of the Contract Documents and/or any code or law.

d. Should the Architect, if an architect is retained for the project involving the Work, or Owner reject any portion of the Work for failing to comply with the Contract Documents Contractor shall immediately, at Contractor's expense, correct the Work. Any such rejection may be made before or after substantial completion. If applicable, any additional expense borne by the Architect under this section shall be paid at Contractor's expense.

e. The Contractor shall not assign any portion of this Agreement nor subcontract the Work in its entirety without the prior written consent of the Owner.

12. CONSEQUENTIAL AND LIQUIDATED DAMAGES

a. Owner and Contractor mutually waive any claim against each other for consequential damages. Consequential Damages include:

i. Damages incurred by Owner for loss of use, income, financing, or business.

ii. Damages incurred by Contractor for office expenses, including personnel, loss of financing, profit, income, business, damage to reputation, or any other non-direct damages.

b. Liquidated damages shall be in accord with the Contract Documents.

13. TERMINATION OR SUSPENSION

a. The Owner may, without cause, order the Contractor to terminate, suspend, delay or interrupt the Work in whole or in part for such period of time as the Owner may determine. In the event of termination by the Owner under this Agreement, the Contractor shall be entitled to receive its reasonable and documented direct costs prior to termination, including the cost of materials purchased for the Work which purchases cannot be canceled or which material cannot reasonably be used by the Contractor on other work, and the cost of closing down the work in a safe and efficient manner.

i. If Owner orders a delay, suspension or interruption of the Work, and such order is not due to or as a result of any fault on the part of the Contractor, the Contractor may recover a per diem amount at a rate calculated by the Contract Documents.

ii. If Contractor elects to accept the amount listed in the General Conditions provision of the Construction Documents Contractor waives any right to further claims for payment of damages sustained as a result of Owner's order to delay, suspend or interrupt the Work.

b. Contractor may terminate the Contract if, at the Owner's written direction, the Work is stopped for thirty (30) consecutive days through no act or fault of the Contractor, their agents or employees, or a subcontractor or their agents or employees or any other person performing work pursuant to the Contract Documents. Contractor may terminate the Contract if a Court or other Public authority having jurisdiction enters a lawful order that requires all work to be stopped and such stoppage lasts for thirty (30) consecutive days.

14. ENTIRE AGREEMENT

All of the documents listed, referenced or described in this Agreement, the written Notice-to-Proceed, together with Modifications made or issued in accordance herewith are the Contract Documents, and the work, labor, materials and completed construction required by the Contract Documents and all parts thereof is the Work. The Contract Documents constitute the entire agreement between Owner and Contractor. This

Agreement may be amended only by written instrument signed by both parties. Modifications may be evidenced by facsimile signatures. If any provision of the Agreement shall be declared invalid or unenforceable, the remainder of the Agreement shall continue in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the day and date first above written in a number of counterparts, each of which shall, without proof or accounting for other counterparts, be deemed an original contract.

ORANGE COUNTY

_____
Signature

Attest:

_____
Donna Baker, Clerk to the Board

This instrument has been approved as to technical content.

_____
Gayle Wilson, Department Director

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

_____
Office of the Finance Director

This instrument has been approved as to legal form and sufficiency.

_____
Office of the County Attorney

CONTRACTOR

_____
Signature

William L. Bishop President
Printed Name and Title

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: August 21, 2012

Action Agenda Item No. 5-n

SUBJECT: Efland Phase 2/Buckhorn Sanitary Sewer Project Update

DEPARTMENT: Asset Management Services; Planning

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):
1) August 23, 2011 Abstract
2) State Approval of Gravity Outfall Loan

INFORMATION CONTACT:
Jeff Thompson, 919-245-2658
Craig Benedict, 919-245-2592
Kevin Lindley, 919-245-2583

PURPOSE: To provide the Board a project status of the Efland Phase 2/Buckhorn sanitary sewer project and change order cost reconciliation associated with the State approved deepening of the Brookhollow Road Lift Station ("BRLS").

BACKGROUND: On August 23, 2011 the Board awarded the general construction contract for this project to J.F. Wilkerson Contracting Company of Morrisville, North Carolina. Construction began soon thereafter. Sanitary sewer line work for the entire project is nearly 95% complete.

On August 23, 2011, the Board also authorized the Manager to pursue planning for an additional gravity sewer outfall connection between the new BRLS and the end-of-life McGowan Creek Lift Station ("MCLS"), due mainly to the availability of surplus State Revolving Loan funds within the project account because of the attractive construction bid well under the estimated construction cost. The August 23, 2011 abstract and its relevant section B-5 ("Relevant Alternate Outfall Engineering Design") is provided as Attachment 1. This strategy would effectively eliminate the need for a new MCLS lift station estimated to cost $400,000 and would open up a larger section of the Efland Economic Development District to development through the availability of sanitary sewer services.

In March 2012, the State approved the allocation of State Revolving Loan funds in the amount of $755,450 for the gravity outfall connecting the end-of-life McGowan Creek lift station to the new BRLS (note Attachment 2, "Clean Water State Revolving Fund – Notice of Intent to Fund" dated March 29, 2012). The State granted the County the loan funds for the outfall project on the merits of the County's application and the apparent loan surplus available for construction after bid opening of the original project.

On July 17, 2012 the State granted final design approval on the deepened Brookhollow Road Lift Station ("BRLS"), a step necessary to provide the capacity for the gravity outfall project. With these design approvals, the Contractor, JF Wilkerson, is preparing final pricing on the approved design and will be submitting proposed change orders to the Manager in the near future. In an effort not slow down the project, the County Manager authorized the continuation

of the work during the Board's summer break in anticipation of bringing a project reconciliation report including the lift station modifications to the Board at this first regular meeting.

The following shows the project budget and the contingency allocation to these proposed change orders estimated by the designer:

Revenues - #30042		4,848,400
Expenses Encumbered *and* Reserved for Encumbrances		
	P/A/E, Easements	(637,000)
	Construction	(2,942,954)
	Contingency	(484,000)
Balance		**784,446**

Proposed change orders ("PCOs") against contingency:		
Available Contingency:		484,000
PCO1:	Approved increase of force main from 6" to 8"	(30,000)
PCO2:	Approved deepening of BRLS	(230,000)
PCO3:	Material unit price contract reconciliation	
	Buckhorn	57,000
	Efland	(153,000)
Net contingency balance after change orders		**128,000**

PCO3 represents an estimate of the material quantities necessary for the project (rock, unsuitables, fill, etc.). This may be a series of change orders in accordance with the State's contract procedure, be it a debit or credit to the project, and will be fully reconciled once the entire project is complete.

FINANCIAL IMPACT: There are sufficient funds within the project to cover the necessary change orders.

RECOMMENDATION: The Manager recommends the Board accept this information regarding the project status of the Efland Phase 2/Buckhorn sanitary sewer project and the change order cost reconciliation associated with the State approved deepening of the Brookhollow Road Lift Station ("BRLS").

ATTACHMENT 1

REVISED 8/23/11
8/23/11 BOCC Regular Meeting
Abstract and Attachment 3 – See Highlighted Portions ORD-2011-027

COPY

ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT
Meeting Date: August 23, 2011

Action Agenda Item No. 8-C

SUBJECT: Central Efland and Northern Buckhorn Sewer Extensions – Funding (Including Budget Amendment #1-A) and Bid Award and Construction

DEPARTMENT: Manager's Office, Planning, Financial Services, Asset Management Services (AMS)

PUBLIC HEARING: (Y/N) N

ATTACHMENT(S):
1. Notice and Acceptance of EPA Special Appropriations Grant Funds
2. Acceptance of State Revolving Loan and Conditions by Resolution
3. Bid Tabulation
4. Resolution of Award
5. Construction Contract

INFORMATION CONTACT:
Frank W. Clifton, Jr., Co. Manager, 245-2300
Craig Benedict, Planning Director, 245-2592
Kevin Lindley, PE, Staff Engineer, 245-2583
Clarence Grier, Financial Services Director, 245-2450
Pam Jones, AMS Director, 245-2652
David Cannell, Purchasing Agent, 245-2651

PURPOSE: To consider multiple actions related to the funding and construction of the Central Efland and Northern Buckhorn sewer system.

BACKGROUND: These sewer projects have been in process of funding since 1997 and design since 2004. The projects have now been permitted and approved by the state (SRF Loan Project No. CS370884-01) and Federal EPA (STAG Project No. XP95456411-01). The following is an outline of the proposed BOCC actions related to these projects. There are two main project aspects – Funding and Bid Award/Construction. Many of these funding actions have been noted this year in previous Board agenda items (June 7th and June 21st, 2011). The abstract notes each aspect and the recommendations are detailed on the last page.

A. Funding
1. Acceptance of EPA Special Appropriations Grant Funds for Construction of the Central Efland & North Buckhorn Sewer Improvements;
2. Acceptance of Central Efland – Phase 2 Northern Buckhorn Sewer Systems State Revolving Loan; and
3. Approval of Budget Amendment #1-A.

B. Bid Award and Construction

1.a. Authorize the County Manager to enter into an agreement regarding the withdrawal of the bid submitted by Triangle Grading & Paving of Burlington North Carolina;

solution of Award awarding the bid to J.F. Wilkerson of Morrisville, North Carolina at a cost of $2,942,954.46;
2. Authorize the Manager to execute change orders up to $250,000;
3. Authorize the Chair to sign the Resolution of Award on behalf of the Board;
4. Approve and authorize the Chair to sign the contract on behalf of the Board, pending execution of bonds, insurance and County Attorney approval; and
5. Authorize related alternate engineering design.

A.1 ACCEPTANCE OF EPA SPECIAL APPROPRIATIONS GRANT FUNDS FOR CONSTRUCTION OF THE CENTRAL EFLAND & NORTH BUCKHORN SEWER IMPROVEMENTS

PURPOSE: To consider accepting the EPA Special Appropriations (SPAP) grant funds for construction of the Central Efland and North Buckhorn Sewer Improvements.

BACKGROUND: In both 2003 and 2005, Congressman David Price worked to receive funding totaling $900,000 and $500,000 respectively in the EPA's SPAP program. Since that time, the County has worked through the appropriate processes and was given a Notice of Award for these two grants in December 2010 (**Attachment 1**) which was conditionally affirmed pending Capital Investment Plan (CIP) and companion loan acceptance.

The net of the two EPA SPAP grants is $1,348,400. Because the EPA delegates a large amount of review authority for grant funded projects to the State's Construction Grants & Loans division of North Carolina Department of Environment and Natural Resources (NCDENR), the State receives a percentage of the grant to cover the administrative costs.

Because County financial policy requires the BOCC to formally accept grant funds prior to expenditure, staff is requesting that the BOCC approve acceptance of these grant funds for the purpose of constructing the Central Efland and North Buckhorn Sewer Improvements. The grant funds will provide approximately 1/3 of the total construction costs and are a vital financing component for this project. In addition, these funds have already been incorporated into the County's CIP as part of this project.

FINANCIAL IMPACT: Accepting these funds will provide $1,348,400 towards the construction of the Central Efland and North Buckhorn Sewer Improvements.

A.2 CENTRAL EFLAND – PHASE 2 NORTHERN BUCKHORN STATE REVOLVING LOAN SEWER FUNDING

PURPOSE: To ratify a Resolution reiterating the Board's decision from June 21, 2011, approving the offer of a State Revolving Fund (SRF) Loan to fund the construction of the Efland and North Buckhorn sewer extensions.

BACKGROUND: The BOCC was previously presented with the opportunity to accept a SRF loan in the amount of $3,500,000 for the construction of sewer improvements in the Efland and North Buckhorn communities. The loan is from the North Carolina Department of Environment and Natural Resources. The BOCC approved this loan offer on June 21, 2011. Since that time, staff has been notified that in order to formally accept the loan, the loan approval must take the form of a Resolution.

Attachment 2 is a Resolution, dated June 21, 2011, that states the BOCC's acceptance of the SRF loan and conditions. Staff requests the BOCC ratify this Resolution to formally accept the SRF loan on Project No. CS370884-01, STAG Project No. XP95456411-01.

FINANCIAL IMPACT: As noted in the abstract from the Board's June 21, 2011 meeting, there is a $70,000, or 2%, closing fee for the SRF loan that will be due in September. The payments for the SRF loan are anticipated to begin approximately in June 2013, or six months after construction is complete. The annual loan payments would be approximately $225,000. Both the closing fee and the debt service payments are included in the County's Capital Investment Plan.

A-3 BUDGET AMENDMENT # 1-A

Total estimated project costs included in the Capital Investment Plan were $4,727,101, which did not include the $475,000 planned for the McGowan Creek Pump Station planning for FY2012-13. Since receiving very aggressive bids for the Central Efland/North Buckhorn Project, both projects can be combined with the McGowan Creek Pump Station Project with an overall project cost of $4,848,400. Budget Amendment #1-A below provides details of the proposed budget.

Central Efland and Northern Buckhorn Sewer Project:

Project # 30042

Revenues for this project:

	FY2010-11 Amendments	Aug. 23, 2011 Amendment	FY 2011-12 Revised
EPA SPAP Grant		$1,348,400	$1,348,400
State Revolving Loan Funds		3,500,000	3,500,000
Total Project Revenues		**$4,848,400**	**$4,848,400**

Appropriated for this project:

	Prior Years Amendment	Aug. 23, 2011 Amendment	FY 2011-12 Revised
Professional Services		$ 519,000	$ 519,000
Construction		4,304,400	4,304,400
Other		25,000	25,000
Total Project Appropriation		$4,848,400	$4,848,400

The larger budget amount in excess of the bid award will be explained below in section B.5.

B. BID AWARD AND CONSTRUCTION

PURPOSE: B.1.a – To authorize the County Manager to enter into an agreement regarding the withdrawal of the bid submitted by Triangle Grading & Paving of Burlington, North Carolina, and **B.1.b** – to consider awarding a bid to J.F. Wilkerson of Morrisville, North Carolina for the construction the Central Efland and Northern Buckhorn Sewer Extensions.

BACKGROUND: The County has been working towards construction of an extension to the Efland sewer system and an extension of the City of Mebane's sewer system into the Northern Buckhorn community. The work for this project involves the construction of approximately 5,370 linear feet of 8 inch gravity sanitary sewers to serve the Buckhorn Area north of I-85 and

19,514 linear feet of 8 inch gravity sewers with a 250 G.P.M. Pump Station and 2,460 linear feet of 6 inch ductile iron force main to serve the Efland Community. Bids for this project were advertised and received on June 23, 2011. Nine bidders submitted responses to the solicitation including Triangle Grading & Paving.

Subsequent to the opening of the bids on June 23, 2011, a difference of opinion arose between Triangle Grading & Paving and County Staff over the parties' respective rights and obligations arising out of the bidding process. In order to avoid a legal dispute, Staff has recommended that Triangle Grading and Paving's bid be deemed to have been timely withdrawn, without penalty or forfeiture of its bid bond.

B.1.b: To consider a Resolution awarding the construction contract for Central Efland Phase 2 and North Buckhorn sewer system extensions to J. F. Wilkerson Contracting Company.

BACKGROUND: Bids were received for this project (Project No. CS370884-01, STAG Project No. XP-95456511-0) on June 23, 2011. After a period of review of the bid documents by the County's engineering consultant, Coulter, Jewell, Thames, and due diligence investigation by County staff, J.F. Wilkerson Contracting Company was determined to be a responsive, responsible bidder for this project. With the agreed to withdrawal of Triangle Grading & Paving's bid, J.F. Wilkerson Contracting Company becomes the lowest, responsive and responsible bidder for this project.

Because this project is funded by both an EPA Special Appropriations Grant and a State Revolving Fund Loan, the State Construction Grants & Loans (CG&L) office must review the bid documents and other information regarding the project prior to issuing an "Authority to Award" notice to the County. The deadlines imposed by the SRF Loan process required that Orange County be issued the "Authority to Award" from the State CG&L office on or before August 1, 2011, or risk losing the SRF Loan funds. As a part of the Project Bid Information packet, the CG&L office typically requires that the governing board adopt a Resolution of Tentative Award, which says the board intends to award the contract to the lowest, responsible, responsive bidder once given the "Authority to Award" from the State.

In this case, however, the BOCC was on summer breaks when the bids came in. This meeting is the first opportunity available for the Resolution of Tentative Award. The CG&L office has granted the County a variance from its normal procedure by allowing the BOCC to adopt the Resolution of Award now, after the Authority to Award had been issued by the State on August 1, 2011. Therefore, the Resolution before the Board is a Resolution of Award rather than a Resolution of Tentative Award because the State has already reviewed the contractor choice and issued the Authority to Award.

This Resolution, along with the actual contract and supporting documents, will be submitted to the State CG&L office for review. Submission and approval of the contract documents and this Resolution are *required* in order to meet the next funding deadline on September 1, 2011.

J.F. Wilkerson submitted the lowest responsible bid that was responsive. A copy of the tabulation is **Attachment 3**. The Resolution of Award is **Attachment 4**. If the Board awards this bid, a notice to proceed will be issued in mid-September with an estimated completion date of December 2012.

B-5 RELATED ALTERNATE 'OUTFALL' ENGINEERING DESIGN

After strategic review of the existing and proposed sewer systems in Efland, an alternative engineering design may create short and long term benefits in costs and service area. A brief explanation follows:

The present Efland sewer system flows by gravity to the existing McGowan Creek Lift Station (MCLS) built in 1988 near Efland-Cedar Grove Road. From this collection point sewage is then a pumped via a sewage force main to the Town of Hillsborough for treatment. The Central Efland Phase II (area east of and downstream from the MCLS) proposes a new sewage lift station on Brookhollow Road (BRLS) which collects a new service area that flows by gravity to this new station that is then pumped 'upstream' to the old MCLS.

Since the proposed BRLS is 'downstream' from the old MCLS, a new gravity sewer main or interceptor can be designed to allow existing sewer flows to flow through (without pumping) the MCLS and continue through this new gravity line (approximately 2,000 LF) to the BRLS. This alternate design accomplishes several goals:

1. Eliminates the need for a new lift station (BRLS) to pump to an old lift station (MCLS) which is in need of approximately $400,000 of repair.
2. Creates a new interceptor service area (consistent with the Efland-Mebane Small Area Plan) for additional property and customers that were not included in the original design.
3. Reduces the distance of pumping to Hillsborough since the BRLS is closer and eventually can be the one lift station instead of two (major reduction in maintenance and operating costs) that changes pumping direction to another treatment system.
4. Removes the old MCLS function which is close to McGowan Creek.

There are two funding sources for this project- $3.5 million from the State Revolving Loan Fund and a grant of $1,348,400 from an EPA SPAP Grant. The State agrees monies from the SRF loan can be used to expend on this alternate which enhances the existing and proposed systems. Projected monies from EPA and SRF sources can accommodate the original and alternate design because of lower construction bids. The difference between the bid and the budget is reserved for this alternate project. This alternate design still needs to be engineered, permitted and bid and, if at all possible from a timing standpoint, coordinated into the proposed project.

The design for this work will begin as soon as a design and construction administrator is chosen. A separate bid for construction will be necessary at a later date. Whether design and permitting can 'catch up' to the present work is not yet known. In any event, this proposed design enhancement will provide a system that can be more efficiently operated.

FINANCIAL IMPACT: There is no financial impact from approving the Resolution of Award. The contract with J.F. Wilkerson Contracting Company is for $2,942,954.46 and has been accounted for in the County's CIP and is within budgeted amounts.

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

A. Funding
   1. Accept the EPA Special Appropriations Grant Funds for Construction of the Central Efland & North Buckhorn Sewer Improvements (Attachment 1)
   2. Ratify the Resolution noting acceptance of Central Efland – Phase 2 Northern Buckhorn Sewer Systems State Revolving Loan (Attachment 2)
   3. Approve Budget Amendment #1-A

B. Bid Award and Construction

1.a. Authorize the County Manager to enter into an agreement regarding the withdrawal of the bid submitted by Triangle Grading & Paving of Burlington, North Carolina;

1.b. Approve the Resolution of Award awarding the bid to J.F. Wilkerson of Morrisville, North Carolina at a cost of $2,942,954.46;

2. Authorize the Manager to execute change orders up to $250,000;

3. Authorize the Chair to sign the Resolution of Award (**Attachment 4**) on behalf of the Board;

4. Approve and authorize the Chair to sign the contract on behalf of the Board (**Attachment 5**), pending execution of bonds, insurance and County Attorney approval (bid unit prices are available in the Clerk to the Board's office); and

5. Authorize staff to proceed with related alternate engineering design.

ATTACHMENT 2

NCDENR

North Carolina Department of Environment and Natural Resources
Division of Water Quality

Beverly Eaves Perdue
Governor

Charles Wakild, P.E.
Director

Dee Freeman
Secretary

March 29, 2012

Mr. Frank Clifton, County Manager
Orange County
PO Box 8181
Hillsborough, NC 27278

COPY

SUBJECT: Clean Water State Revolving Fund
Notice of Intent to Fund
McGowan Creek Interceptor
March 1st, 2012 Application Cycle

Dear Mr. Clifton:

Congratulations! Your application for a Clean Water State Revolving Fund (CWSRF) loan has been reviewed and your proposed project found eligible to receive a low-interest CWSRF loan. The total loan amount will be $755,450.

Please note that this intent to fund is contingent on approval of the loan through the Local Government Commission. This intent to fund is also contingent on meeting **all** milestones outlined based on our Intended Use Plan (IUP) as shown below.

Milestone	Date
Engineering Report Submittal	July 2, 2012
Engineering Report Approval	December 3, 2012
Plans & Specifications Submittal	June 3, 2013
Plans & Specifications/Permit Approval	September 2, 2013
Advertise Project, Receive Bids, Submit Bid Information, and Receive CG&L's Authority To Award	December 2, 2013
Execute Construction Contract(s)	January 2, 2014

The next milestone is the **submittal of an Engineering Report by close of business on July 2, 2012**. The Engineering Report must be developed using the guidance found on our website. **Reports not received in this office on or before July 2, 2012 will be returned and CWSRF funding for the proposed project will be forfeited.**

Failure to meet this or any other IUP milestone will result in the forfeit of CWSRF funding for your proposed project, and a new application must be submitted for consideration during a future application cycle.

Infrastructure Finance Section
1633 Mail Service Center, Raleigh, North Carolina 27699-1633
Location: 8th Floor Archdale Building, 512 N. Salisbury St. Raleigh, North Carolina 27604
Phone: 919-707-9160 \ FAX: 919-715-6229
Internet: www.ncwaterquality.org
An Equal Opportunity \ Affirmative Action Employer

One NorthCarolina Naturally

Please note that if funding is based on the recipient's agreement to develop an Asset Management Plan, that plan **must** be adopted by the recipient and approved by the Infrastructure Finance Section before the contract execution milestone. Otherwise, project funding will be forfeited. The IUP and an overview of our CWSRF funding process are available on our website (http://portal.ncdenr.org/web/wq/ifs).

If you have questions, please contact the Mr. Seth Robertson, P.E. Supervisor, Design Management Unit at 919-707-9175.

Sincerely,

Kim H. Colson, P.E., Chief
Infrastructure Finance Section

JMH

cc: Mark Hubbard
Jennifer Haynie
SRF File

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: August 21, 2012

Action Agenda
Item No. 6-a

SUBJECT: CDBG Program – Infrastructure Hook-up Program

DEPARTMENT: Housing, Human Rights, and Community Development

PUBLIC HEARING: (Y/N) Yes

ATTACHMENT(S):
Application Summary
Certificate of Completion

INFORMATION CONTACT:
Tara L. Fikes, 245-2490

PURPOSE: To conduct a public hearing to receive public comments prior to official close-out of the County's FY 2010 Community Development (CDBG) Infrastructure Hook-up Program and authorize execution of the Certificate of Completion by the Chair of the Board of County Commissioners.

BACKGROUND: Orange County was awarded a $75,000 Community Development Block (CDBG) Grant from the N.C. Department of Commerce for an Infrastructure Hook-up Program. Funds from this grant were intended to be used to provide water and/or sewer connections for nine (9) homes in the Rogers Road community.

All CDBG activities have now been completed with connections completed at seven homes. (One home was already connected to water and the other home was damaged in a storm.) A summary of the program beneficiaries is attached.

In order to complete the grant close-out process, the N.C. Department of Commerce requires that a public hearing be held prior to the official closeout of the Infrastructure Hookup Program to assess the performance of the County in administering the grant program. In addition, the County is required to execute a Certificate of Completion form that is included with this abstract.

FINANCIAL IMPACT: This grant provided $75,000 in this community for the nine (9) connections. However, only seven (7) connections were completed at a cost of $61,218.53, thus the remaining $13,781.47 will be retained by the State Community Development Program.

RECOMMENDATION(S): The Manager recommends that the Board receive comments as information and authorize execution of the Certificate of Completion by the Chair of the Board of County Commissioners.

Orange County FY 2011
Infrastructure Hookup CDBG Program Summary

	Street Address	HH	Occupant		Income Category				Households with					Household Racial						Water/Sewer	Project
	Dwelling Unit	Size	Tenure						Special Needs					Composition							Costs ($)
			Own	Rent	<30	< 50	< 60	< 80	Eld	Dsb	Hml	Lrg	Oth	An	Bk	As	Hs	Wt	Oth		
1	7718 Rogers Rd	3	x			x			x	x					x					W	$ 7,354.67
2	1706A Purefoy Rd	1	x		x				x						x					W	$ 5,169.33
3	1712 Purefoy Rd.	3	x				x								x					W/S	$ 15,915.53
4	1715 Rusch Rd.	1	x		x				x	x					x					S	$ 8,668.00
5	1717 Rusch Rd.	1	x				x								x					S	$ 8,037.00
6	1709 Rusch Rd.	1	x		x				x	x					x					S	$ 8,037.00
7	8108 Rogers Rd.	2	x			x									x					S	$ 8,037.00
																					$ 61,218.53

CERTIFICATE OF COMPLETION

1. Grantee: Orange County **2. Grant Number:** 04-D-2085

3. Project Name: Infrastructure Hook-up Program **4. Project Number:** C-1

5. Final Statement of Costs

Program Activity Categories (a)	To Be Completed by Recipient: Paid Costs (b)	Unpaid Costs (c)	Total Costs (Col. b + c) (d)	To Be Completed by DOC: Approved Total Costs (e)
a. Acquisition	$0.00		$0.00	
b. Disposition	$0.00		$0.00	
c. Public facilities and improvements				
(1) Senior and handicapped centers	$0.00		$0.00	
(2) Parks, playgrounds and recreation facilities	$0.00		$0.00	
(3) Neighborhood facilities	$0.00		$0.00	
(4) Solid waste disposal facilities	$0.00		$0.00	
(5) Fire protection facilities and equipment	$0.00		$0.00	
(6) Parking facilities	$0.00		$0.00	
(7) Street improvements	$0.00		$0.00	
(8) Flood and drainage improvements	$0.00		$0.00	
(9) Pedestrian improvements	$0.00		$0.00	
(10) Other public facilities	$0.00		$0.00	
(11) Sewer improvements	$0.00		$0.00	
(12) Water improvements	$0.00		$0.00	
d. Clearance activities	$0.00		$0.00	
e. Public services	$0.00		$0.00	
f. Relocation assistance	$0.00		$0.00	
g. Construction, rehab. and preservation activities				
(1) Construction or rehab. of com. & indust. bldgs.	$0.00		$0.00	
(2) Rehabilitation of privately owned buildings	$0.00		$0.00	
(3) Rehabilitation of publicly owned buildings	$0.00		$0.00	
(4) Code enforcement	$0.00		$0.00	
(5) Historic preservation	$0.00		$0.00	
h. Development financing				
(1) Working capital	$0.00		$0.00	
(2) Machinery and equipment	$0.00		$0.00	
i. Removal of architectural barriers	$0.00		$0.00	
j. Other activities	$61,218.53		$61,218.53	
k. Subtotal	$61,218.53		$61,218.53	
l. Planning	$0.00		$0.00	
m. Administration	$0.00		$0.00	
n. Total	$61,218.53		$61,218.53	
o. Less: Program Income Applied to Program Costs			$0.00	
p. Equal: Grant Amount Applied to Program Costs	$61,218.53		$61,218.53	

6. Computation of Grant Balance

Description (a)	To Be Completed By Recipient: Amount (b)	To Be Completed By DOC: Approved Amount (c)
(1) Grant Amount Applied To Program Costs (From Line p)	$61,218.53	
(2) Estimated Amount For Unsettled Third - Party Claims		
(3) Subtotal	$61,218.53	
(4) Grant Amount Per Grant Agreement	$ 75,000.00	
(5) Unutilized Grant To Be Canceled (Line 4 Minus Line 3)	$ 13,781.47	
(6) Grant Funds Received	$ 61,218.53	
(7) Balance of Grant Payable (Line 3 Minus Line 6)*		

*** If Line 6 exceeds Line 3, enter the amount of the excess on Line 7 as a negative amount. This amount shall be repaid to DOC by check, unless DOC has previously approved use of these funds.**

7. Program Income

a) Amount of existing program income: $0.00

b) Amount of anticipated program income: $0.00

c) If program income exists or is anticipated, describe the proposed application(s):

8. Unpaid Costs and Unsettled Third Party Claims

Are there any unpaid costs or unsettled third party claims against the recipient's grant? Type "yes" or "no." If yes, in the box below describe the circumstances and amounts involved. No

9. Remarks (For DOC Use Only)

☐ **Please note that all financial records, supporting documents and other records pertinent to the community development program must be retained for a minimum of five (5) years from the date of this letter.**

☐ **This grant is closed pending receipt and approval of your final audit by Community Investment and Assistance (CI).**

☐ **Town**
☐ **City**
☐ **County**

10. Certification of Recipient

It is hereby certified that all activities undertaken by the Recipient with funds provided under the grant agreement identified on page 1 hereof, have, to the best of my knowledge, been carried out in accordance with the grant agreement; that proper provisions have been made by the Recipient for the payment of all unpaid costs and unsettled third party claims identified on page 1 hereof; that the State of North Carolina is under no obligation to make any further payment to the Recipient under the grant agreement in excess of the amount identified on Line 7 hereof; and that every other statement and amount set forth in this instrument is, to the best of my knowledge, true and correct as of this date.

Date	Typed Name and Title of Recipient's Authorized Representative	Signature of Recipient's Authorized Representative
_____	Bernadette Pelissier (Name) Chair, Board of County Commissioners (Title)	√ _____

11. DOC Approval

This Certification of Completion is hereby approved. Therefore, I authorize cancellation of the unutilized contract commitment and related funds reservation and obligation of $_____, less $_____ previously authorized for cancellation (from Section 6, line 6, page 1).

Date	Typed Name and Title of DOC Authorized Representative	Signature of DOC's Authorized Representative
_____	Vickie L. Miller Director	√ _____

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: August 21, 2012

Action Agenda
Item No. 6-b

SUBJECT: North Carolina Department of Transportation, Rural Operating Assistance Program (ROAP) Grant Application for FY 2012/2013

DEPARTMENT: Planning/Transportation **PUBLIC HEARING: (Y/N)** Yes

ATTACHMENT(S):
1. Public Hearing Notice
2. Certified Statement

INFORMATION CONTACT:

Al Terry, 245-2002
Pearl Waite, 245-2004
Craig Benedict, 245-2592

PURPOSE: To conduct a public hearing for the North Carolina Department of Transportation (NCDOT) Rural Operating Assistance Program (ROAP) grant and to approve the annual FY 2012/2013 ROAP grant application and certified statement.

BACKGROUND: The North Carolina Department of Transportation, Public Transportation Division, designates Rural Operating Assistance Program (ROAP) funds each fiscal year to Orange County. ROAP consolidates the Elderly/Disabled Transportation Assistance Program (EDTAP), the Employment Program (EMPL), and the Rural General Public (RGP) Program into a single application package. These ROAP funds allow Orange County to continue servicing the above mentioned programs from July 1, 2012 through June 30, 2013.

Orange Public Transportation (OPT) is the lead agency for public and human services agency transportation in rural Orange County. The EDTAP allocation of $77,302 will allow OPT to continue to use this allocation to provide medical transportation for the elderly (age sixty and up) and disabled residents of Orange County. To the extent possible, trips will be grouped by geographic area per weekday and the destination will be the closest provider. All EDTAP service recipients are required to provide a co-pay of $3.00 per one-way trip. This fee is pro-rated for any individual whose family income is at or below 125% of the poverty level as determined by the NC Department of Health and Human Services. Co-payments are utilized to fund additional trips.

With an allocation of $35,429 for Employment Transportation Assistance funds, Orange Public Transportation will provide former Work First participants or other low-income persons certified for Medicaid or Food Stamps with a maximum of $300 per year to assist with employment related transportation. For vehicle owners, the funds may be used for repairs and/or insurance. For non-vehicle owners the funds may assist with the purchase of bus passes, van/car pool expenses, or possibly gas vouchers. OPT allocates the Work First Transitional/Employment

Transportation Program funds to the Orange County Department of Social Services to administer and complete the required annual service report.

Orange Public Transportation has provided rural general public transportation on a seat available basis for many years. The development of the Hillsborough to Chapel Hill public route, no longer funded through Triangle Transit, and the Hillsborough Circulator public route are subsidized through RGP allocated funds. The FY 2012/2013 Rural General Public funds total $80,931 to support general public routes.

The period of performance for Rural Operating Assistance Program funds is July 1, 2012 through June 30, 2013. The FY 2012/2013 ROAP individual programs totals are:

EDTAP	**$77,302**
EMPL	**$35,429**
RGP	**$80,931**
TOTAL	**$193,662**

FINANCIAL IMPACT: Orange County will provide matching funds by requiring a $3.00 co-pay per EDTAP trip. Orange County was awarded a total of $180,949 for FY 2011/2012 and the County request for FY 2012/2013 is $193,662, an increase of $12,713.

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

1. Conduct the required ROAP public hearing for public comments;
2. Close the Public Hearing;
3. Approve the application for Rural Operating Assistance Program funds totaling **$193,662** for FY 2012/2013;
4. Authorize the Chair and County Manager to sign the Certified Statement of Participation; and
5. Direct staff to bring back an amendment to the OPT budget for the receipt of the additional ROAP funds of **$12,713**.

Attachment 1

Public Hearing Notice

This is to inform the public of the opportunity to attend a public hearing on the proposed Rural Operating Assistance Program (ROAP) application to be submitted to the North Carolina Department of Transportation no later than **August 20, 2012** by the county of Orange**.** The public hearing will be held on August 21, 2012 at **7:00 p.m.** at the **Orange County** commissioners meeting in the **Central Orange Senior Center** located at 103 Meadowlands Drive, Hillsborough, N.C. 27278. Orange County will provide auxiliary aids and services under the ADA for disabled persons who wish to participate in the hearing. Anyone requiring special services should contact **Al Terry at 919-245-2008** as soon as possible so that arrangements can be made.

The programs included in the Rural Operating Assistance Program application are:

1. Elderly & Disabled Transportation Assistance (EDTAP) Program provides operating assistance for the public transportation of elderly and disabled citizens.

2. Employment Transportation Assistance Program provides operating assistance for the public transportation of persons with employment related transportation needs.

3. Rural General Public (RGP) Program provides operating assistance for the public transportation of persons living in non-urban areas of the county.

The period of performance for Rural Operating Assistance Program funds is July 1, 2012 through June 30, 2013. The FY2013 individual program totals are:

PROGRAM	TOTAL
EDTAP	$77,302
EMPL	$35,429
RGP	$80,931
TOTAL	**$193,662**

This application may be inspected at the **Orange Public Transportation Administrative Office** located at **600 Highway 86 North, Hillsborough, N.C. 27278** from **8:00 a.m.-5:00 p.m.**. Written comments should be directed to **Al Terry 600 Highway 86 North, Hillsborough, N.C. 27278,** before **August 20, 2012**.

Note: The public hearing notices must be published at least once, not less than seven (7) days and not more than fourteen (14) days before the scheduled public hearing. This notice must be published in Spanish if the county has 1000 or more persons that speak Spanish at home, and have limited English proficiency. A list is provided in Appendix B of the ROAP State Management Plan. An original copy of the published Public Hearing Notice must be attached to a signed Affidavit of Publication. Both the Public Hearing Notice and the Affidavit of Publication must be submitted with the Rural Operating Assistance Program application.

Attachment 2

CERTIFIED STATEMENT
FY 2013
RURAL OPERATING ASSISTANCE PROGRAM
County of **Orange**

WHEREAS, the state-funded, formula-based Rural Operating Assistance Program (ROAP) administered by the North Carolina Department of Transportation, Public Transportation Division provides funding for the operating cost of passenger trips and for other transportation services for counties within the state;

WHEREAS, the county uses the most recent transportation plans (i.e. CTSP, CTIP, LCP) available and other public involvement strategies to learn about the transportation needs of agencies and individuals in the county before determining the sub-allocation of these ROAP funds;

WHEREAS, the county government or regional public transportation authorities created pursuant to Article 25 or Article 26 of Chapter 160A of the General Statutes (upon written agreement with the municipalities or counties served) are the only eligible recipient of Rural Operating Assistance Program funds which are allocated to the counties based on a formula as described in the Program Guidelines included in the ROAP application. NCDOT will disburse the ROAP funds only to counties and eligible transportation authorities and not to any sub-recipients selected by the county;

WHEREAS, the county finance officer will be considered the county official accountable for the administration of the Rural Operating Assistance Program in the county, unless otherwise designated by the Board of County Commissioners;

WHEREAS, the passenger trips and transportation services provided with ROAP funds must be accessible to individuals with disabilities and be provided without discrimination on the basis of national origin, creed, age, race or gender (FTA C 4702.1A, FTA C 4704.1, Americans with Disabilities Act 1990); and

WHEREAS, the period of performance for these funds will be July 1, 2012 to June 30, 2013 regardless of the date on which ROAP funds are disbursed to the county.

NOW, THEREFORE, by signing below, the duly authorized representatives of the County of Orange North Carolina certify that the following statements are true and accurate:

- The county employed a documented methodology for sub-allocating ROAP funds that involved the participation of eligible agencies and citizens. Outreach efforts to include the participation of the elderly and individuals with disabilities, persons with limited English proficiency, minorities and low income persons in the county's sub-allocation decision have been documented.
- The county will advise any sub-recipients about the source of the ROAP funds, specific program requirements and restrictions, eligible program expenses and reporting requirements. The county will be responsible for invoicing any sub-recipients for unexpended ROAP funds as needed.
- The county will monitor ROAP funded services routinely to verify that ROAP funds are being spent on allowable activities and that the eligibility of service recipients is being properly documented. The county will maintain records of trips and services for five years that prove that an eligible citizen was provided an eligible service or trip on the billed date, by whatever conveyance at the specified cost.
- The county will be responsible for monitoring the safety, quality and cost of ROAP funded services and assures that any procurements by subrecipients for contracted services will follow state guidelines.
- The county will conduct regular evaluations of ROAP funded passenger trips and transportation services provided throughout the period of performance.

- The county will only use the ROAP funds to provide trips when other funding sources are not available for the same purpose or the other funding sources for the same purpose have been completely exhausted.
- The county assures that the required matching funds for the FY2013 ROAP can be generated from fares and/or provided from local funds.
- The county will notify the Mobility Development Specialist assigned to the county if any ROAP funded services are discontinued before the end of the period of performance due to the lack of funding. No additional ROAP funds will be available.
- The county will provide an accounting of trips, services and expenditures in semi-annual reports to NCDOT – Public Transportation Division or its designee.
- Any interest earned on the ROAP funds will be expended for eligible program uses as specified in the ROAP application. The County will include ROAP funds received and expended in its annual independent audit on the schedule of federal and state financial assistance. Funds passed through to other agencies will be identified as such.
- The county is applying for the following amounts of FY 2013 Rural Operating Assistance Program funds:

State-Funded Rural Operating Assistance Program	Allocated	Requested
Elderly & Disabled Transportation Assistance Program (EDTAP)	$77,302	$77,302
Employment Transportation Assistance Program (EMPL)	$35,429	$35,429
Rural General Public Program (RGP)	$80,931	$80,931
TOTAL	$193,662	$193,662

WITNESS my hand and county seal, this _____ day of _____ , 20_____ .

Signature of Board of County Manager/Administrator

Signature of Board of County Commissioners Chairperson

Printed Name of County Manager/Administrator

Printed Name of Chairperson

State of North Carolina County of

Signature of County Finance Officer

County Seal Here

Printed Name of County Finance Officer

ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT
Meeting Date: August 21, 2012

Action Agenda Item No. 6-c

SUBJECT: Amendments to Unified Development Ordinance Text – Dimensional and Ratio Standards (UDO/Zoning 2012-11)

DEPARTMENT: Planning and Inspections **PUBLIC HEARING: (Y/N)** Yes

ATTACHMENT(S):

1. Comprehensive Plan/Land Use Element Map and Unified Development Ordinance (UDO) Amendment Outline Form (UDO/Zoning-2012-11)
2. Ordinance Approving Amendment
3. Excerpt from Draft May 29, 2012 Quarterly Public Hearing Minutes
4. Excerpt from Minutes – July 11, 2012 Planning Board Meeting

Informational:

5. Map of Existing Commercial and Commercial-Industrial Transition Activity Nodes
6. Appendix F of the 2030 Comprehensive Plan - Land Use and Zoning Matrix

INFORMATION CONTACT:

Perdita Holtz, 245-2578
Craig Benedict, 245-2592

PURPOSE: To receive the Planning Board's recommendation, close the public hearing, and make a decision on Planning Director initiated text amendments to the Unified Development Ordinance (UDO) to amend Dimensional and Ratio Standards in certain zoning districts.

BACKGROUND: Staff was tasked with proposing amendments to the UDO that will result in regulations that more strongly encourage quality, non-residential development in the Economic Development Districts (EDDs) and other areas designated for growth, such as Commercial and Commercial-Industrial Transition Activity Nodes (see Attachment 5 for location of these areas). UDO amendments pertaining primarily to the EDDs were adopted on February 7, 2012.

The proposed amendments pertain to the commercial and industrial zoning districts that can be applied in Commercial and Commercial-Industrial Transition Activity Nodes, as designated on the Future Land Use Map of the 2030 Comprehensive Plan (see Attachment 6 for the "Land Use and Zoning Matrix" contained in the Comprehensive Plan). Attachment 2 contains the proposed amendments with changes from existing regulations depicted in red text. ***No changes to existing regulations are proposed for areas outside of designated Commercial or Commercial-Industrial Transition Activity Nodes.***

Ordinance Review Committee (ORC) Review
The Planning Board ORC reviewed the proposed UDO text amendments at its April 4, 2012 meeting. The ORC had no comments on the proposed changes.

Public Hearing
The proposed UDO amendments were heard at the May 29, 2012 joint public hearing (see excerpt from draft Minutes in Attachment 3). No members of the public spoke on the proposed UDO amendments.

Procedural Information
In accordance with Section 2.8.8 of the Unified Development Ordinance, any evidence not presented at the public hearing must be submitted in writing prior to the Planning Board's recommendation. Additional oral evidence may be considered by the Planning Board only if it is for the purpose of presenting information also submitted in writing. The public hearing is held open to a date certain for the purpose of the BOCC receiving the Planning Board's recommendation and any submitted written comments.

Planning Director's Recommendation
The Planning Director recommends **approval** of the proposed UDO amendments based on the following:

A. The UDO amendments are reasonably necessary to promote the public health, safety, and general welfare and to achieve the purposes of the adopted Comprehensive plan or part thereof; and,
B. The UDO amendments are consistent with the goals and policies of the adopted Comprehensive Plan.

Planning Board Recommendation
The Planning Board considered this item at its July 11, 2012 meeting. The Planning Board **unanimously voted to recommend approval** of this item. The excerpt from the Planning Board Minutes is included in Attachment 4.

FINANCIAL IMPACT: See Section C.3 of Attachment 1.

RECOMMENDATION(S): The Manager recommends the Board:

1. Receive the Planning Board's recommendation of approval;
2. Close the public hearing; and
3. Decide accordingly and/or adopt the ordinance contained in Attachment 2 which authorizes the text amendments.

Attachment 1

COMPREHENSIVE PLAN/LAND USE ELEMENT MAP AND UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT OUTLINE

UDO / Zoning-2012-11

Amendments to Dimensional and Ratio Standards of commercial and industrial general use zoning districts

A. AMENDMENT TYPE

Map Amendments

☐ Land Use Element Map:
From: -
To: -

☐ Zoning Map:
From: -
To: -

☐ Other:

Text Amendments

☐ Comprehensive Plan Text:
Section(s):

☒ UDO Text:
☐ UDO General Text Changes
☒ UDO Development Standards
☐ UDO Development Approval Processes
Section(s): Sections 3.4 and 3.5 - Zoning District Charts for the Various Commercial and Industrial Zoning Districts.

☐ Other:

B. RATIONALE

1. **Purpose/Mission**

In accordance with:
- the BOCC directive to focus staff efforts on economic development-related issues and
- the provisions of Section 2.8 (Zoning Atlas and Unified Development

Ordinance Amendments) of the Unified Development Ordinance, the Planning Director has initiated text amendments to the Unified Development Ordinance.

The purpose of the proposed amendments is to allow for a greater intensity of property use in areas of the county to be served by water and sewer systems. This will be accomplished by revising the Dimensional and Ratio Standards of various zoning districts if located in certain Future Land Use classifications, specifically, the Commercial Transition Activity Nodes and the Commercial-Industrial Transition Activity Nodes.

2. Analysis

As required under Section 2.8.5 of the Orange County Unified Development Ordinance, the Planning Director is required to: 'cause an analysis to be made of the application and, based upon that analysis, prepare a recommendation for consideration by the Planning Board and the Board of County Commissioners'.

The proposed amendments increase the potential intensity/density of uses within the commercial and industrial general use zoning districts if the zoning district is located within a Commercial Transition Activity Node or Commercial-Industrial Transition Activity Node, as depicted on the Future Land Use Map contained in the 2030 Comprehensive Plan. These are areas of the county that are served, or proposed to be served, by public water and sewer systems.

The increase in potential intensity/density is accomplished by increasing the maximum Floor Area Ratio (FAR) and decreasing the required Open Space Ratio and Pedestrian/Landscape Ratio (see Article 10 of the UDO for definitions of these terms). It should be noted that "open space" in the context of these ratios includes all gross land area not covered by buildings (e.g., parking areas and driveways are "open space" in this context). In some zoning districts, the maximum height is also proposed to be increased and in one zoning district the minimum lot size is proposed to be decreased.

The proposed ratios/height maximums are in keeping with regulations adopted in February 2012 for similar economic development zoning districts (which are applicable only in the designated Economic Development Districts) and the Office/Institutional (O/I) zoning district which was amended in June 2011.

All other regulations contained in the UDO, such as impervious surface limits, stream buffers, land use buffers, and landscaping requirements continue to apply and are not being proposed for amendment.

Planning Director's Recommendation

The Planning Director recommends **approval** of the proposed UDO amendments based on the following:

i. The UDO amendments are reasonably necessary to promote the public health, safety, and general welfare and to achieve the purposes of the adopted Comprehensive plan or part thereof; and,

ii. The UDO amendments are consistent with the goals and policies of the adopted Comprehensive Plan.

3. Comprehensive Plan Linkage (i.e. Principles, Goals and Objectives)

Board of County Commissioner' Planning Principles: 7. Promotion Of Economic Prosperity And Diversity: Development of a diversity of new businesses and expansion of existing businesses should occur in Orange County.

Economic Development Element Objective ED-1.5: Identify barriers to development of desirable businesses and local businesses, and mitigate these barriers.

Economic Development Element Objective ED-2.1: Encourage compact and higher density development in areas served by water and sewer.

Economic Development Element Objective ED-2.8: Adjust ongoing designation and zoning of Economic Development Districts to avoid the area designated as the Rural Buffer.

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

Land Use Goal 4: Land development regulations, guidelines, techniques and/or incentives that promote the integrated achievement of all Comprehensive Plan goals.

4. New Statutes and Rules

N/A

C. PROCESS

1. TIMEFRAME/MILESTONES/DEADLINES

a. BOCC Authorization to Proceed

March 13, 2012

b. Quarterly Public Hearing

May 29, 2012

c. BOCC Updates/Checkpoints

April 4, 2012 – BOCC members receive materials to be reviewed by the Planning Board's Ordinance Advisory Committee as part of the Planning Board packets sent to all BOCC members each month

May 1, 2012 (Legal Ad Approval)
August 21, 2012 (Projected Date for Decision)

d. Other

2. PUBLIC INVOLVEMENT PROGRAM

Mission/Scope: The public hearing process followed is specified in the Orange County UDO and is consistent with NC General Statutes. For text amendments, the process consists of legal advertisements published for two consecutive weeks prior to the public hearing and the public hearing.

a. Planning Board Review:

April 4, 2012 (Ordinance Review Committee)
July 11, 2012 (Review/Recommendation)

b. Advisory Boards:

N/A

c. Local Government Review:

These text amendments are not subject to JPA review because they do not affect the Rural Buffer.

d. Outreach:

☒ General Public: Public Hearing process consistent with NC State Statutes and Orange County ordinance requirements. For text amendments, the process consists of legal advertisements published for two consecutive weeks prior to the public hearing and the public hearing.

☐ Small Area Plan Workgroup:

☐ Other:

3. FISCAL IMPACT

Consideration and approval of the proposed amendments will not create the need for additional funding. Existing Planning staff will research and write amendments, as well as coordinate processing and reviews. Associated advertising costs were included in the FY11-12 Budget.

D. AMENDMENT IMPLICATIONS

The amendments are in response to the BOCC directive to focus on economic development-related initiatives. The purpose of the proposed amendments is to allow for a greater intensity of property use in areas of the county to be served by water and sewer systems. This is proposed to be accomplished by revising the Dimensional and Ratio Standards of various zoning districts for properties located in certain Future Land Use classifications, specifically, the Commercial Transition Activity Nodes and the Commercial-Industrial Transition Activity Nodes. The result will be a potential for greater intensity/density in areas of the county designated for growth.

E. SPECIFIC AMENDMENT LANGUAGE

See Attachment 2.

Primary Staff Contact:
Perdita Holtz

Planning

(919) 245-2578

pholtz@co.orange.nc.us

Attachment 2

Ordinance #: _2012-030__

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF ORANGE COUNTY

WHEREAS, Orange County would like to more strongly encourage quality development in its designated growth areas while balancing any adverse impacts to adjacent properties and the environment, and

WHEREAS, County staff has conducted a review of dimensional and ratio standards contained in the Unified Development Ordinance and it has been determined that some standards limit development potential in designated growth areas more than necessary to balance any adverse impacts to adjacent properties and the environment, and

WHEREAS, the requirements of Section 2.8 of the Unified Development Ordinance have been deemed complete, and

WHEREAS, the County has found the proposed text amendments to be reasonably necessary to promote public health, safety and general welfare and to achieve the purposes of the adopted Comprehensive Plan, and

WHEREAS, pursuant to North Carolina General Statute 153A-341 and Section 1.1.7 of the Unified Development Ordinance, the Board of Commissioners of Orange County has found the proposed text amendments to be consistent with the goals and policies of the adopted Comprehensive Plan.

BE IT ORDAINED by the Board of Commissioners of Orange County that the Unified Development Ordinance of Orange County is hereby amended as depicted in the attached pages.

BE IT FURTHER ORDAINED that this ordinance be placed in the book of published ordinances and that this ordinance is effective upon its adoption.

Upon motion of Commissioner _____, seconded by Commissioner _____, the foregoing ordinance was adopted this _____ day of _____, 2012.

I, Donna S. Baker, Clerk to the Board of Commissioners for Orange County, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on _____, 2012 as relates in any way to

the adoption of the foregoing and that said proceedings are recorded in the minutes of the said Board.

WITNESS my hand and the seal of said County, this _____ day of _____, 2012.

SEAL

_____
Clerk to the Board of Commissioners

SECTION 3.4: GENERAL COMMERCIAL DISTRICTS

LC-1
LOCAL COMMERCIAL

PURPOSE

The purpose of the Local Commercial-1(LC-1) District is to provide appropriately located and sized sites for limited commercial uses designed to serve a population at the neighborhood and rural level with convenience goods and personal services. Performance standards will be used to insure the absence of adverse impacts beyond the immediate space occupied by the building.

APPLICABILITY

This district will usually be applied where the following conditions exist:

1. Site is located within areas designated by the adopted Comprehensive Plan as either a Commercial Transition Activity Node (CTAN), a Commercial-Industrial Transition Activity Node (CITAN), a Rural Community Activity Node or a Rural Neighborhood Activity Node.

2. Uses would serve a market area population confined to the immediate area and would generally not serve commuters or persons outside the surrounding neighborhood.

DIMENSIONAL STANDARDS NOTES:
[1] Lot size for individual uses shall be appropriate to the method of water supply and sewage disposal.
[2] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district.
[3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.
[4] R = residential, NR = non-residential, CU = conditional use.

DIMENSIONAL AND RATIO STANDARDS

Lot Size, min. (square feet)	None [1]	
Lot Width, min. (feet)	75	
Front Setback from ROW, min. (feet)	15	
Side Setback, min. (feet)	15 [2]	
Rear Setback, min. (feet)	15 [2]	
Height, max. (feet), if located outside of a CTAN or CITAN	25 [3]	
Height, max. (feet), if located within a CTAN or CITAN	35 [3]	
Floor Area Ratio, max., if located outside of a CTAN or CITAN	R-CU [4] NR	.100
	NR-CU	.115
Floor Area Ratio, max., if located within a CTAN or CITAN	R-CU NR	.40
	NR-CU	.45
Required Open Space Ratio, min., if located outside of a CTAN or CITAN	R-CU NR	.80
	NR-CU	.79
Required Open Space Ratio, min., if located within a CTAN or CITAN	.55	
Required Livability Space Ratio, min.	R-CU	.65
Required Recreation Space Ratio, min.	R	.074
	R-CU	.077
Gross Land Area, min./max. (square feet)	R-CU	5,000/ none
	NR-CU	none/ 421,344
Required Pedestrian/ Landscape Ratio, min. , if located outside of a CTAN or CITAN	NR	.20
	NR-CU	.198
Required Pedestrian/ Landscape Ratio, min. , if located within a CTAN or CITAN	NR	.05
	NR-CU	.05

LC-1 DISTRICT SPECIFIC DEVELOPMENT STANDARDS	
1.	Uses shall be restricted to those indicated for the LC-1 District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ District is approved (see Section 3.8). Additionally, non-residential uses are restricted based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.3 for land use restrictions.
2.	Development within the zoning district shall be subject to all applicable use standards detailed in Article 5 and all applicable development standards detailed in Article 6 of this Ordinance. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot.
3.	The residential density permitted on a given parcel is based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.4 for a breakdown of the allowable density (i.e., the number of individual dwellings that can be developed on a parcel of property).
4.	Allowable impervious surface area is based on the Watershed Protection Overlay District in which the property is located. Refer to Sections 4.2.5 and 4.2.6 for a breakdown of the allowable impervious surface area. Additionally, Section 4.2.6 may require a larger lot size for non-residential uses than is contained in the Dimensional and Ratio Standards Table.
5.	For lots outside of a Watershed Protection Overlay District (see Section 4.2), the minimum usable lot area for lots that utilize ground absorption wastewater systems shall be 30,000 square feet for parcels between 40,000 square feet and 1.99 acres in size; zoning lots two acres and greater in size shall have a minimum usable lot area of at least 40,000 square feet.
6.	Proposed subdivisions are subject to all applicable subdivision standards detailed in Article 7. Note that Article 7 provides for different dimensional requirements than those shown in the Dimensional and Ratio Standards table depending upon the type of subdivision proposed and the percentage of open space provided.
7.	Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
8.	Subdivisions in the Economic Development, Commercial and/or Industrial Nodes are subject to the procedure outlined in Section 2.16.
9.	The maximum amount of land zoned LC-1 within Rural Community Activity Nodes shall be limited to ten acres with a five acre limitation imposed within other Nodes, specifically Rural Neighborhood and Rural Industrial Nodes, as defined within the Orange County Comprehensive Plan. In situations where a Node has reached capacity, additional rezoning may be possible through the submittal, processing, and approval of a Conditional Use in accordance with the provisions of this Ordinance. Acreage limitations shall not apply to property zoned Existing Commercial-5 (EC-5), Conditional Use (CU), or MPD-CZ.
10.	All sites designated LC-1 shall have direct access to a street classified either as an arterial or collector as designated by the adopted Comprehensive Plan.

NC-2
NEIGHBORHOOD COMMERCIAL

PURPOSE

The purpose of the Neighborhood Commercial-2 (NC-2) District is to provide appropriately located and sized sites for limited commercial uses designed to serve a population at the neighborhood and rural level with convenience goods and personal services. Performance standards will be used to insure the absence of adverse impacts beyond the lot boundaries of the use.

APPLICABILITY

This district will usually be applied where the following conditions exist:

1. Located within areas designated by the adopted Comprehensive Plan as either a Commercial Transition Activity Node (CTAN), Commercial-Industrial Transition Activity Node (CITAN), Rural Neighborhood Activity Node, or Rural Community Activity Node.

2. Uses would serve a market area population confined to the immediate area and would generally not serve commuters or persons outside the surrounding neighborhood.

DIMENSIONAL STANDARDS NOTES:
[1] Lot size for individual uses shall be appropriate to the method of water supply and sewage disposal.
[2] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district.
[3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.
[4] R = residential, NR = non-residential, CU = conditional use.

DIMENSIONAL AND RATIO STANDARDS

Lot Size, min. (square feet)	2,000 [1]	
Lot Width, min. (feet)	20	
Front Setback from ROW, min. (feet)	50	
Side Setback, min. (feet)	None [2]	
Rear Setback, min. (feet)	None [2]	
Height, max. (feet)	35 [3]	
Floor Area Ratio, max., if located outside of a CTAN or CITAN	R-CU [4] NR	.200
	NR-CU	.230
Floor Area Ratio, max., if located within a CTAN or CITAN	R-CU NR	.40
	NR-CU	.45
Required Open Space Ratio, min ., if located outside of a CTAN or CITAN	R-CU NR	.76
	NR-CU	.75
Required Open Space Ratio, min ., if located within a CTAN or CITAN	.55	
Required Livability Space Ratio, min.	R-CU	.52
Required Recreation Space Ratio, min.	R	.111
	R-CU	.114
Gross Land Area, min./max. (square feet)	R-CU	5,000/ none
	NR-CU	none/ 421,344
Required Pedestrian/ Landscape Ratio, min., if located outside of a CTAN or CITAN	NR	.19
	NR-CU	.188
Required Pedestrian/ Landscape Ratio, min., if located within a CTAN or CITAN	NR	.05
	NR-CU	.05

NC-2 DISTRICT SPECIFIC DEVELOPMENT STANDARDS	
1.	Uses shall be restricted to those indicated for the NC-2 District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ District is approved (see Section 3.8). Additionally, non-residential uses are restricted based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.3for land use restrictions.
2.	Development within the zoning district shall be subject to all applicable use standards detailed in Article 5 and all applicable development standards detailed in Article 6 of this Ordinance. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot.
3.	The residential density permitted on a given parcel is based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.4 for a breakdown of the allowable density (i.e., the number of individual dwellings that can be developed on a parcel of property).
4.	Allowable impervious surface area is based on the Watershed Protection Overlay District in which the property is located. Refer to Sections 4.2.5 and 4.2.6 for a breakdown of the allowable impervious surface area. Additionally, Section 4.2.6 may require a larger lot size for non-residential uses than is contained in the Dimensional and Ratio Standards Table.
5.	For lots outside of a Watershed Protection Overlay District (see Section 4.2), the minimum usable lot area for lots that utilize ground absorption wastewater systems shall be 30,000 square feet for parcels between 40,000 square feet and 1.99 acres in size; zoning lots two acres and greater in size shall have a minimum usable lot area of at least 40,000 square feet.
6.	Proposed subdivisions are subject to all applicable subdivision standards detailed in Article 7. Note that Article 7 provides for different dimensional requirements than those shown in the Dimensional and Ratio Standards table depending upon the type of subdivision proposed and the percentage of open space provided.
7.	Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
8.	Subdivisions in the Economic Development, Commercial and/or Industrial Nodes are subject to the procedure outlined in Section 2.16.
9.	The maximum amount of land zoned NC-2 within Rural Community Activity Nodes shall be limited to ten acres with a five acre limitation imposed within other Nodes, specifically Rural Neighborhood and Rural Industrial Nodes, as defined within the Orange County Comprehensive Plan. In situations where a Node has reached capacity, additional rezoning may be possible through the submittal, processing, and approval of a Conditional Use in accordance with the provisions of this Ordinance. Acreage limitations shall not apply to property zoned Existing Commercial-5 (EC-5), Conditional Use (CU), or MPD-CZ.
10.	All sites designated NC-2 shall have direct access to a street classified either as an arterial or collector as designated by the adopted Comprehensive Plan.

CC-3
COMMUNITY COMMERCIAL

PURPOSE

The purpose of the Community Commercial-3 (CC 3) District is to provide suitably located and sized sites for commercial, office and service uses designed to serve a county-level market area. Performance standards will be used to insure the absence of adverse impacts beyond the zoning district boundaries of the use.

APPLICABILITY

This district will usually be applied where the following conditions exist:

1. Existing community commercial type developments on sites that are within areas designated by the adopted Comprehensive Plan as a Commercial Transition Activity Node (CTAN) or Commercial-Industrial Transition Activity Node (CITAN).

2. In the Chapel Hill Joint Planning Transition area, new developments of a CC-3 nature should be controlled by the appropriate Conditional Use designation.

3. Use would serve a market area population extending to major segments of the county and its municipalities.

4. Generally, for property designated Transition in the adopted Comprehensive Plan urban services such as water supply and sewerage would exist or be made available as part of the development process. For property located in other areas, the water supply and sewage disposal shall be appropriate to the uses proposed and the site conditions.

DIMENSIONAL STANDARDS NOTES:
[1] Lot size for individual uses shall be appropriate to the method of water supply and sewage disposal.
[2] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district.
[3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.
[4] R = residential, NR = non-residential, CU = conditional use.

DIMENSIONAL AND RATIO STANDARDS

Lot Size, min. (square feet)	2,000 [1]	
Lot Width, min. (feet)	20	
Front Setback from ROW, min. (feet)	50	
Side Setback, min. (feet)	None [2]	
Rear Setback, min. (feet)	None [2]	
Height, max. (feet)	45 [3]	
Floor Area Ratio, max., if located outside of a CTAN or CITAN	R-CU [4] NR	.400
	NR-CU	.459
Floor Area Ratio, max., if located within a CTAN or CITAN	R-CU NR	.60
	NR-CU	.65
Required Open Space Ratio, min., if located outside of a CTAN or CITAN	R-CU NR NR-CU	.72
Required Open Space Ratio, min., if located within a CTAN or CITAN	.45	
Required Livability Space Ratio, min.	R-CU	.44
Required Recreation Space Ratio, min.	R	.197
	R-CU	.200
Gross Land Area, min./max. (square feet)	R-CU	5,000/ none
	NR-CU	425,600/ 1,273,544
Required Pedestrian/Landscape Ratio, min., if located outside of a CTAN or CITAN	NR NR-CU	.18
Required Pedestrian/Landscape Ratio, min., if located within a CTAN or CITAN	NR NR-CU	.05

CC-3 DISTRICT SPECIFIC DEVELOPMENT STANDARDS	
1.	Uses shall be restricted to those indicated for the CC-3 District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ District is approved (see Section 3.8). Additionally, non-residential uses are restricted based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.3 for land use restrictions.
2.	Development within the zoning district shall be subject to all applicable use standards detailed in Article 5 and all applicable development standards detailed in Article 6 of this Ordinance. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot.
3.	The residential density permitted on a given parcel is based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.4 for a breakdown of the allowable density (i.e., the number of individual dwellings that can be developed on a parcel of property).
4.	Allowable impervious surface area is based on the Watershed Protection Overlay District in which the property is located. Refer to Sections 4.2.5 and 4.2.6 for a breakdown of the allowable impervious surface area. Additionally, Section 4.2.6 may require a larger lot size for non-residential uses than is contained in the Dimensional and Ratio Standards Table.
5.	For lots outside of a Watershed Protection Overlay District (see Section 4.2), the minimum usable lot area for lots that utilize ground absorption wastewater systems shall be 30,000 square feet for parcels between 40,000 square feet and 1.99 acres in size; zoning lots two acres and greater in size shall have a minimum usable lot area of at least 40,000 square feet.
6.	Proposed subdivisions are subject to all applicable subdivision standards detailed in Article 7. Note that Article 7 provides for different dimensional requirements than those shown in the Dimensional and Ratio Standards table depending upon the type of subdivision proposed and the percentage of open space provided.
7.	Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
8.	Subdivisions in the Economic Development, Commercial and/or Industrial Nodes are subject to the procedure outlined in Section 2.16.
9.	Normally, the maximum amount of land zoned CC-3 at any node shall not exceed 29 acres, but 15 acres shall apply in rural areas where population density is lower and distributed more widely than in the Transition Areas. Acreage limitations shall not apply to property zoned Existing Commercial-5 (EC-5), Conditional Use (CU), or MPD-CZ.
10.	All property to be designated for new development under this classification shall have direct access to major collector streets as designated by the adopted Comprehensive Plan.

GC-4
GENERAL COMMERCIAL

PURPOSE

The purpose of the General Commercial-4 (GC 4) District is to provide suitable situated and sized sites that allow a broad range of commercial, office and service uses. Performance standards will be used to insure the absence of adverse impacts beyond the zoning district boundary.

APPLICABILITY

This district will usually be applied where the following conditions exist:

1. The site is within an area designated by the adopted Comprehensive Plan as either a Commercial Transition Activity Node (CTAN), or Commercial-Industrial Transition Activity Node (CITAN).

2. Water and sewer mains exist at the site or are to be made available as part of the development process or the lot size for individual uses are appropriate to the method of water supply and sewage disposal.

DIMENSIONAL STANDARDS NOTES:
[1] Lot size for individual uses shall be appropriate to the method of water supply and sewage disposal.
[2] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district.
[3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.
[4] R = residential, NR = non-residential, CU = conditional use.

DIMENSIONAL AND RATIO STANDARDS

Lot Size, min. (square feet)	40,000 [1]	
Lot Width, min. (feet)	75	
Front Setback from ROW, min. (feet)	35	
Side Setback, min. (feet)	None [2]	
Rear Setback, min. (feet)	None [2]	
Height, max. (feet) ., if located outside of a CTAN or CITAN	45 [3]	
Height, max. (feet) ., if located within a CTAN or CITAN	60 [3]	
Floor Area Ratio, max., if located outside of a CTAN or CITAN	NR [4]	.492
	NR-CU	.566
Floor Area Ratio, max., if located within a CTAN or CITAN	.75	
Required Open Space Ratio, min., if located outside of a CTAN or CITAN	~~NR~~ ~~NR-CU~~	.71
Required Open Space Ratio, min., if located within a CTAN or CITAN	.40	
Gross Land Area, min./max. (square feet)	NR- CU	425,600/ none
Required Pedestrian/Landscape Ratio, min., if located outside of a CTAN or CITAN	~~NR~~ ~~NR-CU~~	.178
Required Pedestrian/Landscape Ratio, min., if located within a CTAN or CITAN	.05	

GC-4 DISTRICT SPECIFIC DEVELOPMENT STANDARDS

1. Uses shall be restricted to those indicated for the GC-4 District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ District is approved (see Section 3.8). Additionally, non-residential uses are restricted based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.3 for land use restrictions.
2. Development within the zoning district shall be subject to all applicable use standards detailed in Article 5

and all applicable development standards detailed in Article 6 of this Ordinance. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot.

3. The residential density permitted on a given parcel is based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.4 for a breakdown of the allowable density (i.e., the number of individual dwellings that can be developed on a parcel of property).
4. Allowable impervious surface area is based on the Watershed Protection Overlay District in which the property is located. Refer to Sections 4.2.5 and 4.2.6 for a breakdown of the allowable impervious surface area. Additionally, Section 4.2.6 may require a larger lot size for non-residential uses than is contained in the Dimensional and Ratio Standards Table.
5. For lots outside of a Watershed Protection Overlay District (see Section 4.2), the minimum usable lot area for lots that utilize ground absorption wastewater systems shall be 30,000 square feet for parcels between 40,000 square feet and 1.99 acres in size; zoning lots two acres and greater in size shall have a minimum usable lot area of at least 40,000 square feet.
6. Proposed subdivisions are subject to all applicable subdivision standards detailed in Article 7. Note that Article 7 provides for different dimensional requirements than those shown in the Dimensional and Ratio Standards table depending upon the type of subdivision proposed and the percentage of open space provided.
7. Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
8. Subdivisions in the Economic Development, Commercial and/or Industrial Nodes are subject to the procedure outlined in Section 2.16.
9. All property to be designated for new development under this classification shall have direct access to major collector streets, as designated by the adopted Comprehensive Plan.

SECTION 3.5: INDUSTRIAL DISTRICTS

I-1
LIGHT INDUSTRIAL

PURPOSE

The purpose of the Light Industrial-1 (I-1) District is to provide appropriately located and sized sites for limited industrial uses engaged in manufacturing, processing, creating and assembling of goods, merchandise or equipment. Performance standards will be used to insure the absence of adverse impacts beyond the immediate space occupied by the building.

APPLICABILITY

This district will usually be applied where the following conditions exist:

1. Site is located within areas designated in the adopted Comprehensive Plan as either a Commercial-Industrial Transition Activity Node (CITAN) or a Rural Industrial Activity Node.

DIMENSIONAL STANDARDS NOTES:
[1] Lot size for individual uses shall be appropriate to the method of water supply and sewage disposal.
[2] R = residential, NR = non-residential, CU = conditional use.
[3] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district.
[4] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.

DIMENSIONAL AND RATIO STANDARDS

Lot Size, min., per use (square feet), if outside of a CITAN	80,000 [1]	
Lot Size, min., per use (square feet), if within a CITAN	20,000 [1]	
Lot Width, min. (feet)	NR [2]	200
	NR - CU	None
Front Setback from ROW, min. (feet)	NR	50
	NR - CU	None
Side Setback, min. (feet)	NR	50
	NR - CU	None [3]
Rear Setback, min. (feet)	NR	50
	NR - CU	None [3]
Height, max. (feet)	45 [4]	
Floor Area Ratio, max., if located outside of a CITAN	.200	
Floor Area Ratio, max., if located within a CITAN	.60	
Required Open Space Ratio, min. , if located outside of a CITAN	NR	.80
	NR - CU	.75
Required Open Space Ratio, min. , if located within a CITAN	.45	
Gross Land Area, min./max. (square feet)	NR - CU	80,000 / none
Required Pedestrian/Landscape Ratio, min. , if located outside of a CITAN	NR	.20
	NR - CU	.187
Required Pedestrian/Landscape Ratio, min. , if located within a CITAN	.05	

I-1 DISTRICT SPECIFIC DEVELOPMENT STANDARDS

1. Uses shall be restricted to those indicated for the I-1 District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ District is approved (see Section 3.8). Additionally, non-residential uses are restricted based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.3 for land use restrictions.
2. Development within the zoning district shall be subject to all applicable use standards detailed in Article 5

and all applicable development standards detailed in Article 6 of this Ordinance. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot.

3. Residential uses are not permitted in this district.
4. Allowable impervious surface area is based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.6 for a breakdown of the allowable impervious surface area. Additionally, Section 4.2.6 may require a larger lot size for non-residential uses than is contained in the Dimensional and Ratio Standards Table.
5. For lots outside of a Watershed Protection Overlay District (see Section 4.2), the minimum usable lot area for lots that utilize ground absorption wastewater systems shall be 30,000 square feet for parcels between 40,000 square feet and 1.99 acres in size; zoning lots two acres and greater in size shall have a minimum usable lot area of at least 40,000 square feet.
6. Access shall consist of direct vehicular access to streets designated either arterial or collector by the adopted Comprehensive Plan. Access to rail service is desirable but not required.
7. Proposed subdivisions are subject to all applicable subdivision standards detailed in Article 7. Note that Article 7 provides for different dimensional requirements than those shown in the Dimensional and Ratio Standards table depending upon the type of subdivision proposed and the percentage of open space provided.
8. Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
9. Subdivisions in the Economic Development, Commercial and/or Industrial Nodes are subject to the procedure outlined in Section 2.16.

I-2
MEDIUM INDUSTRIAL

PURPOSE

The purpose of the Medium Industrial-2 (I-2) District is to provide locations for enterprises engaged in manufacturing, processing, creating, repairing, renovating, painting, cleaning, and assembling of goods, merchandise or equipment. Performance standards will be used to insure the absence of adverse impact beyond the lot boundaries of the use.

APPLICABILITY

This district will usually be applied where the following conditions exist:

1. Site is located within areas designated by the adopted Comprehensive Plan as a Commercial-Industrial Transition Activity Node.

2. Water and sewer mains exist at the site or be made available as part of the development process.

DIMENSIONAL STANDARDS NOTES:
[1] R = residential, NR = non-residential, CU = conditional use.
[2] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district.
[3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.

DIMENSIONAL AND RATIO STANDARDS

Lot Size, min., per use (square feet)	20,000	
Lot Width, min. (feet)	NR [1]	100
	NR - CU	None
Front Setback from ROW, min. (feet)	NR	50
	NR - CU	None
Side Setback, min. (feet)	None [2]	
Rear Setback, min. (feet)	None [2]	
Height, max. (feet)	45 [3]	
~~Floor Area Ratio, max.~~	~~NR~~	~~.300~~
	~~NR - CU~~	~~.350~~
Floor Area Ratio, max.	.65	
~~Required Open Space Ratio, min.~~	~~NR~~	~~.725~~
	~~NR - CU~~	~~.700~~
Required Open Space Ratio, min.	.40	
Gross Land Area, min./max. (square feet)	NR - CU	~~200,000/ 634,144~~ 80,000 / none
~~Required Pedestrian/Landscape Ratio, min.~~	~~NR~~	~~.181~~
	~~NR - CU~~	~~.175~~
Required Pedestrian/Landscape Ratio, min.	.05	

I-2 DISTRICT SPECIFIC DEVELOPMENT STANDARDS

1. Uses shall be restricted to those indicated for the I-2 District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ District is approved (see Section 3.8). Additionally, non-residential uses are restricted based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.3 for land use restrictions.
2. Development within the zoning district shall be subject to all applicable use standards detailed in Article 5 and all applicable development standards detailed in Article 6 of this Ordinance. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot.
3. Residential uses are not permitted in this district.
4. Allowable impervious surface area is based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.6 for a breakdown of the allowable impervious surface area. Additionally, Section 4.2.6 may require a larger lot size for non-residential uses than is contained in the Dimensional and Ratio Standards Table.
5. For lots outside of a Watershed Protection Overlay District (see Section 4.2), the minimum usable lot area

for lots that utilize ground absorption wastewater systems shall be 30,000 square feet for parcels between 40,000 square feet and 1.99 acres in size; zoning lots two acres and greater in size shall have a minimum usable lot area of at least 40,000 square feet.

6. Access shall consist of direct vehicular access to streets designated either arterial or collector by the adopted Comprehensive Plan. Access to rail service is desirable but not required.
7. Proposed subdivisions are subject to all applicable subdivision standards detailed in Article 7. Note that Article 7 provides for different dimensional requirements than those shown in the Dimensional and Ratio Standards table depending upon the type of subdivision proposed and the percentage of open space provided.
8. Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
9. Subdivisions in the Economic Development, Commercial and/or Industrial Nodes are subject to the procedure outlined in Section 2.16.

I-3
HEAVY INDUSTRIAL

PURPOSE

The purpose of the Heavy Industrial-3 (I-3) District is to provide locations for enterprises engaged in a broad range of manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise or equipment. Performance standards will be used to insure the absences of adverse impacts beyond the zoning district boundary.

APPLICABILITY

This district will usually be applied where the following conditions exist:

1. Site is located within areas designated by the adopted Comprehensive Plan as a Commercial-Industrial Transition Activity Node.

2. Water and sewer mains exist at the site or be made available as part of the development process.

DIMENSIONAL STANDARDS NOTES:
[1] R = residential, NR = non-residential, CU = conditional use.
[2] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district.
[3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.

DIMENSIONAL AND RATIO STANDARDS

Lot Size, min., per use (square feet)	20,000	
Lot Width, min. (feet)	NR	100
	NR - CU	None
Front Setback from ROW, min. (feet)	NR	50
	NR - CU	None
Side Setback, min. (feet)	None [2]	
Rear Setback, min. (feet)	None [2]	
Height, max. (feet)	45 [3]	
~~Floor Area Ratio, max.~~	~~NR~~	~~.400~~
	~~NR - CU~~	~~.450~~
Floor Area Ratio, max.	.70	
~~Required Open Space Ratio, min.~~	~~NR~~	~~.675~~
	~~NR - CU~~	~~.650~~
Required Open Space Ratio, min.	.40	
Gross Land Area, min./max. (square feet)	NR - CU	~~623,144~~ 80,000 / none
~~Required Pedestrian/Landscape Ratio, min.~~	~~NR~~	~~.169~~
	~~NR - CU~~	~~.163~~
Required Pedestrian/Landscape Ratio, min.	.05	

I-3 DISTRICT SPECIFIC DEVELOPMENT STANDARDS

1. Uses shall be restricted to those indicated for the I-3 District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ District is approved (see Section 3.8). Additionally, non-residential uses are restricted based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.3 for land use restrictions.
2. Development within the zoning district shall be subject to all applicable use standards detailed in Article 5 and all applicable development standards detailed in Article 6 of this Ordinance. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot.
3. Residential uses are not permitted in this district.
4. Allowable impervious surface area is based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.6 for a breakdown of the allowable impervious surface area. Additionally, Section 4.2.6 may require a larger lot size for non-residential uses than is contained in the Dimensional and Ratio Standards Table.
5. For lots outside of a Watershed Protection Overlay District (see Section 4.2), the minimum usable lot area for lots that utilize ground absorption wastewater systems shall be 30,000 square feet for parcels between

40,000 square feet and 1.99 acres in size; zoning lots two acres and greater in size shall have a minimum usable lot area of at least 40,000 square feet.

6. Access shall consist of direct vehicular access to streets designated either arterial or collector by the adopted Comprehensive Plan. Access to rail service is desirable but not required.
7. Proposed subdivisions are subject to all applicable subdivision standards detailed in Article 7. Note that Article 7 provides for different dimensional requirements than those shown in the Dimensional and Ratio Standards table depending upon the type of subdivision proposed and the percentage of open space provided.
8. Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
9. Subdivisions in the Economic Development, Commercial and/or Industrial Nodes are subject to the procedure outlined in Section 2.16.

Excerpt of Minutes

Attachment 3

DRAFT

MINUTES
ORANGE COUNTY BOARD OF COMMISSIONERS
ORANGE COUNTY PLANNING BOARD
QUARTERLY PUBLIC HEARING
May 29, 2012
7:00 P.M.

The Orange County Board of Commissioners and the Orange County Planning Board met for a Quarterly Public Hearing on Tuesday, May 29, 2012 at 7:00 p.m. at DSS Offices, Hillsborough Commons, Hillsborough, N.C.

COUNTY COMMISSIONERS PRESENT: Chair Bernadette Pelissier, and Commissioners Alice Gordon, Barry Jacobs, Valerie Foushee, Pam Hemminger, Earl McKee, and Steve Yuhasz
COUNTY COMMISSIONERS ABSENT:
COUNTY ATTORNEY PRESENT: John Roberts
COUNTY STAFF PRESENT: County Manager Frank Clifton, Assistant County Manager Michael Talbert, and Deputy Clerk to the Board David Hunt (All other staff members will be identified appropriately below)
PLANNING BOARD MEMBERS PRESENT:, Vice Chair Larry Wright, Pete Hallenbeck, Mark Marcoplos, H.T. "Buddy Hartley", Andrea Rohrbacher, Lisa Stuckey, Maxecine Mitchell, and Tony Blake

PLANNING BOARD MEMBERS ABSENT: Chair Brian L. Crawford, Rachel Phelps Hawkins, Alan Campbell, and Johnny Randall

Chair Pelissier called the meeting to order at 7:04:05 PM.

****

C. PUBLIC HEARING ITEMS

7. Unified Development Ordinance (UDO) Text Amendments - To review government-initiated amendments to the text of Article 3 of the UDO to revise various Dimensional and Ratio Standards in commercial and industrial zoning districts if the district is applied to property located in Commercial or Commercial-Industrial Transition Activity Nodes, as depicted on the Future Land Use Map contained in the 2030 Comprehensive Plan.

Planner Perdita Holtz made a PowerPoint presentation.

Unified Development Ordinance
Proposed Text Amendments
(UDO/Zoning 2012-11)

Task
Propose amendments to the UDO that will allow for a greater intensity of property use in the Commercial and Commercial-Industrial Transition Activity Nodes.

- Existing ratios developed for areas that are not served by public water and sewer systems and which are intended to remain rural.

Proposal

- This proposal is similar to the revisions made to the Economic Development (ED) zoning districts earlier this year and to the O/I district last year.
- Proposed ratios and height limits for the zoning districts applicable to CTAN and CITAN areas are in keeping with similar ED zoning districts.
  - Would allow for greater floor area (e.g., building with more square feet) and less "open space" in Nodes.
- Other requirements of the UDO, including impervious surface limits, still apply.

Simple Example
3 acre tract zoned Light Industrial (LI)
located in a CITAN

Current
FAR max = 0.20 = 26,136 s.f.
Height, max = 45 ft.
Open Space, min. = 0.80 = 104,544 s.f. (2.4 acres)
Pedestrian/Landscape, min = 0.20 = 26,135 s.f.

Proposed
FAR max = 0.60 = 78,408 s.f.
Height, max = 45 ft.
Open Space, min. = 0.45 = 58,806 s.f. (1.35 acres)
Pedestrian/Landscape, min = 0.05 = 6,534 s.f.

Recommendation

1. Receive the proposed amendments to the Unified Development Ordinance as detailed in the abstract and attachments.
2. Conduct the public hearing and accept public, BOCC, and Planning Board comment on the proposed amendments.
3. Refer the matter to the Planning Board with a request that a recommendation be returned to the BOCC in time for the August 21, 2012 BOCC regular meeting.
4. Adjourn the public hearing until August 21, 2012 in order to receive and accept the Planning Board's recommendation and any submitted written comments.

Commissioner Jacobs asked how to coordinate traffic studies before a development is proposed when the ultimate square footage is not known.

Perdita Holtz said that this would be done in conjunction with the developer, so the square footage would be known.

Pete Hallenbeck said that buildings higher than two stories should have sprinklers, because it can affect the fire district insurance rating.

A motion was made by Commissioner Yuhasz, seconded by Commissioner Jacobs to refer this amendment to the Planning Board for a recommendation to come back to the Board of County Commissioners for the August 21, 2012 meeting and to adjourn the public hearing until August 21, 2012 in order to receive and accept the Planning Board's recommendation and any submitted written comments.
VOTE: UNANIMOUS

****

Excerpt of Approved Minutes | Attachment 4

MINUTES
ORANGE COUNTY PLANNING BOARD
JULY 11, 2012
REGULAR MEETING

MEMBERS PRESENT: Larry Wright (Chair), At-Large, Cedar Grove Township; Peter Hallenbeck (Vice-chair), Cheeks Township Representative; Maxecine Mitchell, At-Large Bingham Township; Alan Campbell, Cedar Grove Township Representative; Buddy Hartley, Little River Township Representative; Lisa Stuckey, Chapel Hill Township Representative; Rachel Hawkins, Hillsborough Township Representative; Tony Blake, Bingham Township Representative;

MEMBERS ABSENT: Dawn Brezina, Eno Township Representative; Johnny Randall, At-Large Chapel Hill Township; Mark Marcoplos, At-Large, Bingham Township; Andrea Rohrbacher, At-Large Chapel Hill Township;

STAFF PRESENT: Michael Harvey, Current Planning Supervisor; Perdita Holtz, Planning Systems Coordinator; Tina Love, Administrative Assistant II

OTHERS PRESENT: Beth Trahos, Richard Kirkland, Lance Williams, Tim Smith, John McGuire, Joe Griffin

Items handed out to the Planning Board Members at meeting: Purchased Power Agreement between Duke Energy Carolinas and White Cross Farm, LLC; Duke Energy Purchase Agreement Rate Structure

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

****

Agenda Item 10: Unified Development Ordinance (UDO) Text Amendments - To make a recommendation to the BOCC on government-initiated amendments to the text of Article 3 of the UDO to revise various Dimensional and Ratio Standards in commercial and industrial zoning districts if the district is applied to property located in Commercial or Commercial-Industrial Transition Activity Nodes, as depicted on the Future Land Use Map contained in the 2030 Comprehensive Plan. This item was heard at the May 29, 2012 quarterly public hearing
Presenter: Perdita Holtz, Planning Systems Coordinator

Perdita Holtz: Reviewed abstract

Alan Campbell: Have there been any substantive changes since the quarterly public hearing presentation?

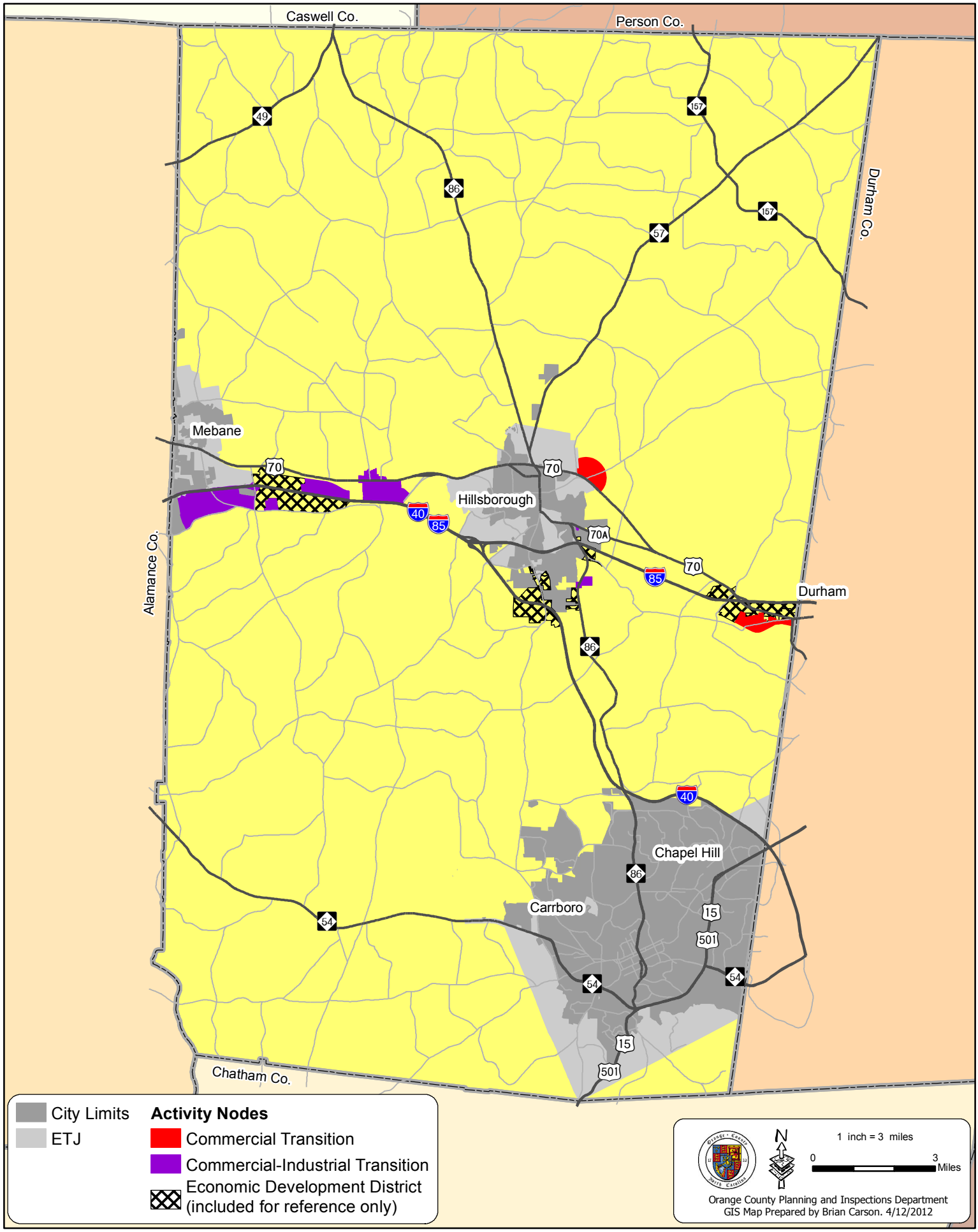
Perdita Holtz: No, there have been no changes since the ORC meeting back in April.

Motion made by Lisa Stuckey for the Planning Board to recommend to the BOCC that the amendments be approved as presented. Seconded Buddy Hartley.
Vote: Unanimous

****

Attachment 5

Existing Commercial Transition Activity Nodes and Commercial-Industrial Transition Activity Nodes



Appendix F. Relationships Between Land Use Classifications and Zoning Districts

Per the Orange County Unified Development Ordinance, zoning districts are applied to Land Use classifications and overlays in accordance with this appendix. A matrix is provided at the end of this appendix that links the zoning districts to the land use classifications and overlays listed.

TRANSITION LAND USE CLASSIFICATIONS

CHAPEL HILL AND CARRBORO TRANSITION

On November 2, 1987, a Joint Planning Agreement was adopted by Orange County and the Towns of Chapel Hill and Carrboro. The Agreement became effective on November 14, 1988, following the adoption, by Orange County, of zoning plans prepared by the two municipalities for their respective Transition Areas. The applied zoning districts are those contained in the Chapel Hill Land Development Ordinance and the Carrboro Land Use Ordinance, and are consistent with the land use plan categories contained in the Orange County Chapel Hill Carrboro Joint Planning Land Use Plan. Reference should be made to the appropriate municipal ordinance and zoning map for a description of the districts and applicable development standards. Under the terms of the Joint Planning Agreement, the Towns of Chapel Hill and Carrboro are responsible for permit administration within their respective Transition Areas.

10-YEAR TRANSITION

Identifies areas changing from rural to urban in form and density. All densities of residential development would be appropriate. Non-residential uses implemented in accordance with small area plans and/or overlay districts may be appropriate. The applied zoning districts include: R-1 (Rural Residential); R-2 (Low Intensity Residential), R-3 (Medium Intensity Residential), and R-4 (Medium Intensity Residential); and R-5 (High Intensity Residential), R-8 (High Intensity Residential), and R-13 (High Intensity Residential) residential uses, and Zoning Overlay Districts.

20-YEAR TRANSITION

Identifies areas changing from rural to urban in form and density. All densities of residential development would be appropriate. The applied zoning districts include: R-1 (Rural Residential); R-2 (Low Intensity Residential), R-3 (Medium Intensity Residential), and R-4 (Medium Intensity Residential); and R-5 (High Intensity Residential), R-8 (High Intensity Residential), and R-13 (High Intensity Residential) residential uses.

COMMERCIAL TRANSITION ACTIVITY NODE

Identifies areas changing from rural to urban in form and density. A full range of intensities of commercial development would be appropriate. The applied zoning districts include: LC-1 (Local Commercial); NC-2 (Neighborhood Commercial); CC-3 (Community Commercial); GC-4 (General Commercial); and O/I (Office/ Institutional).

COMMERCIAL-INDUSTRIAL TRANSITION ACTIVITY NODE

Identifies areas changing from rural to urban in form and density. A full range of commercial and industrial activities would be appropriate and allowed. The applied zoning districts include: I-1 (Light Industrial); I-2 (Medium Industrial); I-3 (Heavy

Industrial); LC-1 (Local Commercial); NC-2 (Neighborhood Commercial); CC-3 (Community Commercial); GC-4 (General Commercial); and O/I (Office/Institutional).

ECONOMIC DEVELOPMENT TRANSITION ACTIVITY NODE
Identifies areas along major transportation corridors that may be in proximity to 10-Year or 20-Year Transition areas of the County which have been specifically targeted for economic development activity, consisting of light industrial, distribution, flex space, office, and service/retail uses. Such areas are located adjacent to interstate and major arterial highways, and subject to special design criteria and performance standards. The applied zoning districts are EDB-1 (Economic Development Buckhorn Lower Intensity), EDB-2 (Economic Development Buckhorn Higher Intensity), EDE-1(Economic Development Eno Lower Intensity), EDE-2 (Economic Development Eno Higher Intensity), EDH-1 (Economic Development Hillsborough Linear Office), EDH-2 (Economic Development Hillsborough Limited Office), EDH-3 (Economic Development Hillsborough Limited Office with Residential), EDH-4 (Economic Development Hillsborough Office), EDH-5 (Economic Development Hillsborough Office/Flex).

RURAL LAND USE CLASSIFICATIONS

RURAL BUFFER
Only very low density residential and agricultural uses are appropriate in the Rural Buffer. The applied zoning district is RB (Rural Buffer).

RURAL RESIDENTIAL
Identifies rural areas to be developed as low intensity and low density residential. The applied zoning district is R-1 (Rural Residential).

AGRICULTURAL RESIDENTIAL
Agricultural activities and associated residential and commercial uses predominate. The applied zoning districts reflect this primary land use and include: AR (Agricultural Residential) and AS (Agricultural Services).

RURAL COMMUNITY ACTIVITY NODE
Identifies rural crossroads communities throughout the County where small scale commercial activities serving the community and surrounding area are appropriate. The applied zoning districts include: LC-1 (Local Commercial) and NC-2 (Neighborhood Commercial).

RURAL NEIGHBORHOOD ACTIVITY NODE.
Identifies areas in the County where small scale commercial uses serving the population in the surrounding area are appropriate. The applied zoning districts include: LC-1 (Local Commercial) and NC-2 (Neighborhood Commercial).

RURAL INDUSTRIAL ACTIVITY NODE
Identifies rural areas in the County where small scale industrial activities would be appropriate. The applied zoning district is I-1 (Light Industrial).

OVERLAYS

PUBLIC INTEREST AREA
These lands are considered valuable for recreational and research purposes and are afforded special treatment. The applied zoning district is PID (Public Interest District).

	Land Use Classifications & Overlays	ZONING DISTRICTS																					
		RB	AR	R-1	R-2	R-3, R-4	R-5, R-8, R-13	LC-1	NC-2	CC-3	GC-4	EC-5	0/I	I-1	I-2	I-3	EI	EDB-1, EDB-2, EDE-1, EDE-2, EDH-1, EDH-2, EDH-3, EDH-4, EDH-5	AS	Special Zoning Overlay District	PID	MPD-CZ	MHP-CZ
Transition	Chapel Hill Transition Carrboro Transition	Permit Administration by Municipalities under the provisions of the Joint Planning Agreement-Contact appropriate Municipality for applicable Zoning Standards																					
Transition	10-Year Transition			◆	◆	◆	◆													◆		◆	◆
Transition	20-Year Transition			◆	◆	◆	◆															◆	◆
Transition	Commercial Transition Activity Node							◆	◆	◆	◆		◆									◆	
Transition	Commercial-Industrial Transition Activity Node							◆	◆	◆	◆		◆	◆	◆	◆						◆	
Transition	Economic Development Transition Activity Node																	◆				◆	
Rural	Rural Buffer	◆																					◆
Rural	Rural Residential			◆																			◆
Rural	Agricultural Residential		◆																◆				◆
Rural	Rural Community Activity Node							◆	◆													◆	
Rural	Rural Neighborhood Activity Node							◆	◆														
Rural	Rural Industrial Activity Node													◆									
Overlay	Public Interest Area																				◆		

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ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT
Meeting Date: August 21, 2012

Action Agenda
Item No. 6-d

SUBJECT: Zoning Atlas Amendment – Woods Rezoning

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N) Yes

ATTACHMENTS:

1. Zoning Application Packet
2. Rezoning Map
3. Ordinance Approving Rezoning Petition
4. Ordinance Denying Rezoning Petition
5. Excerpt from Draft May 28, 2012 Quarterly Public Hearing Minutes
6. Excerpt from June 6, 2012 Planning Board Minutes

INFORMATION CONTACT:

Glenn Bowles, Planner II, 245-2577
Michael D. Harvey, Planner III, 245-2597
Craig Benedict, Director, 245-2592

PURPOSE: To receive the Planning Board recommendation, close the public hearing, and make a decision on an owner-initiated Zoning Atlas Amendment to rezone approximately 0.58 acres of land on two parcels of property from Rural Residential (R1) to Neighborhood Commercial (NC2) in accordance with the provisions of the Unified Development Ordinance (UDO).

BACKGROUND: This item was presented at the May 29, 2012 Quarterly Public Hearing. As staff indicated the two properties owned by Mr. and Mrs. Ronald and Phyllis Woods are split zoned, specifically:

- PIN 9874-78-1414: a 26,769 sq. ft. parcel split zoned with 8,540 sq. ft. zoned R1 and the remaining zoned NC2; and
- PIN 9874-68-9326: a 47,851 sq. ft. parcel split zoned with 16,540 sq. ft. zoned R1 and the remaining portion zoned NC2.

The properties are north of Highway 70, east of the intersection of Highway 70 and St. Mary's Road, and are currently utilized to support a small garden center. These parcels are adjacent to the Merritt properties, which are also subject to a rezoning petition currently under review (please see Attachment 2 for additional detail).

The current zoning configuration limits available locations for septic systems to support development, as septic fields supporting non-residential development cannot be located on residentially zoned portions of property, and creates problems with respect to the owner complying with established landscape, parking, and setback standards.

The proposed atlas amendment would eliminate the existing R-1 zoning designation it its entirety and rezone those portions of property to NC2.

Public Hearing Discussion:

- A BOCC member asked why there were instances where zoning designations did not match up with property line boundaries.

  STAFF RESPONSE: This is the result of previous interpretations made by former staff and County Attorney when individual townships throughout the County were initially zoned. The rationale appeared to be that the actual, existing, commercial portions of a given property were zoned to allow for the continued legal operation of non-residential land uses while keeping the remaining portion of the property zoned residential to prevent expansion.

  The problem is lots are technically non-conforming given the fact required landscaped buffers are not on-site and these properties are limited with respect to the areas where the necessary infrastructure (i.e. well and septic) can be placed to address public health issues.

  Eliminating split zoning addresses the majority of these issues.

- A BOCC member asked if there were other instances, throughout the County, where this was an issue.

  STAFF RESPONSE: Staff indicated there were other properties with similar issues throughout the County.

Planning Board Discussion: The Planning Board reviewed this item at its June 6, 2012 regular meeting where there was no discussion concerning this agenda item.

Planning Board Recommendation. The Board voted unanimously to recommend **approval** of the Woods rezoning request as recommended by staff consistent with the attached Ordinance (Attachment 3).

Planning Director's Recommendation: The Planning Director recommends **approval** of this rezoning based on the following:

1. The rezoning is consistent with the adopted Comprehensive Plan which designates the parcels as being located within the Commercial-Industrial Transition Activity Node.
2. The properties are of sufficient size to be rezoned to the NC-2 zoning designation.
3. The rezoning is consistent with various Principles, Goals, and Objectives of the adopted Comprehensive Plan (see section B of Attachment 1).

FINANCIAL IMPACT: This rezoning request has been reviewed by County departments who have determined that the approval or denial of the request would not create the need for additional funding for the provision of County services.

RECOMMENDATION: The Manager recommends the Board:

1. Receive the Planning Board's recommendation,
2. Discuss the item, as necessary,

3. Close the public hearing, and
4. Adopt the Ordinance of approval for the Zoning Atlas Amendment within Attachment 3.

Attachment 1

Orange County Planning and Inspections Department

APPLICATION FOR ZONING ATLAS AMENDMENT GENERAL USE REZONING REQUEST

APPLICANT INFORMATION:

ZAA12-0005

Date: 3-12-12

Applicant: Summit Design and Engineering Services (Michelle Kempinski)

Address: 504 Meadowland Drive
Hillsborough, NC 27278

Phone: 919-732-3883

Cell Phone: _____

E-mail: michelle.kempinski@summit-engineer.com

PROPERTY SUBJECT TO REQUEST:

Parcel Identification Number (PIN): 9874-68-9326 and 9874-78-1414
Address of property: 1218 US 70 E and '#3 THOMAS LEE MERRITT P50/179', Hillsborough, NC 27278
Owner of property: Ronald K and Phyllis B Woods
Current Zoning Designation: NC2 and R1 Requested Zoning Designation: NC2

**** If Applicant/Owner are different people, include a signed, notarized, statement indicating that the owner has authorized the applicant to submit the request. In cases where there are multiple property owners, please attach an additional document containing their signatures authorizing the submission of the application or other legal documentation establishing the applicants right to file on their behalf. ****

SUBMITTAL INFORMATION - Section 2.8.3 of the Unified Development Ordinance (UDO)

1) A Map, at a legible scale, showing the property(s) subject to the request. A map may be procured at the Planning Department for a fee in accordance with the adopted Orange County Fee Schedule
2) A legal description of the property(s) proposed for rezoning
3) A list showing the names and addresses of all adjacent property owners within 500' feet of the subject property.
4) A detailed narrative denoting the following:
   a. The alleged error in the Zoning Atlas (if any) that will be corrected by the proposed request.
   b. The changed, or changing, conditions (if any) that make the proposed amendment reasonable necessary to promote the public health, safety, and general welfare.
   c. How the proposed amendment is consistent with, or carries out the intent and purpose of, the Orange County Comprehensive Plan,
5) In cases involving amendments to the Special Flood Hazard Area Overlay District, applicants shall supply the following additional information in accordance with Section 2.8.3 (G) of the UDO:
   a. An elevation certificate with either an MT-1, MT-2, or MT-EZ (forms available through FEMA) or
   b. A 'No-impact' analysis for a letter of map revision
6) The filing fee per the adopted Orange County fee schedule in affect as of the date of the application.

I (we), the undersigned, have been made aware of the process for the review and action associated with a UDO Zoning Atlas Amendment application and understand only completed applications, containing all information required by the Orange County UDO shall be reviewed and acted upon by the County. Further I (we) understand that any assistance I (we) may receive from County staff in preparing this application in no way guarantees a favorable recommendation by staff on the merits of this proposal nor does it guarantee an approval of the proposed atlas amendment by the County.

Ronald Kaye Woods
Applicant

3/15/2012
Date:

Applicant

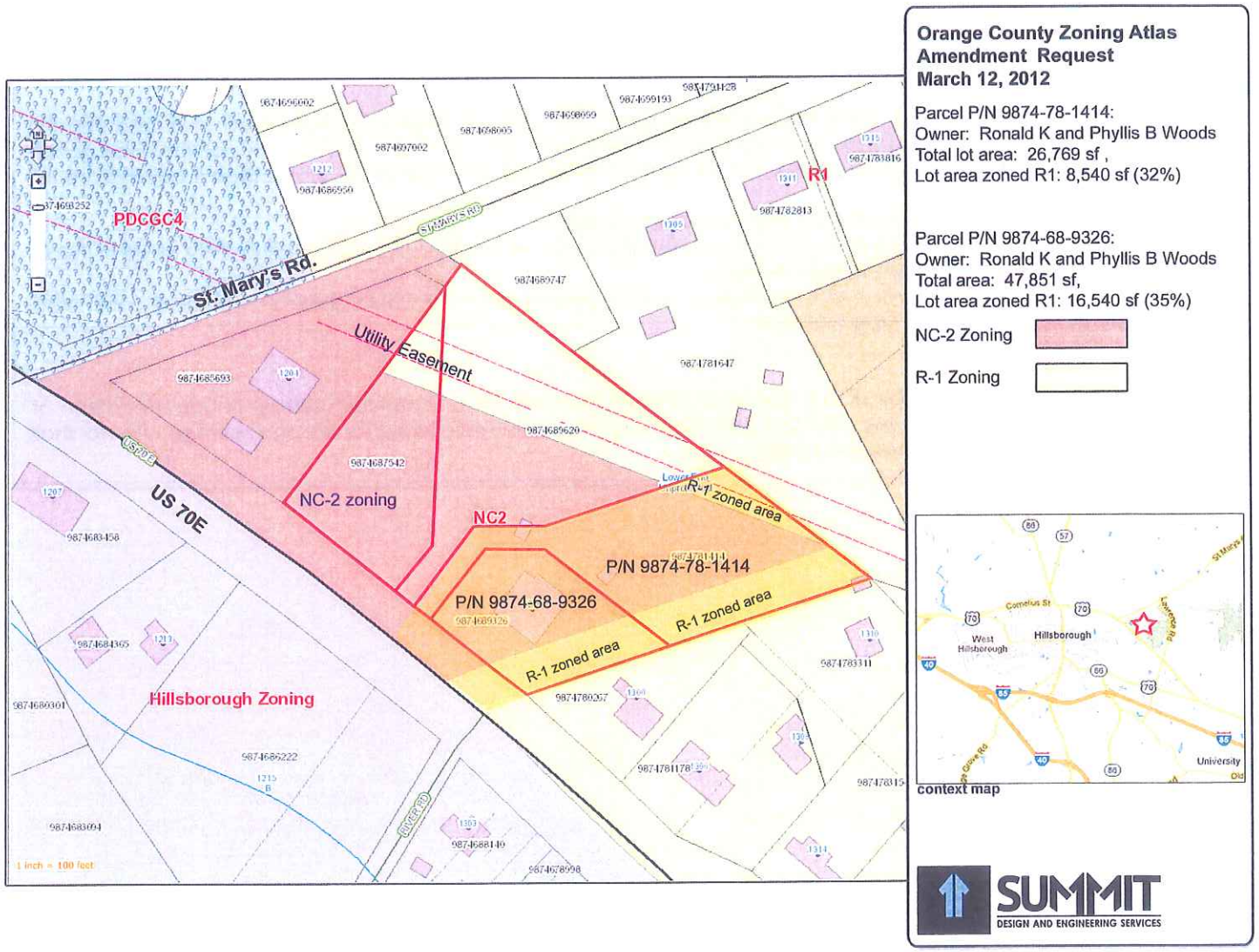
Date

Application for Zoning Atlas Amendment:

Reasoning for the Request

Article 3, Section 3.1 of the Orange County Unified Development Ordinance states that *The Land Use Element of the 2030 Comprehensive Plan identifies land use categories in which specific types of development are encouraged and a map depicting the geographic locations of the various land use categories.*

The purpose of this rezoning application is not to change the currently intended zoning category (NC2) of the properties listed, but simply to apply the intended zoning designation consistently across the extent of the recorded parcels' boundaries (the highlighted lots shown the map below). The intent of this rezoning application is to allow full use of each parcel to support the development requirements and privileges assigned to a parcel in the NC-2 zoning district.

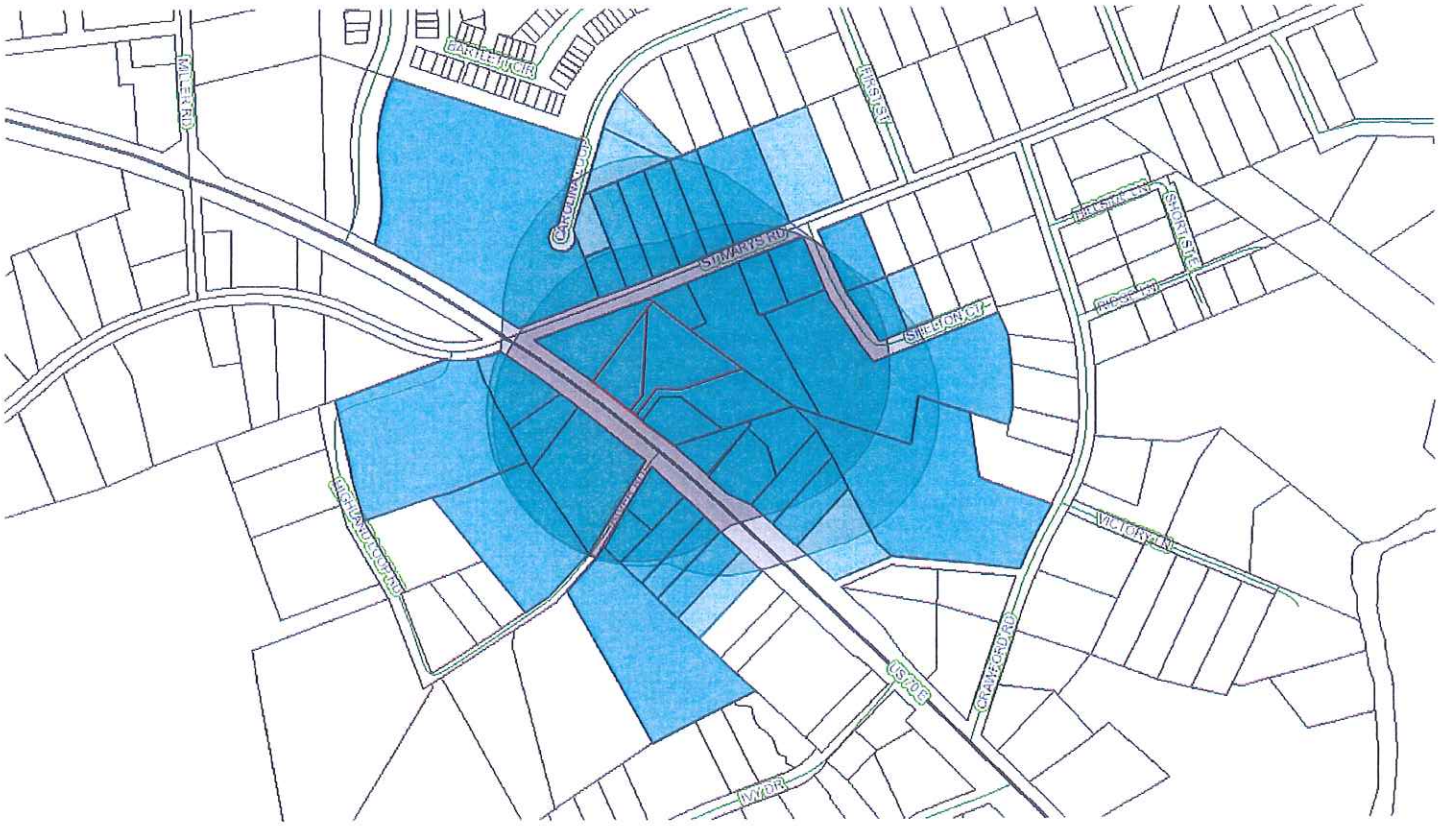


The current Orange County Zoning Map indicates an intention to create a Commercial Activity Node (NC2) in this area; including these parcels and several adjacent parcels. These lots were/are intended to support commercial uses allowed by the NC-2 zoning designation. However, the illustrated boundaries of the current zoning map do not coincide with the boundary lines of the lots that were intended to be included in the N-2 zoning district.

Application for Zoning Atlas Amendment:

Names and Addresses of Adjacent Property Owners within 500' of Subject Property

Orange County GIS image of properties within 500-feet of the subject properties.



Agent Authorization Form

Property Legal Description: OC P/N 9874-68-9326 and 9874-78-1414_____

Property Owner: Ronald K Woods

The undersigned registered property owners of the above noted property do hereby authorize Summit Design and Engineering Services (project contact Michelle Kempinski) to act on my behalf and take all actions necessary per the conditions outlined in the Professional Services Contract for the processing, issuance and acceptance of this rezoning application.

Property owner's address: 711 Pleasant Green Rd., Hillsborough, NC 27278
Phone: 919-732-6393

We hereby certify that the above information submitted in this application is true and accurate to the best of our knowledge.

Authorized Signature: Ronald K Woods Date: 3/15/2012

Orange County
North Carolina

I certify that the following person (s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: Ronald K. Woods.

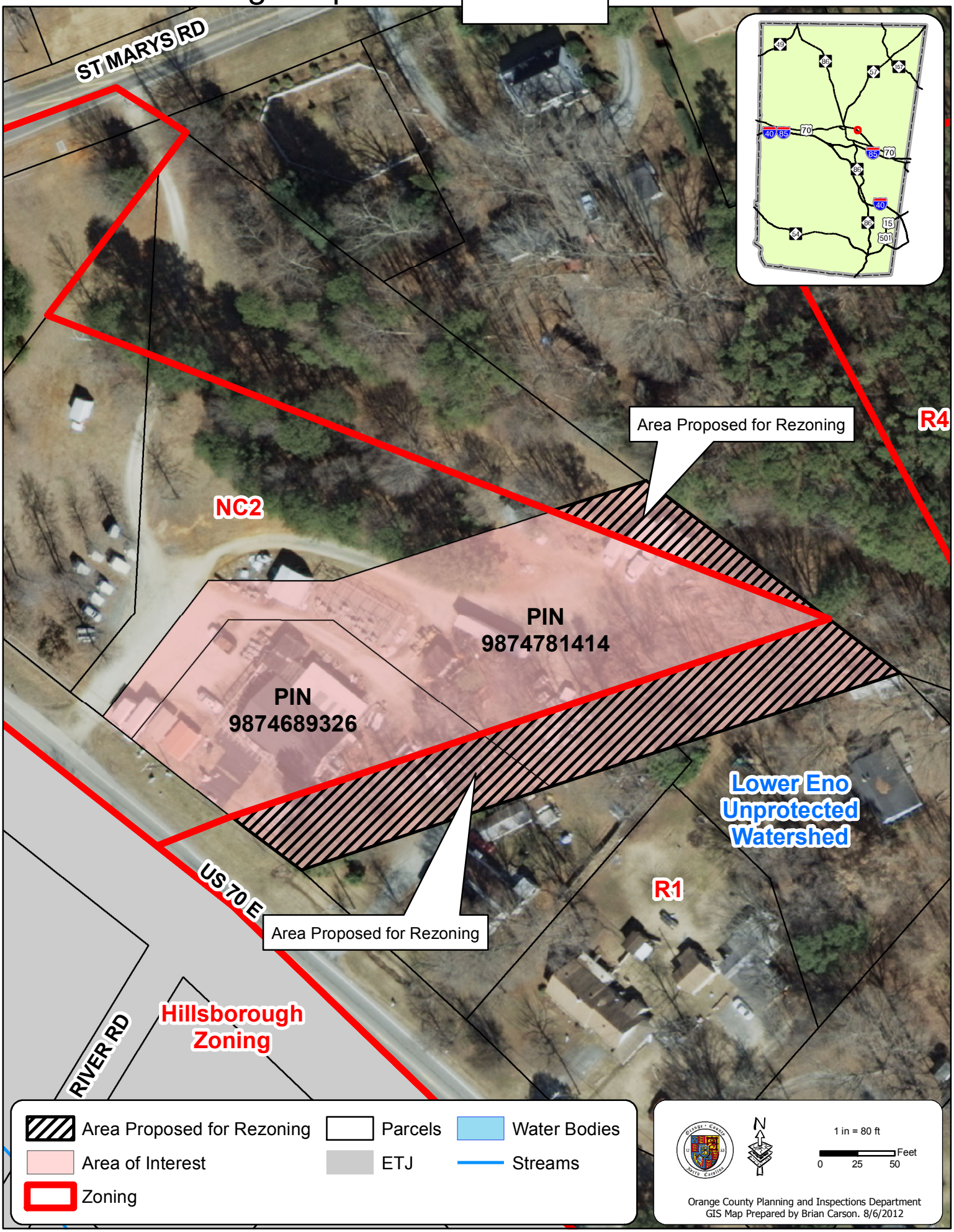
Date: March 15, 2012

Charlene D. Toellen, Notary Public
My commission expires: February 23, 2015

CHARLENE D. TOELLEN
NOTARY
PUBLIC
ORANGE COUNTY, NC

Woods Rezoning Request

Attachment 2



Ordinance # 2012- 031

Attachment 3

AN ORDINANCE AMENDING
THE ORANGE COUNTY ZONING ATLAS

WHEREAS, Orange County has received and processed a petition seeking to amend the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO), and

WHEREAS, This petition seeks to rezone approximately 0.58 acres of land on two parcels of property off of US Highway 70 owned by Mr. Ronald Woods identified further with the Parcel Identification Numbers (PINS) 9874-68-9326 and 9874-78-1414 from Rural Residential (R-1) to Neighborhood Commercial (NC-2), and

WHEREAS, the portions of property to be rezoned are identified further as follows:

BEGINNING at a mathematical point at the southwest corner of Lot 4 Plat Book 50, page 179 referenced above in the northeast right of way line of US 70 Bypass; thence leaving the right of way line of US 70 Bypass and running along a line bounded on both sides by Orange County Zone R-1 S. 77˚ 17' 00" W. 59.88' to a mathematical point in the centerline of US 70 Bypass; thence along and with the centerline of US 70 Bypass bounded on the southwest by Hillsborough zoning and bounded on the northeast by Orange County Zone R-1 N. 46˚ 07' 30" W. 59.90' to a mathematical point; thence leaving the centerline of US 70 Bypass along a line bounded on the northwest by Orange County Zone NC-2 and bounded on the southeast by Orange County Zone R-1 N. 77˚ 17' 00" E. 59.88' to a mathematical point in the northeast right of way line of US 70 Bypass; thence leaving the northeast right of way line of US 70 Bypass and continuing along a line bounded on the northwest by Orange County Zone NC-2 and bounded on the southeast by Orange County Zone R-1 N. 77˚ 17' 00" E. 175.00' to a mathematical point in the southwest line of Lot 3 Plat Book 50, page 179 referenced above; thence continuing along a line bounded on the northwest by Orange County Zone NC-2 and bounded on the southeast by Orange County Zone R-1 N. 77˚ 17' 00" E. 247.08' to a mathematical point in the northeast line of Lot 3 Plat Book 50, page 179 referenced above; thence along and with the northeast line of Lot 3 Plat Book 50, page 179 referenced above bounded on both sides by Orange County Zone R-1 S. 47˚ 10' 00" E. 60.63' to a mathematical point at the southeast corner of Lot 3 Plat Book 50, page 179 referenced above; thence along and with the southeast line Lot 3 Plat Book 50, page 179 referenced above bounded on both sides by Orange County Zone R-1 S. 77˚ 17' 00" W. 248.40' to a mathematical point at the southeast corner of lot 4 Plat Book 50, page 179 referenced above; thence along and with southeast line Lot 4 Plat Book 50, page 179 referenced above bounded on both sides by Orange County Zone R-1 S. 77˚ 17' 00" W. 175.00' to a mathematical point in the northeast right of way line of US 70 Bypass the place and POINT OF BEGINNING and being all of an area to be re-zoned from Orange County Zone R-1 to Orange County Zone NC-2 containing 0.58 Acres.

William H. McCarthy, Jr., Professional Land Surveyor, License Number L-3248, Summit Design and Engineering Services, 504 Meadowland Drive, Hillsborough, NC 27278-8551 developed this legal description, which is based on data found in Plat Book 50, page 179 and zone line data scaled from Orange County GIS and does not represent an actual field survey,

and:

WHEREAS, the requirements of Section 2.8 of the Unified Development Ordinance (UDO) have been deemed complete, and

WHEREAS, pursuant to Sections 1.1.5 and 1.1.7 of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds that the rezoning will carry out the intent and purpose of the adopted 2030 Comprehensive Plan or part thereof including, but not limited to, the following:

a. The Future Land Use Map.
b. Principle 7: Promotion of Economic Prosperity and Diversity.
c. Economic Development (ED) Overarching Goal: Viable and sustainable economic development that contributes to both property and sales tax revenues, and enhances high-quality employment opportunities for County residents.
d. Objective ED-2.5: Identify lands suitable to accommodate the expansion and growth of commercial and industrial uses.
e. Land Use Overarching Goal: Coordination of the amount, location, pattern and designation of future land uses, with availability of County services and facilities sufficient to meet the needs of Orange County's population and economy consistent with other Comprehensive Plan element goals and objectives.
f. Objective LU-1.1: Coordinate the location of higher intensity / high density residential and non-residential development with existing or planned locations of public transportation, commercial and community services, and adequate supporting infrastructure (i.e., water and sewer, high-speed internet access, streets, and sidewalks), while avoiding areas with protected natural and cultural resources. This could be achieved by increasing allowable densities and creating new mixed-use zoning districts where adequate public services are available.

and

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

BE IT ORDAINED by the Board of Commissioners of Orange County that the Orange County Zoning Atlas is hereby amended to rezone the property as described herein to Neighborhood Commercial (NC-2).

BE IT FURTHER ORDAINED THAT this ordinance be placed in the book of published ordinances and that this ordinance is effective upon its adoption.

Upon motion of Commissioner _____, seconded by Commissioner _____, the foregoing ordinance was adopted this _____ day of _____, 2012.

I, Donna S. Baker, Clerk to the Board of Commissioners for Orange County, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on _____, 2012 as relates in any way to the adoption of the foregoing and that said proceedings are recorded in the minutes of the said Board.

WITNESS my hand and the seal of said County, this _____ day of _____, 2011.

SEAL

_____
Clerk to the Board of Commissioners

Ordinance #: *2012- 032*

Attachment 4

AN ORDINANCE DENYING AN AMENDMENT REQUEST TO THE ORANGE COUNTY ZONING ATLAS

WHEREAS, Orange County has received and processed a petition seeking to amend the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO), and

WHEREAS, This petition seeks to rezone approximately 0.58 acres of land on two parcels of property off of US Highway 70 owned by Mr. Ronald Woods identified further with the Parcel Identification Numbers (PINS) 9874-68-9326 and 9874-78-1414 from Rural Residential (R-1) to Neighborhood Commercial (NC-2), and

WHEREAS, the parcels are further identified through the following legal description:

> BEGINNING at a mathematical point at the southwest corner of Lot 4 Plat Book 50, page 179 referenced above in the northeast right of way line of US 70 Bypass; thence leaving the right of way line of US 70 Bypass and running along a line bounded on both sides by Orange County Zone R-1 S. 77˚ 17' 00" W. 59.88' to a mathematical point in the centerline of US 70 Bypass; thence along and with the centerline of US 70 Bypass bounded on the southwest by Hillsborough zoning and bounded on the northeast by Orange County Zone R-1 N. 46˚ 07' 30" W. 59.90' to a mathematical point; thence leaving the centerline of US 70 Bypass along a line bounded on the northwest by Orange County Zone NC-2 and bounded on the southeast by Orange County Zone R-1 N. 77˚ 17' 00" E. 59.88' to a mathematical point in the northeast right of way line of US 70 Bypass; thence leaving the northeast right of way line of US 70 Bypass and continuing along a line bounded on the northwest by Orange County Zone NC-2 and bounded on the southeast by Orange County Zone R-1 N. 77˚ 17' 00" E. 175.00' to a mathematical point in the southwest line of Lot 3 Plat Book 50, page 179 referenced above; thence continuing along a line bounded on the northwest by Orange County Zone NC-2 and bounded on the southeast by Orange County Zone R-1 N. 77˚ 17' 00" E. 247.08' to a mathematical point in the northeast line of Lot 3 Plat Book 50, page 179 referenced above; thence along and with the northeast line of Lot 3 Plat Book 50, page 179 referenced above bounded on both sides by Orange County Zone R-1 S. 47˚ 10' 00" E. 60.63' to a mathematical point at the southeast corner of Lot 3 Plat Book 50, page 179 referenced above; thence along and with the southeast line Lot 3 Plat Book 50, page 179 referenced above bounded on both sides by Orange County Zone R-1 S. 77˚ 17' 00" W. 248.40' to a mathematical point at the southeast corner of lot 4 Plat Book 50, page 179 referenced above; thence along and with southeast line Lot 4 Plat Book 50, page 179 referenced above bounded on both sides by Orange County Zone R-1 S. 77˚ 17' 00" W. 175.00' to a mathematical point in the northeast right of way line of US 70 Bypass the place and POINT OF BEGINNING and being all of an area to be re-zoned from Orange County Zone R-1 to Orange County Zone NC-2 containing 0.58 Acres.

William H. McCarthy, Jr., Professional Land Surveyor, License Number L-3248, Summit Design and Engineering Services, 504 Meadowland Drive, Hillsborough, NC 27278-8551 developed this legal description, which is based on data found in Plat Book 50, page 179 and zone line data scaled from Orange County GIS and does not represent an actual field survey,

and;

WHEREAS, the requirements of Section 2.8 of the Unified Development Ordinance (UDO) have not been adhered to, and

WHEREAS, pursuant to Sections 1.1.5, 1.1.7, and 2.9.1 (E) of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds that the applicant has submitted insufficient documentation within the record denoting that the rezoning will carry out the intent and purpose of the adopted 2030 Comprehensive Plan or part thereof. and

WHEREAS, the Board has found the proposed zoning atlas amendment will not promote the public health, safety, and general welfare.

BE IT ORDAINED by the Board of Commissioners of Orange County hereby denies the applicants request to amend the Orange County Zoning Atlas to rezone the aforementioned parcels to Neighborhood Residential (NC-2).

BE IT FURTHER ORDAINED THAT this ordinance be placed in the book of published ordinances and that this ordinance is effective upon its adoption.

Upon motion of Commissioner _____, seconded by Commissioner _____, the foregoing ordinance was adopted this _____ day of _____, 2012.

I, Donna S. Baker, Clerk to the Board of Commissioners for Orange County, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on _____, 2012 as relates in any way to the adoption of the foregoing and that said proceedings are recorded in the minutes of the said Board.

WITNESS my hand and the seal of said County, this _____ day of _____, 2012.

SEAL

_____
Clerk to the Board of Commissioners

Attachment 5

Excerpt of Minutes

DRAFT

MINUTES
ORANGE COUNTY BOARD OF COMMISSIONERS
ORANGE COUNTY PLANNING BOARD
QUARTERLY PUBLIC HEARING
May 29, 2012
7:00 P.M.

The Orange County Board of Commissioners and the Orange County Planning Board met for a Quarterly Public Hearing on Tuesday, May 29, 2012 at 7:00 p.m. at DSS Offices, Hillsborough Commons, Hillsborough, N.C.

COUNTY COMMISSIONERS PRESENT: Chair Bernadette Pelissier, and Commissioners Alice Gordon, Barry Jacobs, Valerie Foushee, Pam Hemminger, Earl McKee, and Steve Yuhasz
COUNTY COMMISSIONERS ABSENT:
COUNTY ATTORNEY PRESENT: John Roberts
COUNTY STAFF PRESENT: County Manager Frank Clifton, Assistant County Manager Michael Talbert, and Deputy Clerk to the Board David Hunt (All other staff members will be identified appropriately below)
PLANNING BOARD MEMBERS PRESENT:, Vice Chair Larry Wright, Pete Hallenbeck, Mark Marcoplos, H.T. “Buddy Hartley”, Andrea Rohrbacher, Lisa Stuckey, Maxecine Mitchell, and Tony Blake

PLANNING BOARD MEMBERS ABSENT: Chair Brian L. Crawford, Rachel Phelps Hawkins, Alan Campbell, and Johnny Randall

Chair Pelissier called the meeting to order at 7:04:05 PM.

2. Zoning Atlas Amendment – To review an application to rezone two parcels of property approximately 1.71 acres in size from R-1 (Rural Residential) and NC-2 (Neighborhood Commercial) to NC-2 (Neighborhood Commercial). The properties are located on US 70 East.

Glenn Bowles from the Planning Department introduced this item. This rezoning was property owner initiated. The two platted lots involved total 1.71 acres, 0.58 acres of which are zoned R-1 and the remainder are zoned NC-2. Only the R-1 portion of the lots is affected.

Chair Pelissier said that she is curious how the County has zoning that does not match up.

Michael Harvey said that this is indicative throughout the County. The Planning staff has been trying to fix these instances. A lot of them are the result of previous interpretation of former Planning staff and the former County Attorney.

Public Comment:

Michelle Kempinski said that she works with Southern Design and Engineering Services and she is available to answer questions on the project.

Commissioner McKee verified that this rezoning would bring this property in compliance with the current use.

A motion was made by Commissioner Hemminger, seconded by Commissioner McKee to receive the proposal to amend the zoning atlas, refer the comments to the Planning Board with a request that a recommendation be returned to the Board of County Commissioners in time for the August 21st regular meeting, and adjourn the public hearing until August 21, 2012 in order to receive and accept the Planning Board's recommendation and submitted written comments.

VOTE: UNANIMOUS

Attachment 6

Excerpt of minutes

MINUTES
ORANGE COUNTY PLANNING BOARD
JUNE 6, 2012
REGULAR MEETING

MEMBERS PRESENT: Brian Crawford (Chair), Eno Township Representative; Larry Wright (Vice-Chair), At-Large, Cedar Grove Township; Peter Hallenbeck, Cheeks Township Representative; Buddy Hartley, Little River Township Representative; Alan Campbell, Cedar Grove Township Representative; Lisa Stuckey, Chapel Hill Township Representative; Mark Marcoplos, At-Large, Bingham Township; Andrea Rohrbacher, At-Large Chapel Hill Township; Tony Blake, Bingham Township Representative; Johnny Randall, At-Large Chapel Hill Township; Rachel Hawkins, Hillsborough Township Representative;

MEMBERS ABSENT: Maxecine Mitchell, At-Large Bingham Township;

STAFF PRESENT: Craig Benedict, Planning Director; Michael Harvey, Current Planning Supervisor; Glenn Bowles, Planner II; Tina Love Administrative Assistant II

OTHERS PRESENT: Ron Woods; Michelle Kempinski; Tommy and Barbara Merritt; Jon Arvik; C. Phillip Gunter

Agenda Item 7: Zoning Atlas Amendment – To make a recommendation to the BOCC on an application to rezone two parcels of property approximately 1.71 acres in size from R-1 (Rural Residential) and NC-2 (Neighborhood Commercial) to NC-2 (Neighborhood Commercial). The properties are located on US 70 East. This item was heard at the May 29, 2012 quarterly public hearing.
Presenter: Michael Harvey, Planner III

Michael Harvey: Reviewed abstract and attachments.

MOTION made by Alan Campbell to approve the rezoning of the property from R1 and NC-2 to NC-2 as recommended by staff consistent with the Ordinance contained within Attachment 3 of the abstract. Seconded by Buddy Hartley

VOTE: Unanimous

ORANGE COUNTY
BOARD OF COUNTY COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT
Meeting Date: August 21, 2012

Action Agenda Item No. 6-e

SUBJECT: Zoning Atlas Amendment – Merritt Rezoning

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N) Yes

ATTACHMENTS:

1. Zoning Application Packet
2. Rezoning Map
3. Ordinance Approving Rezoning Petition
4. Ordinance Denying Rezoning Petition
5. Excerpt from Draft May 29, 2012 Quarterly Public Hearing Minutes
6. Excerpt from June 6, 2012 Planning Board Minutes

INFORMATION CONTACT:

Glenn Bowles, Planner II, 245-2577
Michael D. Harvey, Planner III, 245-2597
Craig Benedict, Director, 245-2592

PURPOSE: To receive the Planning Board recommendation, close the public hearing, and make a decision on an owner-initiated Zoning Atlas Amendment to rezone approximately 0.83 acres of land on 2 parcels of property from Rural Residential (R1) to Neighborhood Commercial (NC2) in accordance with the provisions of the Unified Development Ordinance (UDO).

BACKGROUND: This item was presented at the May 29, 2012 Quarterly Public Hearing. As staff indicated, the two properties, owned by Mr. and Mrs. Thomas and Barbara Merritt, are split zoned, specifically:

- PIN 9874-68-7542: a 31,716 sq. ft. parcel split zoned with 4,005 sq. ft. zoned R1 and the remaining zoned NC2; and
- PIN 9874-68-9620: a 60,063 sq. ft. parcel split zoned with 32,227 sq. ft. zoned R1 and the remaining portion zoned NC2

The properties are north of Highway 70, east of the intersection of Highway 70 and St. Mary's Road, and are currently utilized to support a small garden center. These parcels are adjacent to the Wood properties, which are also subject to a rezoning petition currently under review (please see Attachment 2 for additional detail).

The current zoning configuration limits available locations for septic systems to support development, as septic fields supporting non-residential development cannot be located on residentially zoned portions of property, and creates problems with respect to the owner complying with established landscape, parking, and setback standards.

The proposed atlas amendment would eliminate the existing R-1 zoning designation in its entirety and rezone those portions of the property to NC2.

During the public hearing there was no discussion or comment made on the request.

It should be noted, however, comments and discussion did occur on a similar request submitted by an adjacent property owner, Mr. Ronald Woods. Staff responses to questions and concerns posed during the Woods Rezoning are pertinent to the Merritt request as they address the same basic issues.

Please refer to the Woods Rezoning abstract, also on this agenda, for additional detail.

Planning Board Discussion: The Planning Board reviewed this item at its June 6, 2012 regular meeting where there was no discussion concerning this agenda item.

Planning Board Recommendation. The Board voted unanimously to recommend **approval** of the rezoning request as recommended by staff consistent with the attached Ordinance (Attachment 3).

Planning Director's Recommendation: The Planning Director recommends **approval** of this rezoning based on the following:

i. The rezoning is consistent with the adopted Comprehensive Plan, which designates the parcels as being located within the Commercial-Industrial Transition Activity Node.

ii. The properties are of sufficient size to be rezoned to the NC-2 zoning designation.

iii. The rezoning is consistent with various Principles, Goals, and Objectives of the adopted Comprehensive Plan (see section B of Attachment 1).

FINANCIAL IMPACT: This rezoning request has been reviewed by County departments who have determined that the approval or denial of the request would not create the need for additional funding for the provision of County services.

RECOMMENDATION(S): The Manager recommends the Board:

1. Receive the Planning Board's recommendation;
2. Discuss the item as necessary;
3. Close the public hearing; and
4. Adopt the Ordinance of approval for the Zoning Atlas Amendment within Attachment 3.

Attachment 1

Orange County Planning and Inspections Department

APPLICATION FOR ZONING ATLAS AMENDMENT GENERAL USE REZONING REQUEST

APPLICANT INFORMATION:

ZAA12-0006

Date: 3-12-12

Applicant: Summit Design and Engineering Services (Michelle Kempinski)

Address: 504 Meadowland Drive

Hillsborough, NC 27278

Phone: 919-732-3883

Cell Phone: _____

E-mail: michelle.kempinski@summit-engineer.com

PROPERTY SUBJECT TO REQUEST:

Parcel Identification Number (PIN): 9874-68-7542 and 9874-68-9620
Address of property: '#1 THOMAS LEE MERRITT' and '#2 THOMAS LEE MERRITT', Hillsborough, NC 27278 50/179
Owner of property: Thomas Lee and Barbara A Merritt
Current Zoning Designation: NC2 and R1 Requested Zoning Designation: NC2

**** If Applicant/Owner are different people, include a signed, notarized, statement indicating that the owner has authorized the applicant to submit the request. In cases where there are multiple property owners, please attach an additional document containing their signatures authorizing the submission of the application or other legal documentation establishing the applicants right to file on their behalf. ****

SUBMITTAL INFORMATION - Section 2.8.3 of the Unified Development Ordinance (UDO)

1) A Map, at a legible scale, showing the property(s) subject to the request. A map may be procured at the Planning Department for a fee in accordance with the adopted Orange County Fee Schedule
2) A legal description of the property(s) proposed for rezoning
3) A list showing the names and addresses of all adjacent property owners within 500' feet of the subject property.
4) A detailed narrative denoting the following:
   a. The alleged error in the Zoning Atlas (if any) that will be corrected by the proposed request.
   b. The changed, or changing, conditions (if any) that make the proposed amendment reasonable necessary to promote the public health, safety, and general welfare.
   c. How the proposed amendment is consistent with, or carries out the intent and purpose of, the Orange County Comprehensive Plan,
5) In cases involving amendments to the Special Flood Hazard Area Overlay District, applicants shall supply the following additional information in accordance with Section 2.8.3 (G) of the UDO:
   a. An elevation certificate with either an MT-1, MT-2, or MT-EZ (forms available through FEMA) or
   b. A 'No-impact' analysis for a letter of map revision
6) The filing fee per the adopted Orange County fee schedule in affect as of the date of the application.

I (we), the undersigned, have been made aware of the process for the review and action associated with a UDO Zoning Atlas Amendment application and understand only completed applications, containing all information required by the Orange County UDO shall be reviewed and acted upon by the County. Further I (we) understand that any assistance I (we) may receive from County staff in preparing this application in no way guarantees a favorable recommendation by staff on the merits of this proposal nor does it guarantee an approval of the proposed atlas amendment by the County.

Thomas L Merritt
Applicant

March 15 2012
Date:

Applicant

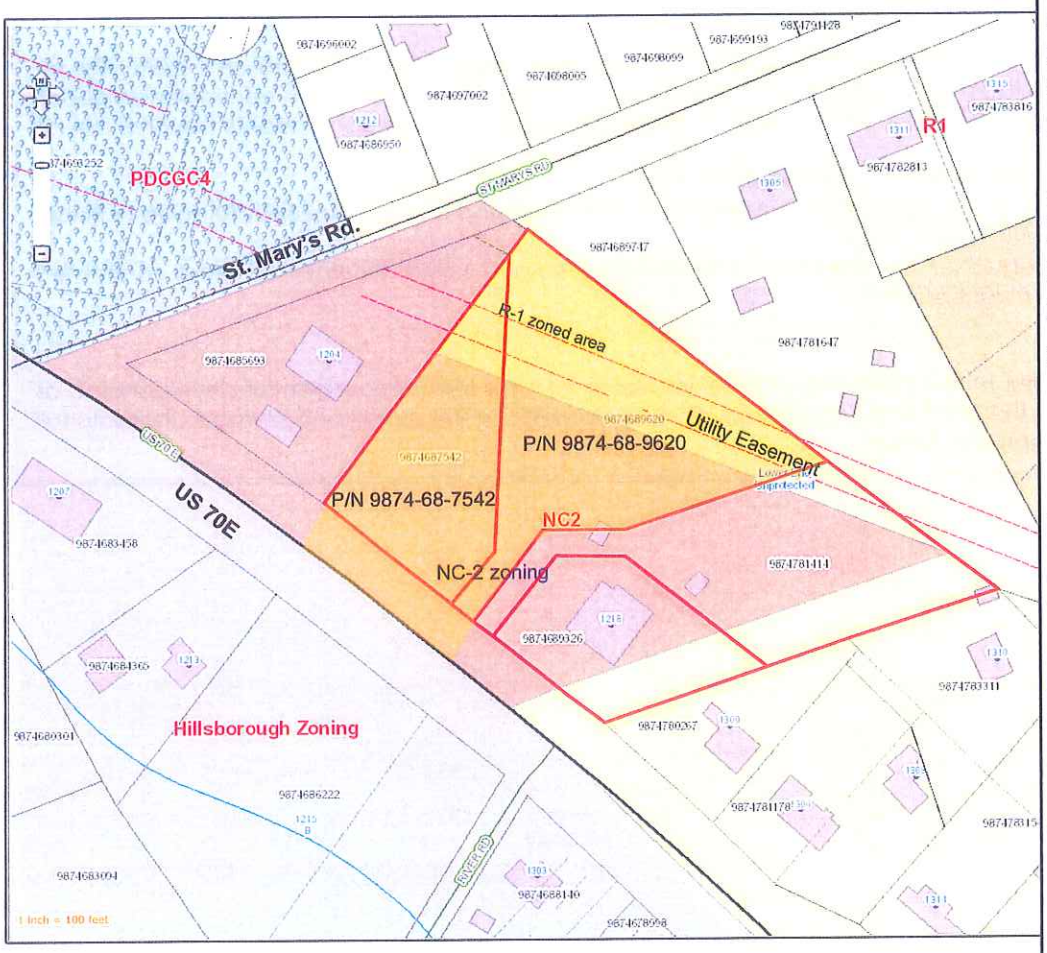
Date

Application for Zoning Atlas Amendment:

Reasoning for the Request

Article 3, Section 3.1 of the Orange County Unified Development Ordinance states that *The Land Use Element of the 2030 Comprehensive Plan identifies land use categories in which specific types of development are encouraged and a map depicting the geographic locations of the various land use categories.*

The purpose of this rezoning application is not to change the currently intended zoning category (NC2) of the properties listed, but simply to apply the intended zoning designation consistently across the extent of the recorded parcels' boundaries (the highlighted lots shown the map below). The intent of this rezoning application is to allow full use of each parcel to support the development requirements and privileges assigned to a parcel in the NC-2 zoning district.



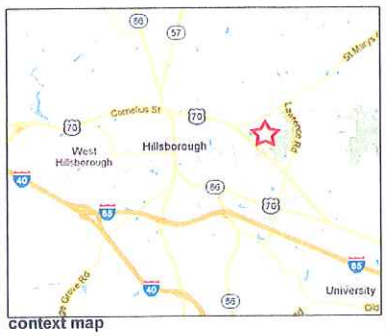
Orange County Zoning Atlas Amendment Request
March 12, 2012

Parcel P/N 9874-68-9620:
Owner: Thomas L and Barbara A Merritt
Total lot area: 60,063 sf
Lot area zoned R1: 32,277 sf (53.7%)

Parcel P/N 9874-68-7542:
Owner: Thomas L and Barbara A Merritt
Total area: 31,716 sf
Lot area zoned R1: 4,005 sf (12.6%)

NC-2 Zoning

R-1 Zoning



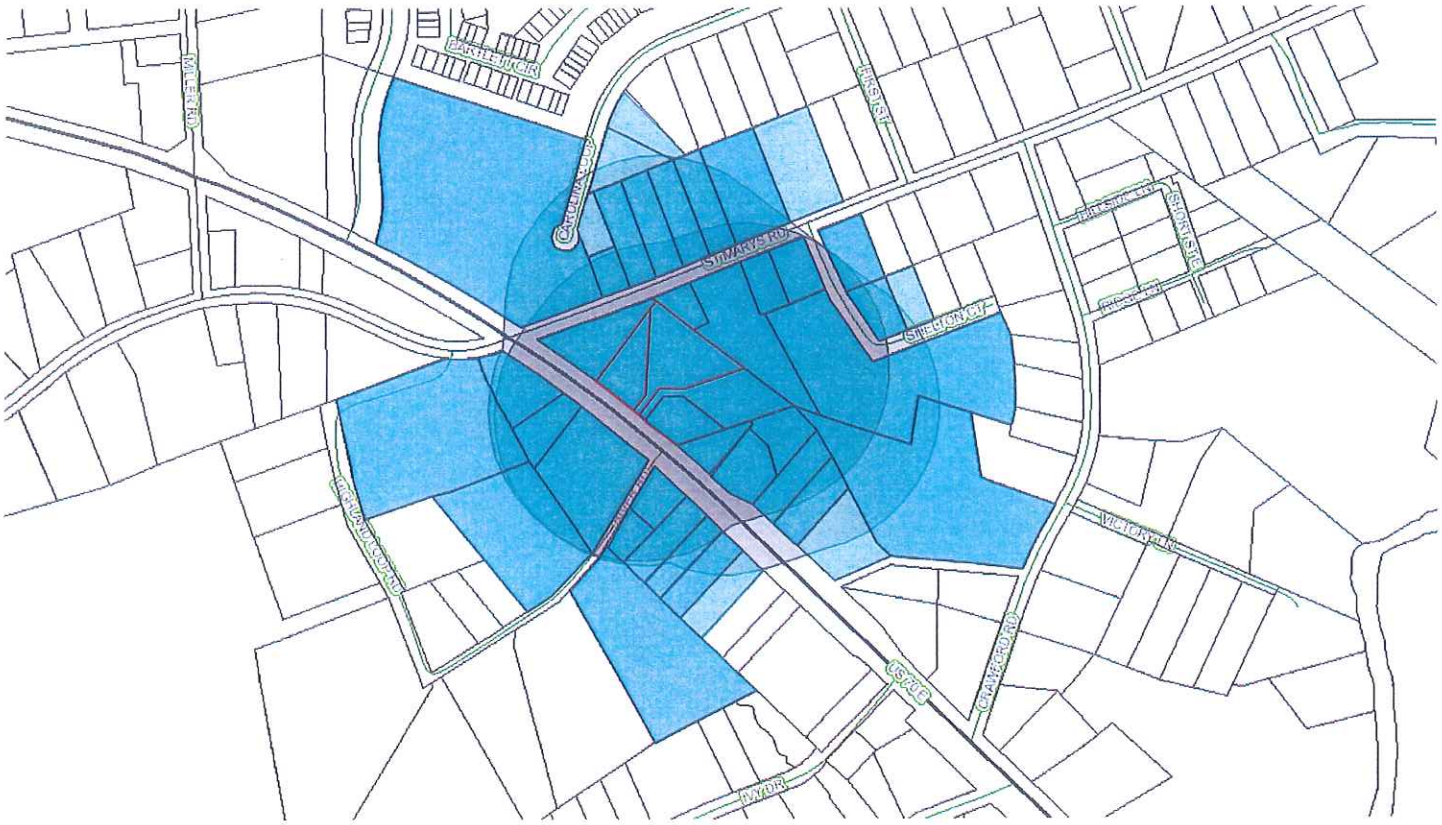
context map

The current Orange County Zoning Map indicates an intention to create a Commercial Activity Node (NC2) in this area; including these parcels and several adjacent parcels. These lots were/are intended to support commercial uses allowed by the NC-2 zoning designation. However, the illustrated boundaries of the current zoning map do not coincide with the boundary lines of the lots that were intended to be included in the N-2 zoning district.

Application for Zoning Atlas Amendment:

Names and Addresses of Adjacent Property Owners within 500' of Subject Property

Orange County GIS image of properties within 500-feet of the subject properties.



Agent Authorization Form

Property Legal Description: OC P/N 9874-68-7542 and 9874-68-9620_____

Property Owner: Thomas L Merritt

The undersigned registered property owners of the above noted property do hereby authorize Summit Design and Engineering Services (project contact Michelle Kempinski) to act on my behalf and take all actions necessary per the conditions outlined in the Professional Services Contract for the processing, issuance and acceptance of this rezoning application.

Property owner's address: 220 Stagg Road, Hillsborough, NC 27278
Phone: 919-732-3250

We hereby certify that the above information submitted in this application is true and accurate to the best of our knowledge.

Authorized Signature: Thomas L Merritt Date: Mar. 15 2017

Orange County
North Carolina

I certify that the following person (s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: Thomas L. Merritt.

Date: March 15, 2012

Charlene D. Toellen

Charlene D. Toellen, Notary Public
My commission expires: February 23, 2015

CHARLENE D. TOELLEN
NOTARY
PUBLIC
ORANGE COUNTY, NC

ORANGE COUNTY PLANNING and INSPECTIONS DEPARTMENT

131 West Margaret Lane
Hillsborough, North Carolina
27278
(919) 245-2600
(919) 644-3347 Fax
Craig N. Benedict, AICP, Director

RECEIPT

Copy Reprinted on 05-08-2012 at 08:44:07
05/08/2012

RECEIPT NUMBER:R12-000921
TO: MERRITT THOMAS LEE

PERMIT #: ZAA12-0006 TYPE:
Zoning Atlas Amendment
SITE ADDRESS:
PARCEL: 9874689620

TRANSACTION DATE:03/16/2012TOTAL
PAYMENT: 3,030.00
TOTAL PAID FROM CURRENCY:3,030.00

TRANSACTION LIST:

Type	Method	Description	Amount
Payment	Check	3293	3,030.00
XXXX-XXXX-XXXX-		TOTAL:	3,030.00

ACCOUNT ITEM LIST:

FEE DESCRIPTION	ACCOUNT CODE	CALCULATED FEES

ORANGE COUNTY
PLANNING and
INSPECTIONS
DEPARTMENT
131 West Margaret Lane
Hillsborough, North Carolina
27278
(919) 245-2600
(919) 644-3347 Fax
Craig N. Benedict, AICP, Director

RECEIPT

REZONING REQUEST	
10620003-430	3,030.00

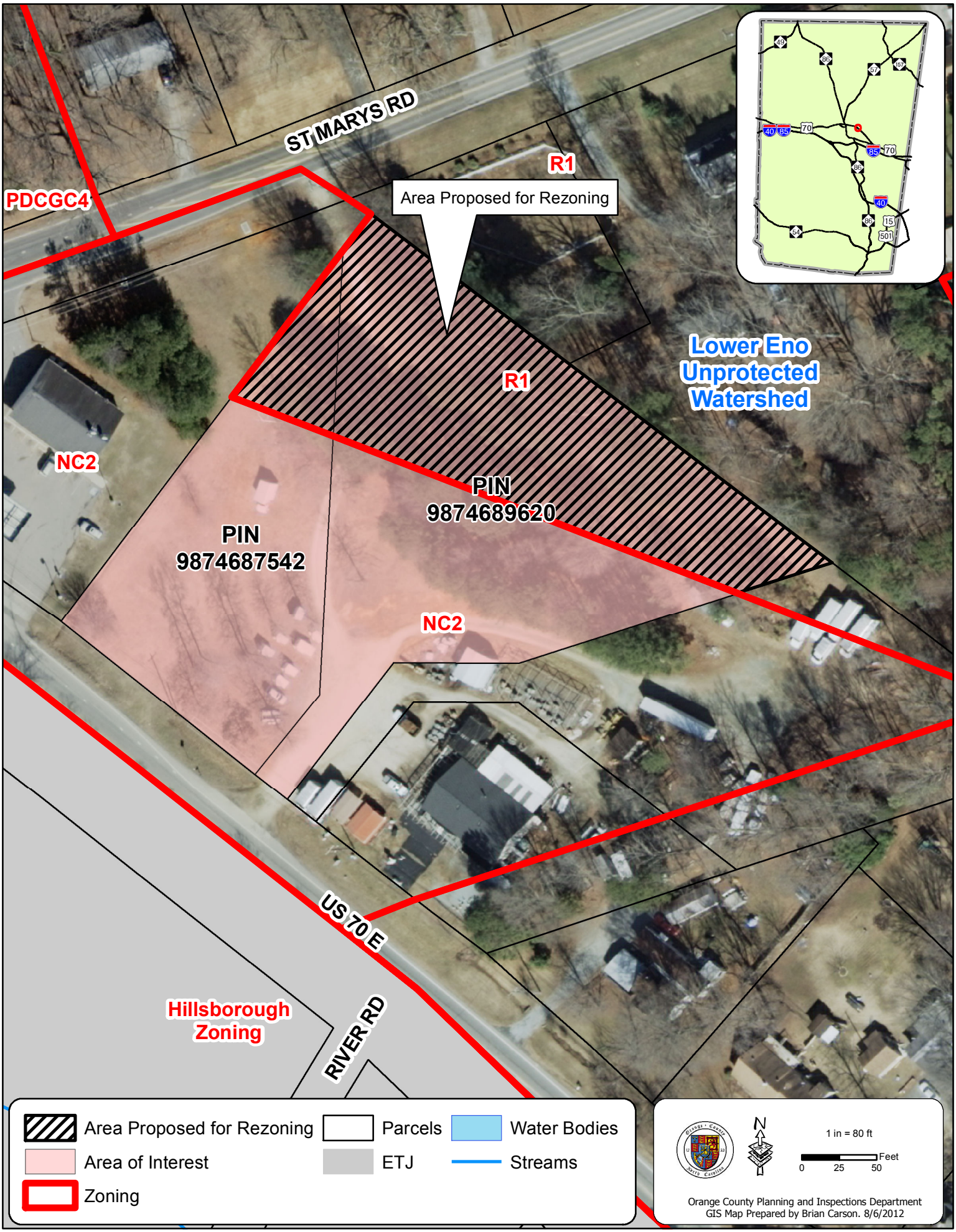
Total : 3,030.00
Balance Due: $0.00

RECEIPT ISSUED BY: MHARVEY MDH INITIALS:
ENTERED DATE: 03/16/2012 10:13 AM TIME:

Please retain this receipt for your records.

Merrit Rezoning Request

Attachment 2



Ordinance #: 2012-033

Attachment 3

AN ORDINANCE AMENDING
THE ORANGE COUNTY ZONING ATLAS

WHEREAS, Orange County has received and processed a petition seeking to amend the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO), and

WHEREAS, This petition seeks to rezone approximately 0.83 acres of land on two parcels of property off of US Highway 70 owned by Mr. Thomas L. Merritt identified further with the Parcel Identification Numbers (PINS) 9874-68-7542 and 9874-68-9620 from Rural Residential (R-1) to Neighborhood Commercial (NC-2), and

WHEREAS, the portions of property to be rezoned are identified further as follows:

> COMMENCING at a mathematical point at the southwest corner of Lot 1 Plat Book 50, page 179 referenced above in the northeast right of way line of US 70 Bypass; thence leaving the right of way line of US 70 Bypass and running along and with the northwest line of said Lot 1 bounded on each side by Orange County Zone NC-2 N. 42˚ 50' 00" E. 188.67' to a mathematical point at the southwest corner of an area currently designated as Orange County Zone R-1, The POINT OF BEGINNING; thence continuing along and with the northwest line of said Lot 1 bounded on the northwest side by Orange County Zone NC-2 and bounded on the southeast side by Orange County Zone R-1 N. 42˚ 50' 00" E. 124.00' to a mathematical point at a northeast corner of Lot 2 Plat Book 50, page 179 referenced above; thence continuing along and with the northwest line of said Lot 2 bounded on the northwest side by Orange County Zone NC-2 and bounded on the southeast side by Orange County Zone R-1 N. 42˚ 50' 00" E. 30.00' to a mathematical point at the northeast corner of Lot 2; thence leaving Orange County Zone NC-2 and running along and with the northeast line of said lot 2 bounded on each side by Orange County Zone R-1 S. 47˚ 10' 00" E. 385.23' to a mathematical point at the northeast corner of Lot 3 Plat Book 50, page 179 referenced above; thence along and with the northeast line of said Lot 3 S. 47˚ 10' 00" E. 149.37' to a mathematical point; thence along and with the existing zoning line bounded on the northeast side by Orange County Zone R-1 and bounded on the southwest side by Orange County Zone NC-2 N. 63˚ 14' 12" W. 194.36' to a mathematical point in the southeast line of the aforesaid Lot 2; thence continuing along and with the existing zoning line bounded on the northeast side by Orange County Zone R-1 and bounded on the southwest side by Orange County Zone NC-2 N. 63˚ 14' 12" W. 289.18' to a mathematical point in the southeast line of the aforesaid Lot 1; thence continuing along and with the existing zoning line bounded on the northeast side by Orange County Zone R-1 and bounded on the southwest side by Orange County Zone NC-2 N. 63˚ 14' 12" W. 72.80' to a mathematical point in the northwest line of the aforesaid Lot 1, the place and POINT OF BEGINNING and being all of an area to be re-zoned from Orange County Zone R-1 to Orange County Zone NC-2 containing 0.83 Acres.

William H. McCarthy, Jr., Professional Land Surveyor, License Number L-3248, Summit Design and Engineering Services , 504 Meadowland Drive, Hillsborough, NC 27278-8551 developed this legal description, which is based on data found in Plat Book 50, page 179 and zone line data scaled from Orange County GIS and does not represent an actual field survey;

and;

WHEREAS, the requirements of Section 2.8 of the Unified Development Ordinance (UDO) have been deemed complete, and

WHEREAS, pursuant to Sections 1.1.5 and 1.1.7 of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds that the rezoning will carry out the intent and purpose of the adopted 2030 Comprehensive Plan or part thereof including, but not limited to, the following:

a. The Future Land Use Map.
b. Principle 7: Promotion of Economic Prosperity and Diversity.
c. Economic Development (ED) Overarching Goal: Viable and sustainable economic development that contributes to both property and sales tax revenues, and enhances high-quality employment opportunities for County residents.
d. Objective ED-2.5: Identify lands suitable to accommodate the expansion and growth of commercial and industrial uses.
e. Land Use Overarching Goal: Coordination of the amount, location, pattern and designation of future land uses, with availability of County services and facilities sufficient to meet the needs of Orange County's population and economy consistent with other Comprehensive Plan element goals and objectives.
f. Objective LU-1.1: Coordinate the location of higher intensity / high density residential and non-residential development with existing or planned locations of public transportation, commercial and community services, and adequate supporting infrastructure (i.e., water and sewer, high-speed internet access, streets, and sidewalks), while avoiding areas with protected natural and cultural resources. This could be achieved by increasing allowable densities and creating new mixed-use zoning districts where adequate public services are available.

and

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

BE IT ORDAINED by the Board of Commissioners of Orange County that the Orange County Zoning Atlas is hereby amended to rezone the property as described herein to Neighborhood Commercial (NC-2).

BE IT FURTHER ORDAINED THAT this ordinance be placed in the book of published ordinances and that this ordinance is effective upon its adoption.

Upon motion of Commissioner _____, seconded by Commissioner _____, the foregoing ordinance was adopted this _____ day of _____, 2012.

I, Donna S. Baker, Clerk to the Board of Commissioners for Orange County, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on _____, 2012 as relates in any way to the adoption of the foregoing and that said proceedings are recorded in the minutes of the said Board.

WITNESS my hand and the seal of said County, this _____ day of _____, 2012.

SEAL

_____
Clerk to the Board of Commissioners

Attachment 4

Ordinance #: 2012-034

AN ORDINANCE DENYING AN AMENDMENT REQUEST TO THE ORANGE COUNTY ZONING ATLAS

WHEREAS, Orange County has received and processed a petition seeking to amend the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO), and

WHEREAS, This petition seeks to rezone approximately 0.83 acres of land on two parcels of property off of US Highway 70 owned by Mr. Thomas L. Merritt identified further with the Parcel Identification Numbers (PINS) 9874-68-7542 and 9874-68-9620 from Rural Residential (R-1) to Neighborhood Commercial (NC-2), and

WHEREAS, the parcels are further identified through the following legal description:

> COMMENCING at a mathematical point at the southwest corner of Lot 1 Plat Book 50, page 179 referenced above in the northeast right of way line of US 70 Bypass; thence leaving the right of way line of US 70 Bypass and running along and with the northwest line of said Lot 1 bounded on each side by Orange County Zone NC-2 N. 42˚ 50' 00" E. 188.67' to a mathematical point at the southwest corner of an area currently designated as Orange County Zone R-1, The POINT OF BEGINNING; thence continuing along and with the northwest line of said Lot 1 bounded on the northwest side by Orange County Zone NC-2 and bounded on the southeast side by Orange County Zone R-1 N. 42˚ 50' 00" E. 124.00' to a mathematical point at a northeast corner of Lot 2 Plat Book 50, page 179 referenced above; thence continuing along and with the northwest line of said Lot 2 bounded on the northwest side by Orange County Zone NC-2 and bounded on the southeast side by Orange County Zone R-1 N. 42˚ 50' 00" E. 30.00' to a mathematical point at the northeast corner of Lot 2; thence leaving Orange County Zone NC-2 and running along and with the northeast line of said lot 2 bounded on each side by Orange County Zone R-1 S. 47˚ 10' 00" E. 385.23' to a mathematical point at the northeast corner of Lot 3 Plat Book 50, page 179 referenced above; thence along and with the northeast line of said Lot 3 S. 47˚ 10' 00" E. 149.37' to a mathematical point; thence along and with the existing zoning line bounded on the northeast side by Orange County Zone R-1 and bounded on the southwest side by Orange County Zone NC-2 N. 63˚ 14' 12" W. 194.36' to a mathematical point in the southeast line of the aforesaid Lot 2; thence continuing along and with the existing zoning line bounded on the northeast side by Orange County Zone R-1 and bounded on the southwest side by Orange County Zone NC-2 N. 63˚ 14' 12" W. 289.18' to a mathematical point in the southeast line of the aforesaid Lot 1; thence continuing along and with the existing zoning line bounded on the northeast side by Orange County Zone R-1 and bounded on the southwest side by Orange County Zone NC-2 N. 63˚ 14' 12" W. 72.80' to a mathematical point in the northwest line of the aforesaid Lot 1, the place and POINT OF BEGINNING and being all of an area to be re-zoned from Orange County Zone R-1 to Orange County Zone NC-2 containing 0.83 Acres.

William H. McCarthy, Jr., Professional Land Surveyor, License Number L-3248, Summit Design and Engineering Services, 504 Meadowland Drive, Hillsborough, NC 27278-8551 developed this legal description, which is based on data found in Plat Book 50, page 179 and zone line data scaled from Orange County GIS and does not represent an actual field survey;

and

WHEREAS, the requirements of Section 2.8 of the Unified Development Ordinance (UDO) have not been adhered to, and

WHEREAS, pursuant to Sections 1.1.5, 1.1.7, and 2.9.1 (E) of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds that the applicant has submitted insufficient documentation within the record denoting that the rezoning will carry out the intent and purpose of the adopted 2030 Comprehensive Plan or part thereof; and

WHEREAS, the Board has found the proposed zoning atlas amendment will not promote the public health, safety, and general welfare.

BE IT ORDAINED by the Board of Commissioners of Orange County hereby denies the applicants request to amend the Orange County Zoning Atlas to rezone the aforementioned parcels to Neighborhood Residential (NC-2).

BE IT FURTHER ORDAINED THAT this ordinance be placed in the book of published ordinances and that this ordinance is effective upon its adoption.

Upon motion of Commissioner _____, seconded by Commissioner _____, the foregoing ordinance was adopted this _____ day of _____, 2012.

I, Donna S. Baker, Clerk to the Board of Commissioners for Orange County, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on _____, 2012 as relates in any way to the adoption of the foregoing and that said proceedings are recorded in the minutes of the said Board.

WITNESS my hand and the seal of said County, this _____ day of _____, 2012.

SEAL

_____
Clerk to the Board of Commissioners

Attachment 5

Excerpt Quarterly Public Hearing Minutes

DRAFT

MINUTES
ORANGE COUNTY BOARD OF COMMISSIONERS
ORANGE COUNTY PLANNING BOARD
QUARTERLY PUBLIC HEARING
May 29, 2012
7:00 P.M.

The Orange County Board of Commissioners and the Orange County Planning Board met for a Quarterly Public Hearing on Tuesday, May 29, 2012 at 7:00 p.m. at DSS Offices, Hillsborough Commons, Hillsborough, N.C.

COUNTY COMMISSIONERS PRESENT: Chair Bernadette Pelissier, and Commissioners Alice Gordon, Barry Jacobs, Valerie Foushee, Pam Hemminger, Earl McKee, and Steve Yuhasz
COUNTY COMMISSIONERS ABSENT:
COUNTY ATTORNEY PRESENT: John Roberts
COUNTY STAFF PRESENT: County Manager Frank Clifton, Assistant County Manager Michael Talbert, and Deputy Clerk to the Board David Hunt (All other staff members will be identified appropriately below)
PLANNING BOARD MEMBERS PRESENT:, Vice Chair Larry Wright, Pete Hallenbeck, Mark Marcoplos, H.T. “Buddy Hartley”, Andrea Rohrbacher, Lisa Stuckey, Maxecine Mitchell, and Tony Blake

PLANNING BOARD MEMBERS ABSENT: Chair Brian L. Crawford, Rachel Phelps Hawkins, Alan Campbell, and Johnny Randall

Chair Pelissier called the meeting to order at 7:04:05 PM.

3. Zoning Atlas Amendment – To review an application to rezone two parcels of property approximately 2.11 acres in size from R-1 (Rural Residential) and NC-2 (Neighborhood Commercial) to NC-2 (Neighborhood Commercial). The properties are located on US 70 East.

Glenn Bowles introduced this item. This is property owner initiated. There are two

platted lots involved totaling 2.11 acres, 0.83 of which are zoned R-1 and the remainder of which are zoned NC-2. Only the R-1 portion of the lots is affected.

A motion was made by Commissioner Gordon, seconded by Commissioner Foushee to receive the proposal to amend the zoning atlas, refer the comments to the Planning Board with a request that a recommendation be returned to the Board of County Commissioners in time for the August 21st 41 regular meeting, and adjourn the public hearing until August 21, 2012 in order to receive and accept the Planning Board's recommendation and submitted written comments.

VOTE: UNANIMOUS

Attachment 6

Excerpt of minutes

MINUTES
ORANGE COUNTY PLANNING BOARD
JUNE 6, 2012
REGULAR MEETING

MEMBERS PRESENT: Brian Crawford (Chair), Eno Township Representative; Larry Wright (Vice-Chair), At-Large, Cedar Grove Township; Peter Hallenbeck, Cheeks Township Representative; Buddy Hartley, Little River Township Representative; Alan Campbell, Cedar Grove Township Representative; Lisa Stuckey, Chapel Hill Township Representative; Mark Marcoplos, At-Large, Bingham Township; Andrea Rohrbacher, At-Large Chapel Hill Township; Tony Blake, Bingham Township Representative; Johnny Randall, At-Large Chapel Hill Township; Rachel Hawkins, Hillsborough Township Representative;

MEMBERS ABSENT: Maxecine Mitchell, At-Large Bingham Township;

STAFF PRESENT: Craig Benedict, Planning Director; Michael Harvey, Current Planning Supervisor; Glenn Bowles, Planner II; Tina Love Administrative Assistant II

OTHERS PRESENT: Ron Woods; Michelle Kempinski; Tommy and Barbara Merritt; Jon Arvik; C. Phillip Gunter

Agenda Item 8: Zoning Atlas Amendment – To make a recommendation to the BOCC on an application to rezone two parcels of property approximately 2.11 acres in size from R-1 (Rural Residential) and NC-2 (Neighborhood Commercial) to NC-2 (Neighborhood Commercial). The properties are located on US 70 East. This item was heard at the May 29, 2012 quarterly public hearing.
Presenter: Glenn Bowles, Planner II

Glenn Bowles: Reviewed abstract and attachments.

MOTION made by Alan Campbell to approve the rezoning of the property from R1 and NC-2 to NC-2 as recommended by staff consistent with the Ordinance contained within Attachment 3 of the abstract. Seconded by Buddy Hartley.

VOTE: Unanimous

ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT
Meeting Date: August 21, 2012

Action Agenda Item No. 6-f

SUBJECT: Zoning Atlas Amendment – Application of Special Flood Hazard Overlay District to Parcels Associated with the Orange-Alamance County Line Adjustment

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N) Yes

ATTACHMENTS:

1. Unified Development Ordinance (UDO) Outline Form (UDO/Zoning 2012-10)
2. SFHA Overlay District Maps
3. Ordinance Amending Zoning Atlas
4. Excerpt from Draft May 29, 2012 Quarterly Public Hearing Minutes
5. Excerpt from June 6, 2012 Planning Board Minutes

INFORMATION CONTACT:

Glenn Bowles, Planner II, 245-2577
Michael D. Harvey, Planner III, 245-2597
Craig Benedict, Director, 245 2592

PURPOSE: To receive the Planning Board recommendation, close the public hearing, and make a decision on a Planning Director initiated Zoning Atlas Amendment to apply the Special Flood Hazard Area (SFHA) Overlay District designation on parcels associated with the revised Orange-Alamance county line.

BACKGROUND: This item was presented at the May 29, 2012 Quarterly Public Hearing. During the public hearing no comments or discussion occurred related to this request. This request seeks to extend the SFHA district over the properties recently located within Orange County's planning jurisdiction through the formalization of the Orange-Alamance county line. The properties impacted by this request are as follows

PIN	Owner	Property Acreage	SFHA Acreage
9829348662	Toni Henderson & Shelby McLaughlin	38.00	0.02
9829520667	C. E. Atkins heirs	96.40	1.38
9827338118	Henry & Pamela R. Rivers	20.73	0.09
9827326110	Hanna Creek Homeowners Association	3.97	0.04
9827334051	Mary & John L. Brewer	36.00	0.09
9827316804	Johnny C. Pulliam	56.00	0.08
9728177046	Tommy W. & Brenda P. Tapp	42.13	19.00
9728068128	Elizabeth Hilborn & Howard Hoyt	8.48	
9728163122	Elizabeth Hilborn & Howard Hoyt	9.30	
9728166070	Michelle K. Strand	9.40	

Attachment 2 provides maps denoting the proposed SFHA overlay districts in relationship to the affected properties, surrounding properties, and the county line. Attachment 1 provides additional background information and staff analysis of the request.

Planning Board Discussion: The Planning Board reviewed this item at its June 6, 2012 regular meeting. Please refer to Section C.2 of Attachment 1 for a summary of Board questions and staff responses.

Planning Board Recommendation: The Board voted **unanimously** to accept the recommendation of the Planning Director and extend the SFHA overlay district as proposed.

Planning Director's Recommendation: The Planning Director recommends **approval** of the proposed zoning atlas amendments based on the following:

1. The amendments will extend flood damage prevention standards onto parcels associated with the revised Orange-Alamance county line consistent with established policy per Section 4.3 of the UDO, and
2. The rezoning is consistent with various Principles, Goals, and Objectives of the adopted Comprehensive Plan (Please refer to Section B.3 of Attachment 1).

FINANCIAL IMPACT: Please refer to Section C.3 of Attachment 1.

RECOMMENDATIONS: The Manager recommends the Board:

1. Receive the Planning Board's recommendation;
2. Discuss the item as necessary;
3. Close the public hearing; and
4. Adopt the Ordinance of approval for the Zoning Atlas Amendment as contained within Attachment 3.

Attachment 1

COMPREHENSIVE PLAN / FUTURE LAND USE MAP AND UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT OUTLINE

UDO / Zoning-2012-10

A. AMENDMENT TYPE

Map Amendments

☐ Land Use Element Map:
From:
To:

☒ Zoning Map:
From: AR (Agricultural Residential)

To: AR with Special Flood Hazard Overlay District

☐ Other:

Text Amendments

☐ Comprehensive Plan Text:

☐ UDO Text:
☐ UDO General Text Changes
☐ UDO Development Standards
☐ UDO Development Approval Processes
Section(s):

☐ Other:

B. RATIONALE

1. **Purpose/Mission**

On January 1, 2012, some 20.7 acres of property was transferred into the County's planning jurisdiction as the result of the formalization of the Orange-Alamance

County line.

According to the State FEMA office, portions of these properties were encumbered by floodplain and were now considered part of the County's floodplain management program.

In 2007 the County incorporated FEMA floodplain mapping data into an overlay district, specifically the Special Flood Hazard Area (SFHA) Overlay District, in an effort to ensure property owners were fully aware of all development limitations associated with a given parcel of property by denoting these areas on the official Zoning Atlas.

As this property was previously located within Alamance County, and administered under their floodplain management program, Orange County is required to extend the SFHA overlay district onto those portions of property encumbered by identified flood areas now being located within the County's planning jurisdiction. It should be noted that approximately 18.7 acres of land area, encumbered by the County's SFHA overlay district, were transferred into Alamance from Orange County and is now administered under their floodplain management program.

Staff is proposing the Zoning Atlas amendment to extend the SFHA overlay district onto the 20.7 acres of property, encumbered by floodplain, recently moved into the County's planning jurisdiction consistent with the policies of Section 4.3 of the Unified Development Ordinance.

2. Analysis

As per UDO Section 2.8.5, the Planning Director shall cause an analysis to be made for an application and, based upon that analysis, prepare a recommendation for consideration by the Planning Board and the BOCC.

The 20.7 acres of floodplain transferred into Orange County are found on three different sites containing a total of ten (10) parcels. (Please refer to the maps in Attachment 2.) These transferred floodplain acres represent six (6) percent of the 320.41 acres of land area in the affected properties. No structures are involved in any transfer in or out of Orange County's jurisdiction.

Another 0.75 acres of the 500-year floodplain were also transferred into Orange County, but these areas will not affect this zoning atlas amendment.

Staff has determined the amendment is necessary in order to ensure consistency with respect to the mapping and identification of flood hazard areas throughout the County and to ensure the policy requirements of the UDO are adhered to.

3. Comprehensive Plan Linkage (i.e. Principles, Goals and Objectives)

Land Use Goal 5: Life, health, and property safe from hazard.
Prohibit new development in special flood hazard areas as defined by the FEMA Flood Insurance Rate Map, effective February 2, 2007.

Natural Resources Goal 7: A balanced and healthy diversity of native plant and animal populations.

Objective NA-1: Conserve high-priority natural areas and wildlife habitats, including wetlands, rivers and streams, floodplains, …

4. New Statutes and Rules

Not applicable.

C. PROCESS

1. TIMEFRAME/MILESTONES/DEADLINES

a. BOCC Authorization to Proceed

March 13, 2012

b. Quarterly Public Hearing

May 29, 2012 - There were no recorded comments from the public hearing.

c. BOCC Updates/Checkpoints

May Quarterly Public Hearing legal advertisement approved on May 1, 2012.
Legal advertisement publishing dates May 16 and May 23, 2012.
August 21, 2012 Final Action

d. Other

DAC review on May 3, 2012

2. PUBLIC INVOLVEMENT PROGRAM

Mission/Scope: The Quarterly Public Hearing public involvement process shall be consistent with North Carolina State Statutes and UDO requirements.

a. Planning Board Review:

The item was presented at the June 6, 2012 meeting for recommendation with the following questions or comments from the Planning Board members:

- Several years ago we received notice that there were changes in the FEMA floodplains. Wouldn't these landowners have gotten it then, is this because of the change to the county line?

  STAFF COMMENT: They would not have received notification from Orange County as these properties were located within Alamance County and subject to their regulations and floodplain management program. Staff cannot offer comment on Alamance County's procedures for notifying property owners of changes in floodplain regulations or standards.

The adjustment of the County boundary line now brings these properties into Orange County's planning jurisdiction subjecting them to our regulatory standards. Staff obviously took the necessary, and required, steps to notify these property owners of the situation and explain the nuances of our local floodplain management program.

As previously indicated, this atlas amendment is necessary to formalize the location of this overlay district due to the change in the Orange-Alamance County Line consistent with current policy.

- So property owners cannot do anything with this land in the floodplain?

  STAFF COMMENT: Current regulations prohibit development of residential and non-residential structures within the SFHA Overlay District (see Section(s) 6.6.1 (B) (1) and (2) of the UDO). While these areas could be used for agricultural purposes, property owners are prohibited from erecting structures within identified floodplain per current County policy.

- Is it safe to say they probably could not develop in the floodplain because they could not get a loan to build on it. In the last 11 years the river has come up as much as 12 feet so there's nothing anyone could do with it.

  STAFF COMMENT: The floodplain standards regarding mortgages is the same in both counties – federally-backed mortgages cannot finance development in the special flood hazard area.

- There are two parcels owned by the same people. One has a house on it and the other is undeveloped. The undeveloped parcel can be developed but has a small area within which to construct improvements.

  STAFF COMMENT: Yes

b. Advisory Boards:
Not applicable

c. Local Government Review:
Not applicable

d. Notice Requirements

The legal advertisement was run in local newspapers on May 16 and 23, 2012. Required legal notifications were mailed to the ten (10) affected property owners and the property owners within 500 feet of the affected properties on May 14, 2012. The three (3) sites were posted ten (10) days prior to the public hearing on May 18, 2012.

e. Outreach:

☒ General Public:	An open house for the nine property owners affected by the transfer was held on Wednesday, April 18, 2012 in the Second Floor Planning Conference Room.
☐ Small Area Plan Workgroup:	
☒ Other:	Staff contacted the North Carolina Floodplain Mapping Program on February 15, 2012. Like annexations, this action transfers floodplain management authority from one jurisdiction to another. The North Carolina Floodplain Mapping Program will adjust the flood maps during the next scheduled map maintenance project. No additional action is required of Orange County at this time.

3. FISCAL IMPACT

Consideration and approval will not create the need for additional funding for the provision of County services. Costs for the required legal advertisement will be paid from Fiscal Year 2011-12 Departmental funds budgeted for this purpose. Existing Planning staff included in the Departmental staffing budget will accomplish the work required to process this zoning atlas amendment.

D. AMENDMENT IMPLICATIONS

Those portions of the affected properties within the Special Flood Hazard Area will be subject to all Orange County flood damage prevention regulations found within the Orange County Unified Development Ordinance.

E. SPECIFIC AMENDMENT LANGUAGE

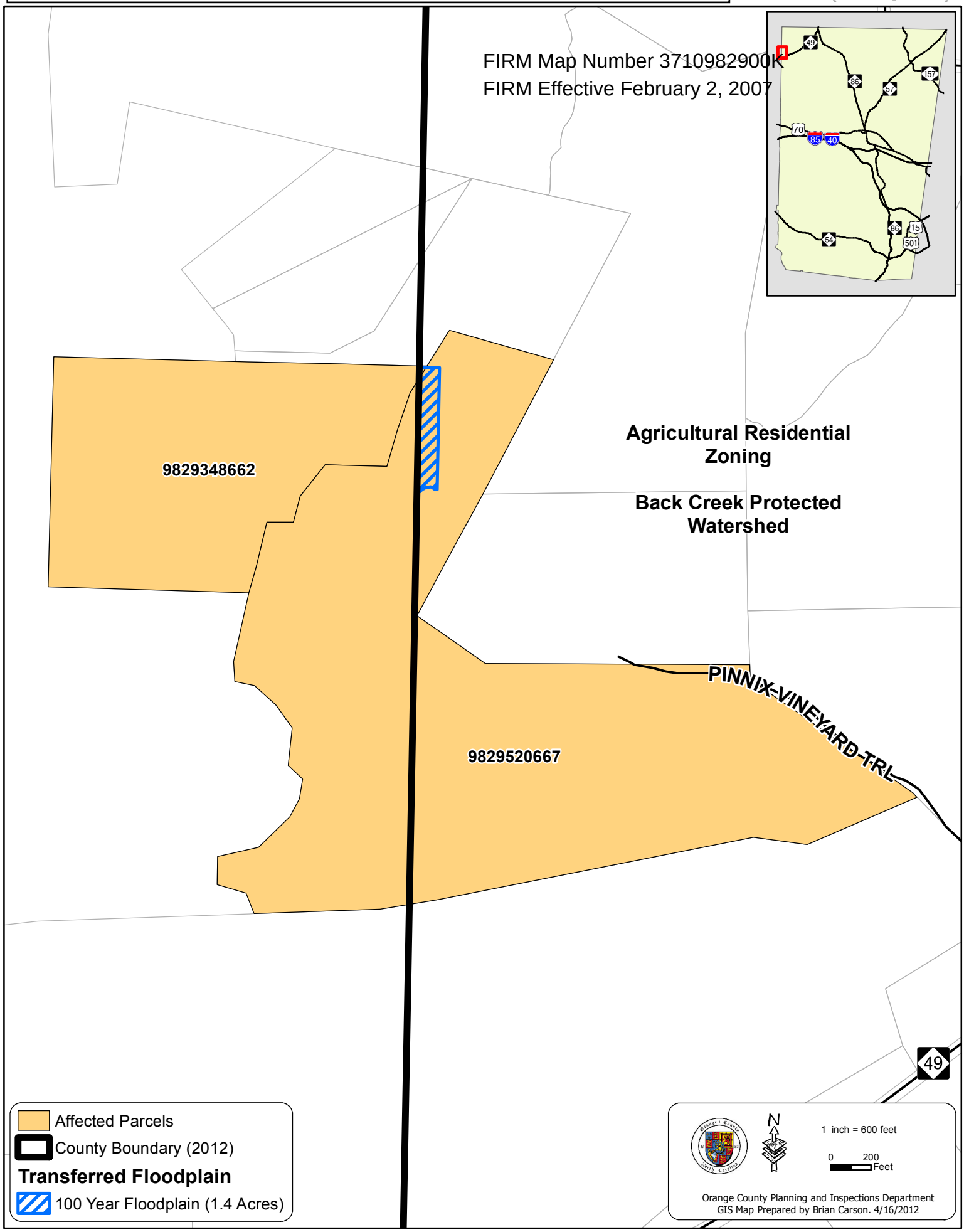
Primary Staff Contact:
Glenn R. Bowles, Planner II

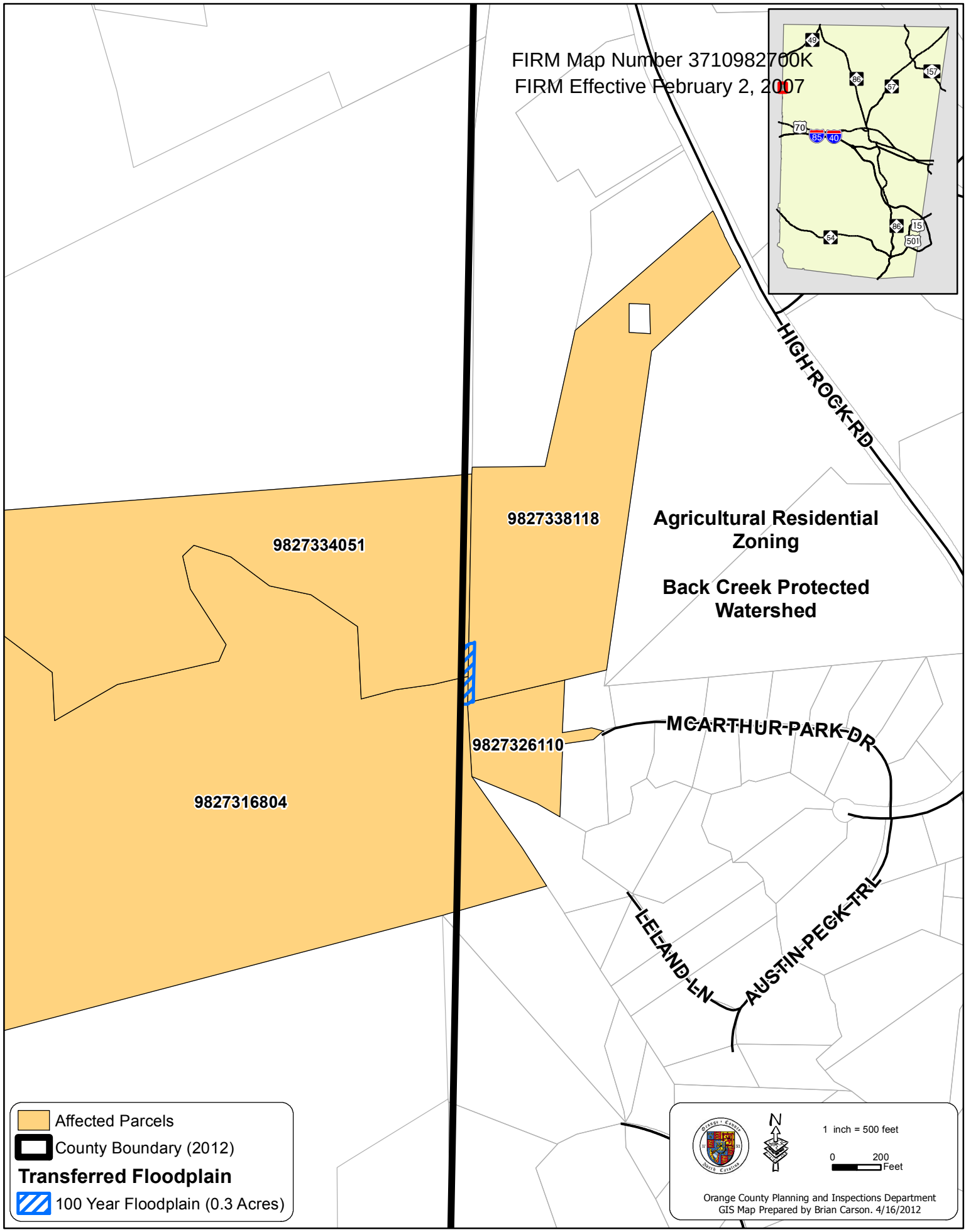
Planning and Inspections Department

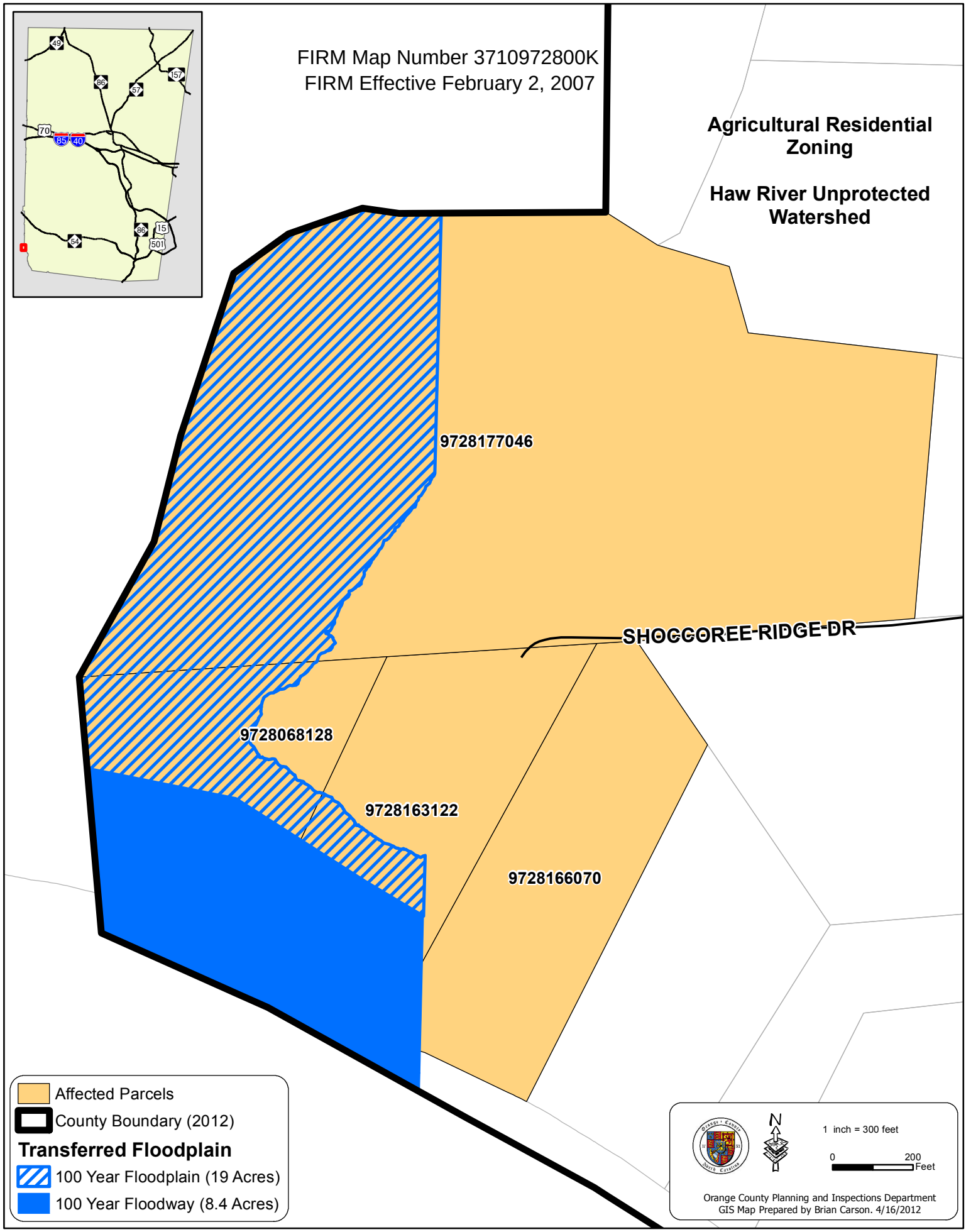
919 245 2577

gbowles@co.orange.nc.us

Attachment 2
Maps Denoting Parcels Impacted by County Line Change (3 maps)




FIRM Map Number 3710982700K
FIRM Effective February 2, 2007
HIGH ROCK RD
9827338118
9827334051
Agricultural Residential Zoning
Back Creek Protected Watershed
MCARTHUR PARK DR
9827326110
9827316804
LELAND LN
AUSTIN PECK TRL
Affected Parcels
County Boundary (2012)
Transferred Floodplain
100 Year Floodplain (0.3 Acres)
N
1 inch = 500 feet
0
200
Feet
Orange County Planning and Inspections Department
GIS Map Prepared by Brian Carson. 4/16/2012


FIRM Map Number 3710972800K
FIRM Effective February 2, 2007
Agricultural Residential Zoning
Haw River Unprotected Watershed
9728177046
SHOCCOREE RIDGE DR
9728068128
9728163122
9728166070
Affected Parcels
County Boundary (2012)
Transferred Floodplain
100 Year Floodplain (19 Acres)
100 Year Floodway (8.4 Acres)
N
1 inch = 300 feet
0
200
Feet
Orange County Planning and Inspections Department
GIS Map Prepared by Brian Carson. 4/16/2012

Ordinance #: 2012-035

Attachment 3

AN ORDINANCE AMENDING THE ORANGE COUNTY ZONING ATLAS

WHEREAS, Orange County has initiated a petition seeking to amend the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO), and

WHEREAS, this petition seeks to rezone approximately 20.7 acres of land on ten parcels of property associated with the Orange-Alamance County Line adjustment from Agricultural Residential (AR) to AR with the Special Flood Hazard Overlay District, and

WHEREAS, the parcels are further identified as contained within the Special Flood Hazard Area - AE Zone with a one (1) percent annual chance occurrence flood (100-year flood) as found in the Flood Insurance Rate Map (FIRM), effective February 2, 2007 and specifically described as that portion of property with the following Orange County Parcel Identification Number (PIN) that is within identified FIRM Maps:

1. FIRM Map Number 3710982900K (PINs 9829248662 and 9829520667),
2. FIRM Map Number 3710982700K (PINS 9827338118, 9827334051, 9827316804, and 9827326110), and
3. FIRM Map Number 37109728177046, (PINs 9728068128, 9728163122, and 9728166070); and

WHEREAS, the requirements of Section 2.8 of the Unified Development Ordinance (UDO) have been deemed complete, and

WHEREAS, pursuant to Sections 1.1.5 and 1.1.7 of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds that the rezoning will carry out the intent and purpose of the adopted 2030 Comprehensive Plan or part thereof including, but not limited to, the following:

a. **Land Use Goal 5:** Life, health, and property safe from hazard. Prohibit new development in special flood hazard areas as defined by the FEMA Flood Insurance Rate Map, effective February 2, 2007.

b. **Natural Resources Goal 7**: A balanced and healthy diversity of native plant and animal populations.

   Objective NA-1: Conserve high-priority natural areas and wildlife habitats, including wetlands, rivers and streams, floodplains, steep slopes, prime forests, wildlife corridors, and other critical habitats; and

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

THEREFORE BE IT ORDAINED by the Board of Commissioners of Orange County that the Orange County Zoning Atlas is hereby amended to rezone the property as described herein to Agricultural Residential (AR) with the Special Flood Hazard Overlay District.

BE IT FURTHER ORDAINED THAT this ordinance be placed in the book of published ordinances and that this ordinance is effective upon its adoption.

Upon motion of Commissioner _____, seconded by Commissioner _____, the foregoing ordinance was adopted this _____ day of _____, 2012.

I, Donna S. Baker, Clerk to the Board of Commissioners for Orange County, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on _____, 2012 as relates in any way to the adoption of the foregoing and that said proceedings are recorded in the minutes of the said Board.

WITNESS my hand and the seal of said County, this _____ day of _____, 2012.

SEAL

_____

Clerk to the Board of Commissioners

Attachment 4

Excerpt of Minutes

DRAFT

MINUTES
ORANGE COUNTY BOARD OF COMMISSIONERS
ORANGE COUNTY PLANNING BOARD
QUARTERLY PUBLIC HEARING
May 29, 2012
7:00 P.M.

The Orange County Board of Commissioners and the Orange County Planning Board met for a Quarterly Public Hearing on Tuesday, May 29, 2012 at 7:00 p.m. at DSS Offices, Hillsborough Commons, Hillsborough, N.C.

COUNTY COMMISSIONERS PRESENT: Chair Bernadette Pelissier, and Commissioners Alice Gordon, Barry Jacobs, Valerie Foushee, Pam Hemminger, Earl McKee, and Steve Yuhasz
COUNTY COMMISSIONERS ABSENT:
COUNTY ATTORNEY PRESENT: John Roberts
COUNTY STAFF PRESENT: County Manager Frank Clifton, Assistant County Manager Michael Talbert, and Deputy Clerk to the Board David Hunt (All other staff members will be identified appropriately below)
PLANNING BOARD MEMBERS PRESENT:, Vice Chair Larry Wright, Pete Hallenbeck, Mark Marcoplos, H.T. “Buddy Hartley”, Andrea Rohrbacher, Lisa Stuckey, Maxecine Mitchell, and Tony Blake
PLANNING BOARD MEMBERS ABSENT: Chair Brian L. Crawford, Rachel Phelps Hawkins, Alan Campbell, and Johnny Randall

Chair Pelissier called the meeting to order at 7:04:05 PM.

6. Zoning Atlas Amendment - To review government-initiated amendments to the Zoning Atlas to apply the Special Flood Hazard Zoning Overlay District to portions of ten parcels located in the vicinity of the Orange-Alamance county line. These parcels were affected by the adjustment of the county line which became effective on January 1, 2012.

Planning staff Glenn Bowles made a PowerPoint presentation.

ZONING ATLAS (MAP) AMENDMENT

FROM: AGRICULTUREAL RESIDENTIAL (AR)
TO: AR WITH SPECIAL FLOOD HAZARD AREA OVERLAY DISTRICT

BACKGROUND

- May 25, 2011 NC General Assembly session law transferred 65 parcels into Orange County.
- November 2011 BOCC public hearing to zone the parcels to AR.
- Planning Department received information from the State Floodplain Mapping Program that ten of these properties contain floodplain.

Information

- Ten parcels containing 320 acres,
- 20.7 acres of Floodplain
- No structures involved

Mark Marcoplos left at 10:13PM.

Glenn Bowles said that an open house was held and the property owners that were affected were invited. No one attended, however.

A motion was made by Commissioner Hemminger, seconded by Commissioner Yuhasz to refer this matter to the Planning Board asking for a recommendation to be returned to the Board of County Commissioners in time for the August 21, 2012 meeting and adjourn the public hearing until August 21, 2012 for final action.

VOTE: UNANIMOUS

Attachment 5

Excerpt of minutes

MINUTES
ORANGE COUNTY PLANNING BOARD
JUNE 6, 2012
REGULAR MEETING

MEMBERS PRESENT: Brian Crawford (Chair), Eno Township Representative; Larry Wright (Vice-Chair), At-Large, Cedar Grove Township; Peter Hallenbeck, Cheeks Township Representative; Buddy Hartley, Little River Township Representative; Alan Campbell, Cedar Grove Township Representative; Lisa Stuckey, Chapel Hill Township Representative; Mark Marcoplos, At-Large, Bingham Township; Andrea Rohrbacher, At-Large Chapel Hill Township; Tony Blake, Bingham Township Representative; Johnny Randall, At-Large Chapel Hill Township; Rachel Hawkins, Hillsborough Township Representative;

MEMBERS ABSENT: Maxecine Mitchell, At-Large Bingham Township;

STAFF PRESENT: Craig Benedict, Planning Director; Michael Harvey, Current Planning Supervisor; Glenn Bowles, Planner II; Tina Love Administrative Assistant II

OTHERS PRESENT: Ron Woods; Michelle Kempinski; Tommy and Barbara Merritt; Jon Arvik; C. Phillip Gunter

Agenda Item 9: Unified Development Ordinance (UDO) Text Amendments - To make a recommendation to the BOCC on government-initiated amendments to the Zoning Atlas to apply the Special Flood Hazard Overlay District to portions of ten parcels located in the vicinity of the Orange-Alamance county line. These parcels were affected by the adjustment of the county line which became effective on January 1, 2012. This item was heard at the May 29, 2012 quarterly public hearing.
Presenter: Glenn Bowles, Planner II

Glenn Bowles: Reviewed abstract and attachments.

Larry Wright: I have a question, several years ago we received notice that there were changes in the FEMA floodplains. Wouldn't these landowners have gotten it then, is this because of the change to the county line?

Glenn Bowles: The county line complicates things a bit so we had to re-notify them.

Michael Harvey: There was a decision made by the former legal counsel for the County that as the flood plain regulations existed externally to the zoning regulations and because it limited the use of property it was determined that the flood regulations technically were defacto zoning standards and required that we incorporate those regulations in our zoning text and take the 100 year flood plain boundary and incorporate them on the zoning atlas so people would understand what the limitations of property would be. We are just formalizing the location of this overlay district due to the change in the Orange-Alamance County Line to be consistent with current policy.

Rachel Hawkins: So they can't do anything with this land?

Glenn Bowles: They can graze their cattle…

Rachel Hawkins: They just can't develop.

Glenn Bowles: A structure

Alan Campbell: Is it safe to say they probably couldn't anyway even if we didn't do this because they couldn't get a loan to build on it.

Michael Harvey: The flood regulations are not that much different between Orange and Alamance County. It's the same standard.

Mark Marcoplos: I live near that land and in relationship to that river, I have seen some very high water, you couldn't build on that land. In the last 11 years I have seen the river come up as much as 12 feet so there's nothing anyone could do with it.

Pete Hallenbeck: So the lot that has the most of it has nothing build on it now but the people have a structure on the other lot. They are already there and the inconvenience is additional structures are limited to that little bit of space.

Glenn Bowles: Yes

MOTION made by Tony Blake to accept the recommendation of the Planning Director. Seconded by Lisa Stuckey.
VOTE: Unanimous

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: August 21, 2012

Action Agenda Item No. 7-a

SUBJECT: Conservation Easement for Thompson Farm

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

PUBLIC HEARING: (Y/N) No

ATTACHMENTS
Location Map
Site Map
Letter from Black Family Land Trust
Draft Conservation Easement

INFORMATION CONTACT:
David Stancil, 245-2510
Rich Shaw, 245-2514

PURPOSE: To authorize Orange County's contribution of funds for the Black Family Land Trust purchase of an agricultural conservation easement for the Thompson prawn farm.

BACKGROUND: The acquisition of agricultural conservation easements to protect prime farmland in Orange County is a longstanding goal of the Board of Commissioners, and is a priority of the Lands Legacy Program. Through this program, the County has helped protect 1,990 acres of privately-owned farmland and natural areas with conservation easements.

Over the past few years, Orange County has worked with the Black Family Land Trust and others to complete a permanent conservation easement on the Thompson prawn farm located on Allie Mae Road in Cedar Grove Township. In 2009 the County applied for a federal grant to assist with the purchase of an easement on this farm, but was unsuccessful.

In 2010 the Department of Environment, Agriculture, Parks and Recreation (DEAPR) assisted the Black Family Land Trust (BFLT) with preparing two grant applications for this project. BFLT was awarded $45,500 in state funds from the NC Agricultural Development and Farmland Preservation Trust Fund (ADFPTF) and $45,000 in federal funds from the US Department of Agriculture's Farm and Ranch Land Protection Program (FRPP). Since then BFLT has worked with DEAPR and the grant agencies to complete the project.

The farm is owned by Joseph and Jettlelean Thompson. The Thompsons purchased the farm in 1980 and raised tobacco for 20 years until they decided to sell the tobacco allotment as part of the NC Tobacco Quota Buyout program. After extensive research, Joe Thompson converted the former tobacco farm into a freshwater prawn farm – a highly unusual commodity in Piedmont NC. The prawns are harvested each fall and sold to Triangle restaurants and specialty grocery stores. Other parts of the farm are used to produce corn and small grain to develop feed for the prawns.

In 2010 Joe Thompson was recognized as the Small Farmer of the Year by the Cooperative Extension program at North Carolina A&T University. Mr. Thompson also is a member of the

Orange County Agricultural Preservation Board, having enrolled his farm in the Voluntary Agricultural District program in 2010.

The Thompsons intend to grant a conservation easement on the core areas of the farm that include the prawn ponds and cropland used to produce feed for the prawns. The easement will exclude an existing home site and a small portion of the farm located across Allie Mae Road. The conservation easement will also exclude the strip of land along Back Creek, which is being considered for a separate conservation easement by the NC Clean Water Management Trust Fund (CWMTF). All other non-agricultural development will be prohibited by the conservation easement. Future farm activities will continue in accordance with a Conservation Plan prepared for the farm by the Orange NRCS/Soil & Water Conservation District. A copy of the draft deed of conservation easement is attached.

The conservation easement would be held by the Black Family Land Trust, but the County Attorney recommends that if that organization ever ceases to exist or is no longer qualified to hold the conservation easement, then Orange County would assume those duties and responsibilities through its Lands Legacy Program. Orange County is identified in the deed of conservation easement as a back-up easement holder (or "grantee").

Thompson farm is located within the Back Creek Protected Watershed, which the County identified as a priority watershed for acquiring farmland easements in a dual effort to protect prime farmland and drinking water quality. Back Creek forms the western boundary of the property before it flows southwest into the Graham-Mebane Reservoir – a principal source of drinking water for Alamance County.

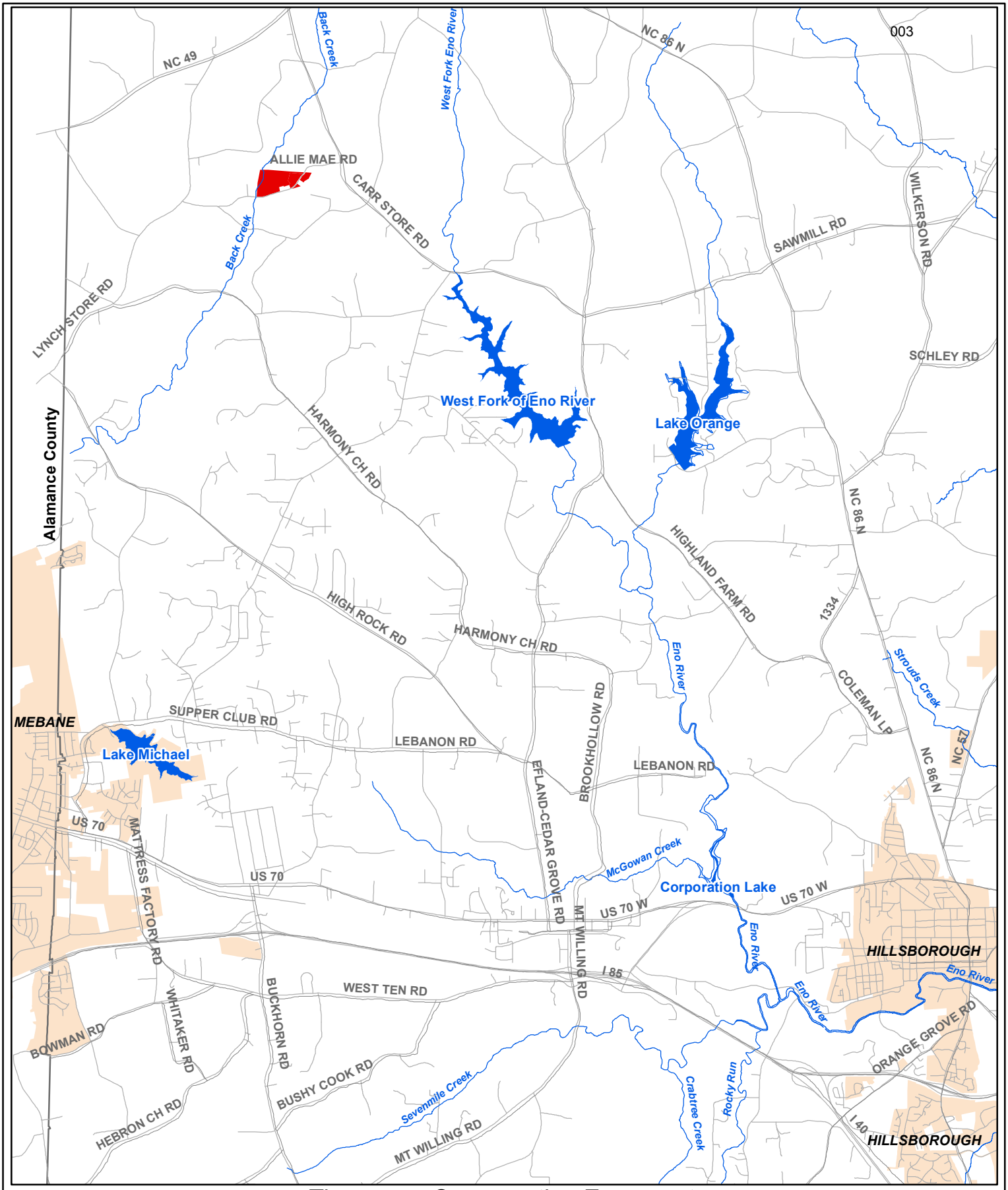
The conservation easement conforms to federal and state guidelines from the federal FRPP and state ADFP Trust Fund, which will contribute matching funds to complete this project.

FINANCIAL IMPACT: The purchase price for the easement is $120,500, which is 97 percent of the appraised value ($124,000) as determined by an appraisal. Funds for the easement purchase would come from three sources: $45,000 from the federal Farm & Ranch Land Protection Program, $45,500 from the North Carolina Agricultural Development and Farmland Preservation Trust Fund, and $30,000 from Orange County through its Lands Legacy program. The County would also pay up to $6,000 in transaction costs, including the boundary survey and closing costs.

The County's share of funds ($36,000) would come from existing funds budgeted for the Lands Legacy Program.

The subject property is enrolled in the Present Use Value taxation program, so the conservation easement would not lessen the amount of property taxes paid to the County. The decrease in the property's market value caused by the conservation easement would not lower the property value to a level that is less than present use value.

RECOMMENDATION(S): The Manager recommends that the Board authorize the County's contribution of $36,000 toward the purchase of a permanent conservation easement for the Thompson farm in Cedar Grove, and authorize the Chair and the Clerk to sign the conservation easement agreement, subject to final review by the staff and County Attorney, with a closing and recordation of the document expected to occur by September 30, 2012.



Thompson Conservation Easement

Exhibit B-1: Vicinity Map

Major streams

Reservoirs and lakes

Thompson boundary

0 0.25 0.5 1 Miles

Map prepared by IT/GIS Division 5/31/2012
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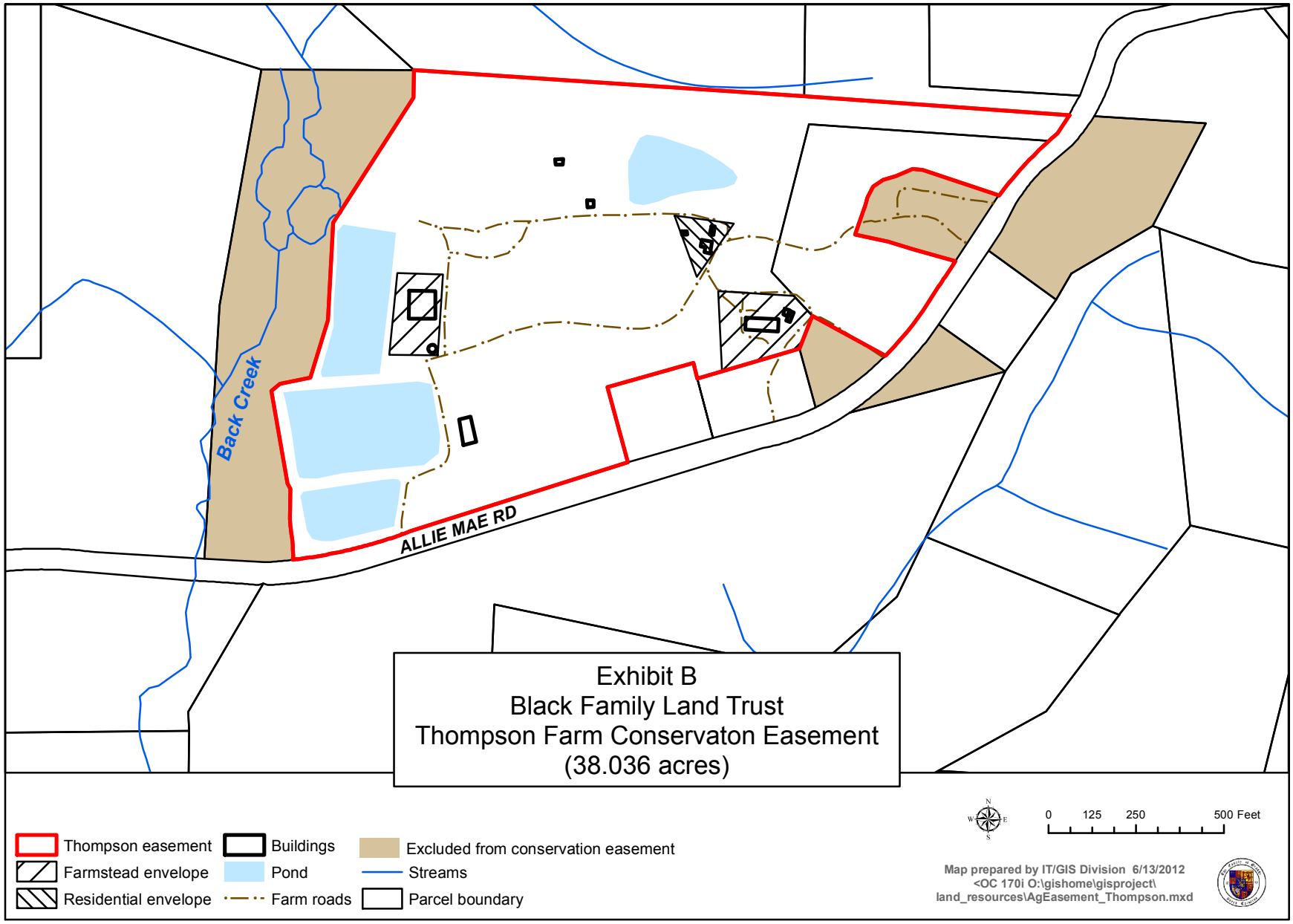
Back Creek
ALLIE MAE RD
Exhibit B
Black Family Land Trust
Thompson Farm Conservaton Easement
(38.036 acres)
Thompson easement
Farmstead envelope
Residential envelope
Buildings
Pond
Farm roads
Excluded from conservation easement
Streams
Parcel boundary
0
125
250
500 Feet
Map prepared by IT/GIS Division 6/13/2012
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land_resources\AgEasement_Thompson.mxd

Black Family Land Trust

PO 2087 Durham, NC 27702

400 W. Main Street Suite 204
Durham, NC 27701

919-683-LAND 888-585-9139 Fax

30 June 2012

Mr. David Stancil, Director
Orange County Dept. of Environment, Agriculture, Parks and Recreation
P.O. Box 8181
Hillsborough, NC 27278

Dear Mr. Stancil,

The Black Family Land Trust (BFLT) was awarded funds from the USDA Farm and Ranchland Protection Program (FRPP) and the NC Agricultural Development and Farmland Preservation (ADFP) Trust Fund to purchase an agricultural conservation easement for a 40-acre portion of the Thompson Farm. The farm is located at 5919 Allie Mae Road in Orange County (Cedar Grove Township).

As you know, Orange County has earmarked $36,000 from its Lands Legacy program budget for this project, including the cost of a boundary survey and an environmental site assessment. Our proposal to the grant agencies also envisioned that Orange County would serve as the back-up and/or secondary conservation easement holder in perpetuity.

I am writing to request your confirmation of Orange County's financial participation in this project and to ask whether there needs to be some formal agreement between Orange County and the BFLT to complete this project as envisioned and for Orange County to accept the easement.

I will also take this opportunity to update you on the status of the project to date. Wireless security cameras were installed in 2011 at critical locations around the farm to reduce thief. This allows the Thompson's to monitor these locations twenty-four hours per day from their home or mobile telephone; an Energy Audit using NRCS funds is currently in process and all three ponds are fully stocked with prawns for the fall harvest.

Jay Shackelford of Rasberry Shackelford & Associates performed the new conservation easement appraisal which received approval in March 2012 and the survey has been completed as well. The BFLT has received a contract extensions from both NRCS and ADPP; all of the closing documents have been completed we anticipate closing the easement within the next ninety days.

Sincerely,

Lillian "Ebonie" Alexander
Executive Director
Black Family Land Trust, Inc.

Draft Date: 2012-08-15

This instrument prepared by and return to:

Andrew Branan
THE BRANAN LAW FIRM, PLLC
110 W. Margaret Lane, Suite 205
P.O. Box 443
Hillsborough, NC 27278

STATE OF NORTH CAROLINA

COUNTY OF ORANGE

WARRANTY
DEED OF CONSERVATION EASEMENT

This Deed of Conservation Easement ("Easement") is granted on this ____ day of September, 2012, by Joseph A. Thompson and Jettelean Thompson, having an address of 919 Allie Mae Road, Cedar Grove, North Carolina 27231("GRANTORS"), to the Black Family Land Trust, Inc., having an address of P.O. Box 2087, Durham, North Carolina 27702 ("GRANTEE"), the North Carolina Department of Agriculture and Consumer Services ("NCDA&CS") acting by and through the North Carolina Agriculture Development and Farmland Preservation Trust Fund ("the ADFP Trust Fund") and the United States of America ("United States") acting by and through the United States Department of Agriculture, Natural Resources Conservation Service ("United States", "USDA", or "NRCS"), acting on behalf of the Commodity Credit Corporation as its interest appears herein, for the purpose of forever conserving the agricultural productivity of the Protected Property and its value for resource preservation and as open space. The Grantor, Grantee, NCDA&CS, and the United States are collectively referred to as "the Parties".

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successor and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

The land to be placed under Conservation Easement has an unencumbered appraised value of $220,000, and an appraised value of $96,000 once encumbered by this Conservation Easement, representing 43.4% value retained by Grantor. Thus, the appraised fair market value of the rights conveyed by this Easement ("Easement Value") is $124,000, representing 56.4% of the unencumbered appraised value.

Of the $124,000 value of this Conservation Easement, the United States is providing $45,000 toward the purchase of this Easement which amount represents 36.3% of the appraised fair market value of the rights conveyed by this Easement ("Easement Value"). Said amount represents approximately 20.5% of the value of the property if it were not encumbered by this Conservation Easement.

Of the $124,000 value of this Conservation Easement, the State of North Carolina (Agricultural Development and Farmland Preservation Trust Fund) is providing $45,500 toward the purchase of this Conservation Easement, which amount represents 36.7% of the value of this Conservation Easement. Said amount represents approximately 20.7% of the value of the property it were not encumbered by this Conservation Easement.

Of the $124,000 value of this Conservation Easement, the County of Orange, North Carolina (Lands Legacy Program) is providing $30,000 toward the purchase of this Easement, which amount represents 24.2% of the Easement Value. Said amount represents approximately 13.6% of the value of the property if it were not encumbered by this Conservation Easement.

Grantor is donating 2.8% of the Easement Value.

The total cash consideration for purchase of the conservation easement is $120,500.

RECITALS

WHEREAS, Grantors are the sole owners in fee simple, of a certain farm property identified in Exhibit A located in Cedar Grove Township, Orange County, North Carolina and identified on the plat of property entitled "Conservation Easement Survey, Property Surveyed for Black Family Land Trust, Inc." prepared by Terry Westendorf, which plat is recorded at Plat Book ___ Page ___, Orange County Registry with said farm property totaling 40.00 acres, more or less, covered by this Easement (the "Protected Property").

WHEREAS, the Protected Property consists primarily of productive agricultural land. The Protected Property also contains within its boundary buildings and/or improvements contained in farmstead areas as shown on Exhibit B attached hereto and incorporated herein. The majority of the soils on the Protected Property have been

classified as "prime" or "statewide important" soils by the Natural Resources Conservation Service ("NRCS"), United States Department of Agriculture ("USDA," also referred to as "United States"). It is the primary purpose of this Easement to protect the agricultural soils and agricultural viability and productivity by limiting nonagricultural uses of the Protected Property. The agricultural resources of the Protected Property and its contribution of the protection of prime farmland soils and the other conservation interests described herein to be preserved by this Easement are collectively referred to as the "Conservation Values" of the Protected Property.

WHEREAS, the specific Conservation Values of the Protected Property and its current use and state of improvement are described in a Baseline Documentation Report ("Report') prepared by the Grantee with the cooperation of the Grantor, and acknowledged by both parties to be accurate as of the date of this Easement. This Report may be used by the Grantee to document any future changes in the use or character of the Protected Property in order to ensure the terms and condition of the Easement are fulfilled. This Report, however, is not intended to preclude the use of other evidence to establish the present condition of the Protected Property if there is a controversy over its use. The Grantor and Grantee have copies of this Report, and said report will remain on file at the offices of the Black Family Land Trust and the Orange County Department of Environment, Agriculture, Parks and Recreation.

WHEREAS, the Grantor and Grantee agree that the current agricultural use of, and improvements to, the Protected Property are consistent with the conservation purposes of this Easement.

WHEREAS, the Grantor intends that the Conservation Values of the Protected Property be preserved and maintained, and further, Grantor intends to convey to the Grantee the right to preserve and protect the agricultural and other Conservation Values of the Protected Property in perpetuity.

WHEREAS, the Conservation Purposes of the Easement are recognized by, and the grant of this Easement will serve, the following clearly delineated governmental conservation policies:

(1) Sections 1238 H and 1238 I of the Food Security Act of 1985, as amended, which authorizes the Farm and Ranch Lands Protection Program, administered through the NRCS which provides funds for the acquisition of Conservation Easements or other interests in prime, unique, or other productive soils for the purpose of limiting conversion to nonagricultural uses of the land;

(2) The purpose of the Farm and Ranch Lands Protection Program, 16 U.S.C. 3838h and 3838i, is to protect the agricultural use and related conservation values of eligible land by limiting nonagricultural uses of the Protected Property in perpetuity.

(3) North Carolina General Statute 139-2 et seq., which provides that "it is hereby declared …that the farm, forest and grazing lands of the State of North Carolina are among the basic assets of the State and the preservation of these lands is necessary to protect and promote the health, safety and general welfare of its people… It is hereby declared to be the policy of the legislature to provide for the conservation of the soil and resources of this State;"

(4) North Carolina General Statute 106-583 et seq., which states that "It is declared to be the policy of the State of North Carolina to promote the efficient production and utilization of the products of the soil as essential to the health and welfare of our people and to promote a sound and prosperous agriculture and rural life as indispensable to the maintenance of maximum prosperity,"

(5) The Uniform North Carolina Conservation and Historic Preservation Agreements Act, North Carolina General Statute 121-34 *et seq*., which provides for the enforceability of restrictions, easements, covenants or conditions "appropriate for retaining in land or water areas predominantly in their natural, scenic, or open condition or in agricultural, horticultural, farming or forest use;" and which provides for tax assessment of lands subject to such agreements "on the basis of the true value of the land and improvement less any reduction in value caused by the agreement;"

(6) The North Carolina Conservation Tax Credit Program, North Carolina General Statute 105-130.34 and 105-151.12 *et seq*., which provides for state income tax credits for donations of land that are useful for fish and wildlife conservation and other similar land conservation purposes;

(7) The establishment of the North Carolina Farmland Preservation Trust Fund established in 1986 [N.C.G.S. 106-744(c)] to preserve important farmland in North Carolina;

(8) The special use assessment of farm and forest land as set forth in North Carolina General Statute 105-277.2 *et seq*., and

(9) The Orange County Agricultural Development and Farmland Protection Plan, adopted November 17, 2009, which supports the granting of agricultural conservation easements to help protect farmland as a valuable natural resources.

WHEREAS, Grantor and Grantee have the common purpose of protecting the above described Conservation Values and current condition of the Protected Property and preventing conversion of the Protected Property to non-agricultural uses and Grantor agrees to create and implement a conservation plan (hereinafter the "Conservation Plan") that is developed utilizing the standards and specification of the NRCS field office technical guide and 7 CFR Part 12, and is approved by the _____.

WHEREAS, the Grantee is a 501(c)(3) non-profit organization organized under Chapter 55A of the North Carolina General Statutes, and is qualified to hold Easements under the applicable laws of the State of North Carolina and is a qualified organization under I.R.C. Section 170(h).

NOW, THEREFORE, for ONE HUNDRED TWENTY THOUSAND FIVE HUNDRED DOLLARS ($120,500) and for the reasons given and other good and valuable consideration and in consideration of their mutual covenants, terms, conditions and restrictions contained herein, the Grantor hereby voluntarily grants and conveys to the Grantee, and the Grantee hereby voluntarily accepts, a perpetual Conservation Easement in the Protected Property, which Easement is an immediately vested interest in real property of the nature and character described herein. Grantor promises that he will not perform, nor knowingly allow others to perform, any act on or affecting the Protected Property that is inconsistent with the covenants contained herein. Grantor authorized the Grantee to enforce these covenants in the manner described below.

ARTICLE I. GENERAL

1.1 Statement of Purpose. It is the primary purpose of this Easement to enable the Protected Property to remain in agricultural use by preserving and protecting its agricultural soils and agricultural viability and productivity by limiting nonagricultural uses of the Protected Property. No activity that would significantly impair the actual or potential agricultural use of the Protected Property shall be permitted. To the extent that the preservation and protection of the natural, historic, recreational, habitat or scenic values referenced in this Easement are consistent with the primary purpose stated above, it is within the purpose of this Easement to also protect those values, and no activity that would significantly impair those values shall be permitted.

1.2 Perpetual Duration. This Easement over the Protected Property as further described in Exhibit A, shall be perpetual. It is an easement in gross, runs with the land and is enforceable by Grantee against Grantor as provided herein, and against Grantor's representatives, successors, assigns, lessees, agents and licensees.

1.3 Extinguishment of Development Rights. Except as otherwise reserved to the Grantor in this Easement, the Parties agree that all development rights appurtenant to the Protected Property are hereby released, terminated and extinguished, and may not be used on or transferred to any portion of the Protected Property as it now or hereafter may be bounded or described, or used or transferred to any other property adjacent or otherwise, nor used for the purpose of calculating permissible lot yield of the Protected Property or any other property by anyone including the Grantor and Grantee.

1.4 Compliance with other Regulatory Requirements. The Grantor is responsible for complying with any and all additional permits or regulation to use or develop the

Protected Property under the terms of this Easement, including Orange County and State of North Carolina or federal requirements, regardless of any reserved rights or permissions contained in this Easement Document.

1.5 Definitions.

a. Grantor – Joseph A. Thompson and Jettelean Thompson
b. Grantee – Black Family Land Trust, Inc.
c. Conservation Purposes – agricultural, horticultural, and forestland activities as defined further herein
d. Protected Property – that tract of farmland further described in Exhibit A

ARTICLE II. PROHIBITED AND RESTRICTED ACTIVITIES

2.1. Subdivision. The Protected Property currently consists of portions of two tracts of land. Further subdivision, partitioning, recording of a subdivision plan, or any other division of the Protected Property is prohibited.

2.2. Industrial and Commercial Use. Industrial and commercial use of the Protected Property and access therefore is prohibited. This restriction does not prohibit the use of the Protected Property or construction of improvements primarily for agricultural, horticultural, forestry, silvicultural and non-developed recreational purposes as more specifically defined herein.

2.3. Mining. There shall be no filling, excavation, dredging, mining or drilling, removal of topsoil, sand, gravel, rock, peat, minerals, or other materials, and no change in the topography of the land in any manner except as necessary for the purpose of farming operations or combating erosion of flooding and as reasonably necessary for any permitted maintenance, construction or reconstruction on the Protected Property. Disturbed areas for the purpose of removing topsoil, sand, gravel, rock, peat, minerals, or other materials shall be limited to 1 acre in total surface area and will be restored as soon as practicable after the disturbance. Any removal of material as provided for in this subsection shall be solely for the purposes of the Protected Property and shall not be removed and sold to a third party. Under no circumstances is the exploration, exploitation and/or drilling for oil, natural gas, coal and/or other hydrocarbons permitted in, on or to the Protected Property.

2.4. Dumping and Trash. Dumping or storage of soil, trash, refuse, debris, ashes, garbage, waste, abandoned vehicles or parts, appliances, machinery, or hazardous substances, or toxic or hazardous waste, is prohibited. The placement of underground or above ground storage tanks or other materials is prohibited, with the exception of agricultural products and inputs, byproducts (including the composting of biodegradable material for on-farm use) and agricultural equipment used on the Protected Property, so long as such storage is done in accordance with all applicable government laws and regulations and in such a manner so as to not impair the Conservation Values of the Protected Property.

2.5. Structures and Improvements. There shall be no building, tower, facility, mobile home, or other structure constructed or placed on the Protected Property, not otherwise specifically authorized herein, unless related specifically to a right reserved to the Grantor in Article III. Any structures permitted or reserved by Grantor shall be of such reasonable size, proportion, height and character so as not to significantly detract from the open space and agricultural purposes of this Easement. Under no circumstances shall recreational fields, golf courses or ranges, airstrips or helicopter pads be constructed or permitted on the Protected Property.

2.6. Signage. Display to the public of billboards, signs or advertisements is prohibited on or over the Protected Property, except to state the name of the property and its farmland status, including its easement status, the name and address of the occupant, to advertise an on-site activity, and to advertise the property for sale or rent, as allowed by applicable ordinances of Orange County. Grantor shall be permitted to erect no trespassing signs, traffic or directional signs or warning signs as may be expedient and to post the property.

2.7. Impervious Surface. Under the policy restrictions of the United States Department of Agriculture, impervious surfaces within the overall Protected Property shall be limited to a maximum amount of two percent (2%) of the total acreage of the Protected Property under this Easement. For this restriction, impervious surface shall include roof tops, asphalt, and concrete surfaces to include buildings, driveways, walkways and farm roads. Excluded from this definition are compacted dirt and gravel surfaces, including farm road, driveways and other surfaces that do not fully restrict the percolation of water into the soil. This restriction shall apply to permanent and temporary structures and facilities, both existing and proposed.

2.8 Protection of Conservation Values and Agricultural Goals. Any activities, practices, or uses of the Protected Property, that would in anyway alter, impede or interfere with the conservation values and agricultural goals sought to be protected by this Conservation Easement are strictly prohibited.

2.9 Grantors' Development Rights. Grantors hereby voluntarily grant and convey to the Grantee all development rights for the Protected Property, except as otherwise reserved and provided by the terms of this Conservation Easement, that are now or hereafter inherent in the Protected Property.

ARTICLE III. RIGHTS AND RESPONSIBILITIES RETAINED BY GRANTOR

Notwithstanding any provisions of this Easement to the contrary, the Grantor reserves to and for themselves and their successors all customary rights and privileges of ownership, including the rights to sell, lease, and devise the Protected Property, together with any rights not specifically prohibited by or limited by this Easement, and consistent with the Section 1.1., "Statement of Purpose". Unless otherwise specified below, nothing

in this Easement shall require the Grantor to take any action to restore the condition of the Protected Property after any Act of God or other event over which they have no control. Grantor understands that nothing in this Easement relieves them of any obligation or restriction on the use of the Protected Property imposed by law.

3.1. Right to Farm. Grantor retains the right to farm, or to permit others to farm the Protected Property, consistent with the Conservation Values of the Protected Property and in accordance with applicable local, state and federal laws and regulations and in accordance with the NRCS Conservation Plan. Subject to any prohibitions stated herein, farming, grazing, horticultural (provided such activity does not remove topsoil from the Protected Property), aquaculture, and animal husbandry operations are permitted only if conducted consistent with Best Management Practices promulgated by the State of North Carolina and in conformity with a Conservation Plan as required in Section 4.5 hereafter.

3.2. Right to Privacy. Grantor retains the right to privacy and the right to exclude any member of the public from trespassing on the Protected Property. This Easement is not intended to create any rights of the public in, on or to the Protected Property.

3.3. Right to Use the Protected Property for Customary Rural Enterprises. Grantor retains the right to use the Protected Property for otherwise lawful and customary rural enterprises, such as, but not limited to, farm machinery repair, sawmills, firewood distribution, for nature and historic tours, equestrian activities, and other passive or "Ecotourism", "Agritourism" and "Special Events" as defined herein, educational programs or farm meetings and like activities, so long as such activities are consistent with Orange County zoning regulations and permits required by and issued by Orange County under its laws and ordinances. Any structures required for permitted purposes shall be located only within the Farmstead Areas, as shown on Exhibit B. Any permanent or temporary structure or otherwise addition to the impervious surface shall not cause the total impervious surface restriction of the Protected Property to exceed two percent.

Grantor has the right to establish and carry out customary rural enterprises provided said activities are compatible with the Conservation Purposes of this Easement and agriculture and forestry uses of the Protected Property, and are subordinate to the agricultural and residential use of the Protected Property. The enterprises shall be conducted in the buildings required for the agricultural use of the Protected Property or the residences in which full time employees of the farm reside. Enterprises which market petroleum or chemical products are prohibited.

For purposes herein, the term "Ecotourism" shall be broadly defined to mean tourism and activities that are carried out in relatively undisturbed natural area that serves as a tool for the education, appreciation, and promotion of natural and cultural heritage that has minimal negative impacts on the environment and farming resources of the Protected Property and promotes conservation and best management practices and provides constructive ongoing contributions to and for the local community.

The term "Agritourism" shall be broadly defined to mean those farming activities and traditional rural activities that are carried out on at any agricultural location, including horticultural and agribusiness operations, that allows members of the general public, for recreational, entertainment, active involvement, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, or natural activities and attractions, or "Special Events" as defined herein, that have minimal negative impacts upon the environment and the Conservation Values of the Protected Property and are limited to "de minimis" access to and uses of the Protected Property. An activity is an agritourism activity whether or not the participant paid to participate in the activity.

The term "Special Events" shall be broadly defined to mean a one-time or infrequently occurring event outside normal "Agritourism" programs or activities that provides for an agriculturally based leisure, social or cultural experience outside the normal range of agritourism choices or beyond the everyday agricultural experience such as but not limited to: seasonal festivals, harvest celebrations, field days, square dances, and the like. In no event shall "Special Events" exist on the Protected Property for more than seven (7) days per twelve (12) month period nor exist in a manner that negatively impacts the soils or Conservation Values. Any parking associated with such events shall be located within the Farmstead Areas and/or existing farm roads as depicted in Exhibit B.

3.4 Procedure to Construct Buildings and Other Improvements. The Grantor's rights to construct or reconstruct/repair buildings and other improvements are described in subparagraphs (a) through (e) below. Any construction or reconstruction not permitted below is prohibited. Before undertaking any construction or reconstruction that requires advance permission, the Grantor shall notify the Grantee and obtain written permission. All construction or reconstruction is subject to Orange County zoning regulations and must be consistent with permits required by and issued by Orange County under applicable laws and ordinances for such construction activities. Any building that may be constructed under this section may be repaired and replaced. Nothing in this section or agreement shall abridge the Grantor's zoning and permit exemptions as a "bona fide farm" under NCGS 153A-340.

Grantor further understands that the two (2) percent maximum impervious surface limit set by the USDA Farm and Ranch Lands Protection Program disallows the construction of any new structures or impervious roads or other improvements to the Protected Property or replacement of said structures that would increase the total impervious surface area above the two percent maximum. All permanent construction and/or placement upon the Protected Property of any impervious surface must be approved in writing by the Grantee to ensure the maximum impervious limit is not exceeded.

a) Fences – Existing fences may be repaired and replaced, and new fences may be built on the Protected Property for purposes of reasonable and customary

management of livestock and wildlife or to fence off the perimeter of the Protected Property without any further permission of the Grantee.

b) Paving and Road Construction - Construction and maintenance of unpaved farm roads that may be reasonably necessary and incidental to carrying out the improvements and uses permitted on the Protected Property by this Easement are permitted. Such roads shall be located so as to minimize impact to prime and unique soils on the Protected Property. No portion of the Protected Property shall be paved or otherwise covered with concrete, asphalt, or any other impervious paving material, without the advance written permission of the Grantee.

c) Farm Structures & Improvements - New buildings, barns, sheds and other structures and improvements to be used primarily for agricultural purposes, including the processing or sale of farm products predominantly grown or raised on the Protected Property may be built within the "Farmstead Areas" as shown on Exhibit B, after written approval from the Grantee is obtained. The Grantee shall give such approval within a reasonable time, unless it determines that the proposed building, structure or improvement would exceed the total maximum impervious surface restriction by the USDA Farm and Ranch Lands Protection Program, significantly diminish or impair the Conservation Values of the Protected Property or otherwise be inconsistent with the purposes of this Easement. Existing buildings/barns/sheds and greenhouses as depicted in Exhibit B may be repaired or reconstructed in accordance with all other Easement provisions.

   Any temporary structures proposed for locations outside the Farmstead Areas shall be for agricultural purposes only and may only be erected with the advance written permission of he Grantee. The Grantee shall give such permission within a reasonable time and ensure the proposed temporary structures are erected in a way that minimizes any negative impact to the soils, diminishes and/or in any way is inconsistent with the Conservation Values of the Conservation Easement Deed.

d) Farm Support Housing - No more than a total of one (1) new single –or multi-family – dwelling to house farm tenants, employees or others engaged in agricultural production or other farm support uses on the Protected Property may be built on the Protected Property. The dwelling must be no greater than 1,500 square feet in floor size and shall be located within that area identified and marked as the "Farmstead Area" identified on Exhibit_B.

e) Single-Family Residential Dwellings - The Easement includes one (1) existing single-family residential dwelling within the 3-acre Farmstead Area envelope shown on Exhibit_B. This residence may be renovated or enlarged so long as the construction is first approved by the Grantee to determine that it does not exceed the maximum impervious surface restriction designated by the USDA Farm and

Ranch Lands Protection Program. The residential dwelling shall be no greater than four thousand (4000) square feet, including heated and unheated space. All residential structures and appurtenant structures such as garages and sheds shall be contained in the Farmstead Area.

No additional single family residential dwelling may be built anywhere on the Protected Property.

The land on which this residential dwelling stands may not be subdivided from the Protected Property. Grantee's participation in or the signing of this Deed of Easement in no way constitutes approval of the permitting of these residential dwellings. All appurtenant structures shall be contained within the Farmstead Area. Any septic system and field to provide for domestic effluent shall be contained within the Farmstead Area. In the event that a suitable site for the system and field cannot be located within the Farmstead Area, a suitable location outside the Farmstead Area may be utilized with the written approval of the Grantee and NRCS.

3.5. Recreational Improvements. Grantor expressly reserves the right to engage in low impact non-developed recreational activities such as hunting, fishing, hiking, bird watching, etc.; and to control access of all persons for the purpose of hunting and fishing, hiking, bird watching, etc.; and to control access of all persons for the purpose of hunting and fishing; provided that these activities do not impact the protection and conservation of any animal habitat or other Conservation Values of the Protected Property

3.6. Utility Services, Septic Systems, and Fuel Storage. Installation, maintenance, repair, replacement, removal and relocation of electric, gas, and water facilities, sewer lines and/or other public or private utilities, including telephone or other communication services over or under the Protected Property for the purpose of providing electrical, gas, water, sewer, or other utilities to serve improvements permitted herein, and the right to grant easements over and under the Protected Property for such purposes, is permitted. Installation, maintenance, repair or improvement of a septic system) or other underground sanitary system for the benefit of any of the improvements permitted herein, is permitted. Above-ground storage tanks for fuels or any other materials for residential or on-site agricultural use are permitted up to a maximum size of one thousand (1000) gallons. Any such tanks are required to be located within the Farmstead Areas, shall be constructed to minimize any pollution to land or water, and in accordance with applicable local, state and federal laws and regulations. All other utilities are prohibited on the Protected Property including, but not limited to, communication towers or structures. Notwithstanding the previous sentence, with advance written permission from Grantee, Grantor retains the right to construct a wind turbine or similar device for the purpose of generating electricity to be used for the permitted improvements and farming operations occurring on the Protected Property.

3.7. Forest Management. Pursuant to a forest management plan trees may be removed, cut and otherwise managed to control insects, for pasture restoration, for firewood and other non-commercial uses, including construction of permitted improvements and fences on the Protected Property. Trees may be planted, harvested and removed within the areas identified and marked as "Farmstead Area" on Exhibit_B without the advance written permission of the Grantee.

Any other cutting, removal or harvesting of trees may be undertaken only under one or both of the following conditions:

a) The purpose is for clearing land for cultivation or use by livestock.

b) The purpose is for commercial harvesting of trees if in accordance with the Conservation Plan referenced in Section 4.5 herein and a forest management plan that is consistent with the above-referenced Conservation Plan and prepared by a professional forester approved by Grantee, such approval to not be unreasonably withheld.

3.8. Water Rights. Grantor shall retain and reserve the right to use any appurtenant water rights sufficient to maintain the agricultural productivity of the Protected Property. Grantor shall not transfer, encumber, lease, sell or otherwise separate such water rights from title to the Protected Property itself.

3.9. Land Application. The land application, storage and placement on the Protected Property of domestic septic effluent and municipal, commercial or industrial sewage sludge or liquid generated from such sources for agricultural purposes may be undertaken only if in accordance with all applicable federal, state and local laws and regulations and in accordance with the NRCS Conservation Plan. Spray irrigation of domestic septic effluent to serve the Protected Property's dwelling(s) is prohibited.

3.10. Natural Resource Restoration and Enhancement Activities. Notwithstanding any terms contained within this Easement, Grantor may engage or contract others to engage in any activity designed to repair, restore, or otherwise enhance the natural resources found or once present on the Protected Property, that are consistent with the Conservation Values of this Easement and the Conservation Plan and subject to the written approval of Grantee.

ARTICLE IV. ONGOING RESPONSIBILITY OF GRANTOR AND GRANTEE

Other than as specified herein, this Easement is not intended to impose any legal or other responsibility on the Grantee or the United States, or in any way to affect any existing obligation of the Grantor as owners of the Protected Property.

Due to the States' interest in this conservation easement other than as specified herein, this Easement is not intended to impose any legal or other responsibility on the

NCDA&CS, or in any way to affect any existing obligation of the Grantor as owners of the Protected Property.

Among other things, this shall apply to:

4.1. Taxes. The Grantor shall continue to be solely responsible for payment of all taxes and assessments levied against the protected Property. If the Grantee is ever required to pay any taxes or assessments on their interest in the Protected Property, the Grantor shall upon demand reimburse the Grantee for the same.

4.2. Upkeep and Maintenance. The Grantor shall continue to be solely responsible for the upkeep and maintenance of the Protected Property, to the extent it may be required by law. The Grantee and the United States shall have no obligation for the upkeep or maintenance of the Protected Property.

Due to the State's interest in this conservation easement, NCDA&CS shall have no obligation for the upkeep or maintenance of the Protected Property.

4.3. Transfer of Protected Property. The Grantor agrees to incorporate by reference the terms of this Easement in any deed or other legal instrument by which they transfer or divest themselves of any interest, including leasehold interests, in the Protected Property. The Grantor shall notify the Grantee in writing at least thirty (30) days before conveying the Protected Property, or interest therein. Failure of Grantor to do so shall not impair the validity of this Easement or limit its enforceability in any way, nor shall any Grantor's failure to comply with this section constitute a default under this Conservation Easement.

4.4. Transfer of Conservation Easement. Subject to the right of enforcement of the United States as specified in Section 4.8 and other pertinent paragraphs herein, and with timely written notice to and prior written approval of the United States, and subject to the contingent rights of the State of North Carolina with timely written notice and approval of the North Carolina Department of Agriculture and Consumer Services, the Grantee shall have the right to transfer this Conservation Easement to any public agency or to any private nonprofit organization approved by Grantor, such approval to not be unreasonably withheld, that, at the time of transfer, is a qualified organization under 26 U.S.C. §170(h) of the U.S. Internal Revenue Code, as amended, and under N.C.G.S. §§121-34 *et seq.*, provided the agency or organization expressly agrees to assume the responsibility imposed on the Grantee by this Conservation Easement. As a condition of such transfer, Grantee shall require that the conservation purposes intended to be advanced hereunder shall be continued to be carried out. If the Grantee ever ceases to exist or no longer qualifies under 26 U.S.C. §170(h) of the U.S. Internal Revenue Code, or applicable state law, and the United States declines to exercise its contingent rights, a court with jurisdiction may transfer this Conservation Easement to another qualified organization having similar purposes that agrees to assume the responsibility imposed by this Conservation Easement.

Subject to the contingent rights of the State of North Carolina with timely written notice and approval of the NCDA&CS, the Grantee shall have the right to transfer this Conservation Easement to any public agency or private nonprofit organization that, at the time of transfer, is a qualified organization under 26 U.S.C. Section 170(h) of the Internal Revenue Code, as amended and under NCGS 121-34 *et. seq*., provided the agency or organization expressly agrees to assume the responsibility imposed on the Grantee by this Conservation Easement. As a condition of such transfer, Grantee shall require that the conservation purposes intended to be advanced hereunder shall be continued to be carried out. If the Grantee ever ceases to exist or no longer qualifies under 26 U.S.C. Section 170(h) of the Internal Revenue Code, or applicable state law, then Grantee's rights and obligations under this Easement shall become immediately vested in Orange County, North Carolina. If Orange County, North Carolina shall refuse such rights and obligations, then the rights and obligations under this Easement shall vest in such organization as a court of competent jurisdiction shall direct pursuant to the laws of the State of North Carolina and so long as the organization is qualified to hold conservation easements under the applicable laws of the State of North Carolina and is a qualified organization under I.R.C. Section 170(h).

4.5. Conservation Practices. As required by Section 1238I of the Food Security Act of 1985, as amended, the Grantors, their heirs, successors, or assigns, shall conduct agricultural operations on the Protected Property in a manner consistent with a Conservation Plan prepared by Grantor in consultation with NRCS and approved by the Soil and Water Conservation District. This Conservation Plan shall be developed using the standards and specifications of the NRCS Field Office Technical Guide and 7 CFR Part 12 that are in effect on the date of execution of this Easement Deed. However the Grantor may develop and implement a Conservation Plan that proposes a higher level of conservation and is consistent with the NRCS Field Office Technical Guide standards and specifications. NRCS shall have the right to enter upon the Protected Property, with advance notice to the Grantor, in order to monitor compliance with the Conservation Plan.

In the event of noncompliance with the Conservation Plan, NRCS shall work with the Grantor to explore methods of compliance and give the Grantor a reasonable amount of time, not to exceed twelve months, to take corrective action. If the Grantor does not comply with the Conservation Plan, NRCS will inform the Grantee of the Grantor's non-compliance. The Grantee shall take all reasonable steps (including efforts at securing voluntary compliance and, if necessary, appropriate legal action) to secure compliance with the Conservation Plan following written notification from NRCS that (a) there is a substantial, ongoing event or circumstance of non-compliance with the Conservation Plan, (b) NRCS has worked with the Grantor to correct such noncompliance, and (c) Grantor has exhausted their appeal rights under applicable NRCS regulations.

If the NRCS standards and specifications for highly erodible land are revised after the date of this Easement based on an Act of Congress, NRCS will work cooperatively with the Grantor to develop and implement a revised Conservation Plan. The provisions of this section apply to the highly erodible land conservation requirement of the Farm and

Ranch Lands Protection Program and are not intended to affect any other natural resources conservation requirements to which the Grantor may be or become subject.

4.6. Inspection and Access. With reasonable advance notice to the Grantor or with the Grantor's prior verbal consent, Grantee, its employees and agents and its successors and assigns, shall have the right to enter the Protected Property for the purpose of inspecting the Protected Property to determine whether the Grantor, its successors or assigns are complying with the terms, conditions and restrictions of this Easement.

4.7. Enforcement. The Grantee shall have the primary responsibility for management and enforcement of the terms of this Easement.

Due to the States' interest in this Conservation Easement, the Grantee shall have the primary responsibility for the management and enforcement of the terms of this Conservation Easement.

Grantee shall have the right to prevent violations and remedy violations of the terms of this Easement through judicial action, which shall include, without limitation, the right to bring proceedings in law or in equity against any party or parties attempting to violate the terms of this Easement. Except when an ongoing or imminent violation could irreversibly diminish or impair the Conservation Values of the Protected Property, the Grantee shall give the Grantor written notice of the violation and thirty (30) days to cure the violation, before commencing any legal proceedings. If a court with jurisdiction determines that a violation may exist or has occurred, the Grantee may obtain an injunction to stop the violation, temporarily or permanently. The Parties agree that a court may issue an injunction or order requiring the Grantor to restore the Protected Property to its condition prior to the violation, as restoration of the Protected Property may be the only appropriate remedy. The failure of the Grantee to discover a violation or to take immediate legal action shall not bar it from doing so at a later time. In any case where a court finds no such violation has occurred, each party shall bear its own costs.

4.8 Rights of the United States**.** In the event that the Grantee fails to enforce any of the terms of this Easement, as determined in the sole discretion of the Secretary of the United States Department of Agriculture, the said Secretary of Agriculture and his or her successors and assigns shall have the right to enforce the terms of this Easement through any and all authorities available under federal or state law.

In the event that the Grantee fails to enforce any of the terms of this Conservation Easement, as determined in the discretion of the NCDA&CS, the said Commissioner of Agriculture and their successors and assigns shall have the right to enforce the terms of this Conservation Easement through any and all authorities available under the federal or state law.

4.9. Rights of Enforcement. Under this Easement, the United States is granted the right of enforcement in order to protect the public investment. The Secretary of the United States Department of Agriculture (the Secretary) or his or her assigns, on behalf of the

United States, may exercise this right of enforcement under any authority available under State or Federal law if the Black Family Land Trust fails to enforce any of the terms of this Easement, as determined in the sole discretion of the Secretary.

The United States and the State of North Carolina shall have the right to recover any and all administrative and legal costs from the Grantee, including attorney's fees or expenses associated with any enforcement or remedial action as it relates to the enforcement of this Conservation Easement.

In the event that Grantee attempts to terminate, transfer, or otherwise divest itself of any rights, title, or interests of this Easement without the prior written consent of the Secretary of the USDA and payment of consideration to the United States, then, at the option of such Secretary, all right, title, and interest in this Easement shall become vested in the UNITED STATES OF AMERICA.

Additionally, in the event that Grantee fails to enforce any of the terms of this Conservation Easement, as determined in the sole discretion of the Commissioner of Agriculture for North Carolina, the said Commissioner of Agriculture and his or her successors and assigns shall have the right to enforce the terms of the Conservation Easement through any and all authorities available under Federal or State law. In the event that Grantee attempts to terminate, transfer, or otherwise divest itself of any rights, title, or interests of this Conservation Easement without the prior consent of the Commissioner of Agriculture and payment of consideration to the State of North Carolina, then, at the option of the Commissioner of Agriculture, all right, title, and interest in this Conservation Easement shall become vested in the State of North Carolina.

ARTICLE V. REPRESENTATIONS OF THE PARTIES

5.1. Grantor's Title Warranty. The Grantor covenants and represents that the Grantor is the sole owner and is seized of the Protected Property in fee simple and has good right to grant and convey this Easement; that the Protected Property is free and clear of any and all encumbrances, including but not limited to, any mortgages not subordinated to this Easement, and that the Grantee shall have the use of and enjoy all the benefits derived from and arising out of this Conservation Easement subject to existing easements for roads and public and private utilities. Grantor further warrants that they have disclosed any encumbrances on the Protected Property to the Commissioner of Agriculture for North Carolina and hereby promises to defend the same against all claims that may be made against it.

5.2. Grantor's Environmental Warranty. Grantor warrants that Grantor is in compliance with and shall remain in compliance with, all applicable Environmental Laws. Grantor warrants that there are no notices by any governmental authority of any violation or alleged violation of any and all encumbrances, including but not limited to, any mortgages not subordinated to this Easement, and that the Grantee shall have the use

of and enjoy all the benefits derived from and arising out of this Easement subject to existing easements for roads and public and private utilities.

Grantor further warrants that Grantor has no actual knowledge of a release or threatened release of Hazardous Materials on, at beneath or from the Protected Property. Moreover Grantor hereby promises to hold harmless and indemnify the Grantee and the United States against all litigation, claims, demands, penalties and damages, including reasonable attorneys' fees, arising from or connected with the release or threatened release of any Hazardous Materials on, at, beneath or from the Protected Property, or arising from or connected with a violation of any Environmental Laws by Grantor or any other prior owner of the Protected Property. Grantor's indemnification obligation shall not be affected by any authorizations provided by Grantee to Grantor with respect to the Protected Property or any restoration activities carried out by Grantee at the Protected Property; provided, however, that Grantee shall be responsible for any Hazardous Materials contributed after this date to the Protected Property, respectively by Grantee.

Due to the States' interest in this Conservation Easement, the Grantor hereby promises to hold harmless and indemnify the NCDA&CS against all litigation, claims, demands, penalties and damages, including reasonable attorneys' fees, arising from or connected with the release or threatened release of any Hazardous Materials on, at, beneath or from the Protected Property, or arising from or connected with a violation of any Environmental Laws by Grantor or any other prior owner of the Property.

"Environmental Law" or "Environmental Laws" means any and all Federal, state, local or municipal laws, rules, orders, regulations, statutes, ordinances, codes, guidelines, policies or requirements of any governmental authority regulating or imposing standards of liability or standards of conduct (including common law) concerning air, water, solid waste, hazardous materials, worker and community right-to-know, hazard communication noise, radioactive material, resource protection, subdivision, inland wetlands and watercourses, health protection and similar environmental health, safety, building and land use as may now or at any time hereafter be in effect.

"Hazardous Materials" means any petroleum, petroleum products, fuel oil, waste oils, explosives, reactive materials, ignitable materials, corrosive materials, hazardous chemicals, hazardous wastes, hazardous substances, extremely hazardous substances, toxic substances, toxic chemicals, radioactive materials, infectious materials and any other element, compound, mixture, solution or substance which may pose a present or potential hazard to human health or the environment.

5.3. Liability and Indemnification. Grantor agrees to indemnify and hold the Grantee and the United States harmless from any and all costs, claims or liability, including but not limited to reasonable attorneys' fees arising from any personal injury, accidents, negligence or damage relating to the Protected Property, or any claim thereof, unless due to the negligence of Grantee or its agents, in which case liability shall be apportioned accordingly. Grantor is responsible for obtaining liability insurance covering the Protected Property with limits deemed necessary by Grantor, in its sole discretion.

Grantor shall indemnify and hold harmless the United States, its employees, agents, and assigns for any and all liabilities, claims, demands, losses, expenses, damages, fines, fees, penalties, suites, proceedings, actins, and costs of actions, sanctions asserted by or on behalf of any person or governmental authority, and other liabilities (whether legal or equitable in nature and including, without limitation, court costs, and reasonable attorneys' fees and attorneys' fees on appeal) to which Grantee may be subject or incur relating to the Protected Property, which may arise from, but are not limited to, Grantor's negligent acts or omissions or Grantor's breach of any representation, warranty, covenant agreements contained in this Easement, or violations of any Federal, State, or local laws, including all Environmental Laws. Grantor is responsible for obtaining liability insurance covering the Protected Property with limits deemed necessary by Grantor, in its sole discretion.

Due to the States' interest in this conservation Easement, Grantor agrees to indemnify and hold Grantee and the State of North Carolina harmless from any and all costs, claims or liability, including but not limited to reasonable attorney fees arising from any personal injury, accidents, negligence or damage relating to the Protected Property, or any claim thereof, unless due to the negligence of the Grantee or its agents, in which case liability shall be apportioned accordingly.

ARTICLE VI MISCELLANEOUS

6.1. Recording. Grantee shall record this instrument in a timely fashion in the official record of Orange County, North Carolina, and may re-record it at any time as may be required to preserve the rights of the Grantee and the United States under this Easement.

Due to the States' interest in this Conservation Easement, Grantee shall record this instrument in a timely fashion in the official record of Orange County, North Carolina, and may re-record it at any time as may be required to preserve the rights of the Grantee and the NCDA&CS, under this Easement.

6.2. Survival of Terms/Merger of Fee and Easement. The Grantor and Grantee agree that the terms of this Easement shall survive any merger of this fee and easement interest in the Protected Property. In the event the Grantee becomes owner of the Protected Property, or any portion thereof, Grantee shall transfer any right title and interest in this Easement to a third party in accordance with Section 4.4.

6.3. Amendment of Easement. This easement may be amended only with the prior written consent of the Grantee and the Grantor. Any such amendment shall be consistent with Section 1.1., "Statement of Purpose" and with the Grantee's Easement amendment policies, and shall comply with 26 U.S.C. §170(h) of the Internal Revenue Code or any regulations promulgated in accordance with that section. Any such amendment shall be duly recorded in the Orange County Registry. Grantee must provide to NRCS timely notice in writing of the proposed amendment prior to signing and recordation. No

substantive amendment shall be made and recorded without the express written approval of NRCS.

Due to the State's interest in the Conservation Easement, the Grantee must provide NCDA&CS timely notice in writing of the proposed amendment prior to signing and recordation and, must receive written consent prior to awarding the easement.

6.4. Procedure in the Event of Termination of Conservation Easement. If it determines that conditions on or surrounding the Protected Property change so much that it becomes impossible to fulfill the conservation purposes of this Easement, a court with jurisdiction may, at the joint request of both the Grantor and the Grantee and with prior written consent of the United States as provided herein, terminate or modify the Easement created by this Easement in accordance with applicable state law.

Due to the State's interest in the Conservation Easement, prior written consent must be provided to NCDA&CS prior to termination or modification of the Easement created by this Easement in accordance with applicable state law.

If the Easement is terminated and the Protected Property is sold then as required by Section 1.1 70A-14(g) (6) of the IRS regulations, the Grantee and the NC ADFPT Trust Fund shall be entitled to recover the proceeds of the conservation easement based on the appraised fair market value of the conservation easement at the time the easement is extinguished or terminated, subject to any applicable law which expressly provides for a different disposition of the proceeds. The United States shall receive, at the time the Conservation Easement is extinguished or terminated, its share of the Conservation Easement based on the appraised fair market value of the Conservation Easement at the time the Conservation Easement is extinguished or terminated. The United States' share shall be proportionate to its percentage of its original investment. The Grantee, the United States of America, and the NC ADFP Trust Fund shall divide their proportionate share as follows: 20.5% to the United States, 20.7% to North Carolina Department of Agriculture and Consumer Services (NC ADFP Trust Fund), and 13.6% to Orange County, North Carolina.

6.5. Procedure in the Event of Condemnation or Eminent Domain. Grantors and Grantee recognize that the sale of this Easement, or any part thereof, gives rise to a property right, immediately vested in the Grantee and the United States, with a fair market value equal to the proportionate value that the Easement bears to the value of the Protected Property prior to the restrictions imposed by the Easement. Accordingly, if any condemnation or eminent domain action shall be taken, on all or part of the Protected Property, by any authorized public authority, said authority shall be liable to the Grantee for the value of the property right vested in the Grantee at the time of the signing of this Easement. Due to the federal interest in this Deed, the United States must consent to any such condemnation action. Due to the states' interest in this conservation easement, NCDA&CS must consent to any such condemnation action.

If condemnation or a taking by eminent domain of a part of the Protected Property or the entire Protected Property by a public authority renders it impossible to fulfill any of the conservation purposes of this Easement on all or part of the Protected Property, the Easement may be terminated through condemnation proceedings. If the Easement is terminated and any or all of the Protected Property is sold or taken for public use, then, as required by Treas. Reg. 1.170A-14(g)(6), the Grantee shall be entitled to proportionate value of the Easement, which has been predetermined as the Protected Property's unrestricted value, subject to any applicable law which expressly requires for a different disposition of the proceeds. The Grantee shall use its proceeds consistently with the general conservation purposes of this Easement.

The United States shall receive, at the time the Conservation Easement is extinguished or terminated, its share of the Conservation Easement based on the appraised fair market value of the Conservation Easement at the time the Conservation Easement is extinguished or terminated. The United States' share shall be proportionate to its percentage of its original investment. NCDA&CS, and the Grantee shall receive their proportional share of the Easement value at the time of termination. Those proportional shares of the Conservation Easement are as follows: 20.5% to the United States, 20.7% to the North Carolina Department of Agriculture and Consumer Services, and 13.6% to Orange County, North Carolina.

All termination-related or condemnation-related expenses incurred by the Grantor and the Grantee shall be paid out of any recovered proceeds prior to distribution of the net proceeds as described herein.

6.6. Interpretation. This Easement shall be interpreted under the laws of the State of North Carolina and the United States of America, resolving any ambiguities and questions of the validity of specific provisions so as to give maximum effect to its conservation purposes.

6.7. Perpetual Duration; Severability. The Easement created by this Deed shall be a servitude running with the land in perpetuity. Every provision of this Deed that applies to the Grantor or the Grantee shall also apply to their respective agents, heirs, Executors, administrators, assigns, and all other successors as their interests may appear. Invalidity of any of the covenants, terms or conditions of his Easement, or any part thereof by court order or judgment shall in no way affect the validity of any of the other provisions hereof which shall remain in full force and effect.

6.8. Subsequent Liens on Protected Property. No provision of this Easement should be construed as impairing the ability of Grantor to use the Protected Property as collateral for subsequent borrowing. Any such liens shall be and remain subordinate to this Easement.

6.9. Subsequent Easements/Restrictions on the Protected Property. The grant of any easements or use restrictions that might diminish or impair the agricultural viability or productivity of the Protected Property or otherwise diminish or impair the Conservation

Values of the Protected Property is prohibited. Any such easements or restrictions shall be subordinated to this Easement.

6.10. Parties in Interest. If the Grantors are multiple parties in interest or a trust, all signatures obtained must be by authorized officers or parties.

6.11. Obligations. Other than as specified herein, this Conservation Easement does not impose any legal or other responsibility on the Grantee, the United States, the State of North Carolina, or Orange County.

6.12 Notices. Any notices required by this Conservation Easement shall be in writing and shall be personally delivered or sent by first-class mail to the Grantor, Grantee, NCDA&CS, Orange County, and the United States, respectively, at the following addresses, unless a party has been notified in writing by the other of a change of address:

To the Grantor:	To the Grantee:	To the United States:
Joseph and Jettelean Thompson	Black Family Land Trust	State Conservationist
5919 Allie Mae Road	PO Box 2087	4407 Bland Rd., Suite 117
Cedar Grove, NC 27231	Durham, NC 27702	Raleigh, NC 27609

To the North Carolina Department of Agriculture and Consumer Services:
NC ADFP Trust Fund
2 West Edenton Street
Raleigh, NC 27601

To Orange County, North Carolina:
Department of Environment, Agriculture, Parks and Recreation
P.O. Box 8181
Hillsborough, NC 27278

6.13. Approval by Grantee. In any case where the terms of this Easement require the approval of the Grantee, unless otherwise stated herein, such approval shall be requested in writing to the Grantee, the United States, and NCDA&CS if required, in accordance with Section 6.10. In any provision of this Easement in which the Grantor is required to provide advance notice to the Grantee of any activity on the Protected Property, such notice shall be given not less than thirty (30) calendar days prior to the planned commencement of the activity. If the Grantee's approval is required, such approval shall be deemed withheld/disapproved unless Grantee provides to the Grantor written notice of approval within 30 calendar days of receipt of said request. If Grantor has received no response after said 30 calendar days, Grantor may send a second written notice to Grantee requesting a statement of the reasons for the disapproval and the Grantee shall respond within 30 calendar days with an explanation for the specific reasons and basis for its decision to disapprove.

6.14. Entire Agreement. This instrument sets forth the entire agreement of the Parties with respect to the Easement and supersedes all prior discussions, negotiations,

understandings or agreements relating to the Easement. If any provision is found to be invalid, the remainder of the provisions of this Easement, and the application of such provision to persons of circumstances other than those as to which it is found to be invalid, shall not be affected thereby.

TO HAVE AND TO HOLD this Deed of Conservation Easement unto Grantee, their successors and assigns, forever.

IN WITNESS WHEREOF, the Grantor and Grantee, intending to legally bind themselves, have set their hands on the date first written above.

GRANTOR:

BY: _____ (SEAL)
JOSEPH A. THOMPSON

BY: _____ (SEAL)
JETTELEAN THOMPSON

ACKNOWLEDGMENT OF GRANTOR:

STATE OF NORTH CAROLINA
COUNTY OF ORANGE

I, _____, a Notary Public in and for the aforesaid County and State, do hereby certify that Joseph A. Thompson and Jettelean Thompson personally appeared before me this day and acknowledge the due execution of the foregoing instrument.

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

_____ (stamp)
Notary Public

My commission expires: _____

ACKNOWLEDGEMENT OF ACCEPTANCE BY GRANTEE

GRANTEE: BLACK FAMILY LAND TRUST, INC.

By: _____

NORTH CAROLINA
COUNTY OF _____

I, _____, A Notary Public of _____ County, North Carolina do hereby certify that Ebonie Alexander personally appeared before me this day and acknowledged that she is the Executive Director of the Black Family Land Trust, Inc. and that by such authority acknowledged that due execution of the foregoing instrument on behalf of the Black Family Land Trust, Inc.

Witness my hand and official stamp or seal this ____ day of _____, 20___.

_____ (stamp)
Notary Public

My commission expires: _____

ACKNOWLEDGEMENT OF ACCEPTANCE BY BACK-UP GRANTEE

ORANGE COUNTY, NORTH CAROLINA

By: _____
Bernadette Pelissier, Chair
Orange County Board of Commissioners

ATTEST:

By: _____
Donna S. Baker, Clerk to the Board of Commissioners

NORTH CAROLINA
COUNTY OF ORANGE

I, _____, a Notary Public of Orange County, North Carolina do hereby certify that Donna S. Baker personally appeared before me this day and acknowledged that she is Clerk to the Board of Commissioners for Orange County, North Carolina and that by authority duly given and as the act of Orange County, North Carolina the foregoing instrument was signed in its name by the Chair of the Orange County Board of Commissioners, and attested by her as Clerk to said Board of Commissioners.

Witness my hand and official stamp or seal this ____ day of _____, 2012.

_____ (stamp)
Notary Public

My commission expires: _____

ACCEPTANCE OF PROPERTY INTEREST BY THE NATURAL RESOURCES CONSERVTION SERVICE ON BEHALF OF THE UNITED STATES OF AMERICA

The Natural Resources Conservation Service, an agency of the United States Government, hereby accepts and approves the foregoing Conservation Easement, and the rights conveyed therein, on behalf of the United States of America.

By: _____
J. B. Martin, Jr.
State Conservationist

NORTH CAROLINA
COUNTY OF WAKE

I, _____, Notary Public of Wake County, North Carolina, do hereby certify that _____, personally appeared before me and acknowledged that due execution of the foregoing instrument on behalf of the Natural Resources Conservation Service.

Witness my hand and official stamp or seal this ____day of _____, 20___.

_____ (Official Seal)
Notary Public
My commission expires: _____

ACCEPTANCE OF PROPERTY INTEREST BY THE NORTH CAROLINA DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES ON BEHALF OF THE STATE OF NORTH CAROLINA

The North Carolina Department of Agriculture and Consumer Services, an agency of the state of North Carolina, hereby accepts and approves the foregoing Conservation Easement, and the rights conveyed therein, on behalf of the State of North Carolina.

By _____
Delmar D. Steinbock
NC Department of Agriculture and Consumer Services

NORTH CAROLINA
COUNTY OF WAKE

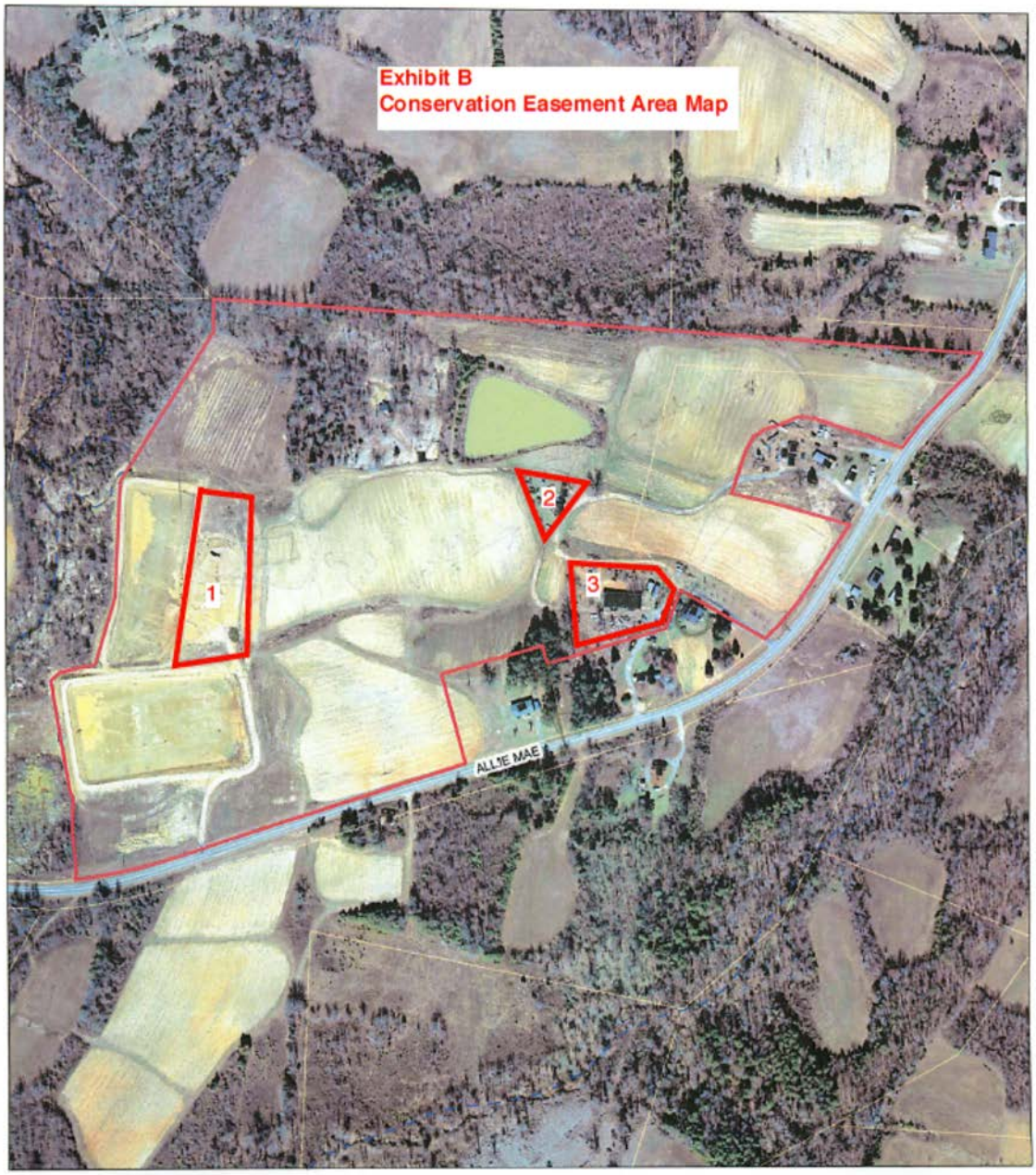
I, _____, Notary Public of Wake County, North Carolina, do hereby certify that _____, personally appeared before me and acknowledged that due execution of the foregoing instrument on behalf of the North Carolina Department of Agriculture and Consumer Services.

Witness my hand and official stamp or seal this ____day of _____, 20___.

_____ (Official Seal)
Notary Public
My commission expires: _____

EXHIBIT A
LEGAL DESCRIPTION OF EASEMENT AREA

BEGINNING on the SW control corner on the right of way boundary of N.C.S.R. 1363, known as Allie Mae Road, and from said BEGINNING running N 16-38-43 E 473.77 feet, thence N 23-22-49 E 44.94 feet, running thence N 20-59-43 E 538.44 feet, running thence N 25-42-00 E 407.70 feet to a corner iron pipe, running thence S 86-58-53 E 1132.43 feet, running to an iron stake set where two bent iron pipes were found and remains as accessories, thence S 86-51-48 E 774.78 feet to a corner, thence running along a curve to the right along S.R. 1362 bearing S 41-15-42 W, a distance of 116.26 feet to an iron pin set, thence running along a curve to the left along S.R. 1362 bearing S 39-33-46 W, a distance of 191.09 feet to an iron pin set, running thence to N 72-34-57 W 225.06 feet, thence N 87-24-00 W 39.39 feet, thence S 66-15-28 W 114.50 feet, thence S 20-52-59 W 148.80 feet, thence S 75-35-58 E 304.58 feet to an iron pin set, thence running S 31-15-21 W 147.88 feet to an iron pin set, thence running along a curve to the right bearing S 39-41-27 W 199.50 feet to a corner iron pin set, thence running N 56-44-18 W 260.34 feet, S 20-33-13 W 100.00 feet, S 73-37-27 W 302.77 feet to an iron pipe, running thence N 17-54-07 W 76.59 feet, thence S 73-46-02 W 225.62 feet, thence S 16-13-58 E 255.15 feet to an iron pin set at the right of way of S.R. 1362, thence, running along a curve S 72-45-10 W, a distance of 413.95 feet, thence S 71-54-25 W 373.38 feet, thence running along a curve bearing S 78 24-37 W 205.00 feet, thence along a curve bearing N 88-39-03 E 117.98 feet, and thence along a curve bearing S 86-42-29 E 68.50 feet to the BEGINNING.



Aerial Map

Thompson Farm Conservation Easement

40 Acres

Legend

Thompson easement boundary 40 Acres

Streams

Parcel boundary

2008 orthophoto

Farmstead Areas (3 total)

Farmstead Area 1 = 1.34 acres

Farmstead Area 2 = 0.31 acre

Farmstead Area 3 = 0.88 acre

0 87.5 175 350 Feet

Orange County
ERCD
5/18/2009

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: August 21, 2012

Action Agenda
Item No. 7-b

SUBJECT: Professional Services Agreement – Community Geothermal Analysis, Design, Bid Management, and Construction Administration

DEPARTMENT: Asset Management Services **PUBLIC HEARING: (Y/N)** No

ATTACHMENT(S):
1) Professional Services Agreement

INFORMATION CONTACT:
Jeff Thompson, 919-245-2658

PURPOSE: To award a professional services agreement to Reece, Noland & McElrath Engineers, Inc. of Waynesville, North Carolina in the amount not to exceed $175,625 for the analysis, design, bid management, and construction administration of the Community Geothermal and HVAC Capital Project #30018.

BACKGROUND: In the fall of 2010, the Board of County Commissioners authorized staff to engage a firm for the installation of the Link Geothermal system and a subsequent analysis and design of the Community Geothermal system. In January 2011, staff interviewed four consulting engineering firms with experience in geothermal HVAC applications. Staff selected and engaged Reece, Noland & McElrath, Inc. ("RNM") based on its lengthy and successful experience with the design and installation supervision of geothermal systems. RNM's design of the Link system was successfully constructed in late 2011 and joined the Justice Facility as the second geothermal conditioned facility within the County facilities.

RNM's remaining task is to analyze and design the geothermal system for the aging systems at the Jail, the historic Courthouse, the District Attorney Building, Court Street Annex, and the Battle Courtroom.

A geothermal heating and cooling system is a sustainable building system that utilizes the Earth as either a heat source in winter or a heat sink in summer, and distributes heated or cooled air to the building (or series of buildings) as needed. In general, the Earth's crust maintains a constant temperature of approximately 55 degrees Fahrenheit no matter the surface climate condition. Tapping into this temperature constant allows the geothermal system to use less energy to heat and cool surface structures to a comfortable level.

The geothermal system saves approximately 30-35% in energy use annually over conventional systems, reduces greenhouse gases released into the atmosphere, lowers overall maintenance requirements, is less costly to operate, and eliminates the need for noisy, obtrusive outdoor mechanical equipment. A geothermal system is slightly more expensive to install over

conventional systems, but this first cost is typically recovered through energy savings in approximately 5 to 10 years depending on use and local climate conditions.

Should the Board approve the Construction Design and Bid process for this project, the project could be developed and constructed commensurate with the following timeline:

TASK	PROPOSED BEGINNING DATE	END BY DATE
BOCC Action: Award of Professional Services Contract	**8/21/12**	**8/21/12**
RNM finalizes analysis and design; prepares documents suitable for bidding project and submits documents for regulatory approval	8/22/12	12/31/12
Community Geothermal Bid Process	1/5/13	1/31/13
Link Center Bid Opening	2/5/13	2/5/13
BOCC Action: Community Geothermal Bid Award	**3/13**	**3/13**
Community Geothermal Well Field Installation (est. 4 month duration)	4/13	7/13
Community Geothermal Equipment Installation (est. 4 month duration)	8/13	11/13

FINANCIAL IMPACT: Funding totaling $1,759,000 was authorized by the Board for this project in the FY2012-13 Capital Investment Plan (CIP).

RECOMMENDATION(S): The Manager recommends the Board:

- award the Professional Services Agreement to Reece, Noland & McElrath Engineers, Inc. of Waynesville, North Carolina in the amount not to exceed $175,625 for the analysis, design, bid management, and construction administration of the Community Geothermal and HVAC Capital Project #30018; and
- authorize the Chair to execute the Agreement upon final review by the County Attorney.

ATTACHMENT 1

[Departmental Use Only]
TITLE Community GSHP
FY 12-13

NORTH CAROLINA

ORANGE COUNTY

SERVICES AGREEMENT OVER $90,000.00
RFP – WITH REIMBURSABLE EXPENSES

This Services Agreement (hereinafter "Agreement"), made and entered into this 21st day of August, 2012, ("Effective Date") by and between Orange County, North Carolina a body politic and corporate of the State of North Carolina (hereinafter, the "County") and Reece, Noland, & McElrath, Inc., (hereinafter, the "Provider").

WITNESSETH:

That the County and Provider, for the consideration herein named, do hereby agree as follows:

1. Services

a. Scope of Work.

i) This Services Agreement ("Agreement") is for professional services to be rendered by Provider to County with respect to (*insert type of project*): Community Geothermal design, contruction document preparation, bidding services, and construction administration for the geothermal HVAC projects involving the historic Courthouse, the Jail, Court Street Annex, the County District Attorney building, and the Battle Courtroom. The contract documents include the attached Proposal dated August 6, 2012, entitled "County of Orange Geothermal Phase II" (Attachment A), and subsequent Design Documents, Specifications, Analysis and Addenda related to the Project.

ii) By executing this Agreement, the Provider represents and agrees that Provider is qualified to perform and fully capable of performing and providing the services required or necessary under this Agreement in a fully competent, professional and timely manner.

iii) Time is of the essence with respect to this Agreement.

iv) The services to be performed under this Agreement consist of Basic Services, as described and designated in Section 3 hereof. Compensation to the Provider for Basic Services under this Agreement shall be as set forth herein.

2. Responsibilities of the Provider

a. Services to be provided. The Provider shall provide the County with all services required in Section 3 to satisfactorily complete the Project within the time limitations set forth herein and in accordance with the highest professional standards.

b. Standard of Care.

i) The Provider shall exercise reasonable care and diligence in performing services under this Agreement in accordance with the highest generally accepted standards of this type of Provider practice throughout the United States and in accordance with applicable federal, state and local laws and regulations applicable to the performance of these services. Provider is solely responsible for the professional quality, accuracy and timely completion and/or submission of all work related to the Basic Services.

ii) Provider shall be responsible for all errors or omissions, in the performance of the Agreement. Provider shall correct any and all errors, omissions, discrepancies, ambiguities, mistakes or conflicts in the contract documents at no additional cost to the County.

iii) The Provider shall not, except as otherwise provided for in this Agreement, subcontract the performance of any work under this Agreement without prior written permission of the County. No permission for subcontracting shall create, between the County and the subcontractor, any contract or any other relationship.

iv) Provider is an independent contractor of County. Any and all employees of the Provider engaged by the Provider in the performance of any work or services required of the Provider under this Agreement, shall be considered employees or agents of the Provider only and not of the County, and any and all claims that may or might arise under any workers compensation or other law or contract on behalf of said employees while so engaged shall be the sole obligation and responsibility of the Provider.

v) Provider agrees that Provider, its employees, agents and its subcontractors, if any, shall be required to comply with all federal, state and local antidiscrimination laws, regulations and policies that relate to the performance of Provider's services under this Agreement.

vi) If activities related to the performance of this Agreement require specific licenses, certifications, or related credentials Provider represents that it and/or its employees, agents and subcontractors engaged in such activities possess such licenses, certifications, or credentials and that such licenses certifications, or credentials are current, active, and not in a state of suspension or revocation.

3. Basic Services

a. Basic Services.

i) The Provider shall perform as Basic Services the work and services described herein and as specified in the County's Request for Proposals (the "RFP") "RFP Number 5168 for "Professional Engineering Services - Community Geothermal System(s)" issued October 28, 2011, and the Provider's proposal, which are fully incorporated and integrated herein by reference together with Attachments A: Proposal dated August 6, 2012 entitled "County of Orange Community

Analysis, Reports, and Addenda related to this Project (designate all attachments). In the event a term or condition in any document or attachment conflicts with a term or condition of this Agreement the term or condition in this Agreement shall control. Should such conflict arise the priority of documents shall be as follows: This Agreement, the County's RFP together with attachments, Provider's Proposal together with attachments.

ii) The Basic Services will be performed by the Provider in accordance with the following schedule: (Insert task list and milestone dates)

Task	Milestone Date
1. Wellfield Plan	12/31/12
2. Equipment Plan	12/31/12
3. Bidding	2/28/13
4. Notice to Proceed	3/31/13
5. Completion	12/31/13
6.	
7.	
8.	
9.	
10.	

iii) Should County reasonably determine that Provider has not met the Milestone Dates established in Section 3(a)(ii), County shall notify Provider of the failure to meet the Milestone Date. The County, at its discretion may provide the Provider seven (7) days to cure the breach. County may withhold the accompanying payment without penalty until such time as Provider cures the breach. In the alternative, upon Provider's failure to meet any Milestone Date the County may modify the Milestone Date schedule. Should Provider or its representatives fail to cure the breach within seven (7) days, or fail to reasonably agree to such modified schedule, County may immediately terminate this Agreement in writing, without penalty or incurring further obligation to Provider. This section shall not be interpreted to limit the definition of breach to the failure to meet Milestone Dates.

4. Duration of Services

a. Term. The term of this Agreement shall be from August 21, 2012 to December 31, 2013.

b. Scheduling of Services

i) The Provider shall schedule and perform his activities in a timely manner so as to meet the Milestone Dates listed in Section 3.

ii) Should the County determine that the Provider is behind schedule, it may require the Provider to expedite and accelerate his efforts, including providing additional resources and working overtime, as necessary, to perform his services in accordance with the approved project schedule at no additional cost to the County.

iii) The Commencement Date for the Provider's Basic Services shall be August 21st, 2012.

5. Compensation

a. Compensation for Basic Services. Compensation for Basic Services shall include all compensation due the Provider from the County for all services under this Agreement except reimbursable expenses as specified in section 5(c), below. The maximum amount payable for Basic Services is One Hundred Seventy Five Thousand Six Hundred Twenty Five Dollars ($175,625). In the event the amount stated on an invoice is disputed by the County, the County may withhold payment of all or a portion of the amount stated on an invoice until the parties resolve the dispute. Payment for Basic Services shall become due and payable in direct proportion to satisfactory services performed and work accomplished. Payments will be made as percentages of the whole as Project milestones as set out in Section 3(a)(ii) are achieved. (*For example, if there are 10 Project Tasks with Milestone Dates then Provider may invoice for the first 10% of the whole upon County's acknowledgement of the satisfactory completion of Task one. Upon the County's acknowledgement that the second Task has been satisfactorily completed Provider may invoice for the next 10% of the whole.*)

b. Additional Services. County shall not be responsible for costs related to any services in addition to the Basic Services performed by Provider unless County requests such additional services in writing and such additional services are evidenced by a written amendment to this Agreement.

c. Reimbursable Expenses Reimbursable expenses are in addition to the fees for Basic Services and are for the following expenditures to the extent reasonable and actually incurred by the Provider with respect to the Project:

i) Actual expenditures for postage, reproductions, photography, and long distance telephone charges directly attributable to this Project.

ii) The actual cost of reproduction of reports, plans and specifications excluding documents for exclusive use by the Provider.

iii) The Provider shall not be entitled to any mark-up on actual expenses incurred.

iv) Reimbursable expenses shall be compensated by the County along with invoices for Basic Services provided by Provider. Payment of Reimbursable Expenses shall be subject to Provider's timely submission of valid receipts for any such expenses and approval by the County. Any additional charges not specified herein, must be mutually agreed to in advance by County and Provider and documented in writing with a letter signed by authorized representatives for County and Provider and, subject to budgeted funds.

6. Responsibilities of the County

a. Cooperation and Coordination. The County has designated the (*Jeff Thompson*) to act as the County's representative with respect to the Project and shall have the authority to render decisions within guidelines established by the County Manager and/or the County Board of Commissioners and shall be available during working hours as often as may be reasonably required to render decisions and to furnish information.

7. Insurance

a. General Requirements. The Provider shall purchase and maintain and shall cause each of his subcontractors to purchase and maintain, during the period of performance of this Agreement:

i) Worker's Compensation Insurance for protection from claims under workers' or workmen's compensation acts;

ii) Comprehensive General Liability Insurance covering claims arising out of or relating to bodily injury, including bodily injury, sickness, disease or death of any of the Provider's employees or any other person and to real and personal property including loss of use resulting thereof;

iii) Comprehensive Automobile Liability Insurance, including hired and non-owned vehicles, if any, covering personal injury or death, and property damage; and

iv) Professional Liability Insurance, covering personal injury, bodily injury and property damage and claims arising out of or related to the performance under this Agreement by the Provider or his agents, Providers and employees.

b. Insurance Rating. The minimum insurance rating for any company insuring the Provider shall be Best's A. If the Provider does not meet the insurance requirements the County's Risk Manager must be consulted prior to finalizing this Agreement.

c. Limits of Coverage. Minimum limits of insurance coverage shall be as follows:

INSURANCE DESCRIPTION	MINIMUM REQUIRED COVERAGE
• Worker's Compensation	Limits for Coverage A - Statutory State of N.C. Coverage B - Employers Liability $500,000 each accident and policy limit and disease each employee
• Commercial General Liability	$1,000,000 Each Occurrence; $2,000,000 Aggregate.
• Automobile Liability	Combined Single Limit $500,000
• Professional Liability	NOTE: Insert coverage limits required by Risk Manager if applicable.

d. Additional Insured. All insurance policies (with the exception of Worker's Compensation and Professional Liability) required under this Agreement shall name the County as an additional insured party. Evidence of such insurance shall be furnished to the County, together with evidence that each policy provides the County with not less than thirty (30) days prior written notice of any cancellation, non-renewal or reduction of coverage.

8. Indemnity

a. Indemnity. The Provider agrees to defend, indemnify and hold harmless the County from all loss, liability, claims or expense, including attorney's fees, arising out of or related to the Project and arising from bodily injury including death or property damage to any person or persons caused in whole or in part by the negligence or misconduct of the Provider except to the extent same are caused by the negligence or willful misconduct of the County. It is the intent of this provision to require the Provider to indemnify the County to the fullest extent permitted under North Carolina law.

9. Amendments to the Agreement

a. Changes in Basic Services. Changes in the Basic Services and entitlement to additional compensation or a change in duration of this Agreement shall be made by a written Amendment to this Agreement executed by the County and the Provider. The Provider shall proceed to perform the Services required by the Amendment only after receiving a fully executed Amendment from the County.

10. Termination

a. Termination for Convenience of the County. This Agreement may be terminated without cause by the County and for its convenience upon seven (7) days prior written notice to the Provider.

b. Other Termination. The Provider may terminate this Agreement based upon the County's material breach of this Agreement; provided, the County has not taken all reasonable actions to remedy the breach. The Provider shall give the County seven (7) days' prior written notice of its intent to terminate this Agreement for cause.

c. Compensation After Termination.

i) In the event of termination, the Provider shall be paid that portion of the fees and expenses that it has earned to the date of termination, less any costs or expenses incurred or anticipated to be incurred by the County due to errors or omissions of the Provider.

ii) Should this Agreement be terminated, the Provider shall deliver to the County within seven (7) days, at no additional cost, all deliverables including any electronic data or files relating to the Project.

d. Waiver. The payment of any sums by the County under this Agreement or the failure of the County to require compliance by the Provider with any provisions of this Agreement or the waiver by the County of any breach of this Agreement shall not constitute a waiver of any claim for damages by the County for any breach of this Agreement or a waiver of any other required compliance with this Agreement.

11. Additional Provisions

a. Limitation and Assignment. The County and the Provider each bind themselves, their successors, assigns and legal representatives to the terms of this Agreement. Neither the County nor the Provider shall assign or transfer its interest in this Agreement without the written consent of the other.

b. Governing Law. This Agreement and the duties, responsibilities, obligations and rights of respective parties hereunder shall be governed by the laws of the State of North Carolina.

c. Dispute Resolution. Any and all suits or actions to enforce, interpret or seek damages with respect to any provision of, or the performance or non-performance of, this Agreement shall be brought in the General Court of Justice of North Carolina sitting in Orange County, North Carolina. It is agreed by the parties that no other court shall have jurisdiction or venue with respect to such suits or actions. The Parties may agree to nonbinding mediation of any dispute prior to the bringing of such suit or action.

d. Entire Agreement. This Agreement, together with the RFP and its attachments and the Proposal and its attachments, represents the entire and integrated agreement between the County and the Provider and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both parties. Modifications may be evidenced by facsimile signatures.

e. Severability. If any provision of this Agreement is held as a matter of law to be unenforceable, the remainder of this Agreement shall be valid and binding upon the Parties.

f. Ownership of Work Product. Should Provider's performance of this Agreement generate documents, items or things that are specific to this Project such documents, items or things shall become the property of the County and may be used on any other project without additional compensation to the Provider. The use of the documents, items or things by the County or by any person or entity for any purpose other than the Project as set forth in this Agreement shall be at the full risk of the County.

g. Non-Appropriation. Provider acknowledges that County is a governmental entity, and the validity of this Agreement is based upon the availability of public funding under the authority of its statutory mandate.

In the event that public funds are unavailable and not appropriated for the performance of County's obligations under this Agreement, then this Agreement shall automatically expire without penalty to County immediately upon written notice to Provider of the unavailability and non-appropriation of public funds. It is expressly agreed that County shall not activate this non-appropriation provision for its convenience or to circumvent the requirements of this Agreement, but only as an emergency fiscal measure during a substantial fiscal crisis.

In the event of a change in the County's statutory authority, mandate and/or mandated functions, by state and/or federal legislative or regulatory action, which adversely affects County's authority to continue its obligations under this Agreement, then this Agreement

shall automatically terminate without penalty to County upon written notice to Provider of such limitation or change in County's legal authority.

h. Notices. Any notice required by this Agreement shall be in writing and delivered by certified or registered mail, return receipt requested to the following:

Orange County Attention: Jeff Thompson P.O. Box 8181 Hillsborough, NC 27278	Provider's Name & Address RN&M Engineers, Inc. 409 North Haywood Street Waynesville, NC 28786

IN WITNESS WHEREOF, the Parties, by and through their authorized agents, have hereunder set their hands and seal, all as of the day and year first above written.

ORANGE COUNTY:

By: _____
Bernadette Pelissier, Chair
Orange County Board of Commissioners

Attest: _____
Donna Baker, Clerk to the Board

[SEAL]

PROVIDER:

By: _____
Stephen C. Kaufman, President
Printed Name and Title

This instrument has been approved as to technical content.

_____
Jeff Thompson, Department Director

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

_____
Office of the Finance Director

This instrument has been approved as to form and legal sufficiency.

_____
Office of the County Attorney

REECE, NOLAND & McELRATH, INC.
409 North Haywood Street • P.O. Box 540
Waynesville, North Carolina 28786-0540
Waynesville 828-456-9851 • Asheville 828-253-3280
Fax 828-456-6205 • www.rnm-engineers.com

DESIGN SERVICES PROPOSAL

ATTACHMENT A:

County of Orange
Community Geothermal Phase II
Hillsborough, North Carolina
August 6, 2012

Reece, Noland, & McElrath Engineers propose to provide Professional Engineering Services for design of HVAC Systems for this project.

PROJECT DESCRIPTION: This is the next phase of the project identified by Orange County RFP #5168 and associated addendum #1. This phase consists of design and construction administration for a geothermal well field to serve the Historic Courthouse, Jail, District Attorney's Office, and Court Street Annex. Interior geothermal system design and construction administration will be included for the Historic Courthouse, District Attorney's Office, Court Street Annex, and old portions of the Jail. Also interior geothermal system design and construction administration will be included for the Battle Courtroom which will be connected to the existing Justice Center geothermal system.

FEE: Our lump sum fee for the scope of work identified above is $175,625.00 (One Hundred Seventy-Five Thousand Six Hundred and Twenty-Five Dollars). The milestones for billing for the project are as follows: Schematic Design 15%, Design Development 20%, Construction Documents 40%, Bid/Negotiate 5%, Construction Phase Administration 20%.

BASIC SERVICES: The lump sum fees proposed above include the following basic services:

1. Prepare project drawings and specifications in sufficient detail to obtain regulatory approval and to receive bids.
2. Coordinate our work with existing buildings and site conditions.
3. Review shop drawings and submittals for items of work that are part of our design.
4. Conduct regular site visits during construction to observe the work and assist with coordination or problem resolution, as requested by the Owner.
5. Conduct pre-Bid, pre-Construction, and monthly construction conferences.
6. Conduct pre-final, final, and end of warranty inspections.
7. Review Owner's Manuals and as-built drawings submitted by the Contractors.
8. Preparation of Record Drawings from contractor-furnished as-built marked prints.
9. Support Owner and during the Contractors' one-year warranty period to resolve any problems with equipment manufacturers, suppliers, system operation, balancing, etc.

ADDITIONAL SERVICES: The lump sum fee proposed above does not include services such as those listed below. We will propose additional fees for such services upon request:

1. Construction administration services which extend beyond the established Contract Completion Date, through no fault of the Designer, including default of any Contractor.
2. Modifying drawings and specifications as a result of Contractors' equipment substitutions, failure to coordinate or sequence the work, or other fault of the Contractor(s).

3. Conductivity testing services for the well fields. We can assist you in procuring this service.
4. Any other services requested that are not listed in Basic Services above.

BILLINGS/PAYMENTS: Invoices will be presented monthly, based on progress during the month. Payments will be due on a net 30-day basis. Financing charges on balance beyond 30 days will be 1-1/2% per month (18% APR). If we should have to seek legal action to effect collection, and we prevail in litigation, then all costs associated with collecting overdue accounts will be recoverable. If payments are withheld or disputed, then we retain the right to suspend further services until the account is current.

MISCELLANEOUS PROVISIONS:

1. Billings for reimbursable expenses will be in accordance with our executed agreement with Orange County.

Submitted by:

REECE, NOLAND & McELRATH, INC.

Stephen C. Kaufman, PE

8/6/12

Date

Accepted by:

Date

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: August 21, 2012

Action Agenda Item No. 7-c

SUBJECT: Southern Orange County Government Services Campus Master Plan Update, BOCC Recommendation of Concept Master Plan

DEPARTMENT: Manager's Office, Asset Management Services

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):
1) Master Planning Principles
2) Context and Background Information
3) Concept Master Plan Alternatives and Comparison

INFORMATION CONTACT:
Frank Clifton, 919-245-2306
Gwen Harvey, 919-245-2307
Michael Talbert, 919-235-2308
Jeff Thompson, 919-245-2658

PURPOSE:

- To receive an update on the status of the Southern Orange County Government Services Campus master planning process;
- To provide feedback to staff on the merits of its two prepared concept master plan design alternatives;
- To consider recommending a single concept master plan for staff to 1) take to a Public Information Session on September 4, and 2) develop into a final plan to be presented to the Board for approval in October of 2012.

BACKGROUND: In 1992 the County purchased 34.1 acres at 2500 Homestead Road on which to develop a County campus for service offerings in southern Orange County for the foreseeable future. To date, two buildings have been built on the site: the Southern Human Services Center and the Seymour Senior Center. The site also supports Project HomeStart on northwest sector of the property.

The Board of Commissioners approved a conceptual site master plan in 2006 and included funding for a formal master plan of the Campus in the current year Capital Investment Plan (CIP).
On May 15, 2012 the Board of County Commissioners approved a Professional Services Agreement with Clarion Associates of Chapel Hill ("Clarion") to develop the formal master plan and Special Use Permit Modification for the Southern Orange Campus.
The overall intent of the master plan and the subsequent Special Use Permit modification with the Town of Chapel Hill is to secure the most comprehensive and flexible set of development rights for a significant period of time into the future to serve Orange County's needs. The objective is to prepare an application to submit to the Town to secure this comprehensive set of development rights for a 25 year period. The plan will outline development areas and specific design guidelines for County planning and construction for both building expansion and new building construction.

The Clarion team has worked closely with County staff and a comprehensive set of stakeholder groups in moving the project forward. The team's design effort is grounded in both the BOCC-adopted planning principles and the Chapel Hill 2020 plan as noted in Attachment 1, and the team continues to meet with these various stakeholders of the project, including County Departments, Advisory Boards, Utilities, and other regulatory officials.

The team has also assembled contextual, background, and technical information relevant to the project in the form of meeting presentation slides as noted in Attachment 2. A current survey has been prepared to validate many of the design opportunities and constraints. This survey also includes significant tree specimens on the site.

The project outcomes have been based on this principled framework and the extensive primary feedback from the stakeholders as well as the technical information available on the site. Based upon the feedback from the Board, the team will also conduct two public information sessions on September 4, 2012 to provide information on the status of this project.

The following table highlights key milestones for the project:

TASK	PROPOSED BEGINNING DATE	END BY DATE
Concept master plan presentation to the BOCC	8/21/12	8/21/12
Public information sessions to provide information on the status of the project	9/4/12	9/4/12
Project overview presented to the Town Board of Chapel Hill	9/12/12	9/12/12
Final master plan drafting	9/13/12	10/15/12
Final master Plan approval by BOCC	10/16/12	10/16/12
Chapel Hill Special Use Permit Modification Process	11/1/12	12/31/13 (est.)

Members of the Clarion team will make a formal presentation on the progress of the project to the Board and will be available to answer questions and respond to Board discussion.

FINANCIAL IMPACT: There is no financial impact associated with receiving the update and providing feedback to staff and Clarion.

RECOMMENDATION(S): The Manager recommends the Board:

- receive the update on the status of the Southern Orange County Government Services Campus master planning process;
- provide feedback to staff on the merits of its alternative concept master plan designs; and
- recommend a single concept master plan for staff to 1) take to a Public Information Session on September 4, and 2) develop into a final plan to be presented to the Board for approval in October of 2012.

ATTACHMENT 1
MASTER PLANNING PRINCIPLES

FROM ORANGE COUNTY 2030 COMPREHENSIVE PLAN:

BOCC Planning Principles

- Efficient and Fiscally Responsible Public Facilities
- Sustainable Growth and Development
- Energy Efficiency, Reduced Consumption, Air Quality Protection
- Natural Area Resource Preservation
- Preservation of Rural Land Pattern
- Water Resources Preservation
- Promotion of Economic Prosperity and Diversity
- Preservation of Community Character

Key Land Use Goals

- Coordinating new development with public service capacity
- Development that supports non-auto modes of travel
- Patterns of development that mix uses, limit sprawl, and protect rural lands
- Promoting clustered, walkable developments
- Supporting green design of public facilities
- Land uses that protect natural and cultural resources

FROM CHAPEL HILL 2020 COMPREHENSIVE PLAN:

Plan Ideas Relevant To This Site:

- Vibrant center of culture, academia, diversity, and ideas
- Compact community; population growth expected
- Promote environmentally-friendly modes of transportation
- Focus on green infrastructure , emphasis on connections
- Focus on hubs of activity, with multiple destinations
- Support and encourage community engagement
- Be clear about preservation areas and development zones
- Tree canopy, greenways, and open space
- Allocation of scarce public resources
- This site in one of six designated “Focus Areas”

Attachment 2
Context and Background Information

Presentation Objectives

- Project Fundamentals
- Background and Existing Information for Site
- Concept Plan Options
- BOCC Discussion and Direction

2

Project Fundamentals:

Purpose

- Develop and Adopt Master Plan
  - Supportive of County government services
    - In Southern Orange County
    - Centralized, convenient, accessible, co-located
  - Phased Plan
  - Design Guidelines
- Obtain Development Approval from TOCH
  - Special Use Permit Modification

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Attachment 2
Context and Background Information

Project Fundamentals:
Schedule

- Tonight: Presentation of Project, Principles, Options
- September 4: Public Information Meeting
- September 12: Chapel Hill Town Council Meeting (Introduction / Briefing)
- October 16: BOCC meeting, approval of Master Plan
- October, 2012: Start Chapel Hill Process - Concept Plan Review Application
- November, 2013: Target for approval of Special Use Permit-Modification

4

Background and Existing Information for Site:
Area Map

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Background and Existing Information for Site:
Regulatory History of Site

- 1992: County Purchased Site
  - Consolidation of human services in southern Orange County
- 1994: Special Use Permit (SUP) Approved by Chapel Hill
  - Orange County Southern Human Services Center
- 1995: SUP Modification Approved by Chapel Hill
  - Project Homestart facility
- 2005: SUP Modification Approved by Chapel Hill
  - Robert and Pearl Seymour Senior Center
- 2007: County Adoption of Concept Plan
  - For Internal Staff Working Purposes
  - Several assessments: cultural, archaeological, environmental

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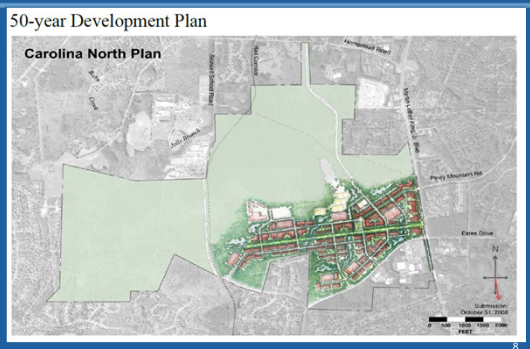
Attachment 2
Context and Background Information

Background and Existing Information for Site:

Site Conditions and Constraints

Background and Existing Information for Site:

Carolina North



8

Concept Plan Options:

Key Factors to Consider in Concept Plan

General Policy Objectives
Site Design Objectives
Maximize Buildable Area Within Policy Context
Maximize Floor Area for Flexibility
Provide for Undisturbed Areas
Use of Existing Stormwater Ponds
Minimize Infrastructure Cost
Minimize Impact to Hardwoods in Southwest Corner
Minimize Need for Future Land Acquisition
Minimize Operational Costs
Potential for Accommodating County's Future Needs

9

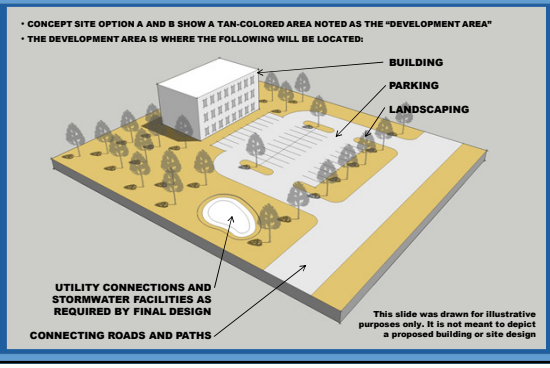
Attachment 2
Context and Background Information

Key Definitions for Concept Plan

- What "Development Area" means - A place for:
  - Buildings
  - Parking
  - Landscaping, Open Space
  - Roads, Paths
  - Infrastructure (e.g., stormwater facilities)
- What "Undisturbed Area" means:
  - No land disturbance, protected during/after construction

10

Definition of Development Area



11

Option A

Attachment 2
Context and Background Information

Option B

Evaluation

Concept Plan Variable	Concept Plan A	Concept Plan B
Distinguishing Characteristics	• Improved road alignment • Maintain existing stormwater ponds	• Improved entrance intersection and internal circulation • Largest area of development
Common to Both	• Improved traffic circulation for vehicles and pedestrians • Proposed road along east side of site (dedicated right of way) • Additions to existing buildings with associated parking • Maintain undisturbed southwest area • An additional 350,000 sf of floor area available per Town's ordinance	
Development Area	220,000 sf	390,000 sf
Undisturbed Area	7 acres	10 acres
Ponds Relocated	no	yes
Infrastructure Cost	moderate	high
Impact Hardwoods in Southwest Corner	no	no
Future Land Acquisition	Good potential for meeting future space needs on this site, without additional land acquisition	Highest potential for eliminating need for future land acquisition
Operational Costs	Multiple buildings on multiple sites increases operational costs	Co-located, centralized buildings potentially lowers operational costs
Potential for Accommodating County's Future Needs	high	highest

14

Chapel Hill Process

- Concept Plan Application
  - Community Design Commission Review
  - Town Council Review
- SUP-Modification Application
  - Staff Review, Advisory Board Review
  - Town Council Public Hearing, Subsequent Action
  - Estimated Time Frame: January 2013 - November 2013
- Individual Buildings Application
  - Subsequent to SUP-M Approval. Estimate 6-months for each.
  - May include most of site infrastructure with first building
- Estimated Application Fees
- September 12 Briefing to Town Council

15

Attachment 2
Context and Background Information

Discussion

- Board Feedback on Plan Alternatives
- Take to Public Information Meeting September 4
- Develop into Full Master Plan with Design Guidelines to Present October 16

16

ATTACHMENT 3
CONCEPT MASTER PLAN ALTERNATIVES AND COMPARISON

Sheet #1: Principles and Variables to Consider in Preparing Concept Plan

Sheet #2: Area Map with Existing Conditions

Sheet #3: Draft Concept Plan – Option A

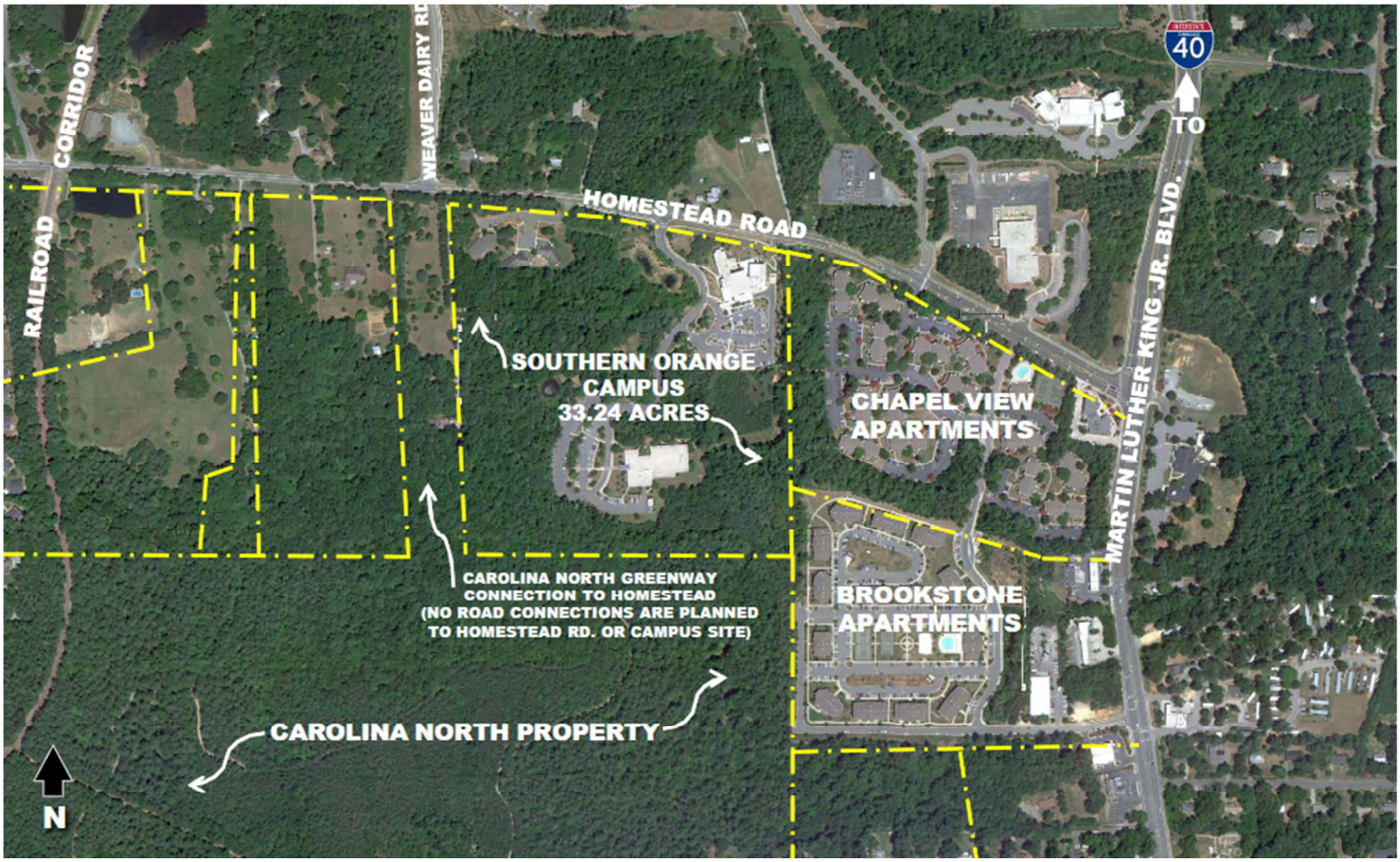
Sheet #4: Draft Concept Plan – Option B

Sheet #5: Comparison of Options to Principles

Sheet #1: Principles and Variables to Consider in Preparing Concept Plan

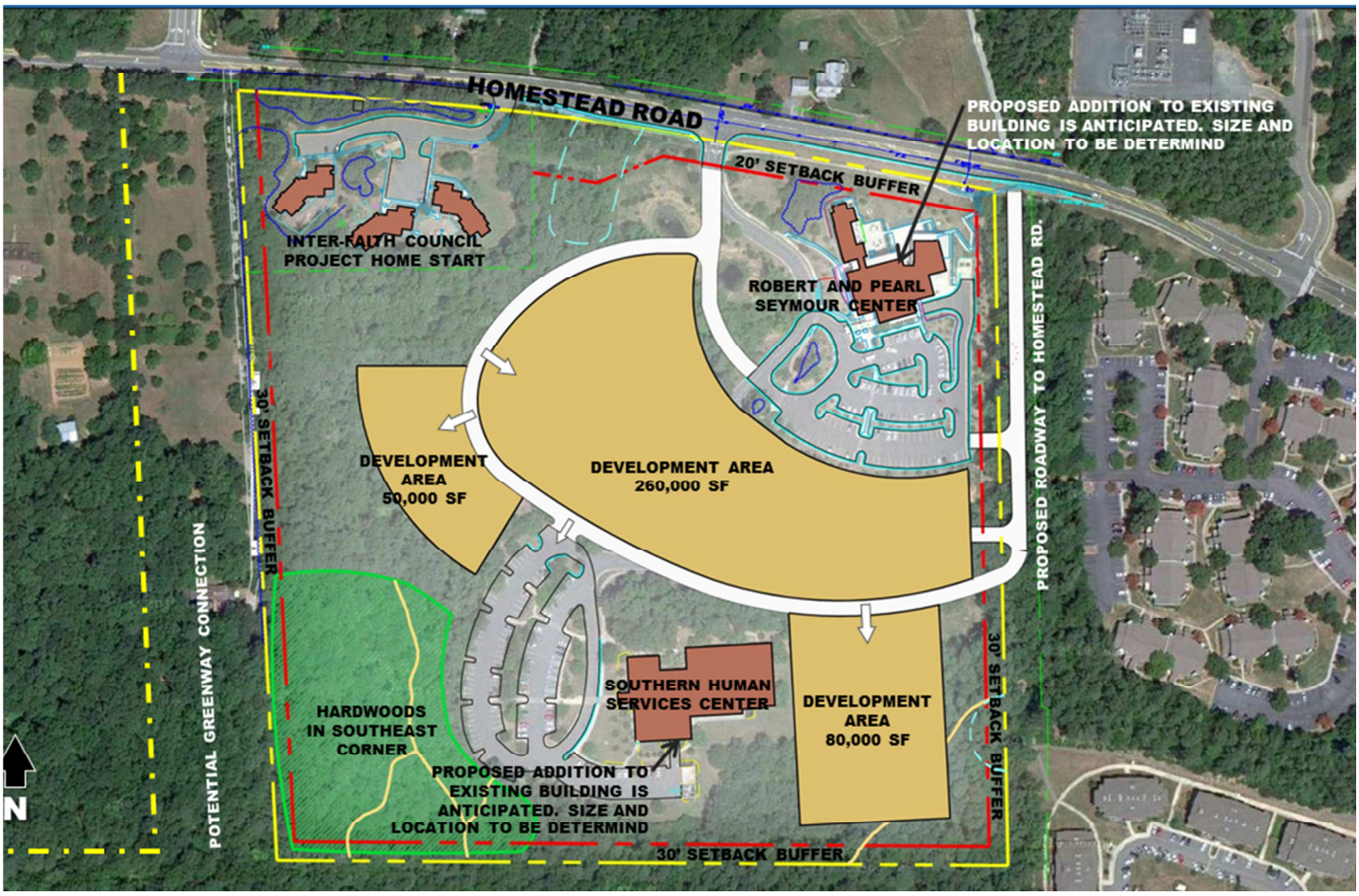
Concept Plan Variable	Principles to Consider in Developing Concept Plan
General Policy Objectives	• Coordinate locations of development and public services • Support non-auto modes of travel • Protect rural lands, promote clustered, walkable developments • Efficient and fiscally responsible public facilities • Protect natural resources, promote sustainable development • Compact community, hubs of activity
Site Design Objectives	• Be clear about preservation areas and development areas • Promote green design of public facilities • Promote energy efficiency, reduced consumption of resources • Emphasis on connections • Attention to tree canopies, greenways, open space • Coordinate building locations and parking locations • Design road and pedestrian networks to achieve safety, connectivity • Develop a walkable campus of clustered County services
Buildable Area	• Focus development on most buildable areas of site • Maximize potential buildable areas while considering other objectives • Buildable Area = buildings, parking, landscaping, roads, paths, and open space in area to be developed
Floor Area	• Maximize potential floor area available for public facilities, while considering other policy and site design objectives
Undisturbed Area	• Be clear about designating preservation areas • Minimize land disturbance in most sensitive areas of site
Existing Stormwater Ponds	• Take advantage of existing stormwater management facilities on the site if possible
Infrastructure Cost	• Minimize infrastructure costs for ultimate site development, while considering other objectives
Impact to Hardwoods in Southwest Corner	• Avoid land disturbance in southwest corner of site if possible
Future Land Acquisition	• Minimize need for future land acquisitions to provide needed services
Operational Costs	• Minimize costs of operating buildings and facilities
Potential for Accommodating County's Future Needs	• Maximize potential for and flexibility in accommodating Orange County's needs for buildings to provide needed services

Sheet #2: Area Map / Existing Conditions



Sheet #3: Concept Plan: Option A

Sheet #4: Concept Plan: Option B



Sheet # 5: Comparison of Options

Concept Plan Variable	Concept Plan A	Concept Plan B
Distinguishing Characteristics	• Improved road alignment • Maintain existing stormwater ponds	• Improved entrance intersection and internal circulation • Largest area of development
Common to Both	• Improved traffic circulation for vehicles and pedestrians • Proposed road along east side of site (dedicated right of way) • Additions to existing buildings with associated parking • Maintain undisturbed southwest area • An additional 350,000 sf of floor area available per Town's ordinance	
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Operational Costs	Multiple buildings on multiple sites increases operational costs	Co-located, centralized buildings potentially lowers operational costs
Potential for Accommodating County's Future Needs	high	highest

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: August 21, 2012

Action Agenda Item No. 7-d

SUBJECT: Discussion Regarding Parking Provisions for the Eno River Parking Deck

DEPARTMENT: County Manager
County Attorney

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):
Manager's Parking Deck Use Policy

INFORMATION CONTACT:

John Roberts, 245-2318
Frank Clifton, 245-2320

PURPOSE: To discuss parking provisions for the Eno River Parking Deck in Hillsborough.

BACKGROUND: The Eno River Parking Deck (the "Deck") was constructed and began operations in 2009. In order to provide parking to its west campus employees, Orange County entered into a 40 year lease for 200 spaces in the Deck. During the course of the lease, substantial disagreement over the terms of the lease arose between the County and the Deck's owners. This disagreement led to litigation between the parties to determine the rights and responsibilities of the parties pursuant to the terms of the lease.

In May and June of 2012, after a lengthy mediation, the parties agreed to a settlement. As part of the settlement, the County agreed to acquire the Deck for $1 million plus two County-owned properties located on Churton Street in Hillsborough. The County's purchase of the Deck closed on June 6, 2012 and the County now owns and controls the Deck and its 400 parking spaces.

Because the Deck was acquired during the Board of Commissioners' summer break, no decisions regarding parking administration for the deck have been made. For this reason the Manager implemented an interim parking deck use policy. Among other things the policy provides that all parking spaces are free. It is highly unusual for a parking deck to provide free daily parking, although free parking on weekends is not unusual.

On a daily basis there is limited demand for parking in downtown Hillsborough due to the availability of numerous free on-street spaces. This limited demand will likely be affected by two things going forward. First, the Town of Hillsborough Board of Commissioners is considering removing many free spaces on Churton Street as part of a traffic improvement plan. Second, due to the needs of the State's courts which operate in the Orange County Justice

Center several days per month, there is a high demand for parking spaces that the lot adjacent to the Orange County Justice Center cannot accommodate. The courts' needs will likely increase in the future. These factors may combine to increase the demand for parking.

The Town of Hillsborough recently issued zoning compliance for the Orange County Justice Center. The zoning compliance letter indicates that, between the County properties situated along Margaret Lane east and west of Churton Street, a total of 591 parking spaces are needed and that the County controls 656. In addition to charging some reasonable rate for parking, these numbers indicate the County could also enter into contracts for monthly parking for some 65 parking spaces. The prior owners of the deck charged $1 per hour up to a maximum of $5 per day for parking and contracted with individuals for specific leased spaces at a rate of between $20 and $40 per month.

Some examples of local parking costs are as follows:

Chapel Hill: Wallace Deck – $.50 per half hour up to 4 hours, $1 per hour for 4-17 hours.
Rosemary Lot – $.65 per half hour up to 4 hours, $1.30 per hour from 4-6 hours, $1.80 per hour for 6 or more hours.

Durham: Chapel Hill Street Garage – $1 per hour or portion thereof up to a maximum $8 per day with contract spaces for $55 or $70 per month depending on location.
Church Street Garage – $2 per hour for the first hour, then $1 per hour up to a maximum of $10 with contract spaces for $55 or $70 per month depending on location.

Due to the lower demand in downtown Hillsborough, rates similar to those of the above-listed lots and decks would probably not be viable for the Eno River Parking Deck. Regardless, a pay-to-park system already exists in the Deck and it may or may not be worthwhile to utilize it.

If the BOCC determines a paid parking system is not appropriate, the current free parking system can be implemented on a permanent basis.

FINANCIAL IMPACT: Annual operational costs of the Deck are estimated to be between $20,000 and $25,000. Establishing a per-space cost may help offset the operational cost of the Deck.

RECOMMENDATION(S): The Manager recommends the Board discuss the options for administering the Deck and provide direction staff for the implementation of an administrative plan.

ORANGE COUNTY

HILLSBOROUGH
NORTH CAROLINA

Manager's Office *Established 1752*

Date: 7/9/12

Memo To: Orange County Staff

From: Frank Clifton, County Manager

RE: Eno River Parking Deck Use Policy

Orange County purchased the Eno River Parking Deck on July 6, 2012. The following represent the use policies for public and County employee use.

The use guidelines are as follows:

1. **All spaces within the deck will be available at no cost.**
2. **No unauthorized overnight parking is allowed. All privately owned vehicles left unattended longer than 24 hours are subject to towing at the owner's expense.**
3. **Speed limit signs** will be posted throughout the deck. Please adhere to the posted speed. The elimination of fees to park is likely to increase the number of vehicles using the deck and adhering to posted speeds will help avoid fender benders or pedestrian accidents.
4. Employees are asked to continue parking behind the gates on the upper and ground levels of the parking deck. Blue hang tags should be displayed on the mirror of your vehicle. Contact Tammy Comar (919-245-2657) for a replacement or new tag as may be necessary. County vehicles should continue to park off-site until further notice.
5. Employees from other buildings coming to the West Campus for meetings, etc. will be considered "public" as it respects parking.
6. The public will be allowed to park throughout all ungated areas.
7. **Be aware of your surroundings** when walking on the deck. You are encouraged to use the buddy system when possible. Although cameras will be deployed, they are not a substitute for your safety, so please exercise caution, particularly during evening hours. The deck is lighted during periods of dusk and darkness during the fall and winter months. However, the top deck lights are timed to go off after 10:00pm to limit light pollution for the residences adjacent to the deck.

AREA CODE (919) 245-2300 • 688-7331 • FAX (919) 644-3004
Ext. 2300

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: August 21, 2012

Action Agenda Item No. 7-e

SUBJECT: Interlocal Agreement with Town of Chapel Hill in Support of Business Incubator

DEPARTMENT: Economic Development **PUBLIC HEARING: (Y/N)** No

ATTACHMENT(S):
Interlocal Agreement

INFORMATION CONTACT:
Steve Brantley, Economic Development Director 919-245-2326

PURPOSE: To support the growth of the County's entrepreneurial development goals and also form an economic development tie with the Town of Chapel Hill with an interlocal agreement regarding the creation of an innovation center located at 321 West Rosemary Street in Chapel Hill.

BACKGROUND: In response to the Board of County Commissioner's request to explore opportunities to support the growth of entrepreneurs in Orange County, and to mitigate the exodus of University-affiliated start-up companies to other counties, the County contracted with Dr. Emil Malizia to conduct a real estate assessment to evaluate the space needs for these companies throughout their life span. A key recommendation from this report suggested the development of an innovation center to better retain entrepreneurial talent both from the University and the community.

Several properties as recommended in Dr. Malizia's report were evaluated to determine their feasibility to function as an innovation center. In March 2012, a property located at 321 West Rosemary Street in Chapel Hill was identified as a potential location, and the Town of Chapel Hill and Orange County began working collaboratively to support further development of an innovation center at this location.

On April 3, 2012, the Board of County Commissioners received a summary of the potential project during closed session. Following this report, the Board agreed to continue moving forward on this opportunity.

In July 2012, Orange County prepared a draft Interlocal Agreement outlining the commitments of both parties. The Town of Chapel Hill suggested several changes to the Interlocal Agreement. The most current version of the Interlocal Agreement is provided as an attachment.

FINANCIAL IMPACT: As provided in the attached Interlocal Agreement, Orange County will provide a $10,000 quarterly payment for three and one-half years, totaling $140,000.

RECOMMENDATION(S): The Manager recommends that the Board review the attached Interlocal Agreement, and following the County Attorney's recommendation to proceed, authorize the Manager to sign the final document.

STATE OF NORTH CAROLINA

INTERLOCAL AGREEMENT

COUNTY OF ORANGE

This INTERLOCAL AGREEMENT ("Agreement") is hereby made and entered into this the ____ day of _____, 2012, by and between ORANGE COUNTY, hereinafter referred to as ("County"), and the TOWN OF CHAPEL HILL, hereinafter referred to as ("Town") pursuant to N.C. Gen. Statute 160A-460 et seq., 160A-17.1 and other applicable laws.

WITNESSETH:

WHEREAS, County and Town desire to enter into a partnership whereby local startup businesses have more opportunities to remain in Orange County and Chapel Hill.

NOW, THEREFORE, in consideration of the mutual covenants, promises and agreements contained herein, the parties hereto agree as follows:

1. County Grant. County shall grant to the Town $140,000. This grant shall be payable quarterly in installments of ten thousand dollars ($10,000). Town acknowledges and agrees the full amount, which shall not exceed $140,000, shall be expended by Town for the sole purpose of establishing a small business incubator/joint working space at 321 West Rosemary Street, Suite 110, Chapel Hill, North Carolina (the "Small Business Incubator"). County and Town agree this grant is the full extent of the County's contribution. Town shall be responsible for conducting any statutorily required public hearing prior to the expenditure of any grant funds.

2. Town Obligation. Town shall be responsible for payment of the rental obligation of the Small Business Incubator property using the County grant, together with Town resources, in order to maintain the property's availability for lease and sublease as a Small Business Incubator.

3. Term. The term of this Agreement shall commence the year and day first above recorded and shall continue for a period of forty-two (42) months.

4. Reporting. Town shall on or before July 1 annually during the term of this Agreement provide a report to the Orange County Manager detailing the expenditure of the grant funds described in Section 1 above. Upon request by County, Town shall provide County with any audit or underlying documents necessary to verify the contents of the annual report. In the event such report or documents are not provided County may suspend grant installments until such time as the report or documents are provided.

5. Force Majeure/Emergency Non-Appropriation. In the event Town or County should be delayed in, or prevented from, performing or carrying out any of the agreements, covenants, or obligations made by, and imposed upon, said Party by this Agreement, by reason of or through any cause reasonably beyond its control and not attributable to its neglect, including but not limited to condemnation, order of any court granted in any bona fide adverse legal proceeding or action, explosion, fire or other act of God or public enemies, and/or emergency non-appropriation, then, in each such case or cases, the affected Party shall be relieved of performance under this Agreement.

6. Termination. The County and Town may terminate this Agreement upon mutual written agreement approved by the County's and Town's managers. Either County or Town may terminate this Agreement upon a material breach by the other. Material breach includes but is not limited to the failure by Town to expend grant funds as required by this Agreement. Effective the date of termination any termination of this Agreement relieves County of any further responsibilities or obligations established by this Agreement.

IN WITNESS WHEREOF, the parties have caused this Interlocal Agreement to be executed as of the day and year first above recorded.

FOR ORANGE COUNTY

By:_____
Frank Clifton
Orange County Manager

FOR CHAPEL HILL

By:_____
Roger Stancil
Chapel Hill Town Manager

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

_____
Orange County Director of Financial
and Administrative Services

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

_____
Town of Chapel Hill Finance Director

ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT

Meeting Date: August 21, 2012

Action Agenda Item No. 11-a

SUBJECT: Human Relations Commission – Appointment

DEPARTMENT: Board of Commissioners

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S): Under Separate Cover
Membership Roster
Resolution
Application(s)/Resume(s) of Person(s) for Consideration

INFORMATION CONTACT:
Clerk's Office, 245-2130

PURPOSE: To consider making an appointment to the Human Relations Commission.

BACKGROUND: The following appointment is for Board consideration.

- Appointment to a partial term for Preston Scott Phillips. If appointed Mr. Phillips will be serving a first partial term expiring 06/30/2015 as a representative of Chapel Hill.

Position Number	Special Representation	Expiration Date
10 Mr. Preston Scott Phillips	Town of Chapel Hill	06/30/2013

FINANCIAL IMPACT: None.

RECOMMENDATION(S): Consider making an appointment to the Human Relations Commission.

Board and Commission Members

And Vacant Positions

Human Relations Commission

Meeting Times: 6:30 p.m. second Monday of each month | Terms: 2 | Contact Person: James Spivey

Meeting Place: Community Room of the Animal Services Facility | Positions: 24 | Length: 3 years | Contact Phone: 919-245-2488

Description: The Board of Commissioners appoints all seventeen members. The Towns of Chapel Hill, Carrboro and Hillsborough each nominate two members. This commission seeks to prevent and/or eliminate bias and discrimination by means of education, persuasion, conciliation and enforcement. It also advises the Board of County Commissioners on these matters, receives discrimination complaints, and conducts the corresponding investigation of such complaints. To learn more, visit this web address: www.co.orange.nc.us/hrr/hrc.asp

1	Dr. Christine Kelly-Kleese Vice-Chair 9512 Greenfield Road Chapel Hill NC 27516	Day Phone: 536-7231 Evening Phone: 929-5900 FAX: 686-3396 E-mail: kleesec@durhamtech.edu	Sex: Female Race: Caucasian Township: Bingham Resid/Spec Req: At-Large Special Repr: At-Large	First Appointed: 01/20/2011 Current Appointment: 06/19/2012 Expiration: 06/30/2015 Number of Terms: 1		
2	Mr. Bryant Colson 1437 Ainsworth Blvd Hillsborough NC 27278	Day Phone: 919-732-3734 Evening Phone: 919-732-1986 FAX: E-mail: bmcolson@aol.com	Sex: Male Race: African American Township: Hillsborough Resid/Spec Req: At-Large Special Repr: At-Large	First Appointed: 09/21/2004 Current Appointment: 09/15/2009 Expiration: 09/30/2012 Number of Terms: 2		
3	Ms. Barbara Marotto Chair 8320 McKee Road Rougemont NC 27572	Day Phone: 919-732-3909 Evening Phone: 919-732-3909 FAX: E-mail: bmarotto@hotmail.com	Sex: Female Race: Caucasian Township: Little River Resid/Spec Req: At-Large Special Repr: At-Large	First Appointed: 08/28/2006 Current Appointment: 09/15/2009 Expiration: 09/30/2012 Number of Terms: 2		
4	Mr. Colin Austin Chair 124 Stateside Drive Chapel Hill NC 27514	Day Phone: 968-4531 Evening Phone: 370-3284 FAX: E-mail: colinaus@gmail.com	Sex: Male Race: Caucasian Township: Chapel Hill Resid/Spec Req: Chapel Hill Special Repr: Town of Chapel Hill	First Appointed: 09/19/2007 Current Appointment: 08/23/2011 Expiration: 06/30/2014 Number of Terms: 2		
5	Mr. James O. Anderson 1209 Phils Ridge Road Chapel Hill NC 27516	Day Phone: 919-360-2357 Evening Phone: 919-967-3058 FAX: 919-967-5626 E-mail: janderson027@nc.rr.com	Sex: Male Race: African American Township: Chapel Hill Resid/Spec Req: At-Large Special Repr: At-Large	First Appointed: 05/19/2009 Current Appointment: 08/23/2011 Expiration: 06/30/2014 Number of Terms: 2		

Board and Commission Members

And Vacant Positions

Human Relations Commission

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Meeting Place: Community Room of the Animal Services Facility | Positions: 24 | Length: 3 years | Contact Phone: 919-245-2488

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6	VACANT	Day Phone:		Sex:		First Appointed:	
		Evening Phone:		Race:		Current Appointment:	
		FAX:		Township:		Expiration:	06/30/2014
		E-mail:		Resid/Spec Req:	At-Large	Number of Terms:	
				Special Repr:	At-Large		
7	Ms. Shannon Jackson	Day Phone:	9192253966	Sex:	Female	First Appointed:	01/20/2011
		Evening Phone:	9192253966	Race:	Caucasian	Current Appointment:	01/20/2011
	530 Hoover Road	FAX:		Township:	Cheeks	Expiration:	06/30/2013
	Mebane NC 27302	E-mail:	shannonejackson@netzero.com	Resid/Spec Req:	At-Large	Number of Terms:	1
				Special Repr:	At-Large		
8	Ms. Joyce Christine Preslar	Day Phone:	919-967-0367	Sex:	Female	First Appointed:	08/23/2011
		Evening Phone:	919-357-6198	Race:	Caucasian	Current Appointment:	08/23/2011
	9417 Bethel-Hickory Grove Ch Rd	FAX:	919-967-0367	Township:	Bingham	Expiration:	06/30/2013
	Chapel Hill NC 27516	E-mail:	jpreslar@email.unc.edu	Resid/Spec Req:	At-Large	Number of Terms:	1
				Special Repr:	At-Large		
9	Mr. Matthew Hughes	Day Phone:	919-928-4480	Sex:	Male	First Appointed:	01/20/2011
		Evening Phone:		Race:	Caucasian	Current Appointment:	08/23/2011
	1845 Washington Drive, PO Box 1406	FAX:		Township:	Eno	Expiration:	06/30/2014
	Hillsborough NC 27278	E-mail:	matt.hughes90@yahoo.com	Resid/Spec Req:	At-Large	Number of Terms:	1
				Special Repr:	At-Large		
10	VACANT	Day Phone:		Sex:		First Appointed:	
		Evening Phone:		Race:		Current Appointment:	
		FAX:		Township:		Expiration:	06/30/2010
		E-mail:		Resid/Spec Req:	Chapel Hill	Number of Terms:	
				Special Repr:	Town of Chapel Hill		

Board and Commission Members

And Vacant Positions

Human Relations Commission

Meeting Times: 6:30 p.m. second Monday of each month | Terms: 2 | Contact Person: James Spivey

Meeting Place: Community Room of the Animal Services Facility | Positions: 24 | Length: 3 years | Contact Phone: 919-245-2488

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11	VACANT	Day Phone:		Sex:		First Appointed:	
		Evening Phone:		Race:		Current Appointment:	
		FAX:		Township:		Expiration:	06/30/2013
		E-mail:		Resid/Spec Req:	Carrboro	Number of Terms:	
				Special Repr:	Town of Carrboro		
12	Ms. Ashley Tittemore	Day Phone:	919-843-8151	Sex:	Female	First Appointed:	01/24/2012
		Evening Phone:	518-929-2470	Race:	Caucasian	Current Appointment:	01/24/2012
	3425 Old Greensboro Rd	FAX:		Township:	Bingham	Expiration:	09/30/2014
	Chapel Hill NC 27516	E-mail:	joansie@email.unc.edu	Resid/Spec Req:	At-Large	Number of Terms:	1
				Special Repr:	At-Large		
13	Ms. Lori Lumpkin	Day Phone:	919 560-5790	Sex:	Female	First Appointed:	05/19/2009
		Evening Phone:	919 383-9173	Race:	African American	Current Appointment:	11/04/2010
	1006 Rees Lane	FAX:	919 560-5795	Township:	Eno	Expiration:	06/30/2013
	Durham NC 27705	E-mail:	lori.lumpkin@dhhs.nc.gov	Resid/Spec Req:	At-Large	Number of Terms:	1
				Special Repr:	At-Large		
14	VACANT	Day Phone:		Sex:		First Appointed:	
		Evening Phone:		Race:		Current Appointment:	
		FAX:		Township:		Expiration:	06/30/2012
		E-mail:		Resid/Spec Req:	Hillsborough	Number of Terms:	
				Special Repr:	Town of Hillsborough		
15	Mr. RICHARD PERRY	Day Phone:	919 9684062	Sex:	Male	First Appointed:	09/15/2009
		Evening Phone:	919 9684062	Race:	Caucasian	Current Appointment:	11/04/2010
	1548 Pathway Dr	FAX:	919 9684062	Township:	Chapel Hill	Expiration:	06/30/2013
	Carrboro NC 27510	E-mail:	footsperry@yahoo.com	Resid/Spec Req:	Carrboro	Number of Terms:	1
				Special Repr:	Town of Carrboro		

Board and Commission Members

And Vacant Positions

Human Relations Commission

Meeting Times: 6:30 p.m. second Monday of each month | Terms: 2 | Contact Person: James Spivey

Meeting Place: Community Room of the Animal Services Facility | Positions: 24 | Length: 3 years | Contact Phone: 919-245-2488

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16 **Mr. Marty Rosenbluth**

2737 Armfield Rd.
Hillsborough NC 27278

Day Phone: 919-323-3380
Evening Phone: 919-732-5709
FAX: 919-323-3942
E-mail: marty@southerncoalition.org

Sex: Male
Race: Caucasian
Township: Hillsborough
Resid/Spec Req: At-Large
Special Repr: At-Large

First Appointed: 05/19/2009
Current Appointment: 08/23/2011
Expiration: 06/30/2014
Number of Terms: 2

17 **Ms. Annette Uhlenberg**

1485 Ephesus Church Rd
Chapel Hill NC 27517

Day Phone: 919 308 1567
Evening Phone:
FAX:
E-mail:

Sex: Female
Race: African American
Township: Chapel Hill
Resid/Spec Req: At-Large
Special Repr: At-Large

First Appointed: 01/20/2011
Current Appointment: 01/20/2011
Expiration: 09/30/2013
Number of Terms: 1

18 **VACANT**

Day Phone:
Evening Phone:
FAX:
E-mail:

Sex:
Race:
Township:
Resid/Spec Req: Hillsborough
Special Repr: Town of Hillsborough

First Appointed:
Current Appointment:
Expiration: 06/30/2010
Number of Terms:

19 **Mr. Joseph Polich**

733 Raleigh Road
Chapel Hill NC 27514

Day Phone: 919.593.9481
Evening Phone:
FAX:
E-mail: joepolich@gmail.com

Sex: Male
Race: Caucasian
Township: Chapel Hill
Resid/Spec Req: At-Large
Special Repr: At-Large

First Appointed: 08/23/2011
Current Appointment: 08/23/2011
Expiration: 09/30/2012
Number of Terms: 1

20 **Dr Lori Schweickert**

3904 Teer Rd
Chapel Hill NC 27516

Day Phone: 9196770101
Evening Phone: 9199673143
FAX: 9196770113
E-mail: lori@intrex.net

Sex: Female
Race: Caucasian
Township: Bingham
Resid/Spec Req: At-Large
Special Repr: At-Large

First Appointed: 05/19/2009
Current Appointment: 11/04/2010
Expiration: 06/30/2013
Number of Terms: 1

Board and Commission Members

And Vacant Positions

Human Relations Commission

Meeting Times: 6:30 p.m. second Monday of each month | Terms: 2 | Contact Person: James Spivey

Meeting Place: Community Room of the Animal Services Facility | Positions: 24 | Length: 3 years | Contact Phone: 919-245-2488

Description: The Board of Commissioners appoints all seventeen members. The Towns of Chapel Hill, Carrboro and Hillsborough each nominate two members. This commission seeks to prevent and/or eliminate bias and discrimination by means of education, persuasion, conciliation and enforcement. It also advises the Board of County Commissioners on these matters, receives discrimination complaints, and conducts the corresponding investigation of such complaints. To learn more, visit this web address: www.co.orange.nc.us/hrr/hrc.asp

21 **Rev. Rollin Russell**

202 Saponi Drive
Hillsborough NC 27278

Day Phone: 919-644-0869
Evening Phone: same
FAX:
E-mail: rollinrussell@nc.rr.com

Sex: Male
Race: Caucasian
Township: Hillsborough
Resid/Spec Req: At-Large
Special Repr: At-Large

First Appointed: 08/23/2011
Current Appointment: 06/19/2012
Expiration: 06/30/2015
Number of Terms: 1

22 **VACANT**

Day Phone:
Evening Phone:
FAX:
E-mail:

Sex:
Race:
Township:
Resid/Spec Req: At-Large
Special Repr: At-Large

First Appointed:
Current Appointment:
Expiration: 06/30/2012
Number of Terms:

23 **Dr. Anthony John Vogt**

713 W. Barbee Chapel Road
Chapel Hill NC 27517

Day Phone: 919-929-8646
Evening Phone: 919-929-8646
FAX: NA
E-mail: ajvogt@earthlink.net

Sex: Male
Race: Caucasian
Township: Chapel Hill
Resid/Spec Req: At-Large
Special Repr: At-Large

First Appointed: 12/13/2005
Current Appointment: 09/15/2009
Expiration: 09/30/2012
Number of Terms: 2

24 **Dr. Cynthia Stubbs**

213 Enstone Court
Hillsborough NC 27278

Day Phone: 9197324032
Evening Phone: 9197324032
FAX: 9197324032
E-mail: pmfcjs@aol.com

Sex: Female
Race: Caucasian
Township: Eno
Resid/Spec Req: At-Large
Special Repr:

First Appointed: 08/23/2011
Current Appointment: 08/23/2011
Expiration: 01/20/2013
Number of Terms: 1

A RESOLUTION MAKING AN APPOINTMENT TO THE ORANGE COUNTY HUMAN RELATIONS COMMISSION (2012-06-25/)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council herby appoints Preston Scott Phillips to serve as a representative of Chapel Hill on the Orange County Human Relations Commission.

This the 26th day of June, 2012.

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Dr. Preston Scott Phillips
Name Called:	
Home Address:	116 Hampton Court Chapel Hill NC 27514
Phone: (Day)	919-370-0742
Phone: (Evening)	
Fax:	
Email:	prestonscottphillips@yahoo.com
Place of Employment:	Duke Center for Civic Engagement
Job Title:	Project Coordinator
Year of OC Residence:	2011
Township of Residence:	Chapel Hill
Zone of Residence:	C.H. City Limits
Sex:	Male
Ethnic Background:	Caucasian
Date of Birth:	9/18/1971

Boards/Commissions applied for:

Human Relations Commission

Work Experience:

Irish Traveller Movement in Britain
BRAP (Birmingham Race Action Partnership)
Centre for Research in Ethnic Relations
US Peace Corps- Ukraine
National Sleep Foundation
Arab American Institute

Volunteer Experience:

Served in following groups:
CRIS (Community Resource and Information Services)- Board
Greater Manchester Equalities and Human Rights Parliament
Birmingham Hate Crimes Reduction Group
West Midlands Crown Prosecution Services Hate Crimes Scrutiny Panel
Diversity Practitioners Network

Education:

PhD- Ethnic Relations- Univeristy of Warwick
MA- Poltical Science- Appalachian State University
BA- Anthropology- Appalachian State University

Other Comments:

I am currently serving on the HRC as a representative for Carrboro. I am moving to Chapel Hill in the near future and would like to continue to serve as a member of the HRC. In the past I have worked in the fields of equalities, human rights and community development. I currently work in promoting civic engagement and public scholarship. My professional and academic (PhD Ethnic Relations) experience provides me a good base to continue my work with the HRC to promote equality through the efforts of this advisory group. STAFF COMMENTS: Appplied for Human Relations Commission 1/19/2011. Applied for Human Relations Commission (Chapel Hill Representative) 05/17/2012. ADDRESS VERIFICATION: 116 Hampton Court, Chapel Hill, is Chapel Hill Township, Chapel Hill Jurisdiction, Chapel Hill Town Limits.

This application was current on: 1/19/2011 3:49:44 PM **Date Printed:** 8/14/2012

Applicant Interest Listing

by Board Name and by Applicant Name

Human Relations Commission

Contact Person: James Spivey
Contact Phone: 919-245-2488

Dr. Patrick Akos
5 Deerwood Ct
Chapel Hill NC 27517

Day Phone: 919-259-6251
Evening Phone:
FAX:
E-mail: akos49@gmail.com
Sex: Male
Race: Caucasian
Township: Chapel Hill
Date Applied: 03/09/2012

Skills: Professor
Also Serves On:

Ms Tiffany Boley
321 Stephanie Lane
Efland NC 27243

Day Phone: 3362121803
Evening Phone:
FAX:
E-mail: boleyt4870@connect.durhamtech.edu
Sex: Female
Race: Caucasian
Township: Hillsborough
Date Applied: 03/10/2012

Skills: Advising Asst, DTCC
Also Serves On:

Dr. Li-Chen Chin
2212 Becketts Ridge Drive
Hillsborough NC 27278

Day Phone: 919-684-5480
Evening Phone:
FAX:
E-mail: hsiaofufu@hotmail.com
Sex: Female
Race: Asian American
Township: Hillsborough
Date Applied: 04/27/2012

Skills: Education
Also Serves On:
Skills: International Studies
Also Serves On:

Ms. T. L. Crews
4921 Guess Rd
Rougmeont NC 27572

Day Phone: 919 732-6974
Evening Phone: 919 732-6974
FAX:
E-mail: crewsez@aol.com
Sex: Female
Race: African American
Township: Little River
Date Applied: 08/21/2011

Skills: School Principal
Also Serves On: Adult Care Home Community Advisory Committee
Skills: Tutor

Rev Susie Enoch
4002 McGowan Creek Road
Efland NC 27243

Day Phone: 336-260-7694
Evening Phone: 336-260-7694
FAX:
E-mail: enochts@aol.com
Sex: Female
Race: African American
Township: Cheeks
Date Applied: 05/15/2012

Skills: Human Resources Director
Also Serves On:
Skills: Human Resources Manager
Also Serves On:
Skills: Pastoral Services
Also Serves On:

Applicant Interest Listing

by Board Name and by Applicant Name

Human Relations Commission

Contact Person: James Spivey
Contact Phone: 919-245-2488

Dr. Robert Ireland

721 Mary E. Cook Rd.
Hillsborough NC 27278

Day Phone: 732-7538
Evening Phone: 732-7538
FAX:
E-mail: ireland.bob@gmail.com
Also Serves On: Historic Preservation Commission

Sex: Male
Race: Caucasian
Township: Eno
Date Applied: 10/27/2011

Skills: Editor
Skills: Teacher
Skills: Writer

Mr Joseph A. Marro

101 Kelly Court
Chapel Hill NC 27516

Day Phone: 919-240-7880
Evening Phone: same
FAX: na
E-mail: jamarro@nc.rr.com
Also Serves On: Arts Commission

Sex: Male
Race: Caucasian
Township: Chapel Hill
Date Applied: 08/14/2011

Skills: Parole Officer

Dr. Preston Scott Phillips

116 Hampton Court
Chapel Hill NC 27514

Day Phone: 919-370-0742
Evening Phone:
FAX:
E-mail: prestonscottphillips@yahoo.com
Also Serves On:

Sex: Male
Race: Caucasian
Township: Chapel Hill
Date Applied: 01/19/2011

Skills: Research Associate

Mr. Gerald Ponder

2 Winnawa Walk
Hillsborough NC 27278

Day Phone: 919.732.8576
Evening Phone: 919.732.8576
FAX:
E-mail: Gaponder@gmail.com
Also Serves On:
Also Serves On:
Also Serves On:

Sex: Male
Race: Caucasian
Township: Hillsborough
Date Applied: 08/08/2012

Skills: Associate Dean
Skills: Teacher
Skills: University Administration

Mr. Matthew Prentice

180 BPW Club Rd, L10
Carrboro NC 27510

Day Phone: 919-548-4146
Evening Phone:
FAX:
E-mail: infjspirit@hotmail.com
Also Serves On:

Sex: Male
Race: Caucasian
Township: Chapel Hill
Date Applied: 01/04/2012

Skills: Social Work

Applicant Interest Listing

by Board Name and by Applicant Name

Human Relations Commission

Contact Person: James Spivey
Contact Phone: 919-245-2488

Ms. Tiki Windley
119 Cynthia Drive
Chapel Hill NC 27514

Day Phone: 919-969-8583
Evening Phone: 919-942-4392
FAX:
E-mail: tiki_windley@yahoo.com

Sex: Female
Race: African American
Township: Chapel Hill
Date Applied: 05/27/2010

Skills: Financial Advisor
Also Serves On:

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Dr. Patrick Akos
Name Called:	
Home Address:	5 Deerwood Ct Chapel Hill NC 27517
Phone: (Day)	919-259-6251
Phone: (Evening)	
Fax:	
Email:	akos49@gmail.com
Place of Employment:	UNC-CH
Job Title:	Professor
Year of OC Residence:	2008
Township of Residence:	Chapel Hill
Zone of Residence:	Does not apply
Sex:	Male
Ethnic Background:	Caucasian
Date of Birth:	[redacted]

Boards/Commissions applied for:

Orange County Emergency Services Work Group (

Chapel Hill Parks and Recreation Commission

Human Relations Commission

Work Experience:

teach group work at the university; engaged in social services as it relates to youth and families; interest in first responders, and maximizing services for Orange Co. UNC School of Education, School counseling Program Coordinator, Faculty 2001 - current.

Volunteer Experience:

Mostly in schools, some youth oriented agencies

Education:

Ph.D. in Counselor education; masters in higher ed, undergrad degree in human and org development and teacher ed; B.S. Vanderbilt, M.A. Morehead State University; Ph.D. University of Virginia.

Other Comments:

thank you for consideration. please let me know if I can provide more information. Excited to serve. STAFF COMMENTS: Updated application 03/09/2012 for OC Emergency Services Work Group; Chapel Hill Parks & Recreation Commission and Human Relations Commission. Originally applied for Orange County Emergency Services Work Group 1/4/2012. ADDRESS VERIFICATION: Deerwood Court is CH Jurisdiction, CH City Tax, CH Township.

This application was current on: 3/9/2012 **Date Printed:** 8/14/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Ms Tiffany Boley
Name Called:
Home Address: 321 Stephanie Lane
Efland NC 27243
Phone: (Day) 3362121803
Phone: (Evening)
Fax:
Email: boleyt4870@connect.durhamtech.edu
Place of Employment:
Job Title:
Year of OC Residence:
Township of Residence: Hillsborough
Zone of Residence: -
Sex: Female
Ethnic Background: Caucasian
Date of Birth: [redacted]

Boards/Commissions applied for:
Human Relations Commission

Work Experience:
I have worked for Durham Technical Community College. I was the Advising Assistant. I worked with students to plan out their classes and engaged them in civility chats.

Volunteer Experience:
I am currently the Durham Tech Student Senate President where I have helped them coordinate civility chats, MLK events, and green projects. I also serve as the Spectrum President which is the club on campus that represents the Lesbian,Gay,Bi,Transgender,Queer and Allied community on campus. I have been able to put together a conference called Color NC With Pride which is the only of it's kind in a community college setting that brings students both college and highschool, and administration from all over North Carolina together to talk about issues that LGBTQ students face. I was also nominated for the Governor Robert W. Scott award for my outstanding leadership on campus as well as the Eddie Myers Advocate award for my work with MLK events and the LGBTQ community on campus. I have also been working on a resolution to get passed by the Durham Tech Student Senate as well as the North Carolina Comprehensive Community College Student Government Association (N4CSGA)regarding Amendment One.

Education:
I will graduate from Durham Technical Community College with a Associates Degree in May of 2012.

Other Comments:

I feel like from the experience that I have gained as a college student over the past two years and the diverse communitys I have been able to serve I would be a great choice to be a part of the Human Relations Commission. I would like to further serve many diverse communitys after college and this would give me the chance to do so. I also would like to serve the community in which I live in and give back to it all the many lessons and memorys that it has given me. STAFF COMMENTS: Originally Applied (03/10/12) for Human Relations Commission. ADDRESS VERIFICATION: Stephanie Lane is Orange County Jurisdiction, Efland Fire Tax, and Cheeks Township.

This application was current on: 3/10/2012 1:20:04 AM **Date Printed:** 8/14/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Dr. Li-Chen Chin
Name Called:
Home Address: 2212 Becketts Ridge Drive
Hillsborough NC 27278
Phone: (Day) 919-684-5480
Phone: (Evening)
Fax:
Email: hsiaofufu@hotmail.com

Place of Employment: Duke University
Job Title: Director, Intercultural Programs
Year of OC Residence: 2011
Township of Residence: Hillsborough
Zone of Residence: Hillsborough Town Limits
Sex: Female
Ethnic Background: Asian American
Date of Birth: [redacted]

Boards/Commissions applied for:
Human Relations Commission

Work Experience:
Duke University, Durham, NC; Director of Intercultural Programs, 2011-present; Director, International House, 2008-2011 Bryn Mawr College, Bryn Mawr, PA; Associate Dean and Director of International Programs, 2006-2008; Assistant Dean and Director of International Programs, 2000-2006; Created an office that promotes, coordinates, and administers international activities throughout the institution; Co-facilitated Bryn Mawr-Haverford-Swarthmore Summer Institute for first-year students on multicultural identity and leadership; Increased the number of undergraduates studying abroad by 25% in four years; Developed programs in Monteverdi, Costa Rica, in Pisa, Italy, and in Nairobi, Kenya; Director of International Student Services1998-2000; Advised international population; coordinated the Bryn Mawr-Haverford-Swarthmore-University of Pennsylvania exchange program with the University of Nairobi, Kenya; Produced informational handouts and monthly electronic newsletters; Initiated an annual welcome reception for international students at ten area institutions. University of Pennsylvania, Philadelphia, PA
International Student and Scholar Advisor, Office of International Programs1996-1998; Established and co-facilitated a support group for international students and scholars; Created a handbook for international students and scholars

Volunteer Experience:

Hillsborough Elementary School, 2011-present; First Presbyterian Church, Durham, NC Assistant Junior Choir director, 2011-present Epworth United Methodist Church Orchestra, Durham, NC Clarinetist, 2010-present; Raleigh Chinese Language School, Raleigh, NC Assistant Academic Affairs, Fall 2011

Education:

PhD, University of Oregon, Eugene, 1996; MMus, University of Oregon, Eugene, 1991; BA, National Taiwan Normal University, Taipei, 1988

Other Comments:

I have been living in North Carolina since June 2008. Although I am a relative new comer to Hillsborough, I am impressed with the diversity within Orange County. I am an educator by training and passionate about social justice issues. I would like to volunteer my time to serve the community. STAFF COMMENTS: 04/27/2012 applied for Human Relations commission. ADDRESS VERIFICATION: 2212 Becketts Ridge Road is Hillsborough Township, Hillsborough Town Limits..

This application was current on: 4/27/2012 6:37:21 AM **Date Printed:** 8/14/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Ms. T. L. Crews
Name Called:
Home Address: 4921 Guess Rd
Rougmeont NC 27572
Phone: (Day) 919 732-6974
Phone: (Evening) 919 732-6974
Fax:
Email: crewsez@aol.com

Place of Employment: Retired Public School Adminstrator
Job Title: Senior Director Programs for Exceptional Children
Year of OC Residence: 1996
Township of Residence: Little River
Zone of Residence: -
Sex: Female
Ethnic Background: African American
Date of Birth:

Boards/Commissions applied for:

Human Relations Commission

Nursing Home Community Advisory Committee

Work Experience:

Currently serving as Executive Director for the Little River Community Complex
Durham Public Schools worked in adminstrative leadership in the Exceptional Children's Program. Retired in 2005 as Director of the system's Exceptional Children's Program; at the request of the superintendent I returned to provide training and assistance to the new Director when appointed.

Volunteer Experience:

Worked with children in placement through Durham Social Services and court system. I reviewed files and collected relevant data for attorneys to use in court custody and placement hearings

Tutored young adults and children

Volunteered in a university sponsored child development center

Currently Executive Director of Little River Community Complex

Education:

M.ED in Special Education
BA in history with minor in education

Hold Principal Certification
State Licensed in areas of LD/BED/DD

Other Comments:

I have spent most of my life working to better provide assistance to infants, children, young adults, those at risk, and senior citizens. As a result of spending days and nights in several nursing homes sitting with elderly parents and relatives, I've gained a deeper understanding and compassion for elderly residents and workers in nursing facilities. STAFF COMMENTS: 08/23/2011 Applied to serve on Human Relations Commission, Adult Care Home Community Advisory Committee, and Nursing Home Community Advisory Committee. ADDRESS VERIFICATION: 4921 Guess Road is in Little River Township, Orange County Jurisdiction.

This application was current on: 8/21/2011 11:48:53 AM **Date Printed:** 8/14/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Mrs Susie Enoch
Name Called:
Home Address: 4002 McGowan Creek Road
Efland NC 27243
Phone: (Day) 336-260-7694
Phone: (Evening) 336-260-7694
Fax:
Email: enochts@aol.com
Place of Employment: unemployed at this time
Job Title:
Year of OC Residence:
Township of Residence: Cheeks
Zone of Residence: Does not apply
Sex: Female
Ethnic Background: Other
Date of Birth:

Boards/Commissions applied for:

Work Experience:

WrightCare Alternatives Services, Hillsborough, NC [Mar 2008 â€“ May 2011]
Human Resource Director
Served in a pivotal role as a member of the senior leadership team, while providing organizational leadership for the alignment of WCASâ€™s workforce with the mission and vision. Worked closely with the Program Director and key clinical team to develop and implement HR strategies, functions and systems to facilitate the achievement of WCASâ€™s strategic directions and initiatives. Served as the staff advisor and liaison within various Committees of WCAS Board of Directors, as needed.
âˆ’Promoted and facilitated the mission and vision of the organization. Maintained the staff needed for client care.
âˆ’Created, directed, and implemented development strategies to solidify and expand the organization's employee and employer relationship.
âˆ’Developed a sound HR dept which allowed for effective delivery of excellent services while achieving the financial goals set for the organization.
âˆ’Oversaw all operations including hiring and supervising of staff, training, and developing and implementing organizational policies and procedures.

Qualified Professional
âˆ’Served as Qualified Professional responsible for providing an array of case coordination and mental health services for MH/DD/SA clients.
âˆ’Determined the extent of each individualâ€™s mental health or crisis situations as well as the appropriate measures to be taken in each case.

âˆ’Upheld agency goals to meet the educational, vocational, residential, mental health treatment, financial, social and other non-treatment needs of the recipient.
âˆ’Managed the arrangement, and linkage or integration of multiple services as needed as it related to programs and other outside agencies.
âˆ’Assessed and reassessed recipientâ€™s needs for case management services; informed the recipient about benefits, community resources, and services.

Duke University Medical Center (Pastoral Services), Durham, NC [May 2010 â€“ May 2011]
Chaplain Resident
âˆ’Provided interfaith pastoral/spiritual care to patients, families, and staff in crisis situations.
âˆ’Evaluated emotional, social, spiritual and religious factors to determine the capacity to cope with illness and death through completed spiritual assessments outlining problems, goals and interventions.
âˆ’Served as a liaison with community pastoral care services, clergy and faith communities.
âˆ’Successfully educated patients, families, and staff, as well as participated in ethics consults.
âˆ’Developed sacerdotal functions, religious rituals, and services upon personal request of patients or their family members according to their, beliefs, and religious orientations; personally or in conjunction with community spiritual leaders.

Durham Technical Community College, Durham, NC [2004 â€“ 2005]
Continuing Education Instructor
âˆ’Taught classes in basic money marketing skills, customer service, healthcare, and teaching careers for c.e.uâ€™s certification, and associate/bachelor level degrees.
âˆ’Lead Job Fairs and provided classroom instruction in job assistance training [in both group/individual] settings. Successfully educted clients in job preparation through counseling, mock interviews and resume critique.

Bank of America (formerly NationsBank), Burlington, NC & Greensboro, NC [1998 â€“ 2000]
Assistant Branch Manager/ Consumer Banker
âˆ’Played a key role in developing sales programs that helped meet company goals.
âˆ’Maintained direct oversight of branch cash flow; resolved escalated issues and reported to management.
âˆ’Conducted monthly and quarterly branch audits, including security system tests.
âˆ’Open and closed the branch daily; supervised a staff of 12.

Great American Knitting Mills (Gold Toe), Burlington, NC [1995 â€“ 1998]
Credit/Account Analyst
âˆ’Worked with a team of three analyst/collectors. Ensured that staff members complied with FDCPA guidelines.
âˆ’Conducted some training and team development sessions.
âˆ’Recovered $750,000 in charged off collateral.

âˆ’Implemented a new goal oriented business plan detailing objectives, costs and accomplishments.
âˆ’Reduced delinquencies 20%

Volunteer Experience:

New Covenant UHC (Burlington, NC)- Clothes Giveway Program

Education:

Duke Univeristy Medical Center-Pastoral Services, Durham, NC â€“C.P.E. Residency, 3 Units- May 2011
Duke Univeristy Medical Center-Pastoral Services, Durham, NC â€“C.P.E. Internship, 1 Units- May 08-Aug 08
Duke University Duke Divinity School, Durham, NC â€” Master of Divinity, GPA: 2.89 - May 2009
Shaw University, Raleigh, NC â€” BA Religion/Philosophy; Summa Cum Laude, GPA:3.89 - Dec-2004

Other Comments:

Grant Writer

This application was current on: 5/15/2012 12:20:35 AM **Date Printed:** 8/14/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Dr. Robert Ireland
Name Called:
Home Address: 721 Mary E. Cook Rd.
Hillsborough NC 27278
Phone: (Day) 732-7538
Phone: (Evening) 732-7538
Fax:
Email: ireland.bob@gmail.com

Place of Employment: Retired
Job Title:
Year of OC Residence: 1986
Township of Residence: Eno
Zone of Residence: Does not apply
Sex: Male
Ethnic Background: Caucasian
Date of Birth: [redacted]

Boards/Commissions applied for:

Durham Technical Community College Board of Di

Human Relations Commission

Work Experience:

In 2007, I retired from Wake Technical Community College as Vice-president for student services; prior to that I taught at Elon College and N.C. A&T State University. I hold a Ph.D. in Social and Intellectual History and have been a teacher, author (two books) and editor of history. Most recently, I have edited 6 volumes of the Hillsborough Historical Society Journal, and I have been involved in numerous Orange County historical activities. I believe that my background as a grants writer, author, and teacher of local and North Carolina history will be of assistance to a cause that is very important to me.

Volunteer Experience:

I have been active as a volunteer at my church (Archives Committee at St. Matthews Episcopal Church), as a member of Friends of the Orange County Library, and I have served as former President of the Hillsborough Historical Society and the North Carolina Association of Historians. I have also been a volunteer for Habitat for Humanity and the Heart Walk of Wake County. I was also a candidate for the Orange County School Board.

Education:

I received my master's degree at the University of Wyoming as a William Robertson Coe Fellow in American Studies, and my doctorate in 1972 from the University of Maine. I have attended numerous conferences and presentations regarding local, state and

national historic topics. I have also had extensive experience in researching local history and genealogy. (I am a member of Durham-Orange Genealogy Society).

Other Comments:

A few years ago, I also volunteered to help with a National Study of Orange County as part of an examination of the Backcountry in the Revolution. During this activity, I had an opportunity to work with a number of experts on all aspects of life in the late 18th century in Orange County. In addition, as President of the Historical Society, I oversaw the purchase and proper instalation of a suitably old English bell in the old County Courthouse. Both of these experiences helped me to appreciate the purpose and practice of public history. STAFF COMMENTS: Originally (10/28/2011) applied for Historic Preservation Commission, Durham Technical Community College Board of Directors, and Human Relations Commission. ADDRESS VERIFICATION: 721 Mary Cook Road is Eno Township.

This application was current on: 10/27/2011 4:08:21 PM **Date Printed:** 8/14/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Mr Joseph A. Marro
Name Called:	
Home Address:	101 Kelly Court Chapel Hill NC 27516
Phone: (Day)	919-240-7880
Phone: (Evening)	same
Fax:	na
Email:	jamarro@nc.rr.com
Place of Employment:	retired
Job Title:	federal probation officer
Year of OC Residence:	2010
Township of Residence:	Chapel Hill
Zone of Residence:	-
Sex:	Male
Ethnic Background:	Caucasian
Date of Birth:	[redacted]

Boards/Commissions applied for:

Jury Commission

Board of Social Services

Human Relations Commission

Work Experience:

Work has always been with people. (1) 3 years as a state parole officer, then 23 years as a federal parole officer. I frequently did investigations and reported back to the judicial branches, the military and US Bureau of Prisons. (2) When retired from government, became Director of purchasing at Christian Schmidt Brewery in Philadelphia until it was sold, 12 years.

Volunteer Experience:

3 years hospital volunteer in Pennsylvania hospital; Front desk person, Hillsborough Senior Center, UNC Cancer Hospital, Infusion Clinic, Orange County Arts Commission.

Education:

BA double major in sociology and psychology with some graduate work in group dynamics; BA temple University, Psychology Major, Sociology Minor.

Other Comments:

I have had an interest in the arts all my life and have experienced first hand the impact that art can have on a person. As a newcomer to Orange County, I am interested in being of value to the community in whatever capacity I can. As for art, I'm told I have an innate ability to draw details and enjoy working with pen and ink and stained glass.

STAFF COMMENTS: 11/8/2010 applied for Arts Commission. ADDRESS VERIFICATION: 101 Kelly Court is in Chapel Hill Township and Carrboro Jurisdiction.STAFF COMMENTS: 08/14/2011, (Just interested in serving my community) UPDATED APPLICATION TO INCLUDE Jury Commission, Board of Social Services and Human Relations Commission.

This application was current on: 8/14/2011 **Date Printed:** 8/14/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Mr. Gerald Ponder
Name Called:	
Home Address:	2 Winnawa Walk Hillsborough NC 27278
Phone: (Day)	919.732.8576
Phone: (Evening)	919.732.8576
Fax:	
Email:	Gaponder@gmail.com
Place of Employment:	Retired (7/1/12) from NCSU
Job Title:	Associate Dean, College of Education
Year of OC Residence:	2005
Township of Residence:	Hillsborough
Zone of Residence:	Hillsborough ETJ
Sex:	Male
Ethnic Background:	Caucasian
Date of Birth:	

Boards/Commissions applied for:

Human Relations Commission

Hillsborough Planning Board

Durham Technical Community College Board of Di

Work Experience:

42 years in K-12 and higher education, including HS teacher, university faculty member, and administrator (most recently dept. head at UNCG and Associate Dean at NC State).

Volunteer Experience:

6 years (two terms) on school board in Denton, TX, Kiwanis, community foundation (Greensboro), Early College planning committee (Wake County) church finance and other committees

Education:

BA, MA, University of Arkansas
PhD, University of Texas at Austin

Other Comments:

I have recently retired and hope to use knowledge, skills, and experience in purposeful community service. I also am disabled (mobility) from MS and would like to contribute in areas of accessibility and disability rights and support. Human Relations Council, especially, seems most aligned with my interests. STAFF COMMENTS: Originally applied for Human Relations Commission, Hillsborough Planning Board, and Durham Technical Community College Board of Directors 08/08/2012. ADDRESS

VERIFICATION: 2 Winnawa Walk is Hillsboough Jurisdiction, Hillsborough Township, and Hillsborough ETJ.

This application was current on: 8/8/2012 10:22:50 AM **Date Printed:** 8/14/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Mr. Matthew Prentice
Name Called:
Home Address: 180 BPW Club Rd, L10
Carrboro NC 27510
Phone: (Day) 919-548-4146
Phone: (Evening)
Fax:
Email: infjspirit@hotmail.com

Place of Employment: N/A
Job Title: Social Worker
Year of OC Residence: 2008
Township of Residence: Chapel Hill
Zone of Residence: Does not apply
Sex: Male
Ethnic Background: Caucasian
Date of Birth: [redacted]

Boards/Commissions applied for:

Human Relations Commission

Animal Services Advisory Board

Board of Social Services

Work Experience:

RESPITE COUNSELOR, Easter Seals UCP NC, April 2009-December 2011. Assisted individuals with daily activities, personal care, behavioral health needs and leisure activities. Established rapport with guests with intellectual disabilities and challenging behaviors. Monitored individuals for any mental health or behavioral symptoms and provided crisis prevention, intervention and de-escalation supports. Participated in development and implementation of persons cross system crisis prevention plan. Planed, structured and prompted social and leisure time activities, including activities that build skills for behavior management, stress management, communication, adaptive living and daily living. Maintained timely documentation, progress notes and other data including incident reports. Responded to safety needs including reporting significant changes in behavior and health. Performed housekeeping duties and meal preparation. Assisted with discharge planning. Participated in multi-disciplinary team meetings. Provided education regarding medications and diagnoses.
SOCIAL WORK INTERN, Easter Seals UCP NC, June 2008-April 2009. Evaluated the quality of mental health service programs (ACT, MST, Intensive In-home, and IDDT) provided by Easter Seals UCP NC for eastern and central North Carolina. SOCIAL WORK INTERN, Mountain Youth Academy, Mountain City, TN, January 2008-April 2008. Participated in assessments, therapeutic interventions and recreational program

development for children ages 7-17. who exhibited behavioral and psychological challenges. Co-facilitated Life Skills education classes. Developed and managed a Student Council program.
Created and published weekly student-driven newspaper. OVERNIGHT ASSISTANT, Hospitality House, Boone, NC, September 2006-January 2008. Provided group and individual counseling services, as well as, referrals for homeless individuals and families. Monitored safety and well-being of guests. Developed and implemented daily programming as well as preparations for transitional living.

Volunteer Experience:

Delegate to the Delegate Assembly of the National Association of Social Workers (NASW), 2009-2011; Social Capital Committee, Easter Seals UCP NC, Winter 2008; Committee member, NASW-NC Fall Conference Planning Committee, August 2008-May 2009. Committee member, NASW-NC Legislative Committee, August 2008- May 2009. Committee member, NASW-NC Membership Committee, August 2008- May 2009. Committee member, NASW-NC Recognition and Awards Committee, August 2008- May 2009. Committee member, NASW-NC Toby Brown Committee, August 2008- May 2009. Graduate Student Representative, NASW-NC Board of Directors, July 2008-May 2009. Director of Student Council at Mountain Youth Academy, Spring 2008. Counseling developmentally disabled and cognitively impaired children ages 7-17, Spring 2008. Co-chair of Housing and Homeless Council sponsored by NASW-NC, Spring 2008. National Association of Social Workers Fall Conference, November 2006, November 2007. Keystone Senior Leadership Seminar, Fall 2007. Member, North Carolina Housing Coalition, February 2007-February 2009. Advocacy for Housing in NC, Spring 2007. National Association of Social Workers Legislative Advocacy Day, March 2007. Food Delivery, Samaritan Christian Ministries, Spring 2007. National Association of Social Workers, Student Planning Committee, December 2006-Present. National Association of Social Workers, December 2006-Present. Student Association of Social Workers, Fall 2006-Present. NC-ACTS!, Fall 2006-Spring 2007, Spring 2008. Hurricane Katrina Relief Volunteer, Nazarene Church, 2005. Leukemia and Lymphoma Society of America, Volunteer and Team in Training member, 2005. Multiple Sclerosis Association, Volunteer, 2003-2004. NAACP, Member, 2003-2004. Sergeant of Arms, Kitrell Job Corps Center, 2003-2004. Residential Dorm Officer, Kitrell Job Corps Center, 2003-2004

Education:

UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL, Chapel Hill, NC May 2008-May 2009. Masters of Social Work degree (Advanced Standing). Management and Community Practice tract, Health and Mental Health with Children and Families concentration. APPALACHIAN STATE UNIVERSITY, Boone, NC May 2006-May 2008. Bachelor of Social Work, Minors in Psychology and Sociology. Social Work GPA: 3.87. Overall GPA: 3.41. TREVECCA NAZARENE UNIVERSITY, Nashville, TN August 2005-May 2006. Overall GPA: 3.75. VANCE-GRANVILLE COMMUNITY COLLEGE, Henderson, NC May 2004-May 2005
Overall GPA: 3.78. KITTRELL JOB CORPS CENTER, Kittrell, NC January 2004-May 2004. Culinary Arts Certification from US Department of Education.

Other Comments:

HONORS AND AWARDS- SOCIAL JUSTICE ANNUAL SCHOLARSHIP Spring 2008. CHANCELLORS LIST Fall 2007; DEANS LIST Spring 2007; Fall 2007SISTER BARBARA SULLIVAN AWARD- May 2007, North Carolina Housing Coalition for advocacy work related to the NC Housing Trust Fund NATIONAL DEANS LISTMay 2004-Present. PHI THETA KAPPA 2005-Present . TRAININGS ; Client/Patient Rights training, October 2011, Therapeutic Boundaries training, October 2011Cultural Diversity, October 2011, Confidentiality and HIPPA training, October 2011Blood-borne Pathogens training, November 2010, 2011NC CAP Competencies (2008) training, October 2009 Self Care Skills training, July 2009 NC Interventions certification (Prevention, Core and Core +), June 2009, 2010, 2011Sexual Harassment safety course, May 2009 Driving Safety training, May 2009 Workplace Blood-borne Pathogens, OSHA, May 2009, 2010, 2011 Medication Administration training, May 2009, 2010, 2011 Genetic Syndromes in Developmental Disabilities certification, April 2009 Positive Behavioral Support and functional Assessment certification, April 2009 Understanding Autism Spectrum Disorder: Support Strategies certification, April 2009 CPR and First Aid certification, American Red Cross, April 2009, 2011Community organizing for a Change: Applying Community Practice Models, Strategies and Skills to Agency Competency, continuing education, January 2009. Assessment Workshop on Personal Outcome Measures, The Council on Quality and Leadership, Fall 2008 Person Centered Planning and Assessment For Qualified Professionals, NC Training Help, PLLC, Fall 2008 Collaborative Institutional Training Initiative Ethics training, completed June 2008 Crisis Prevention Institute, Nonviolent Crisis Intervention Training, completed January 2008 SKILLS Proficiency in Microsoft Office Basic proficiency in Spanish. STAFF COMMENTS: Originally applied for Human Relations Commission, Animal Services Advisory Board and Board of Social Services 1/4/2012. ADDRESS VERIFICATION: BPW Club Rd., L!0 is Carrboro Jurisdiction, Carrboro City Tax, Chapel Hill Township.

This application was current on: 1/4/2012 1:22:18 PM **Date Printed:** 8/14/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Ms. Tiki Windley
Name Called:
Home Address: 119 Cynthia Drive
Chapel Hill NC 27514
Phone: (Day) 919-969-8583
Phone: (Evening) 919-942-4392
Fax:
Email: tiki_windley@yahoo.com

Place of Employment: MDC, inc.
Job Title: Program Manager
Year of OC Residence: 2007
Township of Residence: Chapel Hill
Zone of Residence: . . .
Sex: Female
Ethnic Background: African American
Date of Birth: [redacted]

Boards/Commissions applied for:

Board of Social Services

Nursing Home Community Advisory Committee

Adult Care Home Community Advisory Committee

Human Relations Commission

Work Experience:

MDC, Inc. 2006 to Present Program Manager whose duties include meeting facilitation, training, free tax preparation, asset-building and making presentations. Prior experience includes teaching financial literacy to high school students and their families, housing counseling, working with ex-offenders and community engagement and organization. Current experience includes meeting facilitation, training, oral presentations, community engagement and organization.

Prior experience includes teaching financial literacy to high school students, asset education, free tax preparation an housing counseling.

Volunteer Experience:

Meeting facilitation, event planning, volunteer supervision Site coordinator for free tax preparation site
Escort for Project Homeless Connect (Orange County)
Smith Middle School School Improvement Team
Triangle United Way Orange Accountability Committee
Triangle United Way Regional Initiative Task Force

NC Indian Economic Development Initiative Project G-7
Steering Committee
Assets Educator: Community Success Initiative
NC Second Chance Alliance Escort, Project Homeless Connect (Orange County) 2009
Chairman, Guest Outreach, Project Homeless Connect, 2010
Triangle United Way Orange Accountability Committee
Triangle United Way Regional Task Force Initiative
Assets educator, Community Success Initiative
Project G-7 Steering Committee, NC Indian Economic Development
NC Second Chance Alliance
NC Assets Alliance Escort, Project Homeless Connect (Orange County) 2009
Chairman, Guest Outreach, Project Homeless Connect, 2010
Triangle United Way Orange Accountability Committee
Triangle United Way Regional Task Force Initiative
Assets educator, Community Success Initiative
Project G-7 Steering Committee, NC Indian Economic Development
NC Second Chance Alliance
NC Assets Alliance

Escort, Project Homeless Connect (Orange County) 2009
Chairman, Guest Outreach, Project Homeless Connect, 2010
Triangle United Way Orange Accountability Committee
Triangle United Way Regional Task Force Initiative
Assets educator, Community Success Initiative
Project G-7 Steering Committee, NC Indian Economic Development
NC Second Chance Alliance
NC Assets Alliance

Education:

Bachelor of Science, Elizabeth City State University 1997
Master of Public Administration, NC Central University, 2010
Elizabeth City State University, 1997

Master in Public Administration
NC Central University, December 2010

Other Comments:

I would like to provide a voice for those citizens who feel they are unheard in our community. STAFF COMMENTS: Originally applied for Commission for Women, Board of Social Services & Adult Care Home Community Advisory Committee 10/6/09. Applied for Human Relations Commission, Board of Social Services, & Nursing Home Community Advisory Committee 05/27/2010. ADDRESS VERIFICATION: 119 Cynthia Drive, Chapel Hill is Chapel Hill township, CH jurisdiction.

This application was current on: 5/27/2010 **Date Printed:** 8/14/2012

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: August 21, 2012

Action Agenda Item No. 11-b

SUBJECT: Orange County Planning Board—Appointment

DEPARTMENT: Board of Commissioners

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S): Under Separate Cover
Membership Roster
Resignation Letter
Applicant Interest List
Applications of Persons on Interest List

INFORMATION CONTACT:
Clerk's Office, 245-2130

PURPOSE: To consider making an appointment to the Orange County Planning Board.

BACKGROUND: The following appointment is for Board consideration:

- Appointment to a first partial term for At-Large Representation.

Position Number	Special Representation	Expiration Date
10	At-Large	3/31/2013

FINANCIAL IMPACT: None.

RECOMMENDATION(S): The Board will consider making an appointment to the Orange County Planning Board.

Board and Commission Members

And Vacant Positions

Orange County Planning Board

Meeting Times: 7:00 p.m. first Wednesday of each month
Terms: 2
Contact Person: Tina Love
Meeting Place: West Campus Office Bldg.
Positions: 12
Length: 3 years
Contact Phone: 919-245-2575

Description: All members are appointed by the Board of Commissioners. This board studies Orange County and surrounding areas to determine objectives in the development of the County. It prepares and recommends plans to achieve that development, including the suggesting of policies, ordinances, and procedures. It reviews development applications and makes recommendations to the Board of Commissioners. It holds quarterly public hearings with the Board of Commissioners.

1 **Mr. Alan Campbell**
501 Lost Way
Hurdle Mills NC 27541

Day Phone: 919 451-5441
Evening Phone: 919 732-4292
FAX:
E-mail: alan@jalancampbelllaw.com

Sex: Male
Race: Caucasian
Township: Cedar Grove
Resid/Spec Req: Cedar Grove Twnsp
Special Repr: Cedar Grove Township

First Appointed: 11/16/2010
Current Appointment: 11/16/2010
Expiration: 03/31/2013
Number of Terms: 1

2 **Mr H. T. "Buddy" Hartley**
3010 Little River Church Road
Hurdle Mills NC 27541

Day Phone: 919-357-2081
Evening Phone: 919-732-7210
FAX:
E-mail: Hartley_2004@yahoo.com

Sex: Male
Race: Caucasian
Township: Little River
Resid/Spec Req: Little River Twnsp
Special Repr: Little River Twnsp

First Appointed: 03/03/2011
Current Appointment: 03/22/2012
Expiration: 03/31/2015
Number of Terms: 1

3 **Mr Peter Hallenbeck**
801 Brookhollow Rd
Efland NC 27243

Day Phone: 919 732 6551
Evening Phone: 919 732 6551
FAX:
E-mail: pete@eflandfd.org

Sex: Male
Race: Caucasian
Township: Cheeks
Resid/Spec Req: Cheeks Twnsp
Special Repr: Cheeks Twnsp

First Appointed: 03/24/2009
Current Appointment: 03/22/2012
Expiration: 03/31/2015
Number of Terms: 2

4 **Mr Tony Blake**
1411 White Cross Road
Chapel Hill NC 27516

Day Phone: 919.932.1495
Evening Phone: 919.932.1495
FAX:
E-mail: tony.blake@whitecrossfire.com

Sex: Male
Race: Caucasian
Township: Bingham
Resid/Spec Req: Bingham Twnsp
Special Repr: Bingham Twnsp

First Appointed: 03/22/2012
Current Appointment: 03/22/2012
Expiration: 03/31/2015
Number of Terms: 2

5 **Ms. Rachel Phelps Hawkins**
105 Woodlawrn
Hillsborough NC 27278

Day Phone: 919-644-3402
Evening Phone: 919-732-9820
FAX: 919-644-1030
E-mail: rachel.hawkins@pemc.org

Sex: Female
Race: Caucasian
Township: Hillsborough
Resid/Spec Req: Hillsborough Twnsp
Special Repr: Hillsborough Twnsp

First Appointed: 10/28/2008
Current Appointment: 03/15/2011
Expiration: 03/31/2014
Number of Terms: 2

Board and Commission Members

And Vacant Positions

Orange County Planning Board

Meeting Times: 7:00 p.m. first Wednesday of each month
Terms: 2
Contact Person: Tina Love
Meeting Place: West Campus Office Bldg.
Positions: 12
Length: 3 years
Contact Phone: 919-245-2575

Description: All members are appointed by the Board of Commissioners. This board studies Orange County and surrounding areas to determine objectives in the development of the County. It prepares and recommends plans to achieve that development, including the suggesting of policies, ordinances, and procedures. It reviews development applications and makes recommendations to the Board of Commissioners. It holds quarterly public hearings with the Board of Commissioners.

6 Dr. Dawn Brezina
2601 Red Hill Lane
Hillsborough NC 27278

Day Phone: 252-315-4650
Evening Phone: 919-732-9030
FAX:
E-mail: dawnbrezina@gmail.com

Sex: Female
Race: Caucasian
Township: Eno
Resid/Spec Req: Eno Twnsp
Special Repr: Eno Twnsp

First Appointed: 06/19/2012
Current Appointment: 06/19/2012
Expiration: 03/31/2013
Number of Terms:

7 Ms. Andrea Rohrbacher
100 Turnberry Lane
Chapel Hill NC 27517

Day Phone: 919-668-1863
Evening Phone: 919-967-4213
FAX:
E-mail: arohrbacher@earthlink.net

Sex: Female
Race: Caucasian
Township: Chapel Hill
Resid/Spec Req: At-Large
Special Repr: At-Large

First Appointed: 11/16/2010
Current Appointment: 03/22/2012
Expiration: 03/31/2015
Number of Terms: 1

8 Dr. Larry Wright
Vice-Chair
7020 Caviness Jordan Rd.
Cedar Grove NC 27231

Day Phone: 919-732-7362
Evening Phone: 919-732-7362
FAX:
E-mail: wrightl7020@yahoo.com

Sex: Male
Race: Caucasian
Township: Cedar Grove
Resid/Spec Req: At-Large
Special Repr: At-Large

First Appointed: 03/06/2008
Current Appointment: 06/01/2010
Expiration: 03/31/2013
Number of Terms: 2

9 Mr. Johnny Randall
1301 Arboretum Drive
Chapel Hill NC 27517

Day Phone: 919-962-0522
Evening Phone: 919-968-8453
FAX: 919-962-3531
E-mail: jrandall@unc.edu

Sex: Male
Race: Caucasian
Township: Chapel Hill
Resid/Spec Req: At Large
Special Repr: At-Large

First Appointed: 06/07/2011
Current Appointment: 06/07/2011
Expiration: 03/31/2014
Number of Terms: 1

10 VACANT

Day Phone:
Evening Phone:
FAX:
E-mail:

Sex:
Race:
Township:
Resid/Spec Req: At-Large
Special Repr: At-Large

First Appointed:
Current Appointment:
Expiration: 03/31/2013
Number of Terms:

Board and Commission Members

And Vacant Positions

Orange County Planning Board

Meeting Times: 7:00 p.m. first Wednesday of each month
Terms: 2
Contact Person: Tina Love

Meeting Place: West Campus Office Bldg.
Positions: 12
Length: 3 years
Contact Phone: 919-245-2575

Description: All members are appointed by the Board of Commissioners. This board studies Orange County and surrounding areas to determine objectives in the development of the County. It prepares and recommends plans to achieve that development, including the suggesting of policies, ordinances, and procedures. It reviews development applications and makes recommendations to the Board of Commissioners. It holds quarterly public hearings with the Board of Commissioners.

11

Ms. Lisa Stuckey

115 Virginia Drive
Chapel Hill NC 27514

Day Phone: 919-942-8373
Evening Phone: 919-942-8373
FAX: 919-929-3671
E-mail: bstuckey@nc.rr.com

Sex: Female
Race: Caucasian
Township: Chapel Hill
Resid/Spec Req: Chapel Hill Twnsp
Special Repr: Chapel Hill Twnsp

First Appointed: 03/15/2011
Current Appointment: 03/15/2011
Expiration: 03/31/2014
Number of Terms: 1

12

Ms. Maxecine Mitchell

2416 Gemena Road
Chapel Hill NC 27516

Day Phone: 357-3455
Evening Phone: 967-0646
FAX:
E-mail: max_02@msn.com

Sex: Female
Race: African American
Township: Bingham
Resid/Spec Req: At-Large
Special Repr: At-Large

First Appointed: 03/15/2011
Current Appointment: 03/15/2011
Expiration: 03/31/2014
Number of Terms: 1

Jeanette Jones

From: Donna Baker
Sent: Thursday, August 02, 2012 11:47 AM
To: Frank Clifton; Barry Jacobs; Bernadette Pelissier; Earl McKee; gordon.alice@gmail.com; Pam Hemminger (External); Steve Yuhasz; Valerie Foushee
Cc: Jeanette Jones
Subject: FW: Formal resignation from Planning Board

FYI - see below.

Donna S. Baker
Clerk to the Board
Orange County Board of Commissioners
P.O. Box 8181
Hillsborough, NC 27278
dbaker@orangecountync.gov
Phone: (919) 245-2130
Fax: (919) 644-0246
Cell: (919) 428-3212

-----Original Message-----
From: Mark Marcoplos [mailto:marcoplos@bellsouth.net]
Sent: Thursday, August 02, 2012 11:38 AM
To: Donna Baker; WRIGHT7020@GMAIL.COM
Cc: Perdita Holtz
Subject: Formal resignation from Planning Board

To Whom It May Concern,

I resigned from the Planning Board effective upon the adjournment of the August 1, 2012 meeting.

Mark Marcoplos

Applicant Interest Listing

by Board Name and by Applicant Name

Orange County Planning Board

Contact Person: Tina Love
Contact Phone: 919-245-2575

Mr. Mark Anderson

2310 Stagecoach Dr.
Hillsborough NC 27278

Day Phone: 9194236081
Evening Phone: 9194236081
FAX:
E-mail: mark.g.anderson@us.pwc.com

Sex: Male
Race: Caucasian
Township: Eno
Date Applied: 02/13/2012

Skills: Web Site Advisor
Also Serves On:

Mr. Adam Beeman

1027 Three Pond Dr
Cedar Grove NC 27231

Day Phone: 508-864-8488
Evening Phone:
FAX:
E-mail: abeeman4784@yahoo.com

Sex: Male
Race: Caucasian
Township: Cedar Grove
Date Applied: 02/15/2012

Skills: Electronic Technician - Senior
Also Serves On:

Mr David Belt

1126 Lakeview Dr.
Cedar Grove NC 27231

Day Phone: 919-644-6505
Evening Phone: 919-644-6505
FAX:
E-mail: na4vy@msn.com

Sex: Male
Race: Caucasian
Township: Cedar Grove
Date Applied: 10/28/2010

Skills: Engineer
Also Serves On:

Mr. David Blankfard

1805 Cates Creek Parkway
Hillsborough NC 27278

Day Phone: 9198281876
Evening Phone: 9192414009
FAX:
E-mail: dblankfard@nc.rr.com

Sex: Male
Race: Caucasian
Township: Hillsborough
Date Applied: 04/13/2011

Skills:
Also Serves On: Orange County Board of Adjustment

CDR Alexander Castro Jr

5915 Morrow Mill Road
Chapel Hill NC 27516

Day Phone: 919-619-1510
Evening Phone: 919-929-6368
FAX:
E-mail: alexcastrojr@hotmail.com

Sex: Male
Race: Caucasian
Township: Bingham
Date Applied: 12/29/2009

Skills: Business Development
Skills: Marine Engineering
Skills: NAVY
Also Serves On: Advisory Board on Aging

Mr. Darrell Chandler

9925 NC Hwy. 57
Rougemont NC 27572

Day Phone: 919-698-9748
Evening Phone: 919-698-9748
FAX:
E-mail: darrellwchandler@aol.com

Sex: Male
Race: Caucasian
Township: Little River
Date Applied: 02/13/2012

Skills: Law Enforcement
Also Serves On:

Applicant Interest Listing

by Board Name and by Applicant Name

Orange County Planning Board

Contact Person: Tina Love
Contact Phone: 919-245-2575

Skills: Solid Waste Mgmt. Volunteer
Also Serves On:

Mr. Calvin Davis
7400 Mary Hall Rd.
Rougemont NC 27572

Day Phone: 919 812 0831
Evening Phone: 919 732 7542
FAX: 919 477 3466
E-mail: davis252@mc.duke.edu

Sex: Male
Race: Caucasian
Township: Little River
Date Applied: 03/24/2009

Skills:
Also Serves On:

Dr. Thomas Engelhardt
303 Lake Hogan Farm Road
Chapel Hill NC 27516

Day Phone: 919 923 2159
Evening Phone:
FAX:
E-mail: thomas@engelhardt.com

Sex: Male
Race: Caucasian
Township: Chapel Hill
Date Applied: 02/13/2012

Skills: Management
Also Serves On:

Mr. Jae Furman
536 Birdsong Lane
Hurdle Mills NC 27541

Day Phone: 919-684-1926
Evening Phone:
FAX:
E-mail: yoganature@gmail.com

Sex: Male
Race: Caucasian
Township: Cedar Grove
Date Applied: 02/14/2012

Skills: Analyst Programmer
Also Serves On:

Dr. Barry Katz
5801 Cascade Drive
Chapel Hill NC 27514

Day Phone: 919-383-5178
Evening Phone: 919-383-5178
FAX: 919-383-5023
E-mail: bakatz@nc.rr.com

Sex: Male
Race: Caucasian
Township: Chapel Hill
Date Applied: 02/13/2012

Skills: CPLUC Nominee
Also Serves On:
Skills: Forest Biology
Also Serves On:
Skills: Former Orange County Planning Board
Also Serves On:

Mr Scott King
103 Hawksbill Place
Chapel Hill NC 27514

Day Phone: 919-423-2111
Evening Phone:
FAX:
E-mail: sking55@hotmail.com

Sex: Male
Race: Caucasian
Township: Chapel Hill
Date Applied: 11/04/2010

Skills: Computing Consultant
Also Serves On:

Applicant Interest Listing

by Board Name and by Applicant Name

Orange County Planning Board

Contact Person: Tina Love
Contact Phone: 919-245-2575

Mr James Lea

3905 Mill Creek Road
Efland NC 27243

Day Phone: 919-563-3821
Evening Phone:
FAX:
E-mail: leascadservice@mebtel.net

Sex: Male
Race: African American
Township: Cedar Grove
Date Applied: 02/15/2012

Skills: Drafting Architectural Review Guidelin
Also Serves On:

Mr. Brendan Madigan

515 Hinton James Dr. Room 609A
Chapel Hill NC 27514

Day Phone: 4106158900
Evening Phone: 4106158900
FAX:
E-mail: brendanm@brendanmadigan.com

Sex: Male
Race: Caucasian
Township: Chapel Hill
Date Applied: 03/22/2012

Skills: Consultant
Also Serves On:

Skills: Student
Also Serves On:

Mr. Julian (Randy) Marshall Jr.

3826 Riders Trail
Hillsborough NC 27278

Day Phone: 919 929-5706
Evening Phone: 919 270-6411
FAX:
E-mail: pickardmountain@mindspring.com

Sex: Male
Race: Caucasian
Township: Bingham
Date Applied: 05/16/2012

Skills: Carrboro Board of Aldermen
Also Serves On: Orange Unified Transportation Board

Skills: Carrboro Parks & Rec. Commission

Skills: Community Service Volunteer

Skills: Principal - Elementary School

Skills: Teacher

Mr. Tom O'Dwyer

105 Boulder Lane
Chapel Hill NC 27514

Day Phone: 919-906-0581
Evening Phone: 919-942-7244
FAX:
E-mail: greenbuilder4us@aol.com

Sex: Male
Race: Caucasian
Township: Chapel Hill
Date Applied: 06/15/2012

Skills: Land Developer
Also Serves On: Commission for the Environment

Skills: Political Volunteer

Skills: Renewable resources advocate

Skills: Sustainable Living advocate

Mr. David Potter Sr.

2507 Red Hill Lane
Hillsborough NC 27278

Day Phone: 919-923-3464
Evening Phone: 919-644-1990
FAX: 919-644-1992
E-mail: davidp7144@mindspring.com

Sex: Male
Race: Caucasian
Township: Eno
Date Applied: 02/13/2012

Skills: Eno Township
Also Serves On:

Applicant Interest Listing

by Board Name and by Applicant Name

Orange County Planning Board

Contact Person: Tina Love
Contact Phone: 919-245-2575

Mr Peter Rourk

8111 Wilkerson rd
Cedar Grove NC 27231

Day Phone: 919 732 6079
Evening Phone: 919 732 6079
FAX: 800 538-4267
E-mail: peter.j.rourk@aexp.com

Sex: Male
Race: Caucasian
Township: Cedar Grove
Date Applied: 09/27/2010

Skills: Sales
Also Serves On:

Mr. Andrew Shannon Jr.

119 Old Larkspur Way
Chapel Hill NC 27516-3414

Day Phone: 919-931-1558
Evening Phone: 919-933-1796
FAX:
E-mail: andrewshannonjr@yahoo.com

Sex: Male
Race: Caucasian
Township: Chapel Hill
Date Applied: 08/08/2012

Skills: Consultant
Also Serves On:
Skills: Sales
Also Serves On:

Mr. David Squires

5718 West Ten Road
Mebane NC 27302

Day Phone: 919-280-6450
Evening Phone: 919-563-0363
FAX: 919-541-8265
E-mail: tsquires@sumitomoelectric.com

Sex: Male
Race: Caucasian
Township: Cheeks
Date Applied: 02/27/2012

Skills: Cheeks Township
Also Serves On:
Skills: Engineer
Also Serves On:
Skills: Financial Officer
Also Serves On:

Dr. Herman Staats

6702 Doc Corbett Road
Cedar Grove NC 27231

Day Phone: 919-684-8823
Evening Phone: 919-563-6228
FAX:
E-mail: herman.staats@duke.edu

Sex: Male
Race: Caucasian
Township: Cedar Grove
Date Applied: 02/13/2012

Skills: Professor
Also Serves On:

Mrs. Shelby Tyson

514 Rolling Meadow Drive
Mebane NC 27302

Day Phone: 919-681-4914
Evening Phone: 919-304-6544
FAX:
E-mail: shelby.tyson@duke.edu

Sex: Female
Race: Caucasian
Township: Cheeks
Date Applied: 02/13/2012

Skills: Community Service Volunteer
Also Serves On:
Skills: Girl Scout Leader
Also Serves On:
Skills: Paralegal
Also Serves On:
Skills: Schools Issues Advocate
Also Serves On:

Applicant Interest Listing

by Board Name and by Applicant Name

Orange County Planning Board

Contact Person: Tina Love
Contact Phone: 919-245-2575

Mr. Glenn Wallace CPA

1401 Cates Hickory Hill Lane
Hillsborough NC 27278

Day Phone: 919-929-2497
Evening Phone:
FAX: 919-929-8265
E-mail: glenn@forestlandgroup.com

Sex: Male
Race: Caucasian
Township: Chapel Hill
Date Applied: 02/29/2012

Skills:
Also Serves On:

Skills: CPA
Also Serves On:

Mr. Bryant Kelly Warren Jr.

109 Holt Street
Hillsborough NC 27278

Day Phone: 919-280-3611
Evening Phone: 919-732-1115
FAX:
E-mail: bkwarrenjr@gmail.com

Sex: Male
Race: Caucasian
Township: Hillsborough
Date Applied: 05/20/2011

Skills: (Former mmbr) Hillsb.Planning Bdppp.
Also Serves On: IP (Intergovernmental Parks) Work Group
Also Serves On: Orange County Parks and Recreation Council

Skills: Hillsborough Parks&Rec.Board
Also Serves On: IP (Intergovernmental Parks) Work Group
Also Serves On: Orange County Parks and Recreation Council

Skills: Transportation Issues
Also Serves On: IP (Intergovernmental Parks) Work Group
Also Serves On: Orange County Parks and Recreation Council

Mr. Brantley Wells

745 Mary E. Cook Rd
Hillsborough NC 27278

Day Phone: 336-599-3900
Evening Phone: 919-643-4010
FAX: 336-599-7226
E-mail: brantley.wells@summit-engineer.com

Sex: Male
Race: Caucasian
Township: Eno
Date Applied: 02/13/2012

Skills: Chamber of Commerce
Also Serves On:

Skills: Land Surveyor
Also Serves On:

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Mr. Mark Anderson
Name Called:
Home Address: 2310 Stagecoach Dr.
Hillsborough NC 27278
Phone: (Day) 9194236081
Phone: (Evening) 9194236081
Fax:
Email: mark.g.anderson@us.pwc.com

Place of Employment: PricewaterhouseCoopers LLP
Job Title: Manager
Year of OC Residence: 2006
Township of Residence: Eno
Zone of Residence: Does not apply
Sex: Male
Ethnic Background: Caucasian
Date of Birth: [redacted]

Boards/Commissions applied for:

Orange County Planning Board

Orange County Parks and Recreation Council

Hillsborough Planning Board

Work Experience:

I have over 18 years of experience dedicated to managing the design of web applications. I specializes in User Experience (UX) Design and have experience in functional and technical roles within the UX context. These include Usability, User Interface Design, Usability Evaluation, Usability Testing, Accessibility Evaluation and Information Architecture. I have performed multiple design and consulting roles during my career including Designer, Design Manager, Creative Director, Usability Engineer and Production Manager.

Volunteer Experience:

Architecture Review Board Chairman, Auburn Neighborhoods, Durham 2003-2006

Education:

Ohio State University Columbus OH, Graduate work in Geographic Information Systems design 1991-1993; Tongji University Shanghai, The People's Republic of China Grad Study Abroad Program Summer 1993; Purdue University West Lafayette IN Bachelor of Science (graduated with highest distinction) 1991; US Army 1984 - 1987, US Army Honorable Discharge 5/1987
St. Francis College Ft. Wayne IN Commercial Art and Design 1979-1981.

Other Comments:

STAFF COMMENTS: 05/02/2011 - Originally applied for Orange County Planning Board, Orange County Parks and Recreation Council, and Hillsborough Planning Board. UPDATED APPLICATION 02/13/2012 FOR OC PLANNING BOARD. ADDRESS VERIFICATION: 2310 Stagecoach Dr., Hillsborough is Orange County Jurisdiction and Eno Township.

This application was current on: 2/13/2012 **Date Printed:** 8/14/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Mr. Adam Beeman
Name Called:	
Home Address:	1027 Three Pond Dr Cedar Grove NC 27231
Phone: (Day)	508-864-8488
Phone: (Evening)	
Fax:	
Email:	abeeman4784@yahoo.com
Place of Employment:	King Bros. Electric
Job Title:	Electrician
Year of OC Residence:	2008
Township of Residence:	Cedar Grove
Zone of Residence:	-
Sex:	Male
Ethnic Background:	Caucasian
Date of Birth:	[redacted]

Boards/Commissions applied for:

Orange County Planning Board

Mebane Planning Board

Work Experience:

Electrician for past 4 years. In and out of carpentry for 10 years. Manufacturing tech for 5 years.

Volunteer Experience:

Hyaa t-ball.

Education:

Associates degree in electrical. HS Diploma.

Other Comments:

Currently in process of constructing a home here in Orange County. Having gone through the process I have knowledge of the problems affecting the residents. I would love to have the opportunity to share my views and solutions on the growth of the county. STAFF COMMENTS: Originally applied for Orange County Planning Board, Mebane Planning Board and Interlocal Agreement committee for the Hillsborough Area-Orange county Strategic Growth Plan Phase II 10/05/2010. UPDATED APPLICATION FOR OC PLANNING BOARD 02/15/2012. ADDRESS VERIFICATION: 1027 Three Pond Drive is in Cedar Grove Township and Orange County Jurisdiction.

This application was current on: 2/15/2012 **Date Printed:** 8/14/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Mr David Belt
Name Called:	
Home Address:	1126 Lakeview Dr. Cedar Grove NC 27231
Phone: (Day)	919-644-6505
Phone: (Evening)	919-644-6505
Fax:	
Email:	na4vy@msn.com
Place of Employment:	Retired from Underwriters Laboratories (33 years)
Job Title:	Principal Engineer
Year of OC Residence:	1996
Township of Residence:	Cedar Grove
Zone of Residence:	-
Sex:	Male
Ethnic Background:	Caucasian
Date of Birth:	[redacted]

Boards/Commissions applied for:

Orange County Planning Board

Work Experience:

Product safety engineer (electrical), codes and standards development (33 years). Retired in 2009.

Volunteer Experience:

Treasurer for Walkers Landing Property Association (13 years)on Lake Orange

Education:

BSEE University of Illinois, Registered Professional Engineer State of North Carolina

Other Comments:

Now that I am retired, I have the time for more volunteer work. I think that serving on the Orange County Planning Board would be interesting, broaden my knowledge of planning and devolopment issues and allow me to give back time and energy to the community.
STAFF COMMENTS: Originally applied 10/28/2010 for Orange County Planning Board.
ADDRESS VERIFICATION: 1126 Lakeview Drive is in Cedar Grove Township and Orange County Jurisdiction.

This application was current on: 10/28/2010 4:41:55 PM **Date Printed:** 8/14/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Mr. David Blankfard
Name Called:
Home Address: 1805 Cates Creek Parkway
Hillsborough NC 27278
Phone: (Day) 9198281876
Phone: (Evening) 9192414009
Fax:
Email: dblankfard@nc.rr.com
Place of Employment: Clark Nexsen
Job Title: Senior Structural Engineer
Year of OC Residence:
Township of Residence: Hillsborough
Zone of Residence: Does not apply
Sex: Male
Ethnic Background: Caucasian
Date of Birth: [redacted]

Boards/Commissions applied for:
Orange County Planning Board

Work Experience:
-Heery International, Atlanta, GA 1999-2001 Structural Engineer
-Stewart Engineering, Raleigh, NC 2001-2008 Structural Project Manager
-Clark Nexsen Architecture and Engineering, Raleigh, NC 2008 Senior Structural Engineer

Volunteer Experience:

Education:
1989 Chapel Hill High School
1993 BS in Civil Engineer from Tulane University

Other Comments:
Professional Engineer in Structural Engineering. LEED Accredited Professional. STAFF COMMENTS: Orginally applied for O.C. Planning Board, O.C. Board of Adjustment & Economic Development Commission 11/18/2008. Updated interes 4/13/2011. ADDRESS VERIFICATION: 1805 Cates Creek Parkway is Hillsborough Township, HIPL jurisdiction.

This application was current on: 4/13/2011 **Date Printed:** 8/14/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name: CDR Alexander Castro Jr
Name Called:
Home Address: 5915 Morrow Mill Road
Chapel Hill NC 27516
Phone: (Day) 919-619-1510
Phone: (Evening) 919-929-6368
Fax:
Email: alexcastrojr@hotmail.com

Place of Employment: Retired
Job Title:
Year of OC Residence: 1989
Township of Residence: Bingham
Zone of Residence: Agricultural Residential
Sex: Male
Ethnic Background: Caucasian
Date of Birth: [redacted]

Boards/Commissions applied for:

Orange Unified Transportation Board

Orange County Planning Board

Work Experience:

1- business development executive in field of intelligent transportation systems. Involved in testing and fielding of EZPASS electronic toll collection systems.
2- naval aviator and aircraft maintenance officer with specialization in anti-submarine warfare systems.
3- specialist in politico-military affairs and strategic planning

Volunteer Experience:

1- Member of OC Aging Advisory Board
2- Member of OC Habitat for Humanity Family Selection Cmte.
3- Past treasurer and current Board member of Preserve Rural Orange, Inc.
4- Prepective board member of Chapel Hill Meals on Wheels

Education:

BS Marine Engineering, US Naval Academy, Annapolis, MD
MA International Relations, The American University, Wash.DC
Graduate of the National War College, Washington, DC

Other Comments:

I have closely followed the development of a solution to the disposal of our solid waste upon the closing of the county landfill. As a resident of the rural section of Orange County I feel it is important to become involved in the process of resolving the problem of

solid waste disposal for all county residents. STAFF COMMENTS: Originally applied for Solid Waste Advisory Board, Advisory Board on Aging, Historic Preservation Commission 12/29/09. Applied for Orange Unified Transportation Board and Orange County Planning Board 06/20/2012. ADDRESS VERIFICATION: 5915 Morrow Mill Rd is Bingham township, OC jurisdiction.

This application was current on: 12/29/2009 4:48:18 PM **Date Printed:** 8/14/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Mr. Darrell Chandler
Name Called:
Home Address: 9925 NC Hwy. 57
Rougemont NC 27572
Phone: (Day) 919-698-9748
Phone: (Evening) 919-698-9748
Fax:
Email: darrellwchandler@aol.com

Place of Employment: Piedmont Community College
Job Title: Security Officer
Year of OC Residence: 2009
Township of Residence: Little River
Zone of Residence: Does not apply
Sex: Male
Ethnic Background: Caucasian
Date of Birth: [redacted]

Boards/Commissions applied for:
Orange County Planning Board

Work Experience:
I worked 23 yrs. with the same company building waste water treatment equipment. The mechines that we built help cleaned up streams, creeks, rivers,and lakes. I have completed Basic Law Enforcement Training (BLET) and I am currently a certified law enforcement officer with the State of NC.

Volunteer Experience:
Volunteered for Habitat for Humanity in Person County. I was a member of the Small Area Planning Committee for Orange County Speedway. Multiple Events at my place of Employment.

Education:
College Degree

Other Comments:
I live in Little River Township. I have built a home here and plan to live here the rest of my life. Its been a dream come true. I was born and raised in southern Person County and this entire area has been like home to me. I have 37 acreas at 9925 NC Hwy. 57 that I built my home on. I am very interested in the progress and growth that occurs around me. I am asking to be considered for a position on the Little River advisory board for the Orange County Commissioners. STAFF COMMENTS: Originally applied for Orange County Planning Board 1-3-2011. UPDATED APPLICATION FOR OC PLANNING BOARD 02/13/2012. ADDRESS VERIFICATION: 9925 NC Hwy. 57 is in Orange

County Jurisdiction, Little River Township.

This application was current on: 2/13/2012 **Date Printed:** 8/14/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Mr. Calvin Davis
Name Called:
Home Address: 7400 Mary Hall Rd.
Rougemont NC 27572
Phone: (Day) 919 812 0831
Phone: (Evening) 919 732 7542
Fax: 919 477 3466
Email: davis252@mc.duke.edu

Place of Employment: Duke Medical center
Job Title: Operations manager, division lab animals
Year of OC Residence: 1947
Township of Residence: Little River
Zone of Residence: . . .
Sex: Male
Ethnic Background: Caucasian
Date of Birth: [redacted]

Boards/Commissions applied for:
Orange County Planning Board

Work Experience:
Duke medical Center..... since 1994

Self employed, farming and sales 1984 .. 1994

Orange county ABC board

Orange county conservation district

Volunteer Experience:
Caldwell fire department. and first responders. (no longer active.)

Jr livestock show and sale

Orange high FFA alumni association

Education:
BS in extension education from N C State University

Graduated from Orange High School

Other Comments:

STAFF COMMENTS: Originally applied for Orange County Planning Board 3/24/2009.
ADDRESS VERIFICATION: 7400 Mary Hall Rd, Little River township, OC jurisdiction.

This application was current on: 3/24/2009 11:14:42 AM **Date Printed:** 8/14/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Dr. Thomas Engelhardt
Name Called:
Home Address: 303 Lake Hogan Farm Road
Chapel Hill NC 27516
Phone: (Day) 919 923 2159
Phone: (Evening)
Fax:
Email: thomas@engelhardt.com
Place of Employment:
Job Title:
Year of OC Residence: 2009
Township of Residence: Chapel Hill
Zone of Residence: Does not apply
Sex: Male
Ethnic Background: Caucasian
Date of Birth: [redacted]

Boards/Commissions applied for:
Orange County Planning Board

Work Experience:
20+ years of scientific, technical and managerial experience
15+ years executive experience managing global businesses with increasing responsibility (last position: P&L in excess of $2bn, workforce of > 3500, diverse business)

Volunteer Experience:
None in the US

Education:
University, PhD in chemistry
Various advanced executive programs

Other Comments:
Would like to be an active member of the community and use my professional background and experience for the benefit of Orange county. STAFF COMMENTS: 06/08/2011 originally applied for EDC and Orange County Planning Board. UPDATED APPLICATION FOR OC PLANNING BOARD 02/13/2012. ADDRESS VERIFICATION: 303 Lake Hogan Farm Road is Carrboro Jurisdiction, Chapel Hill Township.

This application was current on: 2/13/2012 **Date Printed:** 8/14/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Mr. Jae Furman
Name Called:	
Home Address:	536 Birdsong Lane Hurdle Mills NC 27541
Phone: (Day)	919-684-1926
Phone: (Evening)	
Fax:	
Email:	yoganature@gmail.com
Place of Employment:	Duke University
Job Title:	Employment Equity Analyst
Year of OC Residence:	1995
Township of Residence:	Cedar Grove
Zone of Residence:	Cedar Grove Twnsp
Sex:	Male
Ethnic Background:	Caucasian
Date of Birth:	[redacted]

Boards/Commissions applied for:

Commission for the Environment

Orange County Planning Board

Orange County Parks and Recreation Council

Work Experience:

Information Analyst, Duke University 2001 - Present. Substitute Teacher, CHCCS Schools (part-time) 2004-2005, Customer Satisfaction Manager, Ericsson, Inc. 1995-2001, Desktop Publisher, Self Employed 1993-1995, Credit Manager, Union Bank of Switzerland 1989-1993. NOTE: Grew up and helped out on a 40=acre farm, cattle, hogs, corn, hay. 4/11/2011: Employment Equity Compliance Analyst, Duke University, 2001 - Present. Data Manager/Web Designer/Information Architect, Ericsson, Inc., 1995-2001.

Volunteer Experience:

Gardener Assistant, Duke Gardens, 2008 to present; Teacher Assistant (Photojournalism & Web Design), Glenwood Elementary School, 2001; Led various yoga and wellness workshops for organizations such as the Eno River Festival, The Forest at Duke (seniors) and in public gardens such as Duke Gardens, churches, etc. 2001-present. 4/11/2011: Over the years, I have volunteered for assisted living communities and in public schools. Considering my interests (see other comments) I would be honored to serve for the Commission on the Environment.

Education:

B.A. Liberal Arts, New School for Social Research; Some graduate work in Human Resources Management, New School for Social Research.

Other Comments:

Primary Hobby: Gardening Goals: to continuously learn about gardening, agriculture, sustainability and environmental policy. STAFF COMMENTS: Originally applied for Arts Commission 1/27/10. Applied 4/22/2010 for Commission for the Environment, Hillsborough Planning Board, Agricultural Preservation Board. 4/11/2011: Gardening is a primary hobby. Grew up on a farm. Strong interests in environmental conservation. Applied 4/11/2011 for Commission for the Environment. Applied 05/11/2011 for Orange County Planning Board. Applied 10/07/2011 for Orange County Parks and Recreation Council. UPDATED APPLICATION FOR OC PLANNING BOARD 02/14/2012. ADDRESS VERIFICATION: 536 Birdsong Lane, Hurdle Mills, NC is Cedar Grove Township, OC jurisdiction.

This application was current on: 2/14/2012 **Date Printed:** 8/14/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Dr. Barry Katz
Name Called:
Home Address: 5801 Cascade Drive
Chapel Hill NC 27514
Phone: (Day) 919-383-5178
Phone: (Evening) 919-383-5178
Fax: 919-383-5023
Email: bakatz@nc.rr.com

Place of Employment: Retired
Job Title:
Year of OC Residence: 1980
Township of Residence: Chapel Hill
Zone of Residence:
Sex: Male
Ethnic Background: Caucasian
Date of Birth: [redacted]

Boards/Commissions applied for:
Orange County Planning Board

Work Experience:
Founded biotech company and ran it 16 years.
Sat on board of directors for biotech company
Worked as Lab Tech at Memorial Hospital

Volunteer Experience:
Former Chair of Orange Co. Democratic Party
Six years on Orange Co. Planning Board

Education:
Ph.D. UNC Dept. of Botany Geology/Biology education. Field ecologist for 30 years. I have a reasonable understanding of hydrology, pollution, etc. I am familiar with recent literature on smart growth , and I appreciate the difference between living in Orange County and Wake County.

Other Comments:
Nominated for CPLUC on 5/8/02. Originally applied 4/28/98 for O.C. Planning Board. Ph.D. V.P. of Microbial Acquisitions and Research Fellow at Mycosearch, Inc. Expertise in Forest Microbiology. Have lived and worked in Orange County 28 years.I am interested in supporting ways for the county to fund programs that maintain the quality of life it presently offers most of its citizens, and extending those good qualities to the rest of its residents. I want to work on achieving a new comprehensive land use plan and its implementation in Orange Co. STAFF COMMENTS: Originally applied for Local

Revenue Options Education Advisory Committee 2/5/2008. ADDRESS VERIFICATION: 5801 Cascade Drive, Chapel Hill is Chapel Hill Township in OCPL jurisdiction. UPDATED INTEREST 04/13/2011 IF ELIGIBLE. UPDATED INTEREST 02/13/2012 FOR PLANNING BOARD.

This application was current on: 2/13/2012 **Date Printed:** 8/14/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Mr Scott King
Name Called:
Home Address: 103 Hawksbill Place
Chapel Hill NC 27514
Phone: (Day) 919-423-2111
Phone: (Evening)
Fax:
Email: sking55@hotmail.com

Place of Employment: IBM
Job Title: Business Solutions Manager
Year of OC Residence: 2004
Township of Residence: Chapel Hill
Zone of Residence: Chapel Hill Twnsp
Sex: Male
Ethnic Background: Caucasian
Date of Birth: [redacted]

Boards/Commissions applied for:
Orange County Planning Board

Work Experience:
IBM (SWG, Americas), Raleigh, NC
Business Solutions Manager 0/07 - Present
Performs in a senior level management position selling software business solutions and global software implementation projects. Works closely with Sales Consultants and/or direct with clients to promote and sell high quality value driven solutions and service implementations. Sells and promotes professional services including educational, network, programming and consulting services leveraging teams that span Europe, North America and Asia. Required to manage multi-cultural and divisional teams selling software by providing professional sales and leadership support through joint account planning and execution.
•Identifies client requirements and translating solutions into defining Statements of Work (SOW) for multi national and cultural Enterprise Asset deployments.
•Develops high level implementation plans/schedules for MAXIMO Deployment, Development and Maintain phases
•Achieved Sales Mastery level 3

TechExcel, Chapel Hill, NC 5/05 – 10/07
Regional Sales Director, Northeast 2/06 - 10/07
Responsible for managing team consisting of a Client Service Representative, Sales Engineer and Project Manager in an aggressive team selling environment. Generated global opportunities ranging from ALM implementations to ITIL service desk and change

management. Required to successfully coordinate global delivery team consisting of teams in the continental United States as well as Asia for presales, post sales and quality assurance. Created and communicated executive level presentations. Consistently exceeded monthly sales targets.
•Top Sales Team East Coast Office 2007
Senior Account Executive 5/05 - 2/06
Generated new business in Fortune 1000 based accounts. Established and maintained relationships with C level executives. Managed sales Territory with a $2,000,000 quota. Accountable for software and consulting service projects within the Fortune 1000 dedicated team. Provided Business Process Management solutions to existing and new clients. Performed high-level and technical product demonstrations as well as internal training for sales representatives. Grew territory customer base by 192%.
•Achieved 110% 2006 Quota goals.

Pomeroy IT Solutions (PMRY), Raleigh, NC
Senior Account Executive 10/04 - 5/05
Produced new service business in Fortune 50 based accounts. Managed South East Territory with a $2,000,000 quota. Accountable for consulting and service projects within the Fortune 1000 dedicated team. Supervised e-business and Cisco and Nortel VOIP consulting projects. Accountable for 80 consultants on projects ranging from UNIX platform and Networking to web based portal Content Management projects.
•Achieved 170% of 2005 quota signings by April.

Abacus Solutions LLC. Raleigh, NC
Account Manager 2/02 - 9/04
Generated net new business development in the South East Territory within Fortune 1000 companies. Developed and maintained a pipeline in excess of $5,000,000. Solution selling by consulting clients and prospects regarding enterprise level midrange servers, Cisco networking and telephony products, software and associated services. Created accounts in the Retail target vertical with a strong focus on budget consultation. Responsible for fostering relationships with C level executives. Consistently exceeded 100% of quota.
•Top Sales Representative 2002

Divine, Inc. (DVIN) (eShare Communications), Atlanta, GA
Strategic Account Manager 10/99 - 2/02
Sold and implemented CRM systems to identified Strategic Accounts. Responsible for the American Express relationship consisting of opportunities in Asia Pacific and EMEA. Developed and maintained pipeline in excess of $5,000,000. Coordinated with the Citi Group and GE teams internationally for CIM opportunities converging call centers to contact centers. Maintained a strong understanding of telephony hardware and applications as well as e-Business collaboration applications. Gained a strong basis in international solution and consultative selling in all stages of the business development process, including presales consulting, client presentations, proposal development, deal resolution and relationship management. Achieved 107% of personal quota 2001.
•Member of Top Sales Team of the Year 2000, 2001

Paine Webber (PWJ), Atlanta, GA
Team Marketing Specialist 6/98 - 10/99
Strategic planning and target marketing, coordinated a direct sales and prospecting approach toward high net worth individuals including mail, phone and seminar campaigns. Facilitated and enacted direct sales phone campaigns, identified suspects and moved through the lead generation cycle to pass qualified prospective clients to Senior Vice Presidents.

Volunteer Experience:

IBM RTP Site Council Council Member Action oriented council driven by Research Triangle Park site employees. The council is a one year commitment that will allow members to collaborate and network among their peers from other business units while leading site initiatives that will positively impact overall morale in the RTP IBM community.

Durham Performance Learning Center Mentor Communities In Schools <http://www.cisnet.org/> (CIS) is the nation's leading community-based organization helping kids succeed in school and prepare for life. CIS identifies specific campus needs and collaborates with schools and their communities to deliver programs and services. The Performance Learning Center is a National initiative of national Communities In Schools with support from the Bill and Melinda Gates Foundation.

Education:

University of North Carolina at Chapel Hill Chapel Hill, NC B.A., Economics.
Villanova University Villanova,, PA Six Sigma Black Belt Certification

Other Comments:

STAFF COMMENTS: Originally applied for Economic Development Commission & Orange County Planning Board on 10/09/08. Applied for Chapel Hill Planning Board 7/6/2009. ADDRESS VERIFICATION: 103 Hawksbill Place, Chapel Hill is Chapel Hill township, CHPL jurisdiction. UPDATED APPLICATION 11/3/2010 FOR CHATHAM/ORANGE JOINT PLANNING TASK FORCE, ECONOMIC DEVELOPMENT COMMISSION, AND ORANGE COUNTY PLANNING BOARD

This application was current on: 11/4/2010 **Date Printed:** 8/14/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Mr James Lea
Name Called:
Home Address: 3905 Mill Creek Road
Efland NC 27243
Phone: (Day) 919-563-3821
Phone: (Evening)
Fax:
Email: leascadservice@mebtel.net
Place of Employment: Duke University Medical Center
Job Title: Senior Cad Designer
Year of OC Residence: 1964
Township of Residence: Cedar Grove
Zone of Residence: Does not apply
Sex: Male
Ethnic Background: African American
Date of Birth: [redacted]

Boards/Commissions applied for:
Orange County Planning Board

Work Experience:
Duke University Medical Center Facility Planning, Design, & Construction Department
1995-Present

Volunteer Experience:

Education:
Shaw University: MRE (Religion)
Saint Augustine's College: BS (Business)
Alamance Community College: AAS (Mechanical Drafting & Design Technology)
Orange High School

Other Comments:
I am looking to fill one of the vacant seats in the Cedar Grove Township. STAFF COMMENTS: Originally applied 10/7/2010 for Orange County Planning Board. UPDATED APPLICATION FOR OC PLANNING BOARD 02/15/2012. ADDRESS VERIFICATION: 3905 Mill Creek Road is in Cedar Grove Township and Orange County Jurisdiction.

This application was current on: 2/15/2012 **Date Printed:** 8/14/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Mr. Brendan Madigan
Name Called:
Home Address: 515 Hinton James Dr. Room 609A
Chapel Hill NC 27514
Phone: (Day) 4106158900
Phone: (Evening) 4106158900
Fax:
Email: brendanm@brendanmadigan.com
Place of Employment:
Job Title:
Year of OC Residence: 2011
Township of Residence: Chapel Hill
Zone of Residence: Chapel Hill ETJ
Sex: Male
Ethnic Background: Caucasian
Date of Birth: [redacted]

Boards/Commissions applied for:

Orange County Planning Board

Orange County Board of Adjustment

Work Experience:

I have extensive work experience regarding green development. I worked with the USGBC-Maryland Chapter and assisted with energy audits of a variety of buildings working for K.C. Madigan & Associates

Volunteer Experience:

Education:

Student at UNC-Chapel Hill

Other Comments:

STAFF COMMENTS: Applied 3/22/2012 for Chapel Hill Board of Adjustment, Orange County Board of Adjustment, and Orange County Planning Board. ADDRESS VERIFICATION: Hinton James Drive is in Chapel Hill Township, Chapel Hill Town Limits..

This application was current on: 3/22/2012 10:14:09 PM **Date Printed:** 8/14/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Mr. Julian (Randy) Marshall Jr.
Name Called:	
Home Address:	3826 Riders Trail Hillsborough NC 27278
Phone: (Day)	919 929-5706
Phone: (Evening)	919 270-6411
Fax:	
Email:	pickardmountain@mindspring.com
Place of Employment:	Retired CH/Carrboro School System
Job Title:	former elementary school principal
Year of OC Residence:	1970
Township of Residence:	Bingham
Zone of Residence:	Rural Area Resident
Sex:	Male
Ethnic Background:	Caucasian
Date of Birth:	

Boards/Commissions applied for:

Orange County Planning Board

Orange Water & Sewer Authority Board of Director

Work Experience:

32 years with the Chapel Hill-Carrboro City Schools, 27 as principal of Carrboro Elementary.

Volunteer Experience:

9.5 years on the Carrboro Board of Aldermen; Orange Co Visitors Bureau; PTA Thift Shop Board
Carrboro Parks and Recreation Commission; Sister CIties Board Currently serving on OUT Board

Education:

Durham High School; Duke University; Elon College, AB degree; UNC-CH, Master of Arts in Teaching
UNC-CH, Advanced Administrative Certification-Sixth Year

Other Comments:

STAFF COMMENTS: Originally applied to the Unified Transportaion Advisory Committee 7/28/2005. Originally applied for O.C. Planning Board 5/22/2008. UPDATED APPLICATION 10-25-2010 FOR PLANNING BOARD. UPDATED APPLICATION 02/13/2012 FOR PLANNING BOARD. ADDRESS VERIFICATION: 3826 Riders Trail is in Bingham Township in Orange County. NEW APPLICATION 05/17/2012 TO SERVE ON OWASA BOARD. As an active citizen of Orange County I have followed the activities

of the OWASA Board since its inception even attending the closing of the damn on Cane Creek. I feel I am somewhat familiar with many of the issues the Board wold be considering. I would hope I could make a contribution by representing the BOCC on the OWASA Board.

This application was current on: 5/16/2012 **Date Printed:** 8/14/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Mr. Tom O'Dwyer
Name Called:
Home Address: 105 Boulder Lane
Chapel Hill NC 27514
Phone: (Day) 919-906-0581
Phone: (Evening) 919-942-7244
Fax:
Email: greenbuilder4us@aol.com

Place of Employment: Construction Resources - Chapel Hill
Job Title: Design/Build General Contractor
Year of OC Residence: 1985
Township of Residence: Chapel Hill
Zone of Residence: C.H. City Limits
Sex: Male
Ethnic Background: Caucasian
Date of Birth:

Boards/Commissions applied for:
Orange County Planning Board

Work Experience:
General Contractor and builder of Green Homes. I have developed land successfully in Orange County, donated land for conservation and design-built homes that are very energy efficient for 25 years.

Volunteer Experience:
Carrboro Farmers Market Construction Management; Rain Forest Preservation Fund Raising; WCOM Community Radio Station in Carrboro - construction; Volunteer Democratic party 2004 election; International and national meditation retreats and ymposiums. Commission for the Environment, Habitat for Humanity, Orange County Council on Aging recent MAP (listed contributor).

Education:
2 years college, a number of continued eduction courses at NC State on Renewable Energy Technologies and Healthy Built Homes

Other Comments:
Sustainable/Smart Development of land should be the norm in our future. My understanding is, it requires legislative approval for ordinances that have certain requirements. We should do as many things possible to support environmentally responsible development, such as creating solar easements for future renewable power use, smarter energy efficiency improvements in new construction, Smart Grid development, or work on ways to propose changes in the legislature to better protect our

environment on local levels. STAFF COMMENTS: Applied for Commission for the Environment 05/11/2006; Applied for Orange County Planning Board 06/15/2012. ADDRESS VERIFICATION: 105 Boulder Lane is in Chapel Hill Township, Chapel Hill Jurisdiction, Chapel Hill Town Limits.

This application was current on: 6/15/2012 **Date Printed:** 8/14/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Mr. David Potter Sr.
Name Called:	
Home Address:	2507 Red Hill Lane Hillsborough NC 27278
Phone: (Day)	919-923-3464
Phone: (Evening)	919-644-1990
Fax:	919-644-1992
Email:	davidp7144@mindspring.com
Place of Employment:	Self
Job Title:	Investor/Builder
Year of OC Residence:	2005
Township of Residence:	Eno
Zone of Residence:	At-Large
Sex:	Male
Ethnic Background:	Caucasian
Date of Birth:	[redacted]

Boards/Commissions applied for:

Orange County Board of Adjustment

Orange County Planning Board

Work Experience:

Drilling fluid engineer working both domestically and foreign petroleum locations; Former owner of irrigation and well drilling company in Florida. Designed and supplied subsurface irrigation products to municapilities and irrigation companies.

Volunteer Experience:

Many years ago Jaycees and Lions Club in Tennessee

Education:

BS in Business Adminstration; Work toward MBA; Petroleum engineer

Other Comments:

Since moving to Orange County almost four years ago I have constructed 3 homes in the Red Hill Farms development.. STAFF COMMENTS: Originally applied for the Orange County Board of Adjustment, Orange County Planning Board, Orange Water and Sewer Authority Board of Director 5/15/2007. Called 10/20/2010 to update his application. Wanted EDC instead of OWASA Board of Directors. Changes made on his application 10/20/2010. Updated application 04/05/2011 to remain on the interest list for OC BOA. UPDATED APPLICATION FOR INTEREST LIST FOR OC PLANNING BOARD 02/13/2012. ADDRESS VERIFICATION: 2507 Red Hill Lane, Hillsborough 27278 is in the Eno Township.

This application was current on: 2/13/2012 **Date Printed:** 8/14/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Mr Peter Rourk
Name Called:	
Home Address:	8111 Wilkerson rd Cedar Grove NC 27231
Phone: (Day)	919 732 6079
Phone: (Evening)	919 732 6079
Fax:	800 538-4267
Email:	peter.j.rourk@aexp.com
Place of Employment:	American Express
Job Title:	Director - Sales (NC)
Year of OC Residence:	2003
Township of Residence:	Cedar Grove
Zone of Residence:	. . .
Sex:	Male
Ethnic Background:	Caucasian
Date of Birth:	[redacted]

Boards/Commissions applied for:

Orange County Planning Board

Work Experience:

20 years progressive experience - 13 years with fortune 500 company - American Express, AT&T, Duke University Medical Center

Volunteer Experience:

None to date... Looking to get more involved...

Education:

B.A. - English... Many continuing ed courses since leaving college…College of Charleston Continuing Ed - University of NC

Other Comments:

Just looking to get involved with local government. STAFF COMMENTS: Originally applied for Economic Development Commission, Hillsborough Planning Board, Agricultural Preservation Board 12/0/09. Applied for Orange County Planning Board 09/27/2010. ADDRESS VERIFICATION: 8111 Wilkerson Rd, Cedar Grove is Cedar Grove Township, OC jurisdiction.

This application was current on: 9/27/2010 **Date Printed:** 8/16/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Mr. David Squires
Name Called: Tony
Home Address: 5718 West Ten Road
Mebane NC 27302
Phone: (Day) 919-280-6450
Phone: (Evening) 919-563-0363
Fax: 919-541-8265
Email: tsquires@sumitomoelectric.com

Place of Employment: Sumitomo Electric Lightwave
Job Title: Product Manager-Fiber Optic Cable
Year of OC Residence:
Township of Residence: Cheeks
Zone of Residence: Cheeks Twnsp
Sex: Male
Ethnic Background: Caucasian
Date of Birth: [redacted]

Boards/Commissions applied for:

Orange County Planning Board

Mebane Planning Board

Efland-Mebane SAP Implementation Focus Group

Work Experience:

1984-present Sumitomo Electric Lightwave. Product and Engineering Manager. Variety of positions including Manufacturing supervisor, Sales Engineer, Techinical Support Supervisor, Product Manager, Interconnect/Fusion Group, Product Manager-Fiber Optic Cable Division. Core experience is Business development, financial/operations specialist, and extensive leadership experience.

Volunteer Experience:

Past member and Assistant Treasurer of East Chapel Hill Rotary club. Local work with St. Mark's church. Past member of Alamance County Friends of Youth program.

Education:

1981-HS diploma Orange High School 1981-1983 UNC-CH studies in General College/industrial Relations 1990-1992- Alamance Community College - Industrial Relation 1994-1996 NC Wesleyan College - BS in Business Administration 1998 - 2000 Elon College - Masters Degree in Business Administration

Other Comments:

Looking forward to working with you and trust that my ability to evaluate situations, provide guidance, and help other, will be the right fit for your team. Thanks and feel free

to call me at 919-280-6450 to review or discuss any questions you may have regarding this application. STAFF COMMENTS: Spoke with Mr. Squires on 11/01/10, and he indicated an interest to remain on the applicant interest list for Orange County Planning Board. Per e-mail of 02/2012, wishes to remain on the applicant interest list. ADDRESS VERIFICATION: 5718 West Ten Road is in Cheeks Township, Orange County Jurisdiction.

This application was current on: 2/27/2012 **Date Printed:** 8/14/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Dr. Herman Staats
Name Called:
Home Address: 6702 Doc Corbett Road
Cedar Grove NC 27231
Phone: (Day) 919-684-8823
Phone: (Evening) 919-563-6228
Fax:
Email: herman.staats@duke.edu

Place of Employment: Duke University
Job Title: Professor
Year of OC Residence: 2001
Township of Residence: Cedar Grove
Zone of Residence: -
Sex: Male
Ethnic Background: Caucasian
Date of Birth: [redacted]

Boards/Commissions applied for:
Orange County Planning Board

Work Experience:
I have worked my entire career in academic research. I am currently a Professor in the Department of Pathology at Duke University Medical Center. My laboratory performs research to develop vaccines that may be administered using a nasal spray, instead of a needle.

Volunteer Experience:
I serve on various committees within Duke that are not part of my compensation. I serve on committees that make decisions regarding human resources issues, the use of animals in research and I serve on two faculty committees that work with the School of Medicine Administration on policy making.

Education:
I have an earned Ph.D. degree (1993) in Microbiology and Immunology.

Other Comments:
I have owned property in the Cedar Grove area since 2003. I am interested in serving on the Planning Board since the Cedar Grove area is likely to experience growth in the near future. STAFF COMMENTS: Originally applied 11/16/2010 to serve on the Orange County Planning Board. UPDATED APPLICATION 02/13/2012 FOR PLANNING BOARD. ADDRESS VERIFICATION: 6702 Doc Corbett Road is in Cedar Grove Township and in Orange County Jurisdiction.

This application was current on: 2/13/2012 **Date Printed:** 8/14/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Mrs. Shelby Tyson
Name Called:	
Home Address:	514 Rolling Meadow Drive Mebane NC 27302
Phone: (Day)	919-681-4914
Phone: (Evening)	919-304-6544
Fax:	
Email:	shelby.tyson@duke.edu
Place of Employment:	Duke University
Job Title:	Paralegal
Year of OC Residence:	2003
Township of Residence:	Cheeks
Zone of Residence:	Cheeks Twnsp
Sex:	Female
Ethnic Background:	Caucasian
Date of Birth:	[redacted]

Boards/Commissions applied for:

Orange County Planning Board

Mebane Planning Board

Orange County Board of Adjustment

Work Experience:

Corporate Risk Management - Claims Management; Risk Management; Duke University/Duke University Health System (1979-2006); Licensing Administrator: Investors Title Insurance Company (2006-2007); Paralegal Duke University (2007 - current).

Volunteer Experience:

North Carolina State Bar (Health Care power of attorney probono; Wills for Heroes probono); North Carolina Paralegal Association (Parliamentarian, State Bar Liaison, various committees member);Duke HomeCare and Hospice; Welcome Baby (Durham County); Girl Scouts (co-leader).

Education:

North Carolina Certified Paralegal (2005)

Other Comments:

I desire to serve as needed and as available opportunities are available in my community. STAFF COMMENTS: Originally applied for Orange County Planning Board 2007; Currently (09/07/2010) applied for OC Planning Board, Mebane Planning Board and OC Board of Adjustment (06-04-2011); UPDATED APPLICATION 02/13/2012 FOR

OC PLANNING BOARD. ADDRESS VERIFICATION: 514 Rolling Meadow Drive is in Cheeks Township, Orange County Jurisdiction.

This application was current on: 2/13/2012 **Date Printed:** 8/14/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Mr. Glenn Wallace CPA
Name Called:
Home Address: 1401 Cates Hickory Hill Lane
Hillsborough NC 27278
Phone: (Day) 919-929-2497
Phone: (Evening)
Fax: 919-929-8265
Email: glenn@forestlandgroup.com
Place of Employment: The Forestland Group, LLC
Job Title: Sr. Director of Risk Mgmt & Taxation
Year of OC Residence:
Township of Residence: Chapel Hill
Zone of Residence: Does not apply
Sex: Male
Ethnic Background: Caucasian
Date of Birth: [redacted]

Boards/Commissions applied for:
Orange County Planning Board

Work Experience:
CPA with 17 years of experience. Controller for Pappas Ventures - a venture capital firm in RTP. Owner of My Dog Tess, Inc. www.mydogtess.com

Volunteer Experience:

Education:
BS - Business Administration 1990 - UNC
Masters in Accounting - 1991 - UNC

Other Comments:
I have been a resident of Orange County for 2 and a half years (in the rural buffer). I do not plan on leaving, well, until I am buried in Orange County. I am concerned by recent events and the what I perceive to be a move away from the long standing land use policies. I believe my background as a financial professional and a real estate firm owner (concerned with preservation not rapid unplanned growth and development) will be helpful to Orange County. STAFF COMMENTS: Originally applied for Orange County Planning Board 10/31/08. Updated information to include Planning Board 05/20/2011. Updated information for Planning Board 02/29/2011. ADDRESS VERIFICATION: 1401 Cates Hickory Hill Lane, Chapel Hill is Orange County in the OCPL jurisdiction.

This application was current on: 2/29/2012 **Date Printed:** 8/14/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Mr. Bryant Kelly Warren Jr.
Name Called:	
Home Address:	109 Holt Street Hillsborough NC 27278
Phone: (Day)	919-280-3611
Phone: (Evening)	919-732-1115
Fax:	
Email:	bkwarrenjr@gmail.com
Place of Employment:	USPS
Job Title:	City Carrier
Year of OC Residence:	
Township of Residence:	Hillsborough
Zone of Residence:	Hillsborough Town Limits
Sex:	Male
Ethnic Background:	Caucasian
Date of Birth:	[redacted]

Boards/Commissions applied for:

Orange County Planning Board

Orange Unified Transportation Board

Work Experience:

Customer Service Rep and Manager, Convience Store Operator, Bus Driver, Dispatcher for Heating and Air company, Restaurant Owner. Work for Printing Company

Volunteer Experience:

Most of Volunteer work was with Hillsborough. Hillsborough PLanning Board 6 Years, Hillsborough Parks and Recreation 5 years, Hillsborough/Orange County Task force on EDD Transportation.

Education:

Completed High School and some Buisiness Class, Loss Prevention and Security Course.

Other Comments:

STAFF COMMENTS: Reapplied for Orange County Planning Board, Orange Unified Transportation Board, Orange County Farmer's Market Interim Oversight Committee on 3/6/2008. would like to be considered for other committees as well. STAFF COMMENTS: Updated on 9/24/2004 to include Efland Area Small Area Plann Taskforce. Originally applied for Rec.and Parks, Orange County Planning Board, and ABC Board. Updated 5/20/2011 to include Planning Board, OUT Board and Parks and Rec. ADDRESS VERIFICATION: 109 Holt Street is in Hillsborough City Limits in Orange County.

This application was current on: 5/20/2011 **Date Printed:** 8/14/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Mr. Brantley Wells
Name Called:
Home Address: 745 Mary E. Cook Rd
Hillsborough NC 27278
Phone: (Day) 336-599-3900
Phone: (Evening) 919-643-4010
Fax: 336-599-7226
Email: brantley.wells@summit-engineer.com

Place of Employment: Summit Consulting - Roxboro, NC
Job Title: Professional Land Surveyor
Year of OC Residence:
Township of Residence: Eno
Zone of Residence: -
Sex: Male
Ethnic Background: Caucasian
Date of Birth: [redacted]

Boards/Commissions applied for:

Orange County Planning Board

Orange Unified Transportation Board

Work Experience:

Summit Consulting- Roxboro, NC - Professional Land Surveyor.

Volunteer Experience:

Roxboro Area Chamber Of Commerce- Industrial Relations Committee Member. (2007-present)

Board Of Trustee, Vice-president, Palmers Grove Community Building Assoc. (2001-present)

Neuse River Golden Retreiver Rescue- Volunteer

Education:

UNC-Chapel Hill (1987-1992)- Chapel Hill, NC

New Hanover High School (1985-1987)- Wilmington, NC

Other Comments:

STAFF COMMENTS: Originally applied for Eno EDD Small Area Taskforce, Orange County Planning Board, Orange Unified Transportation Board on 3/24/2008. ADDRESS VERIFICATION: 745 Mary E. Cook Rd is Eno Township, OCPL jurisdiction. UPDATED

APPLICATION 11/03/2010 FOR ORANGE COUNTY PLANNING BOARD AND ORANGE UNIFIED TRANSPORTATION BOARD. UPDATED APPLICATION 02/13/2012 FOR OC PLANNING BOARD.

This application was current on: 2/13/2012 **Date Printed:** 8/14/2012

Information Item

DRAFT

Date Prepared: 06/20/12
Date Revised: 08/15/12

BOCC Meeting Follow-up Actions

(Individuals with a * by their name are the lead facilitators for the group of individuals responsible for an item)

Meeting Date	Task	Target Date	Person(s) Responsible	Status
6/19/12	Review and consider request that Board consider additional action/possible resolution regarding fracking	9/18/2012	Chair/Vice Chair/Manager	To be reviewed and considered
6/19/12	Follow-up on request from Tim Kirkpatrick regarding tax valuation for home located near Interstate 40	7/1/2012	Paul Laughton	**DONE** Tax Office has followed up and working with Mr. Kirkpatrick
6/19/12	Conform the SportsPlex Management Agreement Renewal based on minor revision proposed by County Attorney and approved by the Board	7/1/2012	Pam Jones, David Stancil & John Roberts	**DONE**
6/19/12	Investigate practices of other jurisdictions regarding "continuous" years of service in order to qualify for benefits, specifically health insurance upon retirement, and also pursue information on how a "continuous" standard mat impact departments/pay grades/etc. differently, and provide information to the Board	9/1/2012	Nicole Clark Diane Shepherd	In process - other jurisdictions being contacted, affect on different departments/pay grades pursued; To be shared with the Board in September
6/19/12	As part of the review of the County's employee health insurance, self insurance considerations, etc., solicit input from employees on options, costs, etc.	9/1/2012	Nicole Clark, Diane Shepherd, & Clarence Grier	**DONE** Information/results to be shared with Board in September
6/19/12	Pursue opportunities to provide follow-up information to Efland community on planning for economic development activities in the community related to the Mebane Utility Agreement	9/1/2012	Craig Benedict, Steve Brantley, & Kevin Lindley	Opportunities to be pursued